

**JLPH:**  
**Journal of Law, Politic**  
**and Humanities**<https://dinastires.org/JLPH>[dinasti.info@gmail.com](mailto:dinasti.info@gmail.com)

+62 811 7404 455

E-ISSN: 2962-2816  
P-ISSN: 2747-1985DOI: <https://doi.org/10.38035/jlph.v5i5>  
<https://creativecommons.org/licenses/by/4.0/>

## Legal Guarantees and Protection of Women's Labor Rights in the Industrial Sector: Study of IWIP Limited Company, Central Halmahera District

**Hasan Madilis<sup>1</sup>, Irfan Hadi<sup>2</sup>, Nur Ida<sup>3</sup>**<sup>1</sup>Universitas Muhammadiyah Maluku Utara, Maluku, Indonesia, [hasanmadilis23@gmail.com](mailto:hasanmadilis23@gmail.com)<sup>2</sup>Universitas Muhammadiyah Maluku Utara, Maluku, Indonesia, [fhummu@yahoo.co.id](mailto:fhummu@yahoo.co.id)<sup>3</sup>Universitas Muhammadiyah Maluku Utara, Maluku, Indonesia, [nur.ida.ummua@yahoo.com](mailto:nur.ida.ummua@yahoo.com)Corresponding Author: [hasanmadilis23@gmail.com](mailto:hasanmadilis23@gmail.com)<sup>1</sup>

**Abstract:** This research is entitled Legal Guarantees and Protection of Women's Labor Rights in the Industrial Sector: Study of IWIP Limited Company, Central Halmahera District. This paper analyzes IWIP Limited Company, Central Halmahera District, Indonesia and aims to analyze IWIP Company's implementation of Law Number 13 of 2003 on Labor which is the legal basis for industrial relations as well as the rights and obligations of workers, including maternity rights for female workers. This paper employed the empirical research method and was descriptive research. Results showed that in the effort to implement legal guarantees and protection of the rights of female workers according to Law Number. 13 of 2003 concerning employment, at PT. IWIP has been running well, only in several aspects regarding the Maternity Rights of female workers. in anticipating the occurrence of violence and sexual harassment in the work environment, the Guidelines for the Prevention and Handling of Sexual Violence in the Workplace will only be socialized by the Industrial Relations of PT. IWIP to determine which methods will be applied, as well as which parties are substantially related to female workers to occupy structural positions for service, supervision and action. This includes the scope of prevention and prosecution of human trafficking.

**Keyword:** Legal Guarantee, Maternity Rights, Female Workers, Halmahera, Indonesia.

### INTRODUCTION

At first, the history of industry positioned human power still dominating the production of goods and services, even more than that, the equipment supporting the production of goods and services from and to the market was still very simple. Of course, such a thing is not general in all geographical areas and human anthropology, where the level of human civilization in the hemisphere "Continent" is certainly different.

Currently the industrial era is heading towards a much more modern technological advancement, this era is then known as the numeric code 4.0, the numeric code is identical to the advancement of digital technology, where computerization is the main variable supporting the productivity of goods and services in the industrial sector. technological advancement does

not mean that it does not tell "new problems", but rather has an impact on the replacement of human power to robotic or computerized systems in almost all lines of the industrial sector, this is a problem that occurs massively throughout the world. Just look at the speculation of the business world, where profit and loss are two things that cannot be separated, efforts to increase profits are the goal, while reducing losses are a challenge. On the other hand, the availability of human resources is a problem for a country, the increasing number of human population in productive age is a challenge for the country to be able to accommodate it. Indonesia itself for the demographic bonus era as of January 1, 2023, the population has reached 273.52 million people. Of this number, around 190.83 million people or (69.36%) are categorized as being in the productive age group, with an age classification of 15-64 years (Kusnandar, 2022).

Referring to the figure (69.36%) of productive age from the total population of Indonesia above, it is certainly a problem that must be prioritized, while the availability of jobs in the industrial sector tends not to be directly proportional, although the industrial growth rate in early 2023, for example in the processing industry sector, showed expansion in January 2023 at 51.54% with an assumption of 71.4%. The company stated that the general condition of business activities was relatively stable and improving (Sayekti, 2023). Something similar can be seen in the mining sector, where data released by the Central Statistics Agency (BPS) shows that the growth of the mining sector increased by 12.22% while supporting national economic growth in 2022 (Pink, 2023). Overall, the contribution of sectors and sub-sectors to national economic growth is dominated by the industrial sector, which is 21.31%, in addition to trade at 13.37%, agriculture at 13.41% and the mining sector at 11.06% (Armelly et al., 2021).

The mining sector significantly contributes greatly, a similar question was raised by the Head of the Trade Policy Agency of the Ministry of Trade, Dr. Kasman, that the export performance of the mining sector during January-March 2023 reached 21.30% of Indonesia's total exports. The nominalization of the mining sector in the first quarter is estimated to reach US\$14.31 billion, with growth reaching 28.14% YoY (Nilai Ekspor Sektor Pertambangan Triwulan I 2023 US\$.14,31 Miliar, 2023). Overall, referring to MODI data from the Ministry of Energy and Mineral Resources, specifically for 2021 alone, there were 5,474 Mining Business Permits (IUP), an increase from 2020's 5,395 IUPs (Umah, 2021). Likewise, the contribution of the mining sector has so far been a supporter of national economic growth.

