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Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Implementation of Women's Protection Laws to Overcome Gender Discrimination in The World of Work

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Abstract. *Gender discrimination in the world of work is still a relevant problem and requires real action to overcome it. Legal protection for women as one of the groups vulnerable to gender discrimination in the workplace is important. This article discusses the implementation of women's protection laws in overcoming gender discrimination in the world of work. The law implementing women's protection laws to overcome gender discrimination in the world of work aims to provide protection and recognition of women's rights in the world of work. This law provides a legal basis for the government and society to prevent and overcome gender discrimination in the workplace. Several things regulated in the law include women's rights in the field of employment, efforts by the government and employers to ensure the protection of women's rights, as well as sanctions for violators of the law. Through the implementation of this law, it is hoped that gender equality can be created in the workplace so that women can work safely, comfortably and achieve the same success as men. The research method used in this article is the library research method. The data used is secondary data related to laws, regulations and literature related to the protection of women in the world of work. The research results show that there are several laws related to the protection of women in the world of work, such as Law no. 13 of 2003 concerning Employment, Law no. 7 of 1984 concerning the Elimination of All Forms of Discrimination Against Women, and Law no. 23 of 2004 concerning the Elimination of Domestic Violence. Apart from that, there are also government regulations that support the protection of women in the world of work, such as Government Regulation no. 41 of 2019 concerning Job Training*

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and Government Regulation no. 78 of 2015 concerning Wages. Legal protection for women in the world of work can be done through the implementation of laws and regulations that support women's rights in the workplace. Apart from that, awareness and real action are needed from all parties, including the government, employers and society at large, to create a work environment that is free from gender discrimination and safe for women.

Keywords: *Gender discrimination; Law implementation; Women's protection.*

1. Introduction

Basically, men and women have the same rights and obligations as human, and free to develop personal abilities and decision making without being limited by stereotypes, gender roles rigid and prejudiced.¹ This is called gender equality. gender equality means that differences in behavior, aspirations, and the needs of women and men are measured balanced. This doesn't mean anything women and men should be equal, but they have rights, obligations, as well the same opportunity. gender equality means that there is fair treatment for men and women, measured by their needs.²

Understanding gender is not just an effort by women or men separately, but how to place both in the context of a social system where both are an integral part of it. Differences rooted in socio-economic class, ethnic differences, differences in race and skin color as well as religious differences which give rise to problems of social injustice in society have been overcome along with the birth of the General Declaration of Human Rights (UDHR) and recognized by nations in the world. It is different with gender differences which are still considered unfinished, not only in underdeveloped and developing countries, but are also still part of women's struggles in developed countries.³

¹ ABC Of Women Workers' Rights and Gender Equality, ILO, Geneva, 2000, p.48. On Unit for the Promotion of the Status of Women and Gender Equality May, Gender Equality and Equity, 2000, p. 5

² Ratih Ananda Putri*, Idris**, Agus Pratiwi, PROTECTION OF HUMAN RIGHTS AGAINST OPPORTUNITY DISCRIMINATION GETTING WAGES FOR WOMEN WORKERS IN INDONESIA REVIEWED FROM CEDAW OF 1979, ILO CONVENTION NUMBER 100 OF 1951, AND ILO CONVENTION NUMBER 111 OF 1958, Bina Mulia Hukum Journal Volume 3, Number 2, March 2019, p 260.

³Louisa Yesami Krisnalita , Women, Human Rights and Their Problems in Indonesia , Binamulia Law Journal Vol. 7 No. 1, July 2018 , p. 72.



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Economic growth increases employment opportunities but cannot by itself reduce gender inequality. Gender inequality in the field of employment is still a frequent issue and problem. Differences between men and women in the use of time at home, differences in education and skill levels, social restrictions culture, sectoral and occupational segregation, male migration, and access to productive inputs all lead to gender disparities in decent work participation.⁴

The injustice experienced by women is still an invisible phenomenon. This prompted them to proclaim a series of women's rights as protection against various invisible forms of violence, discrimination and degradation. By voicing their aspirations regarding human rights, women basically bring to the forefront values and demands for justice for the survival of humanity as a whole. Women's human rights still seem to be a question and debate today.

