

# **Legal Protection of Female Workers/Laborers with Normative Rights in The Labor Law and Its Implementing Regulations in Klambir Lima Kebun Village, Hamparan Perak District**

**Rika Jamin Marbun, Rahmayanti, Cut Ade Irma Handayani**

## **Abstract**

Women workers are part of a vital target in employment development. The protection of women workers is essential to ensure justice and well-being in the workplace. Maintaining harmonious working relationships without pressure from the stronger to the weaker is a fundamental thing that can be achieved through law enforcement, improvement of human rights, and physical, technical, social, and economic protection in accordance with the applicable norms in the work environment for female workers. The research aims to analyze the existence of the Manpower Law and its implementing regulations in providing legal protection for female workers/laborers in Klambir Lima Kebun Village, Hamparan Perak District, Deli Serdang Regency. The research uses a normative legal approach by examining the provisions of Law Number 13 of 2003 concerning Manpower and its derivative regulations and analyzing its implementation. The results of the study show that normatively, laws and regulations have guaranteed the rights of women workers, including the right to a living wage, work safety, menstrual and maternity leave, and protection from discrimination. However, the implementation of this protection is not optimal due to the low level of understanding of women workers of their rights, weak labor supervision, low education, and a strong patriarchal culture in the work environment. This condition has an impact on the emergence of discrimination, marginalization, and violations of the rights of women workers. Thus, it is necessary to strengthen labor law enforcement, increase public legal awareness, and collaborate between the government, employers, and the community to realize effective and fair protection for women workers.

**Keywords:** Legal Protection, Workers/Women Workers, Labor Law

Rika Jamin Marbun<sup>1</sup>

<sup>1,2</sup>Law Lecturer, Universitas Pembangunan Panca Budi, Indonesia  
e-mail: : [rikajaminmarbun@dosen.pancabudi.ac.id](mailto:rikajaminmarbun@dosen.pancabudi.ac.id)<sup>1</sup>

Rahmayanti<sup>2</sup>, Cut Ade Irma Handayani<sup>3</sup>

<sup>3</sup>Student of Law, Universitas Pembangunan Panca Budi, Indonesia  
e-mail: [rahmayanti@dosen.pancabudi.ac.id](mailto:rahmayanti@dosen.pancabudi.ac.id)<sup>2</sup>, [cutade02@gmail.com](mailto:cutade02@gmail.com)<sup>3</sup>

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## Introduction

Employment development is an integral part of national development that is oriented towards improving the overall welfare of Indonesian people. In this context, employment development is carried out in the context of the development of the whole of Indonesian people and the development of society as a whole. Therefore, employment development is directed to realize prosperous, just, prosperous and equitable Indonesian people and society, both material and spiritual. The protection of labor is intended to guarantee the basic rights of workers or laborers and ensure equal opportunities and treatment without discrimination on any basis to realize the welfare of workers or laborers and their families while still paying attention to the development of the progress of the business world. The role and position of labor in national development is so important as the various challenges and risks faced in the world of employment are increasing.

Juridically, the position of workers/laborers and employers is the same so that they are said to be partners with each other. But in reality, it is not that easy to carry out the principle of partnership. Sociologically, workers/laborers are under the power of the employer because the worker/laborer is very dependent on the employment agreement that underlies the employment relationship between the two. If this gap is not addressed, there is a great potential for workers to be increasingly neglected of their rights. Based on the above reasons, the presence of the government is very necessary in regulating and supervising the employment relationship between workers/laborers and employers. [1]

Women workers/workers are an important group in employment development, one of which is due to the strategic role of women workers in Indonesia in the national economy, both in the formal and informal sectors. In the formal sector, women play many roles in the manufacturing, service, education, health, and banking industries. For example, in the textile, garment, and footwear industries, the proportion of female workers reaches more than 60% of the total workforce. They are the main drivers of non-oil and gas exports and contribute significantly to the country's foreign exchange. In the fields of education and health, women dominate the professions of teachers, administrative staff, nurses, and midwives, which play an important role in improving the quality of human resources. Meanwhile, in the informal sector, women are heavily involved in household economic activities such as micro-businesses, small trade, culinary, and domestic services.