If we look closely at the growth of the national mining sector locally, even though it is assumed that the mining sector contributes to national economic growth, then in this introduction the author tries to do comparative reasoning to see the relationship between opportunities and challenges, for example in the image of the official blog of the Indonesian Mining Legal Area, in image II.1. Mining Areas (WP) are carried out by the central government through good governance and sustainability by paying attention to the priorities and development of the region as well as national defense and resilience. As an affirmation, if there is a conflict of interest in the use of permits for other overlapping business activities, then the interests of national development become the priority that is prioritized (Menteri Energi Dan Sumber Daya Mineral Republik Indonesia, 2022). Regarding the government's priority for national interests, it is a tough choice where employment and the industrial sector are a necessity that must receive serious attention from all parties, not just the government. If national interests are given much higher priority, the problem is, not just "national interests in the form of state revenues" but also several issues at the level of public policy and its practical horizontals.

In terms of industrial sociology, the conflict between the Workforce and the Company, up to the Guarantee of regulatory positions of the parties is still ongoing. Just look at how the formulation of laws and regulations related to the world of industry and employment into the omnibus law political policy until the emergence of Law Number. 6 of 2023 concerning Job Creation. Apart from the noise of this regulation, the conflict actually occurs between the Workforce and the Government because it is suspected that the regulatory policy is not in favor

of the workforce, then the workforce and the company because of the work contract and the implementation of laws and regulations by the company regarding the scope of industrial business activities including labor rights related to company regulations.

Often we see and hear in the news about the feud between workers and companies that are common in almost all companies, both personal and collective, such things also do not escape from the mining sector. In general, the motives of the conflicts that occur are related to labor rights, including feuds between companies and communities around the mining company area with various triggering factors, although somewhat subjective but the empirical facts are like that in public opinion.

The circulation of such irresponsible news is also suspected of giving rise to antipathy towards the sustainability and reputation of the company, even though the company has tried to maintain a harmonious and humane relationship between workers and the company, with the aim of ensuring that production activities are not disrupted by matters that can actually be resolved properly and transparently without benefiting or harming one party.

Focus on the mining sector conflict, for example, from the description of this chapter, the main urgency that can be presented, for example, mining activities taking place at PT. IWIP in Central Halmahera Regency. There is something interesting about the activities of PT. IWIP, for example, it was recorded that there were three companies that were included in the Zero Incident category qualification for 2023, it was recorded that there were three companies in North Maluku that were named zero incidents, including PT IWIP which is located in Central Halmahera Regency, North Maluku Province. Zero incidents are interpreted as companies that are able to maintain working hours without any accidents (Muhammad, 2023). PT. IWIP with its nickel mining excellence, circulating data regarding speculation of its nucleolar production estimated annual export value reaches 34-50 trillion rupiah (Wowiek, 2022). At the same time, it will boost the economic growth of North Maluku with the assumption that the GRDP sector will reach 16.5% in the first quarter of 2023 (Pratiwi, 2023). This achievement shows that PT. IWIP is an icon of North Maluku's growth in addition to other existing industries.

Nickel mining production activities at PT. IWIP some time ago were disrupted by a number of cases, for example, cases of abuse that resulted in death (Sufrin, 2022). There is an allegation of unilateral Termination of Employment (PHK) by PT. IWIP against workers (Ino, 2020). Workers' demands not to be subject to wage deductions due to the cessation of worker activities at the Smelter L unit of PT. IWIP (PT IWIP Harus Menyetop Produksi Nikel Di Smelter L, 2023). The destruction of PT. IWIP Company facilities by workers due to worker riots, which ended with the determination of eight suspects as the masterminds of the riots and destruction of facilities and looting of PT. IWIP by the Halmahera Resort Police (Herin, 2022).

From several examples of cases above, again the issue of Industrial Relations Rights and Obligations is a common problem, if that is the "hypothesis", then of course it will revolve around the extent to which the rules position the parties, both the Company and workers or employees empirically. One of the identities of workers' rights is the issue of wages that are directly proportional to obligations (workload and time), in addition to social, spiritual and health/biological rights in the scope of fundamental human rights. If wage rights are common, then what about social rights, spiritual rights and health or biological rights, Because employment consists of male and female workers, on this occasion the author focuses more on the rights and obligations of female workers, considering that female workers still lack articles or practical references to measure the effectiveness of the reach of laws and regulations that are substantially related to the basic dignity of women. In general, no less than eight rights of female workers are based on laws and regulations, for example Article 81 and Article 82 of Law Number 13 of 2003 concerning Manpower. Likewise, Law Number 3 of 1992 concerning social security for workers, then in Government Regulation Number 14 of 1993 concerning the Implementation of the Social Security Program for Workers, and so on. Moreover, the position

of women's roles has a dual function in certain cases, this then needs to get special attention based on the Eastern legal culture in this context of living law and the anthropological character of Indonesian people towards national progressiveness which is currently being built on the basis of restorative justice.

This paper aims to analyze: (1) legal guarantees and protection of female workers' rights according to Law Number 13 of 2003 concerning employment at PT. IWIP Central Halmahera Regency and (2) obstacles in implementing legal guarantees and protection of female workers' rights according to Law Number. 13 of 2003 concerning employment, at PT. IWIP Central Halmahera Regency.

## METHOD

Method is a process to solve a problem, while research is a detailed examination, namely with full care, diligence and thoroughness of a symptom to add to human knowledge, thus, research methods can be interpreted as the process of principles and procedures to solve problems faced in conducting research (Soekarto, 1984).

According to Ronny Hanitijo Semitro, research is carried out to obtain scientific truth from a problem being studied, therefore to determine scientific truth, rational approach methods and empirical approach methods are combined, here rational provides a logical thinking framework, while empirical is a framework of proof or testing to ensure a truth (Soemitro, 1988).

The empirical approach method is a method that views social phenomena as a whole. The empirical approach is interpreted as a sociological approach considering the essence of the scope of its research with certain characteristics, as well as the characteristics of the study of legal sociology. According to Zainudin Ali, the characteristics of the study of legal sociology are legal phenomena in society to realize; (a) description, (b) explanation (c) disclosure (revealing), and (d) prediction.

