

Protection against Indonesian Women Workers

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ABSTRACT

Employment problems in Indonesia such as never discussed after the Indonesian government in which the essence of national development is the development of the Indonesian people as a whole and the development of Indonesian society entirely. Protection against the guarantee of the security of all forms of violence whether physical or psychological, abuse, rape, torture, persecution, murder, expulsion, or in other words to provide protection against acts of arbitrariness of the persons. Some reasons why we put our work abroad, in addition to being one alternative to solve the problem of unemployment. It can also be used to increase foreign exchange earnings for the country.

RIWAYAT ARTIKEL

Article History

Diterima 8 April 2019

Dipublikasi 25 Mei 2019

KATA KUNCI

Keywords

Protection, abroad, country, women worker, Indonesia.

HOW TO CITE (*saran perujukan*):

Putra, Septeryan Dwi Purnomo (2019). "Protection against Indonesian Women Workers", *Lex Scientia Law Review*. Volume 3 No. 1, Mei, hlm. 79-86

I. INTRODUCTION

Employment problems in Indonesia such as never discussed after the Indonesian government in which the essence of national development is the development of the Indonesian people as a whole and the development of Indonesian society entirely. As in Article 27 paragraph (2) of the Constitution states that "Every citizen is entitled to decent work and livelihood for humanity". From the article it is clear that the 1945 Constitution requires that all Indonesian citizens

willing and able to work can be given a job, at the same time with the work can live properly as a human being.

In the government's efforts to fulfill employment problems, Indonesian workers often do not get the rights they ought to have. It needs serious attention from the government to guarantee the rights of workers or laborers working in an agency or a company. Workers also need a means of protection of care and development of welfare, especially for those who are looking for work and after the expiry of employment. The definition of protection of the workers themselves is as a shelter, the act of protecting, rescue and guarding to every worker at home and abroad.

Legal Protection is all efforts made consciously by every worker or government agency, private sector which aims to seek security, control and fulfillment of living welfare in accordance with existing rights as regulated in Law Number 39 Year 1999 on Rights Human Rights. Some forms of legal protection are work norms which include protection of labor related to work time, remuneration system, rest, leave, religious morality according to religion and belief respectively.

But all back to personality respectively. Which works is the right of every human being in an effort to maintain and maintain the degree of humanity as a creature of God and also can not be separated from the person's responsibility to provide for. Placements are growing so rapidly because it concerns the issue of one's life when deciding to seek work.

In the field of employment law prior to employment relationship is the field of law concerning the preparation of employment candidates so as to possess sufficient skills to enter the workplace in which a person should work according to his or her own ability, as well as to obtain employment opportunities both within and outside the country with through mechanisms that workers must pass before they get a job.

Not just the protection they need from the government, the government should also pay attention to the low worker's income, the workers will not be able to meet the nutritional needs and the improvement of the adequate living welfare. Workers who lack nutritional intake, have a significant impact in the production process. So that the appropriate wages should be paid attention and improved so

that workers can improve the quality of life and quality in work. The wage function is not merely a mere economic fulfillment, nor a reward given to the services of workers but has a role in social function and incentive function or the improvement of worker's quality and performance to be more productive.

II. WOMEN WORKER'S RIGHTS

The right earned by every human being can be reasoned through reasoning about human rights, but there is a special right of women's rights. Although women are also human beings, so that human rights are also human rights, but because he is a woman then he has a specificity in his reasoning so different from men in this case women have its own peculiarities. An Indonesian princess named Kartini on June 10, 1901, wrote a letter to her colleague in Holland telling of the hope of emancipation between women and men, their freedom of thought, better treatment for them and the like. Here Kartini has opened a doctrine human rights discourse that is a human rights discourse, although the articulation of human rights still looks very sumir. The struggle to increase the position and uphold the rights of women workers also occurs at the world level. The UN Charter is the first international instrument to mention equality of rights between men and women. In the introduction of the Charter, among others, reaffirming the beliefs of nations in the world of human rights, the dignity and prestige of every human being and the equal rights between men and women workers. This demonstrates the nationwide commitment of the world to uphold and protect the human rights of everyone without any exceptions, such as race, color, sex, language, religion, politics or other views, national or social origin, property, birth, or other positions (Handayani Y., 2016). After the Universal Declaration of Human Rights, various international human rights instruments have been issued on the specific aspects of women's status in family and community life.

Women's rights law rights have existed since the formulation of a specific international instrument to address the issue of discrimination against women workers, the Convention on the Elimination of All Forms of Discrimination against Women workers. The Convention lays down the basic idea that the exclusion of women's workers' rights is indispensable because of many cases leading to

discrimination against women workers and as a result of unequal relations in society legitimized by political structures and including existing laws. The Convention also places temporary special strategies / steps that need to be taken to eliminate discrimination against women workers. This convention is one of the international frameworks for the realization of the rights of women workers.