Women's work in the informal sector usually does not provide adequate guarantees of legal protection and welfare guarantees, in addition to poor working conditions and low income. However, even though women earn only 70% of the wages compared to men, women have taken up 45% of the total labor force participation. In the agricultural area, women have a share of 48.65%, women's trade takes a share of 23.44%. Meanwhile in the industrial area, female workers account for 13.44% and services 12.24%. In the agricultural aspect, where most women work without wages because it is a family business as much as 80%. From this data, it can be seen how women lack access and justice in the economic sector. Many women still do work in the informal sector that does not require expertise and skills, and of course this has implications for lacking legal protection, receiving inadequate wages, not to mention the double burden they feel. This article will explain gender discrimination against women in the employment sector which includes the division of labor in historical trajectories, the factors that cause discrimination, and its relationship to equality and justice.⁵

Discrimination is a form of violation of rights human rights (HAM). Thus, discrimination against women violate women's human rights, so Women's empowerment is necessary so that women can fight for their violated rights. The country has great responsibility in eliminating discrimination against women due to the development of discriminatory practices against Women are closely related to various problems that arise state responsibilities, such as poverty, strengthen it religious and cultural fundamentalism or conservatism, as well as restrictions on women's rights both in politics and for take part in public spaces to overcome the problem of discrimination experienced by these women, there is one instrument

⁴ Yeni Nuraeni, Ivan Lilin Suryono, Analysis of Gender Equality in the Employment Sector in Indonesia, Journal of Government Science, Vol. 20 No. 01 of 2021 Pages 68-79, p 69.

⁵ Khusnul Khotimah , Gender Discrimination Against Women in the Employment Sector , Department of Communication (Dakwah) STAIN Purwokerto , p2.

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international human rights, namely the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted by the Union Nations in 1979 and ratified by Indonesia through Law Number 7 of 1984 concerning Ratification of the Convention Regarding the Elimination of All Forms of Discrimination Against Women.⁶

Thus, Indonesia has a responsibility to eliminate all forms of discrimination against women and implement the principle of equality between men and women in law and everyday life. Indonesia has made efforts various things to protect women's human rights. Declaration International Conference on the Elimination of Violence against Women 1993, as well as other policies regarding human rights man. Komnas Perempuan for the last thirteen years has been able to do so play an effective role as a national human rights institution, see even though this law has been passed 28 years ago, but it turned out that implementation was not yet fully underway maximally. For this reason, it would be good for all of us to look at the situation and the current position of women after 28 years of the implementation of CEDAW. It is also interesting to observe how internal the challenges are implement gender equality and justice within the framework legislation in Indonesia, both the situation and position of women in domestic realm, public realm and state realm.⁷

Gender discrimination still occurs in the field of employment because there are still wrong beliefs in society related to the concepts of marginalization, subordination, stereotypes, violence. and workload. Based on quantity ketar problem gender relations in the field of employment, including in Indonesia, then study This aims to provide an overview and conduct an analysis of the extent to which gender equality in the field of employment has been upheld, and what efforts the Indonesian government must make to improve gender equality in the field of employment. employment.⁸

⁶ Ninik Rahayu , Gender Equality in the Rule of Law And its implementation in Indonesia (Gender Equality In The Rule Of Law In Indonesian And Implementation) , Indonesian Journal of Legislation, Vol. 9, no. 1-April 2012, p 16.

⁷ Ninik Rahayu , Gender Equality in the Rule of Law And its implementation in Indonesia (Gender Equality In The Rule Of Law In Indonesian And Implementation) , Indonesian Journal of Legislation, Vol. 9, no. 1-April 2012, p 17.

⁸ Yeni Nuraeni, Ivan Lilin Suryono, Analysis of Gender Equality in the Employment Sector in Indonesia, Journal of Government Science, Vol. 20 No. 01 of 2021 Pages 68-79, p 70.