Sociology of law attempts to provide a description of legal practices. If it is differentiated into the making of laws, the application in courts, then it also studies the practices that occur in each of these areas of legal activity. Sociology aims to explain why legal practices in social life occur, the causes, what factors influence them, the background and so on. The sociology of law always tests the empirical validity of a regulation or legal statement, so that it is able to reduce a law that is appropriate and/or inappropriate for a particular society. Sociology does not conduct research on law, behavior that obeys the law, both are equal objects of observation, it does not judge something more than others. Its main concern is only to provide an explanation of the object it studies.

According to The Liang Gie, the research approach method can be interpreted as a procedure for obtaining data based on certain measurements related to the research problem (Gie, 2004). In line with that, according to Ronny Hanitijo Semitro, sociological legal research is studying the reciprocal relationship between law and other social institutions, legal studies as law in action are doctrinal and empirical social science studies. Thus, the steps and technical designs of sociological legal research follow the pattern of social science research, especially psychology, therefore this legal research is called sociological legal research or socio legal research. With this approach, what is mainly studied and researched is the law in its implementation or law in action (Soemitro, 1988).

Sociological legal approach. This sociological legal approach is applied with the intention of technical application and study of the relationship between legal aspects and non-legal aspects of the functioning of law in society, so that law is not only seen as a closed and autonomous norm, but has a close relationship with non-legal variables. Thus, this approach is intended to be able to determine which data or legal materials have the quality as expected or

required legal data or materials and which data or legal materials are irrelevant and have no relationship to the research material (Fajar & Achmad, 2019).

In this research, the focus is on the descriptive type of research, namely by trying to provide a description and explanation, a systematic, factual and accurate picture of the facts, characteristics and relationships between clear phenomena and the problems being studied. The location of the research is PT. IWIP which is located in Central Halmahera Regency.

This paper employed primary, secondary, and tertiary data. Because the research approach method is empirical juridical, the primary data was obtained from the parties, namely; PT. IWIP, North Maluku Province Manpower Office. Then, the secondary data was data source consisting of primary legal materials and secondary legal materials, namely: (1) Law No. 13 of 2003 concerning Manpower and (2) Law No. 6 of 2023 Concerning Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 Concerning Job Creation. Then, the tertiary data are types of materials that provide guidance and clarity on primary legal materials, namely; Legal Dictionary, Indonesian Dictionary, English Dictionary, and Smart and Instant Program. Rekso Translator Release 2. English-Indonesian and Indonesian-English. Version: 2.1.a. Serial No: RT2-0012345, research results, seminar papers, articles that are still relevant to the main issues to be studied.

The informants in this study are people who are considered to know, experience, or see directly regarding the point or substance of the research problem that will be studied.

The authors collected primary data from interviews and observation. Interviews are a series of question and answer processes or direct interviews between researchers and respondents, sources or informants to obtain information (Fajar & Achmad, 2019). In addition, this study also applies interview techniques using communication media such as e-mail, telephone or similar communication features on Android to facilitate the reach in obtaining data, save time and budget and anticipate inhibiting factors that affect research activities, in addition to anticipating the types of data that have not been obtained. Then, observation are activities carried out by researchers in order to collect data by observing the phenomena that occur, which are relevant to the object of research. The authors collected secondary data, which is a documentary method, namely, a series of review, investigation and/or research actions carried out by means of literature study.

This writing uses qualitative analysis techniques, where the data analysis technique uses the theoretical interpretation method, namely an analysis technique by means of dialogue between the data obtained which is then translated and discussed substantively based on theories, doctrines and legal principles as well as laws and regulations related to the main and sub-main issues being studied

From the study of the relevance of documents or library materials regarding the main problem of the writing being studied, it is then studied integrally until it becomes a complete unit. The data obtained will be presented in a final research report that is systematically arranged.

## **RESULTS AND DISCUSSION**

Established on August 30, 2018, PT. Indonesia Weda Bay Industrial Park (IWIP) is currently an integrated industrial area for heavy metal processing (nickel) and one of the national priority projects based on PEPRES No. 18 concerning the national long-term development plan for 2020-2024. Geographically, PT. IWIP is located in the Lelilef Village Area, Weda District, Central Halmahera Regency, North Maluku Province.





Source: Satellite Photo

**Figure 1. Map of mining area of PT. Indonesia Weda Bay Industrial Park (IWIP). The integrated industrial zone of PT Indonesia Weda Bay Industrial Park (IWIP) is located in Lelilef village, Weda District, Central Halmahera Regency, North Maluku Province**

Listed as one of the largest nickel companies in Indonesia, PT. IWIP supplies almost 30% of nickel ore in nickel mining in Indonesia (Siregar, 2025). Currently, PT. IWIP from May to August 2023 is employing almost 2722 female workers, and this number will continue to increase along with the opening of work unit capacity to provide resources.

In addition to the maternity rights of female workers, furthermore in the context of PERMENAKER No. 8 Per-04/Men/1989 Concerning; Night Work Requirements and Procedures for Employing Female Workers at Night. The implementation of this regulation for Female Workers is 8 hours, where one (1) hour in it is counted as overtime, which in time is calculated as an accumulation of overtime allowances. In practice, by PT. IWIP as per the Joint Working Regulation (PKB), for its female workers, additional services are provided by the management of vehicle facilities to take female workers home who work at night.

