

Legal Protection for Female Workers from the Perspective of Employment Law

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Info Articles	Abstract
Article History Received: 2025-07-05 Revised: 2025-07-15 Published: 2025-07-31	This study examines legal protection for female workers in Indonesia using descriptive qualitative methods through a literature review. The results indicate that protection is regulated in Law No. 13 of 2003, which provides special rights such as maternity leave, breastfeeding rights, and work hour regulations to prevent discrimination. However, in practice, obstacles remain, such as discrimination, weak oversight, and low legal awareness. Therefore, strengthened law enforcement, outreach, and affirmative action policies are needed to achieve fairness in the workplace.
Keywords: <i>Legal protection, Labor, Women, Employment law.</i>	

I. INTRODUCTION

The role of female workers is increasingly receiving significant attention in human resource development in Indonesia. However, women's inherent biological and social roles often make them more vulnerable to discrimination in the workplace. Therefore, legal protection for female workers is crucial to ensure that their rights in the workplace are recognized, respected, and treated fairly.

The legal basis for protecting female workers in Indonesia is not a stand-alone principle, but rather is based on the principle of social justice as enshrined in the 1945 Constitution, which guarantees the right of every citizen to obtain employment and a decent living without discrimination. At the regulatory level, Law No. 13 of 2003 concerning Manpower provides a concrete foundation through a "positive discrimination" policy aimed at achieving true equality for female workers.

This legislation regulates various special rights for female workers, such as restrictions on working hours, especially for those under 18, maternity and miscarriage leave, breastfeeding facilities, and protection against termination of employment due to pregnancy or breastfeeding. These rights are designed to protect women's health and well-being while carrying out their work activities, while also supporting equality in the workforce.

However, various challenges remain in

implementing this legal protection. Discriminatory practices, inadequate fulfillment of reproductive rights, and weak government oversight are significant obstacles. Furthermore, low levels of understanding of legal rights among women workers and a deeply rooted patriarchal culture further weaken the position of women workers.

Therefore, legal protection for female workers needs to be strengthened through consistent law enforcement and increased legal understanding through education and training. Furthermore, the government needs to harmonize existing regulations and encourage women's empowerment through policies that support a balance between work and family life. These steps are expected to create a fairer and more welcoming work environment for women, ensuring their rights are optimally protected.

II. RESEARCH METHODS

This research uses a qualitative method with a descriptive approach. Data were obtained through literature review from various books and online sources to obtain information, theories, and concepts relevant to the discussion. With these data collection methods and techniques, it is hoped that all necessary data can be collected comprehensively, supporting the writing of this journal and producing objective conclusions.

III. RESULTS AND DISCUSSION

A. Research result

1. Legal Basis for the Protection of Female Workers in Employment Regulations in Indonesia

Legal protection for female workers in Indonesia is a form of implementing the principle of social justice, which recognizes that women have unique biological characteristics and social roles, yet are often vulnerable to discriminatory treatment in the workplace. Conceptually, the legal basis for this protection does not stand alone, but stems from the mandate of the 1945 Constitution, which guarantees every citizen the right to work and a decent living, regardless of gender.

In the context of Law Number 13 of 2003 concerning Manpower, protection for female workers is understood through the concept of "positive discrimination" or affirmative action. This means that granting special rights to women is not intended to create differences in status before the law, but rather to achieve real equality. This is based on the awareness that without special protection, women tend to have a weaker bargaining position when facing the demands of the industrial world.

In the development process, the workforce as a human resource has a very important role and position. This is because the workforce not only plays a role as an actor or subject of development, but also as a goal of national development that determines the survival of the Indonesian nation. Employment development itself aims to improve the welfare of society, especially in developing countries like Indonesia. In addition, this development is also directed at providing employment for every workforce so that they can obtain work and a decent living in accordance with the mandate of Article 27 paragraph (2) of the 1945 Constitution, which reflects the people's economic system.

2. Forms of Legal Protection for Female Workers in the Workplace

This law was enacted with the aim of protecting Indonesian workers, ensuring the fulfillment of basic rights, realizing justice, and improving the quality of the workforce. Furthermore, this law replaced the previous Ordinance of December 17, 1925, concerning the

Restriction of Child Labor and Night Work for Women (Staatsblad 1925 Number 647). Law Number 13 of 2003 concerning Manpower also stipulates various special rights for female workers.

