



Legal Protection of Women's Workers' Rights in Garment Companies in Majalengka Regency

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ABSTRACT

This study discusses various problems faced by women workers, including employment agreements, shuttle transportation facilities, the right to menstrual leave, and aspects of Occupational Safety and Health (K3). The purpose of this study is to identify how the policies regarding employment that apply in Majalengka Regency are mainly to ensure the fulfillment of the rights of women workers and the obstacles faced by women workers in Majalengka Regency in obtaining Legal Protection. The type of research applied by the researcher is empirical juridical research. According to Abdul Kadir Muhamad, empirical juridical research is carried out by examining secondary data first, which is then followed by collecting primary data through field studies. The results of the analysis of the protection of women workers in Majalengka Regency are in accordance with Law No. 13 of 2003 concerning Manpower has been implemented, but there are still rights that have not been fulfilled. The protection of women workers in Majalengka Regency faces several obstacles, the local government through the DISNAKER (Manpower, Cooperatives, and SMEs Office) Majalengka Regency has not fully implemented regulations on the rights of women workers. Ideally, a number of local regulations. 9 of 2022 concerning Manpower contains provisions regarding the rights of women workers, as stipulated in higher laws and regulations, namely the Manpower Law No. 13 of 2003 concerning Manpower. However, in reality, there are still many female workers who do not know the rights they should get.

INTRODUCTION

Labor Law Number 13 of 2003 defines labor law as a set of regulations that regulate various aspects related to labor, both before, during, and after the employment relationship period (Joni, 2013). The regulation regulates various aspects, including the rights of women workers, so its implementation must ensure the fulfillment of basic rights and protections for women workers, as well as create a supportive environment for the growth of the business world. Development in the employment sector must prioritize the welfare of workers, especially women workers. Therefore, labor law must be able to ensure legal certainty, justice, utility, order, protection, and law enforcement (Kusumaningrum et al., 2024).

Labor law provides protection and creates a sense of security, comfort, and prosperity to achieve justice for all workers (Arliman, 2017). Workers have a very important role and position for the subject and goal in the implementation of employment development, in order to improve the quality and protection of workers in accordance with human dignity, as stated in Article 27 paragraph (2) of the 1945 Constitution which states that:

“Every citizen has the right to a decent job and livelihood for humanity”.

Therefore, it is very important to ensure the fulfillment of rights and protections for workers, especially for women workers (Maulida, 2021).

Female workers, have physical and psychological characteristics that distinguish them from men. In the future, women will increasingly be faced with the demands of becoming more independent, eliminating the impression of weakness, and adapting to increasingly fierce competition. Therefore, the protection of the rights of women workers is very important (Wahyuni, et al., 2019).

LITRATURE REVIEW

One example of a company that does not implement special protection for pregnant female workers in accordance with the Labor Law set by the government is PT. X is located in Bekasi, which operates in the food and beverage industry. The company paid less attention to the welfare of female workers, which resulted in 13 miscarriages and 5 prenatal deaths in 2019, as well as an additional 1 miscarriage and 1 infant death in early 2020. The total number of cases recorded at PT. X Bekasi reached 21 cases. This is due to the provision of work allowances that are not in accordance with the conditions of workers, such as lifting plastic rolls weighing 15 kg, the lack of provision of nutritious food and drinks, and difficulties in applying for maternity, childbirth and miscarriage leave (Triyani & Desi, 2021).

This situation is contrary to the provisions of Article 82 paragraphs (1) and (2) of Law No. 13 of 2003 concerning Manpower, which states that:

“Female workers/laborers are entitled to rest for 1.5 (one and a half) months before the time to give birth to a child and 1.5 (one and a half) months after giving birth according to the calculation of the obstetrician or midwife”.

"Female workers/laborers who experience a miscarriage are entitled to 1.5 (one and a half) months of rest or according to the information of the obstetrician or midwife, this Article should protect female workers related to the right to Maternity Leave and miscarriage, but in reality in the above case the company does not comply with the applicable Article".