The working hours applied at PT. IWIP are 7-8 working hours, the same thing also applies to female workers. Regarding the work shift cycle, working hours at PT. IWIP generally take place in two shifts, namely the morning shift and the afternoon shift. The term SIF itself has the meaning of "coming in or working, taking turns in the factory and so on, either coming in the morning or at a certain time." where the morning worker group will be replaced by the afternoon worker group according to their respective work hour obligations. Currently, PT. IWIP does not employ women under the age of 18 as stated in Article 76, (1) of Law No. 13 of 2003 concerning Manpower. When working hours are active at PT. IWIP, it looks very dramatic, the traffic of heavy vehicles, the grandeur of smelter factories to mounds of mining materials, no different from a combination of humans and machines, we are like in another dimension that we do not commonly encounter around us. Everyone is busy with their respective roles, from controlling the Tower Crane, driving heavy equipment, to the cleaning service section, but there is something interesting and must receive special attention from the management of PT. IWIP and the local government, namely when the night shift changes to morning, where subjectively it seems that there is a condition of workers, both physically and mentally, with relatively decreased stamina, sleepy and weak, disheveled with pale faces mixed with dust. The question is how long can the workers survive in these conditions, especially the female workers...

So far, the implementation of legal guarantees and protection of the rights of female workers at PT. IWIP has been running well, however, there is still a perception about the "gap between expectations and reality", whether this gap is part of the problem or perhaps also an obstacle related to legal guarantees and protection of the rights of female workers, and how important the handling efforts are will be reviewed further in the second sub-chapter.

In terms of violence and harassment against female workers, to the point of allegations of “Human Trafficking (TPPO)”, if the context shifts slightly from the topic being studied, however, the object of the Criminal Act of Human Trafficking (TPPO) is women, as per Law

21 of 2007 concerning the Prevention of Criminal Acts of Human Trafficking (TPPO). So the issue of TPPO will be discussed a little further in this writing.

### **Implementation of legal guarantees and protection of women workers' rights according to Law Number 13 of 2003 concerning employment at PT. IWIP Central Halmahera Regency**

In the implementation of industrial relations between PT. IWIP and the workforce, of course in this case, the company always refers to the applicable laws and regulations, in addition to other provisions that are internally made and agreed upon together or known as the Joint Labor Agreement (PKB). The presence of the Joint Labor Agreement (PKB) is a form of the Company's responsiveness to the implementation of Law Number. 13 of 2003 concerning employment, amidst the government's political efforts (legislation) to continue to make improvements in the field of regulations related to industrial relations. The design and form of the Joint Labor Regulations (PKB) which by PT. IWIP is then packaged in the form of a pocket book so that it is easy to carry and study in your spare time.

Based on its function, the Collective Labor Agreement (PKB) is practically a basic guidebook regarding the position of the Rights and Obligations of the Parties, starting from regulating working hours, Occupational Safety Standards (K3), Health, and others, including special rights for female workers or what we know as Maternity Rights.

In accordance with the topic of this research, in terms of legal guarantees for the fulfillment of female workers' rights or maternity rights, PT. IWIP is currently trying to realize it, up to the guarantee and provision of additional facilities by PT IWIP for comfort and safety specifically for female workers, although maternity rights are actually related to biological aspects that are natural to women, but PT. IWIP's priority is more on fulfilling the Company's obligations to Workers' Rights in general as indicated by laws and regulations. Regarding whether PT. IWIP's attention will be directed at the "what" issue, it really depends on the urgency of the problem at that time, considering that PT. IWIP itself is currently in the phase of building production facilities and arranging other infrastructure.

Basically, women and all their basic legal rights have been regulated in the constitution, where the right to have an equal life in the eyes of the law, the right to equal dignity, and the right to a decent living, and so on, are the fundamental basis which is then translated into the legal regulations below which are the corridor for the layout of the rights and legal obligations of every citizen, what is meant here is the legal dignity of female workers. Likewise, the International Conference on the Development of World Labor (ILO).

#### **a. Legal Basis for Female Labor**

There are so many laws and regulations concerning women and women's employment, both the results of international conferences and joint work agreements between the parties, both companies and workers. The following is a summary of the legal basis for the existence of women's employment;

- 1) Law no. 80 of 1957 concerning the approval of ILO Convention No. 100 concerning wages for men and women for work of equal value (State Gazette no. 171 of 1957)
- 2) Law number 07 of 1984 concerning the ratification of the convention on the elimination of all forms of discrimination against women (convention on the elimination of all forms of discrimination against women)
- 3) Law number 21 of 1999 concerning the ratification of the ILO Convention no. 111 concerning discrimination in respect of employment and occupation.
- 4) Law number 39 of 1999 concerning human rights
- 5) Law number 13 of 2003 concerning employment

- 6) Law Number 21 of 2003 concerning the ratification of the ILO Convention No. 81 concerning labor inspection in industry and commerce
- 7) Law number 6 of 2023 concerning the stipulation of government regulations in lieu of law number 2 of 2022 concerning job creation into law
- 8) Law No. 21 of 2007 on the Eradication of Criminal Acts of Human Trafficking
- 9) Government regulation number 36 of 2021 concerning wages
- 10) PRESIDENTIAL DECREE number 88 of 2002 concerning the national action plan for the elimination of trafficking in women and children
- 11) Minister of Manpower Regulation No. 88 of 2023 concerning guidelines for the prevention and handling of sexual violence in the workplace.

If we trace it, there are quite a few laws and regulations that regulate the rights and protection of women in all lines, as well as the legal basis for women's rights and legal guarantees in the industrial sector. However, the problem is not only how many laws and regulations are made to regulate, it really depends on how the regulations can play their role in society, this means that the concept of these regulations is a series of abstract concepts, these regulations are only visible if there is a role from the competent authority or the role holder. Likewise, the legal position of women in the industrial sector or female workers, which specifically regulates the maternity rights of female workers nationally, which is regulated in Law No. 13 of 2003 concerning Manpower. Furthermore, the government through the Ministry of Manpower of the Republic of Indonesia issued Decree No. 88 of 2023 concerning Guidelines for the Prevention and Handling of Sexual Violence in the Workplace. This regulation also adds to a series of regulations that position female workers as legal objects that must receive special attention from role holders or stakeholders on the issue of women's legal rights and dignity. Up to other regulations that are internally made and agreed upon jointly by the relevant parties regarding industrial relations for women (female workers).