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2. Research Methods

This type of research is library research, which can be used to research the implementation of women's protection laws to overcome gender discrimination in the world of work. This method involves collecting data from written sources such as journals, books, legal documents related to the protection of women in the world of work, and other publications.

In the literature research method, researchers will carry out an analysis of literature relevant to the research topic, including identifying legal regulations that regulate the protection of women in the world of work. Apart from that, researchers will also look for the latest data and information regarding the implementation of this law in society, either through articles or online publications, or official documents issued by relevant agencies. Library research methods can provide in-depth understanding and comprehensive about the research topic, and can help researchers in identify important issues and potential solutions in overcoming gender discrimination in the world of work.

3. Results and Discussion

Implementation of Women's Protection Laws to Overcome Gender Discrimination in the World of Work

Several International Legal Instruments set about gender equality especially in the field of wages and has been ratified by Indonesia is like International Covenant on Economic, Social, and Cultural Rights (ICESCR) or International Covenant on Economic, Social and Cultural Rights (ratified 2005), The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) or the Convention Regarding Elimination of All Forms Discrimination Against Women (ratified in 1984), The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) or International Convention on Elimination of All Forms of Racial Discrimination (ratified in 1999), and conventions principal of the International Labor Organization or International Labor Organization or ILO, one of which is ILO Convention Number 100 (ratified in 1957) on Equality Wages for Male and Female Workers For Employment and ILO Convention Number 111 concerning Employment and Position Discrimination (ratified in 1999). Even Indonesia became the first country in Asia to ratify ILO principal conventions and 5th country in world that ratifies the main ILO conventions. Since became a member in 1950, Indonesia has ratified 18 Conventions, incl convention regarding wage equality.⁹

⁹ <http://www.ilo.org/Public/Indonesia/Region/Asro/Jakarta/Download/Faktailojkt.Pdf> accessed on 2 May 2023.

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The committee asked the government to provide further information regarding cases involving wage discrimination workers who are reported to the Inspectorate Labor and handled by the courts and steps have been taken to disseminate information about cases which concerns wage discrimination for wider community as a means of improving awareness of the principles stated in in this convention.¹⁰

Injustice experienced by women is still an invisible phenomenon. This encourages them to proclaimed a series of rights women as guardians of various forms violence, discrimination and degradation are not looks like that. By voicing their aspirations regarding human rights, women are essentially bringing to the forefront values and demands for justice that are not exclusive to women, but are for the survival of humanity as a whole.¹¹ The definition of human rights according to Republic of Indonesia Law no. 39 of 1999 is a set of things that are inherent in the nature and existence of humans as creatures of God Almighty and are His gifts that must be respected, upheld and protected by state law, government and every human dignity. Article 3 of the Law in a way expressly states as follows:¹²

(1) Every human being is born free with dignity and equal and equal human dignity and gifted with reason and conscience to live society, nation and state in the spirit of brotherhood.

(2) Everyone has the right to recognition and guarantee of protection and legal treatment that is fair and has legal certainty and equal treatment before the law.

(3) Everyone has the right to protection of rights human rights and basic human freedoms without discrimination.

In an effort to realize the fulfillment of women's rights, one of the principles what was introduced and developed was the principle of gender equality. Gender terms itself was introduced by scientists social to explain the natural differences between women and men and which is the result of cultural formation.¹³ In subsequent developments, this term always

¹⁰ Direct Request (CEACR)-Adopted 2016, Published 106th ILC Session (2017), Equal Remuneration Convention, 1951 (No. 100) -Indonesia (Ratification: 1958).

¹¹Arbaiyah Prantiasi h, HUMAN RIGHTS FOR WOMEN, Department of Law and Citizenship, State University of Malang, p. 10.

¹²Arbaiyah Prantiasi h, HUMAN RIGHTS FOR WOMEN, Department of Law and Citizenship, State University of Malang, p. 11.