Based on the cases that have been presented, legal protection of the rights of women workers is a crucial issue in the world of employment, covering aspects such as employment agreements, shuttle facilities, menstrual leave rights, and occupational safety and health (K3). Women workers still face many obstacles in obtaining optimal legal protection, where these obstacles come from various factors. Thus, the protection of women workers is very important and urgent. Preliminary data shows that female workers as a whole from the three companies examined by the author are in Majalengka Regency, where according to data sources from the Majalengka Regency DINASKER (Manpower, Cooperatives, and SMEs Office) as of January 17, 2025, there are 16,899 female workers. Based on this background description, the author is interested in conducting further research and deepening the employment policies that apply in Majalengka Regency, especially related to the protection of the rights of women workers, as well as identifying various obstacles and challenges faced by women workers in obtaining legal protection in the region.

METHODOLOGY

The type of research used by the researcher is empirical juridical research. According to Abdul Kadir Muhamad, empirical juridical research is carried out by examining secondary data first, which is then followed by the collection of primary data through field studies (kadir, 20014). In juridical research, law is seen as a norm or *das sollen*, because juridical research is an approach that refers to the applicable laws and regulations (Kadir, 2004).

The empirical juridical approach is an approach that is carried out based on the main legal material, namely the Law by obtaining theories, concepts, principles, and Laws and Regulations, then the researcher will make observations in action, namely by looking at the application of the Law in society. Legal theory with an empirical juridical approach is an approach to legal theory that is based on sociological aspects so that researchers see the effectiveness of law based on social phenomena that exist in society (Sonata, 2015).

This research was carried out at DINASKER (Manpower, Cooperatives and SMEs Office) Majalengka Regency as well as several garment companies in Majalengka Regency. In this study, the data collection methods used include:

1. Interview

The interview method is used as the main technique in obtaining primary data through direct interaction with relevant sources. Apply it as the primary technique for collecting primary data.

2. Documentation

The documentation method is used to collect primary data through the review of documents and related to the object of research.

According to Sugiyono, qualitative research is research used to research the condition of natural objects, where researchers are key instruments (Fattah, 2023). Understanding qualitative research as a research method that uses descriptive data in the form of written or oral language from the source. This qualitative approach is used to describe and analyze the implementation of applicable laws and regulations.

RESEARCH RESULTS

Policies regarding labor rules that apply in Majalengka Regency, especially in fulfilling the rights of women workers

Provisions related to legal protection for women workers in Majalengka Regency are regulated in Company Regulations and Collective Labor Agreements, which refer to Law No. 13 of 2003 concerning Manpower and Majalengka Regency Regional Regulation No. 9 of 2022 concerning Manpower.

The application of protection for women workers is one of the important issues in the world of work in the field of Garment Companies, in this study the researcher conducted research at DISNAKER (Manpower, Cooperatives, and MSMEs Office) and several companies in the Garment sector of Majalengka Regency. Thus, it can be concluded that Majalengka Regency Regional Regulation No. 9 of 2022 concerning Manpower has not included provisions regarding the rights of women workers, such as menstrual leave rights and shuttle transportation facilities, which have actually been regulated in higher regulations, namely Law No. 13 of 2003 concerning Manpower.

The theory of legal protection according to Philipus M. Hadjon is the protection of dignity and dignity, as well as the recognition of human rights owned by legal subjects based on legal provisions from arbitrariness.

The implementation of the protection of women workers in Majalengka Regency that has not been fulfilled includes work agreements, getting shuttle transportation for female workers on night shifts, menstrual leave rights, and occupational safety and health aspects, as described in the following explanation:

Employment Agreement

Several companies in Majalengka Regency have still not fully implemented collective bargaining agreements (PKB), and some of them are still using company regulations (PP). Fixed-Time Work Agreement (PKWT) referred to by PKWT according to Prof. Payaman Simanjuntak that PKWT is a work agreement between workers/laborers and employers to carry out work that is expected to be completed in a certain relatively short period of time whose period is a maximum of two years and can only be extended once for a maximum of the same time as the time of the first employment agreement, provided that the entire agreement (term) must not exceed three years. It was further said that PKWT is made for a period of 1 (one) year, it can only be extended once with a maximum period (extension) of 1 (one) year. If PKWT is made for 1 Year 6 (six) Months, then it can be extended for 6 (six) Months. Likewise, if PKWT is for two years, it can only be extended for 1 (one) year so that the total is a maximum of 3 (three) years (Riswanto, 2018). According to Agus Guntur, in principle, PKWTT is the same as PKWT. In PKWTT, the employment agreement can last forever

until the agreed work no longer exists, or the worker retires. Likewise, the other provisions are almost the same. The parties are free to terminate the agreement, but if the employer terminates without a legally responsible reason, then the employer is obliged to pay shepherding, service award money and replacement of service rights and reimbursement, as stipulated in the Manpower Law No. 13 of 2003 concerning Manpower (Marnisah, 2019). Referring to the provisions of Article 1 number 21 of Law No. 13 of 2003 concerning Manpower, it is stated that: "An agreement that is a negotiation between a trade union/trade union or several trade unions/trade unions registered in the agency responsible for the field of employment with the employer, or several employers or employers' associations that contain the terms of work, rights and obligations of both parties".

and in accordance with Majalengka Regency Regional Regulation No. 9 of 2022 concerning Manpower Article 1 number 27 which states that:

"An agreement that is the result of negotiations between a trade union or labor union or several labor unions or labor unions registered with the agency responsible for the field of regional apparatus in charge of employment with employers or several employers, or employers' associations that contain the terms of work, rights and obligations of both parties"

The existence of companies that still enforce Company Regulations (PP) as the basis of employment relations prepared unilaterally by employers will raise crucial questions related to the protection of the dignity and dignity of workers, where Company Regulations (PP) should be in line with the Labor Law. The Collective Labor Agreement (PKB) is the result of negotiations between employers and trade unions as defined in Law No. 13 of 2003 and Majalengka Regency Regional Regulation No. 9 of 2022, which should reflect the balance of power and to make a forum to recognize and protect the basic rights of workers. It is related to the theory of legal protection that company regulations and collective labor agreements are in accordance with the dignity and recognition of human rights. However, in reality, the implementation is not optimal (Azis et al., 2019).

The results of the interview with the DISNAKER (Manpower, Cooperatives, and SMEs Office) that the employment agreement is in accordance with the provisions of Law No. 13 of 2003 concerning Manpower. Although there are still some companies that still use company regulations, the content of PKWTT and PKWT is in accordance with the provisions of Law No. 13 of 2003 concerning Manpower (interview with Manpower government). Based on the results of interviews with female workers, it can be concluded that the substance of the employment agreement is basically in accordance with the provisions of Law No. 13 of 2003 concerning Manpower. However, their lack of knowledge about the content of the employment agreement can have an impact on their inability to understand their rights and obligations as women workers (Interview with woman worker).

Based on the results of interviews with the two sources, it can be concluded that the employment agreement at garment companies in Majalengka

Regency in general is in accordance with the provisions of Law No. 13 of 2003 and Majalengka Regency Regional Regulation No. 9 of 2022 concerning Manpower, although some companies still apply Company Regulations as a reference.

Shuttle

Majalengka Regency Regional Regulation No. 9 of 2022 concerning Manpower does not regulate the right to get shuttle transportation for female workers who work at night, this is clearly not in line with the provisions stipulated in Article 76 paragraph (4) of Law No. 13 of 2003 concerning Manpower which states that:

"Employers are obliged to provide shuttle transportation for female workers/laborers who depart and return to work between 23.00 and 05.00".

So this is a serious problem, because without this regulation in the Regional Regulation of Majalengka Regency, there is the potential for arbitrariness from entrepreneurs who ignore their obligations. This condition has the potential to lead to the fulfillment of the rights of women workers as well as legal protection related to shuttle transportation facilities, as mandated in article 76 paragraph (4) of Law No. 13 of 2003 concerning Manpower. In relation to the theory of legal protection, this provision is not merely a facility, but a tangible form of protection for the dignity and dignity of women workers, and is a manifestation of human rights for women who work at night between 23.00 and 05.00, given the various risks that may be faced. Therefore, the provision of shuttle transportation is an important step to ensure a sense of security and comfort for women workers in carrying out their duties (Udiana et al., 2015).