From the data obtained, that PT. IWIP itself has carried out the obligation to guarantee the rights and legal protection of female workers according to applicable regulations, namely by providing facilities and infrastructure to guarantee maternity rights, conveying information and "so on", it's just that the interesting issue here is not on PT. IWIP is said to be the holder of the role of the legislation. What we have to separate on the side is the matter of placing the roles of the parties related to the substance of this research. First, PT. IWIP here has the status and position as a subject and object of law, it is said to be a legal subject because in the legal principle of the agreement it positions the parties (people or corporations) in the agreement as legal subjects who place the norms of rights and obligations as aspects that are binding according to positive law on what the agreement is made and how the contents of the agreement are. Second, PT. IWIP is said to be an object of law in industrial relations agreements, because there are regulations governing Work Contracts and Industrial Relations, where every company is required to comply with all industrial relations provisions including the provisions of the article on maternity rights. Third, PT. IWIP as a role holder, is said to be a role holder because PT. IWIP internally has "Corporate rights" authorized to make technical regulations related to industrial relations interests together with the parties.

*Fourth* separating subjective roles and objective roles, therefore in the context of the position of the role of PT. IWIP is in the Subjective Role because the initial status of the Company is the subject of the agreement which then becomes the object of the law of the agreement. For further discussion we will discuss in the next sub-chapter.

#### **b. Legal Structure (Institution)**

PT. IWIP itself has a task force or unit (Female Workers Welfare Unit) which is tasked with carrying out the function of fulfilling the maternity rights of female workers, in addition to labor unions formed by PT. IWIP. The Female Workers Welfare Unit was established with



the aim of implementing labor laws relating to maternity rights as stipulated in Article 81, Article 82, Article 83, Article 84 and Article 93 (2) with the exception of Law Number 13 of 2003 concerning labor.

The maternity rights referred to are: (1) menstrual rest/leave, (2) maternity leave/rest, (3) miscarriage leave/rest, (4) breastfeeding opportunities and breastfeeding facilities, (5) prohibition on employing pregnant female workers in dangerous conditions, (6) prohibition on dismissal due to pregnancy, childbirth, miscarriage or breastfeeding, (7) provisions for employing female workers at night, and (8) gender-based violence (protection from violence, harassment and discrimination).

In the practical aspect of the implementation of Law No. 13 of 2003 concerning Manpower, the fulfillment of maternity rights for female workers is further translated and described in the Joint Working Agreement (PKB) of PT. IWIP for 2022-2023 which also serves as the basis for implementing the function of the PT. IWIP Female Worker Welfare Unit. The form of the joint working agreement norm is as follows;

- 1) Article 28 Maternity Leave/Miscarriage Leave: Female workers are entitled to a 1.5 (one and a half) month rest period before giving birth and 1.5 (one and a half) months after giving birth according to the calculation of an obstetrician or midwife. Or a rest period based on the request of the worker without exceeding the specified time span. The length of rest can be extended based on a certificate from an obstetrician or midwife either before or after giving birth.
- 2) Article 27 Rest on the first and second day of menstruation: Female workers who experience pain during menstruation, after notifying their Direct Superior/Department Manager and providing a doctor's certificate, are not required to come to work on the first and second days of menstruation.
- 3) Article 24 Other official permits (Marriage, etc.): Leaving Work for the following events; Marriage, Circumcision & Baptism and Death. etc.
- 4) Article 56 To obtain protection and access to facilities while working: Protection and Facilities for Female Workers refer to Article 76, Law 13 of 2003 concerning Manpower and Ministerial Decree No. 224 of 2003.
- 5) Article 62 - 81 Submission of Complaints to Action Against Worker Violations: Implementation of protection for workers, especially female workers, from discriminatory actions and actions that lead to criminal acts.

Specifically on the provisions regarding discrimination and crimes involving female workers as both perpetrators and victims, PT. IWIP through Human Resource Development (HRD) Industrial Relations in collaboration with the North Maluku Provincial Manpower Office coordinates the implementation of the Decree of the Minister of Manpower and Transmigration No. 88 of 2023 concerning Guidelines for the Prevention and Handling of Sexual Violence in the Workplace. Where the above Decree is the basis for the PT. IWIP Female Worker Welfare Unit to carry out its functions.

How effective is the role of the PT. IWIP Women's Workers' Welfare Unit in fulfilling the maternity rights of its workers, of course, depends on the culture of implementing the law, both the function of the work unit and the provisions that are its responsibility.

If we pay attention to the series of legal elements related to maternity rights, then it is certain and reasonable to suspect that expectations and reality are not yet in accordance, if only limited to the normative aspect as an indicator, which may seem subjective. Why? First, PT. IWIP as the holder of the mandate of the law on maternity rights that must be fulfilled by PT. IWIP for its female workers. Second, PT. IWIP as the technical executor to realize the maternity rights of female workers. Third, PT. IWIP is obliged to make statistics on complaints and handling of maternity rights, and fourth, PT. IWIP is obliged to make counseling reports and

percentage indexes for assessing the performance achievement of its Female Worker Welfare Unit.