¹³ Hasanah, U. & Musyafak, N. (2017). Gender and Politics: Women's Involvement in Political Development, Sawwa, 12 (2). 409-431 , p. 413.



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Every citizen has the right and must participate in the effort state defense, among others mandate of the 1945 Constitution. This means every citizens have rights and obligation to defend the country does not look at male/female, job or profession, old or young, ulama or umaro, officials and criminals, politicians as well as police, civil and military. Thus defending the country is not it monopoly of one professional group, occupation, class, race, ethnicity. So the meaning of defending the country is very important spacious, so it can accommodate all classes and groups interest.¹⁵

Law Number 13 of 2003 concerning Manpower is a legal regulation that regulates the relationship between workers and employers in Indonesia, as well as regulating the rights and obligations of each party. This law covers things like workers' rights and obligations, rights and obligations businessman, wages, paid leave, O'clock Work, Layoffs (Termination of Employment Relations), and Social Security (Guarantee Social Power Work).¹⁶ Temporary That, Women's labor rights are generally regulated in Law Number 39 of 1999 about Right Asasi. Chapter 49 item (2) state that woman entitled get protection special from threat to safety and his health Which related with reproductive function. Meanwhile, point (3) explains that special rights related to women's reproductive function must be protected by law. By Because That, Chapter 49 item (2) And (3) can made reference For protect right power women's work.¹⁷

Then, Law Number 11 of 2020 concerning Job Creation, regulates special rights as stated in the Law above for female workers, namely: menstrual leave, maternity and maternity leave, breastfeeding opportunities and breastfeeding facilities, prohibition of employing female workers in dangerous conditions, prohibition of layoffs due to pregnancy, childbirth, miscarriage or breastfeeding, provisions for employing female workers at night, as well as prevention of gender-based violence.¹⁸

¹⁴ Budi Hermawan Bangun , Women's Rights and Gender Equality in Legal Philosophy Perspectives , Pandecta Journal Volume 15. Number 1. June 2020 Page 74-82 , p. 76.

¹⁵ Suwarno Widodo , Implementation of National Defense for Realizing Nationalism , CIVIS Scientific Journal, Volume I, No 1, January 2011 , p. 19.

¹⁶ Look In Constitution Number 13 Year 2003 About Power work.

¹⁷ Look In Constitution Number 39 Year 1999 about HAM Article 49.

¹⁸SeelnInvite -Invite Number 11 Year 2020 About Create Work .



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International Convention on the elimination of discrimination against women is agreement adopted internationally by the United Nations in 1979 and took effect in year 1981. Convention This containing three principle main, that is:¹⁹

a. The Principle of Substantive Equality in CEDAW states that women should have the same rights as men and substantial equality in taking decision political, economy, social, And culture. Principle This is regulated in the article:

1) Chapter 2 confirm country must take action certain for stop discrimination against Woman.²⁰

2) Article 3 requires the state to make appropriate regulations in the political, social, economic and cultural fields to promote and protect women's rights.²¹

3) Article 4 discusses the creation of special regulations by the state to accelerate equality between men and women and protect women's health during pregnancy.²²

4) Article 5 requires the state to make appropriate regulations to change patterns of social and cultural behavior that degrade or elevate men or women.²³

b. The principle of non-discrimination is a principle that listed in Chapter

1) Article 1 explains that discrimination against women occurs when there are differences, exclusion or restrictions based on gender which have the aim or impact of reducing or eliminating the recognition, fulfillment or use of human rights and basic freedoms in the political, economic, social, cultural and civil fields. or whatever, regardless of the woman's marital status, and must be based on equality between men and women.²⁴

¹⁹CornelisDj.Massie , CaeciliaJ.Jwaha , IMPLEMENTATION OF INTERNATIONAL CONVENTIONS ABOUT ELIMINATION ALL FORMS OF DISCRIMINATION AGAINST WOMEN EMPLOYEES IN INDONESIA , Lex Journal Administratum Vol.XI/No.2/Apr/2023 , p 4.