1. First, regarding working hours, particularly for female workers under 18, there are provisions prohibiting nighttime work, namely from 11:00 PM to 7:00 AM. If a company employs women at night, they are required to provide nutritious food and drinks, ensure safety and work ethics, and provide shuttle transportation for departures and returns during these hours.
2. Second, regarding maternity and miscarriage leave rights as stipulated in Article 82, female workers are entitled to a 1.5-month rest period before giving birth and 1.5 months after giving birth, based on the recommendation of a health professional. Meanwhile, workers who experience a miscarriage are entitled to approximately 1.5 months of rest, or as determined by a doctor or midwife. To obtain this right, workers must submit an application accompanied by medical evidence, and under certain circumstances, the leave period can be extended for health reasons.
3. Third, female workers also have the right to breastfeed during working hours, as stipulated in Article 83. Companies are obliged to provide adequate space and time, including lactation room facilities. This provision also aligns with ILO Convention No. 183 of 2000, which provides protection in the form of rest periods or reduced working hours for breastfeeding mothers to maintain their health.
4. Fourth, there are regulations regarding the right to rest during menstruation as regulated in Article 81. Female workers who experience pain on the first and second day of menstruation are permitted to not work, with further provisions usually regulated in the employment

agreement, company regulations, or collective work agreement.

5. Fifth, there is protection in the form of a prohibition on termination of employment for female workers due to pregnancy, childbirth, miscarriage, or breastfeeding activities as regulated in Article 153 paragraph (1) letter e. In addition, Article 84 emphasizes that the use of these rights must not reduce the right to wages. This means that companies are not permitted to make salary deductions when female workers exercise their rights. This provision remains valid and relevant even though new regulations in the employment sector have been issued, namely Law Number 11 of 2020 concerning Job Creation.

3. Challenges and Efforts to Strengthen Legal Protection for Female Workers

The challenges of legal protection for female workers in Indonesia remain quite complex, despite being normatively regulated in various laws and regulations. One major challenge is the persistence of discrimination in the workplace, both in terms of wages, employment opportunities, and treatment during employment. In practice, female workers often do not receive their full rights, particularly regarding reproductive rights such as menstrual leave, maternity leave, and breastfeeding facilities.

Furthermore, weak government oversight is a significant obstacle to the implementation of legal protection. Many companies fail to fully comply with labor laws due to a lack of oversight and strict law enforcement. This situation is exacerbated by companies' profit-driven focus, which often neglects the rights of women workers.

Another challenge is the low level of legal awareness among female workers. Many female workers don't understand their rights as stipulated in the law, so when violations occur, they don't pursue legal action. This demonstrates that legal protection depends not only on regulations, but also on workers' understanding and courage in fighting for their rights.

On the other hand, cultural factors also contribute to the weak protection of female workers. The persistent patriarchal culture in society often positions women as weaker and less valued in the workplace. In fact, legally, women have the same rights as men to obtain employment and fair treatment.

To address these challenges, efforts are needed to strengthen legal protection through increased government oversight and enforcement. The government needs to ensure that every company complies with applicable regulations and impose strict sanctions for violations. Furthermore, regulatory harmonization is needed to ensure that protection for female workers is more effective and avoids multiple interpretations.

Another effort is to increase education and legal awareness for female workers through outreach and training. Women's empowerment in the workplace also needs to be strengthened, including through affirmative action policies, the provision of women-friendly facilities, and support for a balance between work and family life. These measures are expected to ensure optimal and equitable legal protection for female workers.

B. Discussion

However, in practice, there is still a gap between legal provisions and their implementation in the field. Many female workers have not fully received their rights, especially those working in the informal sector or in companies with weak levels of supervision. This situation indicates that the mere existence of regulations is not sufficient; it must be accompanied by consistent implementation and effective government oversight to ensure that

In addition, social and cultural factors also pose challenges to the protection of female workers. Strong patriarchal values in society often place women in a less advantageous position in the workplace. As a result, many women accept unfair working conditions and tend to be reluctant to assert their rights. The low level of legal awareness among female workers further worsens this situation. Therefore, comprehensive measures are needed to strengthen leg.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Legal protection for female workers from an employment law perspective in Indonesia is generally regulated quite comprehensively through various laws and regulations. These provisions cover reproductive rights, work hour regulations, and prohibitions on discrimination and termination of employment. This demonstrates the state's commitment to realizing gender justice and equality in the workplace. However, various obstacles remain in its implementation, such as weak oversight, low worker legal awareness, and the influence of patriarchal culture, which have prevented this protection from being implemented optimally. Therefore, a joint effort is needed from the government, companies, and the community to ensure that legal protection for female workers is implemented effectively and fairly.

B. Suggestion

To improve the effectiveness of legal protection for female workers, integrated efforts from various parties are needed. The government must strengthen oversight and law enforcement against companies that violate labor laws. Furthermore, legal education needs to be improved so that female workers understand their rights and have the courage to fight for them. Companies also need to create a women-friendly work environment with facilities and policies that support their well-being. Meanwhile, society plays a role in eliminating discriminatory cultures to create a fair, safe, and equal work environment for all workers, regardless of gender.

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