

DISCOURSE GENDER IN PERSPECTIVE OF HUMAN RIGHTS: A TURNING POINT PROTECTION LAWS TOWARD FEMALE WORKERS

Anisa Cahaya Pratiwi, Teta Anisah AR, Reza Torio Kamba

College Student of Law Faculty University of Lampung

Email Authors* anisacahaya82@gmail.com

ABSTRACT

Indonesia as legal state ensure protection of human rights for each citizen. Recognition human rights in indonesia can not be separated from insurance against equal rights to have jobs between the man and woman. The one of gender discrimination can be felt in the workplace. Protection toward female workers is to ensure of fundamental rights workers / labor of women and ensure an equal opportunity and treatment without discrimination to realize prosperous female workers and their household by keep considering the development the business world. Every worker women is having a fundamental rights as regulated by law. In a juridical manner the constitution of 1945 provide legal protection toward any person to obtain work and the decent life for humanity. The form of an acknowledgement of women's rights internationally also had been recognised by the passing CEDAW (*Convention on the Elimination of All Forms of Discrimination Against Women*). It means, there is no again discrimination against women's rights to work and develop itself. Basically female workers are having huge enough contribution toward the implementation of the national development. For it, protection laws toward labor woman very important for guaranteeing a decent welfare for female workers and his family without any discrimination gender. The purpose of this research is to assess legal protection that has been given by the government on the welfare of female workers.

Key words : Protection of Human Rights, female workers, and gender discrimination.

1. Introduction

A. Background

The protection of the law and human rights of workers is the fulfillment of the basic rights of grime and protected by the constitution as envisaged in article 27 clause 2 of The Constitution of Republic of Indonesia Year 1945 which reads “each citizen is entitled to employment and livelihood that was appropriate for humanity” .

But Today, Still so much discriminates the treatment of women in opportunity in the work . Actually there are many regulation that regulate on protection for female workers , Which are in the rule of law national and international that was between another,

- *Convention on the Elimination of All Forms of Discrimination Againts Women* As has been ratified by Act Number 7 Year 1984 about (CEDAW)
- *ILO Convention Number 183 Year 2000 on Maternity Protection* (Ilo conventions on protection maternitas)
- Act Number 13 Year 2003 about labor (Labor laws)
- Act Number 39 Tahun 1999 tentang Hak Asasi Manusia (UU HAM)
- Act Number 36 Year 2009 about Health (Health act)

Demands work made many women must work on a night shift especially in service sector 24 hours. The risk of work at night larger happened than planned by day. Besides security risk on the self female workers itself , there will be negative impact inflicted on health , because the body should exert oneself to keep working at the time at which should be a body resting.

Basically female workers have a significant contribution to the implementation of national development. For it, legal protection against labor woman extremely important

for guaranteeing the welfare of female workers and their families without the gender discrimination

A labor organization international (ILO) said “the difference employees salary women and men declining 0.6 % from 1995. In some countries , women easy to get a job quality of work considered is low”.

B. Formulation of Problem

From the background the above hence the problems raised to be researched is how the protection of law and human rights toward female workers in indonesia ?

2. Discussion

In society, business leaders often be attached as office men, while women were be attached as an element his supporters. If obtaining a position in work, usually women be attached with workers family are not taken into account fruits of his labor. This shows that the increase in quantitative the participation of women with the sacred printing productive have not been in accordance with the spirit of gender equality.¹

The purpose of individuals to work not only to find only money , but even more than that , which is to fulfill other needs such as the need to valued , forming attachment social and feel competent in the job. According to the data obtained from the ilo to indonesia .For the last few years , the ratio work inhabitant of indonesia quite higher than to the average global , this was partly to the high the percentage of people working age and limited choice of income outside the world of work. There was a big difference in the ratio work inhabitant of between the man and woman , and between