Let's just say, if the above has been done then it is possible that the subjective aspect has the potential to occur as long as it is only normative, even though there is also a similar role by the authorities in this case the North Maluku Provincial Manpower Office to carry out its supervisory function, but the problem is not as comprehensive as we imagine it will be implemented, this is supported by the accusation of negative stigma against PT. IWIP which covers the legal aspects of female workers. while women's issues are complex issues and should be answered so that therefore, it is within the scope of the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia. The next question is whether the Ministry of Women's Empowerment and Child Protection through the Regional Dianas/UPTD can take a role in "the matter"? the answer is necessary.! Just imagine that Indonesia has Law number. 14 of 2008 concerning the openness of public information while the news that is flawed and confusing news is an indicator of the negative stigma attached to the parties who are the targets of criticism that is not necessarily true what is suspected. Furthermore, is there also integrated or cross-agency supervision for the matter in question? Of course, this is necessary as a form of harmoniously integrated legal culture.

We must ensure what the purpose of supervision is related to industrial relations, of course supervision is carried out with the intention that the implementation of legal policies runs according to expectations (dasain and dasolen). We cannot measure a legal event based on assumptions, meaning we must have indicators from and the release of the news is confirmed or not because this is a matter of the alleged legal status of a person who is constitutionally guaranteed about the presumption of innocence, Who is the perpetrator, Who is the victim, Who is the witness, What is the evidence, What is the evidence, in addition to the legal situation, time of the incident, place of the incident and the method used. Although the turmoil of negative issues and stigmas is circulating, the fact is not an opinion but data confirmed by the competent authority.

### **c. Legal Culture**

In this section, the legal culture that takes place in the PT. IWIP area is very strict, starting from orderly areas based on tasks and functions, use of time, orderly safety standards (K3) to the use and utilization of facilities. Similar things are common in all companies, especially companies with international reputations.

Legal culture again in the concept of modern law, that good law encompasses the cultural aspects of its legal application. One of the legal cultures is the issue of supervision, whether the supervision is carried out internally or involves external parties (integrated) depends very much on the legal basis that is the basis for the parties involved to carry out the supervisory function. Here we see whether the realm of supervision and protection of female workers related to their maternity rights can be carried out by the Ministry of Women's Empowerment and Child Protection through the Office or UPTD of Women's Empowerment and Child Protection in the Region, or by Community Empowerment Institutions (NGOs) this will be a special discussion about "coordination and integration of supervision of female workers", but on this occasion the author emphasizes more on the aspect of Legal Culture in the study of instrumental legal studies.

The main point of instrumental study of law does not only review specific matters regarding legal concepts and their application, but instrumental study of law will review more deeply as long as the object of study and analysis are interrelated with each other, about which conclusions can be drawn then it depends on the representation of the results of the analysis. Instrumental study variables review the issue of Description, Explanation of Disclosure and Prediction at the same time this concept strengthens the study of sociology of law in society.

Law is not only seen as a series of rigid and abstract legal norms, the law can only show its form if there is a role from the competent authority. So many legal cases are not processed according to expectations while the protection of victims and witnesses of legal events from the aspect of influencing also becomes a challenge in fulfilling legal rights and responsibilities.

The presence of PT. IWIP is a major factor in changing social, economic, political and legal behavior both inside and outside PT. IWIP, these drastic changes have influenced the emergence of legal violations, a kind of new cultural mixture, be it social culture, group politics, racial politics, economic politics including interest politics. A number of alleged legal cases have occurred, fights between residents, sexual harassment, rape, domestic violence (KDRT) to, night entertainment service providers suspected of human trafficking (TPPO). From the results of the study, information about alleged sexual harassment and violence against female workers at PT, IWIP does not show authentic factual data that the incident has occurred, although in interview reports with several parties outside the Company, that there has been such an incident. If domestic and foreign female workers are suspected of being potentially within the reach of the types of crimes mentioned above, for example, the alleged human trafficking (TPPO), how are the identity documents of the female workers.

If the implementation of the law aims to ensure the fulfillment of the legal rights and obligations of the parties, then the supervision is carried out with the intention of ensuring that the law works as expected and finding the public's response to the law, when the law works through the role of the authorized authorities for that. One thing that should be noted is that not all legal regulations have and are able to accumulate the legal needs and sense of justice in society, so that we need the autonomy and independence of authorized officers (discretion), where discretion aims to be used to fulfill legal services and needs practically sociologically to the community.

Why is society reluctant to report a legal event, if that is the question, then have we understood the social legal character of our society today. Hi, this is important to discuss considering that the object and subject of law is society with all its dimensions, in this case the dimension of the legal culture of society. Because in legal culture, society does not just explain, but is able to understand or greet it (blend) within a certain period of time. This is the context of the instrumental study of law that we use. Thus, if we apply these variables to industrial relations regarding legal guarantees and the fulfillment of the rights of female workers (maternity rights), then it is not just about entering, then interviewing and documenting, if that is the target of advocacy.

The practical culture of a particular society is also a factor that underlies the law to work well, community participation in the process of forming and implementing law is the hope of a good State of Law. If previously the integration of legal supervision by the competent authority, then the implementation of the law includes the active role of all elements of society. Both of the above points of view lead to the substance of a responsive legal culture.