This vulnerable position and potential discrimination occurs because it is often in employment relationships that place female workers/laborers in a subordinate position to employers, where this is also triggered by socio-cultural, economic, and weak factors in knowledge and mastery of the law (normative rights). These inequalities often result in violations of basic rights of women workers, such as the right to a decent wage, menstrual and maternity leave, job safety, and protection from harassment and discrimination in the workplace. This condition shows that the principle of partnership between workers and employers has not fully run ideally in the practice of industrial relations in Indonesia.

Although the employment relationship occurs as a result of the agreement between the two parties, namely between the worker/laborer and the employer, the agreement is not necessarily carried out in accordance with the rights and obligations of each party, for this reason, labor laws and regulations are needed as a guideline both for workers/laborers and for employers. [2] The above situation, if not anticipated, will have an impact on the stagnation of employment development. In reality, the condition of subordinate labor relations, especially for female workers/laborers, causes derivative problems. Some of the problems that often occur are the still violations of the rights of female workers/laborers in obtaining their basic rights such as the right to leave due to menstruation, and childbirth, decent wages and occupational health and safety. In addition, there is exploitation in the workplace, such as lack of safety at work, long working hours and harassment in the workplace.

Seeing the vulnerable conditions for female workers/laborers, the government plays a very important role in regulating and supervising the enforcement of labor regulations that

regulate the rights of female workers/laborers. In addition, employment development covers a wide dimension and requires the involvement of various parties, namely entrepreneurs, the government and the community. The protection of female workers/laborers is carried out so that efforts to develop employment can run as originally intended considering the various dimensions related to the need for strict regulations in accommodating the rights of workers/women laborers in labor relations. In this case, the government is authorized to intervene in labor relations for the protection of workers/women workers, through a number of normative provisions that cover the rights of workers/women workers.

Legal protection of women workers is basically the responsibility of the state. The government has a constitutional obligation as stated in the Preamble and Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which guarantees the right of every citizen to obtain a job and a decent livelihood for humanity. In addition, the state's goal of protecting the entire nation and advancing public welfare is the basis for government intervention in the field of employment, including in ensuring the fulfillment of the rights of women workers.

The presence of Law No. 13 of 2003 concerning Manpower is a form of government interference commonly referred to as industrial relations, namely the relationship between workers/laborers, employers and the government in the production process of goods and services based on Pancasila and the 1945 Constitution. Based on the principle of industrial relations, the relationship between workers/laborers, employers and the government is carried out in the workplace.

Attention to the fate of workers began to be carried out by the Government by intervening in the field of employment. Government intervention in the field of employment began with the existence of regulations regarding the field of employment in Article 27 of the 1945 Constitution which states that there is a guarantee for citizens in obtaining a decent job and livelihood. In addition, it can also be seen in the preamble to the fourth paragraph of the 1945 Constitution regarding the objectives of the Republic of Indonesia, namely there are four objectives of the state, including [3]

- a. *protection function*, which is the state is tasked with protecting the entire Indonesian nation and all Indonesian bloodshed,
- b. *welfare function*, i.e. the state is obliged to realize public welfare,
- c. *educational function*, namely the state has an obligation to educate the life of the nation, and
- d. *peacefulness function*, which is the state creates peace in the life of the state and society both internally and externally.

Protection of workers' basic rights also includes Protection of Occupational Safety and Health. Protection of occupational safety and health is one of the rights of workers or female workers as stipulated in the provisions of Article 86 paragraph (1) letter of Law Number 13 of 2003 concerning Manpower. For this reason, entrepreneurs are required to carry out systematically and integrated with the company's management system. This protection aims to protect the safety of workers/laborers in order to realize optimal work productivity, by preventing accidents and occupational diseases, controlling light in the workplace, health promotion, treatment and rehabilitation.

The existence of labor law which is realized through various implementing regulations can be considered as one of the instruments for the government to realize protection for the parties, especially workers, especially in regulating the rights and obligations contained in the employment agreement. In addition, [4] protection for workers is a very important factor in order to create a balance in labor relations, so that equitable social justice is realized in the field of labor in accordance with the foundation of Pancasila and the 1945 Constitution.