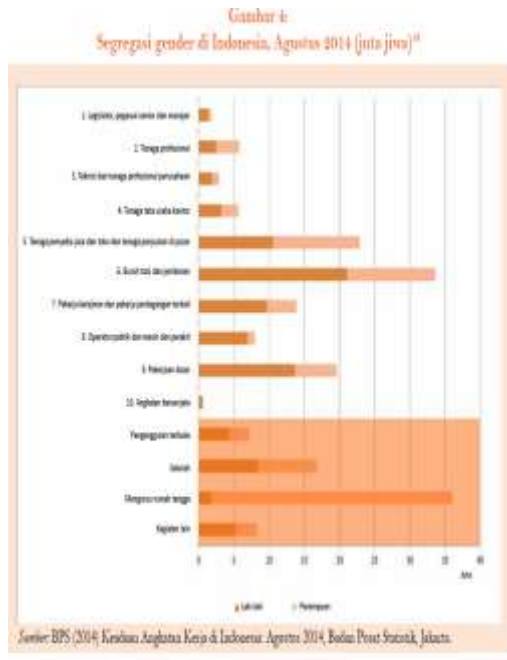
¹ Angger Wiji Rahayu, *Perempuan dan Belunggu Peran Kultural*, Jurnal Perempuan edisi 29/1/2015

the age 15 to 24 year olds with the age of 25 upward .² For example , man of any age 25 years old and upward having the ratio work the highest population (estimated about 89,5 % in february 2015. As a comparison , young women having the ratio of job lowest population , (estimated 32.6 % in the same period (see the picture at the bottom) .The ratio of the people that is comparative low among young this is because of the participation of young people in the field of education and training center , a trend that should be able to help strengthen competitiveness and productivity labor force in the coming years .The trend gender showed a small increase from time to time , where women are having significant the labor force participation rate lower than men.³

Discrimination in the workplace resulting in women difficulties obtaining the work they want. In addition the women are having wages lower than they than men. It showed that the recognition gender equality against women is still very minimal the world had yet to eyes to see employees capability the women are be another in professional with intelegensi that they have.

² Tren Ketenagakerjaan dan Sosial di Indonesia 2014 – 2015, (Memperkuat daya saing dan produktivitas melalui pekerjaan layak) Hak Cipta © International Labour Organization 2015
Edisi pertama 2015. p.11

³ Ibid., Tren Ketenagakerjaan... hlm. 11.



This shows that there are many women outside the world of work. Many women who did not participate in the work force caused the responsibility of the family, where there are many women said that they fully involved in the household (see picture above).⁴ This situation confirms that there has been gender difference in terms of the division of responsibility family and participation in women in the work force likely to change the nature of inequality gender in Indonesia.⁵

Conclusion

Female worker still experience discrimination in the workplace. While the ability of women when plunge in the workplace no doubt quality. Because at the moment many women are able to occupy high positions in government, companies and also the other domestic work. That means many women contributed to national development. But for the protection of law and human rights against female worker is still very low,

⁴ Ibid., Tren Ketenagakerjaan... hlm. 13-14.

⁵ Ibid., tren Ketenagakerjaan. Hlm. 15.

Especially for those that were working as laborers . Of employee many women get discrimination in work , it is like a lack of the security for workers women who work at night , and also for those who underage and was pregnant They were many the rule of law both national and international that ensures the protection of law and human rights for women . This is the duty of government and all sides have to actively and acting upon all forms of discrimination against women in the world of work.

DAFTAR PUSTAKA

Tren Ketenagakerjaan dan Sosial di Indonesia 2014 – 2015, (Memperkuat daya saing dan produktivitas melalui pekerjaan layak) Hak Cipta © International Labour Organization 2015. Edisi pertama 2015.

http://www.ilo.org/jakarta/info/public/pr/WCMS_122351/lang-en/index.htm

www.jurnalperempuan.org Diakses pada 2 November 2016

<http://www.jhonlinmagz.com/peran-perempuan-dalam-dunia-kerja>