But after the specificity of the rights of women workers, female workers must also abide by the rules of work abroad such as 'All migrant workers and members of their families are obliged to comply with the laws and regulations of the transit country or the country of employment and are obliged to respect the cultural identity of their inhabitants' (law no.6 of 2012 Article 34), and if the worker is concerned about his or her family at home, the state has also arranged for it, for example 'Up to the end of the stay in the country of employment, all migrant workers and members of their families shall be entitled to remit their income and savings as well as their personal property (Article 32) '.

A. Reasons Country Send Residents To Work Abroad

Some reasons why we put our worker to abroad, in addition to being one alternative to solve the problem of unemployment. It can also be used to increase foreign exchange earnings for the country. However, the odds of working abroad are large plus the large number of job enthusiasts as well as the stimulation of a relatively higher income compared to working in a country with less income is the main attraction for Indonesian labor.

There are many laws on the protection of domestic and overseas workers, I may conclude that essentially all refer to the provision of protection of citizens who will exercise their right to work, especially abroad so that they may obtain placement services quickly and easily by maintaining the safety of workforce both physically, morally, and dignity. Most of the Principles are equality of rights, justice, gender equality and without any form of discrimination. It has been argued that in general the problems that arise in the placement is related to human rights, then the sanctions contained in the Act is quite a lot of criminal sanctions.

In fact, if non-fulfillment of the requirements of one of the travel documents may already constitute a criminal act. The absence of a single document is at risk of

such labor being unqualified or illegal to work in the placement country and this makes the migrant workers vulnerable to inhumane treatment or other exploitative treatment in the destination country of placement.

In addition to the government's supervision over the process of placement of migrant workers to destination countries. The law also addresses also the same rights and opportunities without discrimination in obtaining employment, decent income in accordance with skills, talents, interests, and abilities; the existence of state guarantees on the protection of the human rights of citizens working inside and outside the country; the existence of harmony between government agencies both central and local and community participation in a legal system to protect workers stationed abroad. So for the migrant workers who will work overseas do not need worried anymore, because there's a law behind you, protecting you from all the threats as mentioned earlier.

B. Protection of Women Migrant from Country

Legal protection against women migrant is a protection against the guarantee of the security of all forms of violence whether physical or psychological, abuse, rape, torture, persecution, murder, expulsion, or in other words to provide protection against acts of arbitrariness of the persons, groups and in order to attain a state of justice and law enforcement (Rahayu D. & Ramdlany A.A., 2016).

Each country has sovereignty, but sovereignty does not make the country free from responsibility; it means according to the principle, within sovereignty, there is an obligation not to abuse it. This reason becomes a background emergence of state responsibility in international law that there is no country can enjoy their rights without respecting the rights of the other country. Where the breach of that obligation can be an act and omission. The country has responsibility towards its citizens and it cannot be separated from claims, because it has a right to protect its citizens overseas, the country is entitled to intervene diplomatically or to make a claim for satisfied settlement. In this case, the recipient country deems to have harmed through its people or to demand their rights which is related to international law.

In term of state responsibility, the legal system of human rights is usually divided in three forms: (1) Respect, It is demanding the state and its agency not to do anything that could violate the basic rights and freedoms of the individual; (2) Protection, It requires the state to take necessary measures to protect the rights and freedoms of citizens in its territory; (3) Fulfilment, It ensures the fulfillment of the basic needs of its citizens. Indonesian government has responsibility to protect migrant worker who work overseas with the standart of treatment. The recipient country must gave migrant worker the same rights as local citizens (Rahayu D. & Ramdlany A.A., 2016).

According to Lili Rasjidi and I.B Wysa Putra that the law can be functioned to bring about protection that is not only adaptive and flexible, it is also predictive and antipative. Legal protection is an illustration of the functioning of the law to realize the legal objectives of justice, benefit and legal certainty. Legal protection is a protection granted to legal subjects in accordance with the rule of law, whether it is preventive or in a repressive form, whether written or unwritten in order to enforce the rule of law, in essence everyone is entitled to protection from the law, all legal relations must be protected by law and its staff (Any S.H., 2016).

III. CONCLUSION

Indonesia needs many women workers for various reasons, such as adding job vacancies, increasing foreign exchange, and others. And the workers do not have to worry about being guaranteed to fit the worker in the place where he works because the state is going to be about it, there are also many laws that regulate and guard the workers.

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So today, we call upon the world leaders to change their strategic policies in favor of peace and prosperity. We call upon the world leaders that all of these deals must protect women and children's rights. A deal that goes against the rights of women is unacceptable.

Malala Yousafzai