### **Obstacles in implementing legal guarantees and protection of female workers' rights according to Law Number 13 of 2003 concerning employment at PT. IWIP, Central Halmahera Regency**

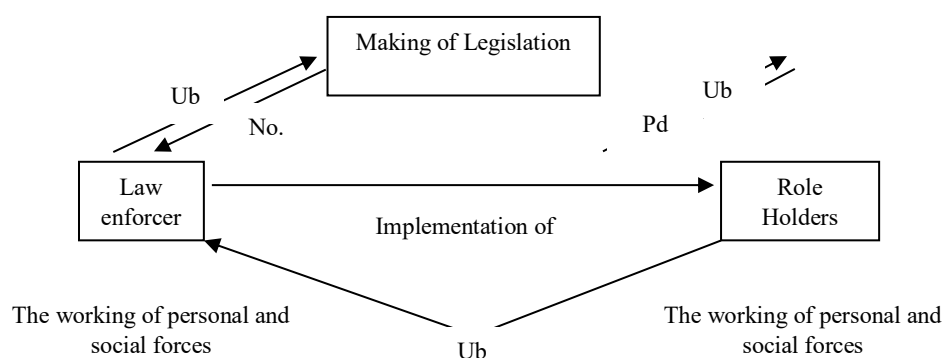
PT. IWIP in the implementation of its industrial relations activities, does not mean without problems, so many problems surround the journey of PT. IWIP, starting from environmental issues, environmental ethics, socio-politics, economy, health, social, law, work safety and so on, which ultimately give rise to negative stigmas against the company with various motives of interest. On the other hand, the company is also a party responsible for making decisions on resolution, whether preventive or repressive to the problems it handles. In the midst of these problems, there is something that attracts attention in this study, namely the Implementation of Law No. 13 of 2003 concerning Manpower, specifically the Maternity

Rights of Female Workers. What is the form of law and its legal elements in its practical implementation, specifically the issue of maternity rights and legal protection in cases of violence and sexual harassment against female workers in the PT. IWIP environment.

Implementing legal regulations is not just implementing the law conceptually as the regulation signals, but in the implementation of the role of the law, there is an authority that normatively binds its function as a legal institution (Legal structure). The authority of the legal structure must have discretionary space to examine, decide and determine a decision, at the same time the decision is the legal basis for the parties. Because not all processes of law formation by the legislative body, all sociological, philosophical, and historical matters are accumulated as elements and variables of consideration for the regulations issued by the government. The understanding of the sociological concept of law above does not intend to enter the realm of constitutional law enforcement, because the discretion given is solely for the fulfillment of law in a living law society, as long as the disputing parties can accept the method of resolving disputes and complaints about industrial relations problems of workers, especially regarding the basic rights of female workers.

Likewise, criminal cases in the industrial relations aspect, with the issuance of the Republic of Indonesia Manpower Decree Number. 88 of 2023 Concerning Guidelines for the Prevention and Handling of Sexual Violence in the Workplace. At the same time, it becomes the basis for taking action against cases as referred to in the KEPMENNAKER. The spirit taken here is about restorative justice, as long as the "cases" in terms of acceptance or legal culture of society can still be resolved amicably, without ignoring the principles of public law. The discretion inherent in the maternity rights service agency and internal law of PT. IWIP, specifically the PT. IWIP Women's Workers' Welfare Unit, aims to carry out its functions as for what the unit was formed.

Before the author discusses the obstacles that are the problems of this research, it would be good for the author to first describe the legal concept of how the law works adaptively. As previously explained, the form of positive legal regulations is not enough to provide an impact on compliance and awareness to position human dignity as both a subject and an object of law. This means that no matter how good the regulation is, the problem is in the legal culture cluster of society in accepting the regulation when it is applied, this is important if we use the concept of how the law works, where this concept emphasizes more on the aspects of application and feedback or response when the regulation is applied by the competent authority. To facilitate our understanding of how the regulation should be applied, we can pay attention to the pattern of how the law works, which includes the process of making it to the response of the recipient of the law;



Source: Warassih (2011)

**Figure 1.** The Working of Personal and Social Powers

RB's view, Siedmaen, the working of law in society as the pattern above is that the position of the role holders determines how the law will work properly regardless of efforts to implement the law ideally. Role holders are those who proportionally have special authority to implement the law. Role is a set of behaviors that are expected to be possessed by people who have a position in society. It is said to be a community group because there is social, political, economic, legal and cultural interaction, in short there are aspects of rights and obligations as ethical norms that must be respected. Likewise, the social environment of industrial relations of PT. IWIP, where PT. IWIP through its Unit can carry out its role as the unit's determination is made so that the forms of law are seen practically.

Regarding the form of law and the formation of law as stated earlier, basically human life activities with all their life needs are very complex, which encompass human life. So it is true that no regulation in any form can concretely and clearly regulate and accumulate the interests of the rights and legal obligations of objects and subjects of law, of course with discretion that is quite conditional on certain limitations that bind the actions of service and fulfillment of the law to be carried out (Rifai, 2011).

The above view is a general aspect, as well as the issue of industrial relations rights and obligations of workers in the PT. IWIP environment, basically between male and female workers there is no difference if with the constitutional principle of "gender equality without exception" but there is a natural nature inherent in women (maternity rights) so in this case the position of male and female workers in terms of rights and obligations is different or in other words, must be distinguished according to the law without releasing the socio-cultural aspects of the supporting community. This also means that the legal intelligence sociologically of the role holders "specifically regarding the basic rights of female workers" is very much needed, because positive law includes the legal principle of "national justice system" which should be upheld as a basis for good legal administration in a positive normative manner, as well as the hope of the concept of effective law or good law.

#### **a. Role Holder Obstacles (Industrial Relations Unit PT. IWIP)**

Basically Law Number. 13 of 2003 concerning employment, specifically in the article on the rights of female workers, only describes the elements of maternity, as an aspect for the fulfillment of natural rights for women, while other aspects of violence and harassment are not specifically part of the scope of this regulation. How we can measure the effectiveness of a regulation that can function mechanically, of course, depends on how the regulation can explain the legal elements that encompass the legal objects in the regulation to be protected. About how it can function further, of course, how the law is realized in the attitudes and actions of the role holders or authorities who carry out the task. As a factual example in this study as a factor of obstacles, including:

The Women's Workers Welfare Unit of PT. IWIP does not yet have counseling data on maternity rights or violence and sexual harassment in the company environment, including domestic violence data where one party has the status of a worker at PT. IWIP. Because what the researcher received was only limited to the source's confession, and then PT. IWIP will strive to fulfill baby care service facilities for workers who need them.