The protection of workers is not only a moral responsibility, but also a constitutional responsibility and the development of the country as a whole. 5] Employment law not only

regulates employment relations, but also other aspects outside of employment relations. It is important for all parties to comply with labor laws, while protection from a third party, namely the government, is needed when there is an aggrieved party. The presence of laws and regulations and a number of implementing regulations must be able to provide legal certainty for the parties and the estuary is protection for workers/laborers as weaker parties, who are highly dependent on the employment agreement.

The form of law enforcement through the existence of normative regulations for the rights of workers/women laborers, is realized by the Government, through labor supervision actions. This includes supervision by conducting inspections and law enforcement against companies that violate the rights of workers/women laborers. This is done by providing legal sanctions, fines, or the obligation to pay compensation to companies that are proven to have committed violations.

The implementation of protection for female workers in various regions, including in Klambir Lima Kebun Village, Hamparan Perak District, Deli Serdang Regency, has not been running optimally. Weak law enforcement, low levels of awareness and understanding of workers of their rights, and lack of supervision from the government have led to many violations of the rights of women workers. This shows that there is a gap between ideal legal norms and empirical realities on the ground. Therefore, this study is important to analyze the extent to which the existence of the Labor Law and its implementing regulations has provided real protection for women workers at the local level, as well as to find the factors that hinder the effective and equitable implementation of labor laws. Based on the description above, it can be seen that government intervention in the field of employment is to realize fair employment through the formulation of a number of employment policies. The existence of laws and regulations regulating employment should not harm workers/laborers but provide a guarantee of protection for female workers/laborers.

## Literature Review

### 2.1 Female Workers

Definition of Workers/Women Workers Based on the provisions of Article 1 number 2 of Law No. 13 of 2003 concerning Manpower, labor is every person who is able to do work to produce goods and/or services, both to meet their own needs and for the community. Furthermore, in Article 1 number 3 of Law No. 13 of 2003 concerning Manpower, it is stated that a worker/laborer is any person who works by receiving wages or rewards in other forms. The definition of everyone who is able to do work to produce goods and/or services, both to meet their own needs and for the community, can include everyone who works by receiving wages or rewards in other forms or anyone who works alone without receiving wages or rewards. In other words, "worker" or "laborer" is a term for workers who have worked. Meanwhile, the workforce includes workers, civil servants, soldiers, people who are looking for work, people who have a free profession such as lawyers, doctors, traders, tailors and others. Each of these professions is different from the other, although they all fall into the category of labor. [6]

Looking at some of the definitions above, it is clear that the term "labor" is broader than "laborer" and "laborer". However, the meaning is the same. In the explanation here, the term used is "worker". Because workers are those who have worked or are tied to work with employers/companies and receive wages or rewards for their work. This means that workers here include everyone who has worked because of a working relationship due to a work agreement. These workers are those whose rights and obligations are regulated in the Manpower Law because their rights and obligations have arisen due to the existence of an employment relationship with the employer/company. Female workers are one female worker who participates in development both at the national and regional levels. As mentioned in Law Number 13 of 2003, Article 1 concerning the main provisions regarding the GBHN 1988 workforce in the field of the role of women in nation development which reads as follows: The

purpose of the procurement of the Labor Law is to be a set of rules and norms, both written and unwritten, that regulate the pattern of Industrial relations between Employers, on the one hand, and Workers/Laborers on the other. The condition for achieving the success of national development is the quality of Indonesian human resources themselves that determine the success of national development. Improving the quality of human beings cannot be achieved without providing a guarantee of life, on the contrary, a guarantee of life cannot be achieved if a person does not have a job, where from the results of the work can be obtained in exchange for services to finance himself and his family.

Protection for female workers is essential to ensure justice and well-being in the workplace. Maintaining a harmonious working relationship without pressure from the stronger to the weaker is essential. This can be achieved through several means, such as law enforcement, increased recognition of human rights, as well as physical, technical, social, and economic protection in accordance with the norms applicable in the work environment.