²⁰See Article 2 of the 1981 CEDAW Convention

²¹Look In Chapter 3 Convention CEDAW Year 1981

²²Look In Chapter 4 Convention CEDAW Year 1981

²³Look In Chapter 5 Convention CEDAW Year 1981.

²⁴Look In Chapter 1 Convention CEDAW Year 1981.

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2) Article 4 ensures that women and man have a chance Which The same in matter rights they in field Which The same.²⁵

Protection of women's rights and justice gender, the government has officially adopted and also officially establishes the similarities between women and men as stated in Article 27 of the 1945 Constitution: "All citizens the state has the same position in law and government and is obliged to uphold the law and government without exception."

These provisions are the basis for providing access, participation and control for women and men in the economic, social and political fields. And with this Indonesia also later ratified it a number of international conventions about deletion discrimination and improving the status of women. However thereby these laws and policies in its implementation it is still not effective. Ideally The law was created with the aim that life becomes orderly and protects all public. Information about racial struggles women in demanding equality with other races men being very relevant it is known. Clan women realize they are lagging behind in comparison men in many aspects of life. For catching up, then the concept of emancipation (equality) between women and men in the 1950s and 1960s and Until now, it is still being developed and fought for.²⁶

Laws that use the implementation of the Women's Protection Law to Overcome Gender Discrimination in the World of Work include Law Number 13 of 2003 concerning Employment, Law Number 7 of 1984 concerning the Elimination of All Forms of Discrimination against Women, and Law Number 23 2004 concerning the Elimination of Domestic Violence. Apart from that, there are also other policies and regulations that support the implementation of laws protecting women in the world of work, such as Government Regulation Number 60 of 2015 concerning the Use of Female Workers and several decisions of the Ministry of Manpower which stipulate special requirements to strengthen the protection of women in the workplace.

4. Conclusion

The implementation of women's protection laws which aim to overcome gender discrimination in the world of work is very important to provide protection and equal rights for women in the work environment. Existing laws, policies and regulations need to be implemented and monitored properly by the government, companies and society so that

²⁵Look In Chapter 4 Convention CEDAW Year 1981

²⁶ Andi Kasmawati , PROTECTION OF WOMEN'S RIGHTS IN PERSPECTIVE GENDER JUSTICE , Pancasila Education and Citizenship Makassa State University , p. 541.

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women can work safely and feel valued according to their abilities and achievements without gender discrimination. Apart from that, the active role of industry players and community organizations is also needed to strengthen the implementation of laws protecting women in the world of work. With the effective implementation of women's protection laws, it is hoped that an inclusive, fair and gender equal work environment will be created. Laws related to the implementation of women's protection laws to overcome gender discrimination in the world of work include Law Number 13 of 2003 concerning Employment, Law Number 7 of 1984 concerning the Elimination of All Forms of Discrimination against Women, and Law Number 20 of 2003 concerning the National Education System. Apart from that, there are also government regulations such as Regulation of the Minister of Manpower and Transmigration Number 2 of 1984 concerning the Implementation of Law Number 7 of 1984 concerning the Elimination of All Forms of Discrimination against Women in the Field of Employment and Regulation of the Minister of Education and Culture Number 5 of 1998 concerning Student Welfare. All these laws and regulations aim to protect women's rights in the world of work and eliminate gender discrimination. Literature research methods can provide an in-depth understanding of the implementation of women's protection laws to overcome gender discrimination in the world of work. Through library research, researchers can access various sources of information such as books, journals, articles and official documents related to laws relating to the protection of women in the workplace. From the results of this literature research, it can be concluded that the implementation of laws protecting women in the workplace still experiences many obstacles and challenges, such as minimal company awareness regarding women's protection, weak supervision and law enforcement, and the existence of gender discrimination that still occurs in the workplace. Therefore, efforts need to be made to increase awareness and enforce laws regarding the protection of women in the workplace in order to reduce gender discrimination and create a safe and fair working environment for women.

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