As a result of the interviews with female workers, they said that regarding shuttle transportation has not been provided by their company and the company has not enforced the rules as stipulated in Law No. 13 of 2003 concerning Manpower (interview with Manpower government). However, the results of interviews from the DISNAKER (Manpower, Cooperatives, and SMEs Office) regarding shuttle transportation return to the ability of their respective companies, where if the company is able to provide shuttle transportation. However, if the company is unable to afford it, it is not mandatory to provide shuttle transportation (interview with woman worker).

From the results of the interviews between the two interviewees, it can be concluded that it is clearly not in accordance with the applicable rules, even though the Majalengka Regency Regional Regulation on Manpower No. 9 of 2022 does not regulate shuttle transportation rules, but the company must still refer to the laws and regulations No. 13 of 2003 concerning Manpower.

Menstruation Vacancy

Law No. 13 of 2003 concerning Manpower, Article 81 paragraph (1), expressly gives female workers the right not to work and rest on the first and second days of menstruation if they experience pain complaints. Furthermore, Article 93 paragraph (2) b emphasizes that female workers who take menstrual leave on these days are still entitled to receive full wages.

The results of the interviews with several sources showed that there were reasons why they did not do or did not take their menstrual leave rights because:

1. Female workers are reluctant to apply for menstrual leave due to complicated procedures and are afraid of not getting approval from the company.
2. Female workers do not know if there are rules regarding menstrual leave because there is no socialization, and women workers also do not find out about the rights of female workers.
3. Female workers cannot take menstrual leave due to work pressure or high production targets, so they have no choice but to stay at work.
4. Some companies have not enforced menstrual leave rights because they have only been established for less than two years; that reason should not be used as a justification for not providing menstrual leave rights.
5. Some companies do not support female workers with a working period of less than one year to exercise their right to menstrual leave. This is due to the provisions in the Company Regulations and Collective Labor Agreements which require a minimum working period of one year to be able to take leave. This provision is contrary to the applicable Labor Law and ignores the protection of the rights of women workers as stipulated in laws and regulations, so that it can be considered a form of arbitrary action on the part of the employer.

The results of the interview with DINASKER (Manpower, Cooperatives, and SMEs) that companies are obliged to impose menstrual leave rights to female workers in accordance with the provisions of Law No. 13 of 2003 concerning Manpower, If there is a company that does not impose menstrual leave rights in accordance with the provisions of Law No. 13 of 2003 concerning Manpower, then women workers must dare to report to DINASKER (Manpower Office, Cooperatives, and SMEs).

From the results of the interviews between the two interviewees, it can be concluded that the right to menstrual leave in several companies in Majalengka Regency has not been in accordance with the provisions stated in Law No. 13 of 2003 concerning Manpower and Regional Regulation No. 9 of Majalengka Regency concerning Manpower has not regulated the right to menstrual leave.

In relation to the theory of legal protection, if seen from several reasons given by the speakers, the application for menstrual leave rights should be easy to obtain. If indeed some workers do not know their rights, then employers must continue to provide information or socialize about the rights that women workers are entitled to receive. However, it turns out that there are companies that have not implemented this rule on the grounds that the company has only been established for about a year. However, if you look at these reasons, it is not a justified reason because the rule applies to all companies regardless of whether the company is newly established which should have paid attention to this. So that with the support and the company paying attention to the health and increasing productivity of workers is carried out in a balanced manner, the legal

protection of the dignity, dignity, and human rights of women workers will be fulfilled. On the other hand, if there is no support for this and the company does not pay attention to it in a balanced manner, then the legal protection of the dignity, dignity, and human rights of women workers will not be fulfilled because this is clearly arbitrary on the part of the employer, therefore there is a need for increased supervision for the implementation of Majalengka Regency Regional Regulation No.9 of 2022 concerning Manpower, which should regulate the right to menstrual leave in accordance with the provisions of the Manpower Law No. 13 of 2003.