## 2.2 Definition of Employment Law

Molenaar said that the Labor Law is the applicable part of the law, which basically regulates the relationship between labor and employers, between labor and labor, and between labor and employers. Meanwhile, M.G. Levenbach mentioned that Labor Law is a law related to employment relations, where the work is carried out under the leadership and with the circumstances of livelihood that are directly related to the employment relationship. Furthermore, Soepomo mentioned that the Labor Law is a set of regulations, both written and unwritten, that relate to incidents where a person works for another person by receiving wages. Article 2 of Law No. 13 of 2003 concerning Manpower states that employment development is based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Furthermore, in the explanation of the article, it is emphasized that employment development is carried out in the context of the development of the whole Indonesian human being. Therefore, employment development is carried out to realize prosperous, just, prosperous, and equitable Indonesian people and society, both material and spiritual. Then Article 3 of Law No. 13 of 2003 emphasizes that employment development is carried out on the principle of integration through cross-sectoral coordination between the central and regional sectors. The principle of employment development is basically in accordance with the principles of national development, especially the principles of democracy, the principles of fairness, and equity. This is done because employment development involves multidimensional and is related to various parties, namely between the government, entrepreneurs and labor. Therefore, employment development is carried out in an integrated manner in the form of mutually supportive cooperation. The principle of labor law is the principle of integration through functional coordination across central and regional sectors.

The Labor Law not only protects workers/laborers but also protects employers. The existence of juridical labor law aims to maintain a balance of employment relations between workers/laborers and employers so that they have a harmonious relationship in carrying out business activities so as to improve the welfare of the parties (*industrial peace*). This is in line with the Indonesian Constitution in the provisions of Article 28 D number 2 of the 1945 Constitution which states that "All people have the right to work and receive fair and decent remuneration and treatment in employment relations". The right to work and receive fair and decent remuneration and treatment applies to every Indonesian citizen, including female workers. [7] This right gives responsibility to the government in participating in realizing the welfare of the community through fair and decent treatment, especially in employment relations. The government as an element in industrial relations has a crucial role between workers and entrepreneurs. The causes of violations of the rights of workers/women workers are caused by the following reasons.

### 2.3 Understanding the Role of the Village Head

According to Bintoro Tjokroamidjojo, there are three forms of the role of village heads to overcome the practice of violating the rights of female workers/laborers:

- a. Motivator. The role of the village head as a motivator is to provide encouragement to the community to be triggered to participate in village development. This focus wants to see the methods used by village heads in motivating. The community should participate in village development activities, especially in the social, economic, and environmental fields.
- b. Facilitator. The role of the Village Head as a facilitator, that the village head carries out his role as a facilitator in terms of facilitating or completing the needs, infrastructure facilities that support the government process and village development. A facilitator can also be said to be a facilitator, namely helping to manage an information exchange process, facilitate communication, and solve problems together. A facilitator is not someone whose job is to provide training, guidance, advice or income.
- c. Mobilizer. The role of the Village Head as a mobilizer is that the village head moves or invites the community to come together to take real action to build the village, for example, carry out mutual cooperation, repair places of worship, carry out long-term planting and so on

The village head is elected directly by the villagers who are citizens of the Republic of Indonesia whose next conditions and election procedures are regulated by local regulations that are guided by government regulations. The candidate for the village head who receives the most votes in the village head election is designated as the village head. The election of the village head in the unity of the legal community can be along with its traditional rights as long as it is alive and its existence is recognized as applicable provisions, local customary laws stipulated in regional regulations guided by government regulations.

The village head is the first person to carry out heavy duties and obligations, namely organizing and being the main person in charge in the fields of government, development, and society in village government affairs, general government affairs including coaching, peace and involvement in accordance with applicable laws and fostering and developing the spirit of mutual cooperation as the main joint of the implementation of village government. Based on this explanation, it can be understood that the village head has a very heavy duty and responsibility in carrying out the duties and obligations in organizing government and development in the village, in addition to that the village head is expected to be able to provide and direct the village community.

### Research Methodology

This study uses a quantitative approach with a pretest-posttest design, which is a design used to measure changes in the level of understanding of the younger generation towards the concept and dangers of corruption before and after participating in anti-corruption education. This method was chosen to obtain objective and measurable data on the effectiveness of anti-corruption education in improving participants' understanding.