Occupational safety and health

Law No. 13 of 2003 concerning Manpower Article 86 paragraph (1) and Article 35 paragraph (1) to paragraph (8) of Majalengka Regency Regional Regulation No. 9 of 2022 regulates the obligation of employers to carry out K3 efforts to provide protection to workers. However, in its implementation it is not optimal because it has not thoroughly touched the mental health aspect of female workers and will allow discrimination against female workers. So that it is related to the theory of legal protection, there is a guarantee of occupational safety, security, and health that is in accordance with dignity and human rights. If the protection is met, the worker will increase productivity and loyalty against the company. On the other hand, if this is not met, it is necessary to increase supervision in the implementation and provide psychological consultation services (Hadiyati & Setiawardani, 2017).

As a result of interviewing several female workers, they said that there was still verbal discrimination during working hours. But they said that this was very natural, because it has become a habit especially when productivity increases and they do not reach the target according to the specified time. So this can cause disturbances to the mental health of female workers. However, the company has not yet provided psychologist consulting services for female workers. And the results of interviews with the DISNAKER (Manpower, Cooperatives, and SMEs) of Majalengka Regency as a whole show that occupational safety and health are in accordance with the provisions stipulated in Law No. 13 of 2003 and Majalengka Regency Regional Regulation No. 9 of 2022 concerning Manpower.

From the results of the interviews between the two speakers, it can be concluded that Occupational Safety and Health (K3) is in accordance with the provisions of Law No. 13 of 2003 and Majalengka Regency Regional Regulation No. 9 of 2022 concerning Manpower, but in its implementation it is not optimal, because several garment companies in Majalengka Regency have not provided psychologist consulting services.

Obstacles faced by women workers in Majalengka Regency in obtaining legal protection

The protection of women workers in Majalengka Regency has several obstacles in its implementation, which are explained as follows:

Majalengka Regency Regional Regulation No.9 of 2022 concerning Manpower.

Article 1 paragraph (3) of Law No. 23 of 2014 concerning Regional Government emphasizes that local governments are elements of local government organizers who lead the implementation of government affairs that are the authority of autonomous regions. In this context, the DISNAKER (Manpower, Cooperatives, and MSMEs Office) of Majalengka Regency has the responsibility to ensure that the rights of all workers are fulfilled and protect them in accordance with the provisions of Law No. 13 of 2003 concerning Manpower. Implementation of work and safety agreements and occupational health in several companies is not optimal because in some garment companies in Majalengka Regency there are still those who use Company Regulations (PP) and occupational safety and health in several garment companies in Majalengka Regency have not provided psychological consulting services. And, the existence of incompleteness and the absence of Majalengka Regency Regional Regulation No. 9 of 2022 concerning Manpower related to the rules on menstrual leave rights, shuttle transportation, this shows that the local government has not been optimal in exercising its authority to protect the dignity and dignity of women workers and the recognition of human rights, and can create legal uncertainty and can harm them. It can also open up opportunities for companies to act arbitrarily without clear legal consequences. The results of the interview with the DISNAKER (Manpower, Cooperatives, and MSME Office) that the regulation has not been regulated comprehensively which should be in accordance with Law No. 13 of 2003 concerning Manpower which regulates the protection of female workers regarding shuttle transportation and menstrual leave rights. Regarding the fulfillment of shuttle transportation rights, the DISNAKER (Manpower, Cooperatives, and MSMEs Office) handed over to their respective companies according to their capabilities. This is clearly not in accordance with the higher rules, namely Law No. 13 of 2003 concerning Manpower. The fulfillment of menstrual leave rights in collective bargaining agreements or company regulations has been regulated in accordance with Law No. 13 of 2003 concerning Manpower even though in fact it has not been regulated in Majalengka Regency Regional Regulation No. 9 of 2022 Majalengka Regency concerning Manpower. Regarding the theory of legal protection, the Majalengka Regency Government must periodically revise the Majalengka Regency Regional Regulation No. 9 of 2022 to regulate and strengthen the rights of women workers, as well as provide protection of their dignity and dignity and recognition of human rights to them as stipulated in Law No. 13 of 2003 concerning Manpower.

Female workers

The definition of workers according to the provisions of Law No. 13 of 2003 concerning Manpower Article 1 paragraph (3) and in accordance with the provisions of Majalengka Regency Regional Regulation No. 9 of 2022 Article 1 paragraph (9) is as follows:

"Worker or laborer is any person who works by receiving wages or other forms of rewards".

Women are individuals with natural characteristics such as softness, flexibility, perseverance, patience, and attractiveness, which are generally inherent in

feminine nature. For example, having reproductive organs is very important for the health of female workers because if their health is good, it will have an impact on good and optimal work productivity (Djakaria, 2018). The results of interviews from female workers in Majalengka Regency show that there are still many female workers who do not know the rights of female workers related to the right to receive shuttle transportation, menstrual leave rights, and occupational health and safety protection, because there is no socialization about the rights of women workers from companies or local governments. But on the other hand, there are many women workers who know their rights, but they prefer not to get their rights because of complicated procedures and are afraid of not getting approval from the company and women workers do not have the courage to complain to the authorities if their rights are not fulfilled with the reason that they are afraid that something undesirable will happen and harm them. In relation to the theory of legal protection, women workers should have the courage to complain if their rights are not fulfilled, they should be entitled to these rights because this concerns the protection of dignity and dignity and the recognition of human rights as women workers.

CONCLUSION AND RECOMMENDATIONS

1. In general, the implementation of the provisions in Law No. 13 of 2003 concerning Manpower, especially related to the protection of women workers in Majalengka Regency, has been implemented. However, there are still some rights of women workers that have not been properly fulfilled and there are still some rights of women workers that have not been regulated in the Majalengka Regency Regional Regulation No. 9 of 2022 concerning Manpower, such as the right to shuttle transportation for female workers on night shifts and the right to menstrual leave.
2. The incompleteness and absence of Majalengka Regency Regional Regulation No. 9 of 2022 concerning Manpower related to the rules for menstrual leave rights, shuttle transportation, shows that local governments have not been maximized in exercising their authority to protect the dignity and dignity of female workers, and can create legal uncertainty and can harm them. Therefore, the Majalengka Regency Government must periodically revise the Majalengka Regency Regional Regulation No. 9 of 2022 concerning Manpower to regulate and strengthen the rights of women workers, as well as provide protection to them as stipulated in Law No. 13 of 2003 concerning Manpower. The results of the interviews obtained show that there are still many female workers who do not know the rights of female workers related to the right to get shuttle transportation, menstrual leave rights, and occupational health and safety protection, because there is no socialization about the rights of women workers from companies or local governments and women workers do not have the courage to complain to the authorities if their rights are not fulfilled for the reason that they are not fulfilled because they are afraid that something undesirable will happen and harm them.

ADVANCED RESEARCH

The implementation of Law No. 13 of 2003 concerning Manpower in Majalengka Regency has shown progress in protecting women workers. However, gaps remain, particularly in the Regional Regulation No. 9 of 2022, which does not yet regulate essential rights such as menstrual leave and shuttle transportation for night shift workers. These omissions indicate the need for further research on the extent to which local governments utilize their regulatory authority to uphold labor protections, especially for women.

Future research should focus on analyzing the impact of this regulatory gap on women workers' welfare and legal certainty. It is also important to assess the level of awareness among female workers regarding their labor rights and identify the factors that discourage them from reporting violations, including fear of retaliation. Furthermore, studies could explore the effectiveness of current communication and outreach mechanisms between companies, local authorities, and workers. This research can provide valuable input for revising and strengthening local manpower regulations to ensure that they align more closely with national labor standards and effectively protect the dignity and rights of women in the workforce.

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