This research is in the style of field research with a type of qualitative research that is rich and conditional and will produce descriptive data. This research uses qualitative research methods because of the tradition in social education science which fundamentally relies on human observation both in the individual and in interaction with others in a society. Qualitative research methods do not actually aim to examine or prove the truth according to the theory but the existing theories are developed using the collected data.

The definition of qualitative research methods is a research procedure that produces descriptive data in the form of written or spoken words from people and observable behaviors. Kirk and Mille's qualitative research is a particular tradition in the social sciences that

fundamentally depends on observations of human beings in their own spheres and in relation to those people in their language and in their peril. The purpose of qualitative research is the collection of descriptive data rather than using numbers as the main method.

The data collected is in the form of text, words, images, although it is possible to collect quantitative data. And data can be in the form of manuscripts such as recordings, interviews, field notes, photos, video tapes, personal documents, notes or memos, and other official documents. The descriptive data will be analyzed and interpreted. Qualitative data collection is carried out by interview, observation and document review methods. The main informants (primary sources) are elements of the government, administrators of religious organizations and the community. Primary data tracing is carried out through interviews by determining key informants who are considered worthy and appropriate and knowing the problems being researched. From the description above, what is meant by qualitative research is data obtained from informants (in the form of words) based on actual facts (telling the truth) so that the words can be trusted and become valid. [8] Where in this study, the design is continuously adjusted to the reality of the field. Qualitative research does not aim to examine or prove the truth according to the theory but the existing theories are developed using the collected data.

## Results

Physiologically and socially, women have different characteristics than men, especially related to biological conditions such as menstruation, pregnancy, childbirth, and responsibilities that often have an impact on working conditions. This situation makes female workers a vulnerable group to exploitation and discrimination, both in terms of wages, workload, and career development opportunities. Therefore, normative rights such as menstrual leave, maternity leave, breastfeeding opportunities, protection against termination of employment due to pregnancy, and occupational safety and health guarantees have a fundamental meaning for the protection of the dignity and dignity of working women. [9]

The protection of female workers/laborers as stipulated in the Manpower Law has not been fully implemented in Klambir Lima Kebun Village. At the formal level, companies or employers are generally aware of the existence of such regulations, but in practice their implementation is often inconsistent. Some of the key findings include:

- a. Menstrual leave and maternity leave are indeed given, but their implementation still faces administrative constraints and economic pressure, so many workers choose to stay working.
- b. Overtime pay and employment social security have not been applied comprehensively, especially to workers in the informal sector or workers without a written employment agreement.
- c. Protection of occupational safety is still weak, shown by the lack of personal protective equipment (PPE) and the absence of K3 (Occupational Safety and Health) training.
- d. Cases of discrimination are not officially recorded, but some workers admit to different treatment of female workers, especially in terms of employment opportunities and promotions.

In general, the results of the study show that the protection of the rights of women workers in the village is still formalistic, not touching on the substantive aspects that guarantee a sense of security and justice in the workplace.

Klambir Lima Kebun Village, located in Hamparan Perak District, Deli Serdang Regency, North Sumatra, has a community that mostly works in the plantation sector and household industry. Female workers in these villages often face challenges related to the fulfillment of their rights in the workplace. Therefore, it is important to review the extent to which legal protection for women workers in the region is in accordance with the provisions of the Employment Law and its implementing regulations

## Conclusion

Legal protection for female workers in Klambir Lima Kebun Village, Hamparan Perak District, has been clearly regulated in the Manpower Law and its implementing regulations, which include normative rights such as the right to maternity leave, the right not to work at night, the right to fair wages, and the right to access supportive facilities, such as breastfeeding rooms. However, even though these regulations already exist, implementation in the field still faces various obstacles.

Some of the main problems found in Klambir Lima Kebun Village include low legal awareness of women workers, limited access to information about their rights, and discriminatory practices in several companies that violate existing provisions. In addition, social and cultural factors also affect women's roles in the workplace, which sometimes limits the fulfillment of their rights.

To improve legal protection for women workers, it is important to conduct more intensive socialization of labor rights, strengthen oversight of the implementation of the law, and provide better facilities in the workplace. In addition, women's economic empowerment and improved working conditions are expected to create a more inclusive and fair work environment for women in Klambir Lima Kebun Village.

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