There is no explanation yet whether information and service systems for Maternity Rights of Female Workers have been conveyed other than relying only on Digital Information, one of the points of the Employment Agreement, and how this information is conveyed periodically and on schedule in a harmonious atmosphere.

Regarding the information on additional services to accommodate the comfort and safety of female workers, it has only been conveyed conceptually, but in fact, this is the realm of the integrated supervisory agency according to the substance of its context and how is the



monitoring and supervision system from external parties towards the PT. IWIP Women's Workers Welfare Unit, there is also no clear data.

Good law is a law that is aspired by all nations, one of the variables of good law is the aspect of Culture or legal culture of the role holders, in addition to Substance and Structure as viewed by M. Fredmand. In the example of this writing case, it is a matter of how the role of PT. IWIP in carrying out the function of Industrial Relations as indicated by Law No. 13 of 2003 concerning Manpower. Because basically legal norms are abstract, they can only be seen if there is a role from the "role holders" which is meant here is a person or position assigned or has the authority to carry out the function of the legal norm is realized or realized according to the principle of need or context.

Likewise, regarding the legal structure within the scope of this case, efforts to fulfill the maternity rights of female workers, PT. IWIP has provided a unit for "Women's Workers' Welfare", which has been explained previously, this section specifically handles complaints and complaints from female workers regarding the basic rights of women as workers, so that it is hoped that female workers can obtain services as well as become a forum to channel their aspirations for maternity rights so that they can be considered and at the same time recommend various matters relating to the maternity rights of female workers to the management of PT. IWIP to be more responsive to the existence of Women's Workers' Welfare.

In addition to the "Female Workers' Welfare" unit, as a center for consultation and service for female workers' maternity rights, PT. IWIP also provides Social Media information services through the IWIP Official YouTube Vlog network, where this media is used as a means to convey information on how to channel and obtain Female Workers' Maternity Rights, both in terms of health or socio-political and legal aspects, in addition to the scope of information about industrial activities at PT. IWIP. In terms of fulfilling the maternity rights of female workers in the PT environment. IWIP as indicated in Article 81 and Article 82 of Law No. 13 of 2003 concerning Manpower. Its implementation as previously explained above is in the Joint Working Regulations (PKB) between Workers and the Management of PT. IWIP. So it is certain that these Female Workers have the potential to know what their rights and obligations are stated in the Employment Agreement Sheet as a basis for binding the parties.

Regarding whether these female workers obtain their maternity rights, it really depends on the attention of female workers to obtain them through the unit or party assigned for this matter, including the authority to supervise Industrial Relations in this case the Ministry of Manpower, Sub. UPTD for Supervision and Law Enforcement of the local Regional Manpower Office.

#### **b. Obstacles from Female Workers**

First, the lack of worker awareness regarding taking menstrual rest rights: If we look deeper, it seems that the obstacle factors coming from female workers are irrelevant, if the reason is the right to menstrual leave. Does the information reach female workers, the question is what are the indicators to state that female workers do not take menstrual leave, what is the guarantee of compensation when they choose to work and ignore the right to menstrual leave. This information we did not obtain because of the time allocation for field research that was given.

Second, the issuance of official permits is limited to the categories and number of days in the law. In this section, it is necessary to explain whether the pretext of "Taking official permits that are limited according to the category and number of days in the law" ignores the aspect of discretionary rights if indeed PT. IWIP by the Law and Regulations provides internal authority to regulate technical norms as needed, while the joint work regulations (PKB) of PT. IWIP are made and agreed upon together through representatives of its Workers. This information can only be confirmed by an external supervisor as comparative data. So here as a start it is

considered necessary to add a cross-sectoral supervisor as in the principle of evidence law which says "one witness is not a witness", meaning that as long as the supervision is only carried out by one party, the potential for "advocatus diaboli" occurs, roughly speaking there is a kind of neglect of problems that are not too urgent substantially affecting or disrupting company activities.

Third, the increasing number of certain cases in (the private realm) related to female workers. In this section it should be acknowledged that, professionalism distinguishes between public interest and privacy, especially in industrial relations, where the recommendation is that each individual can position himself and his authority capacity as a safe function because with such a thing he can distinguish between his work affairs and his personal affairs. So that the parties do not encroach on what is not their authority. However, it should also be remembered that ignoring privacy issues without serious handling can potentially be fatal to the continuity and harmony of industrial relations of PT. IWIP Company. For example, several cases that ultimately became fatal because the trigger was the issue of privacy that involved political aspects of social groups or groups as a provocation, so that the company was harmed due to the conflict, and PT. IWIP has experienced this some time ago;

Fourth, the lack of female representation in labor unions at PT. IWIP: Regarding "the lack of female representation in the SP/SB at PT. IWIP, it is actually not the interest of female workers to choose where they are placed, the process of placing a prospective worker according to the results of the interview and training period for the outsourcing process, and practical work supplies before the prospective female workers will be placed. Regarding the percentage of women in the world of work, it is not the realm of the company's gender political democracy, and laws and regulations do not regulate this matter, it's just that for reasons of equality and in terms of women's skills based on the experience of the corporate world such as PT. IWIP women are considered to have the ability to control emotions and tend to be calmer, more serious, and more careful so it is not surprising that many female workers are employed by PT. IWIP in the fields of administration, Hydraulic crane control to move materials, in addition to cleaning services and pantry and serving.

It is reaffirmed in the section (The rise of certain cases in the "private realm" related to female workers). This section is very "sensitive" because it requires the authorities to carry out similar supervision of problem identification, confirm the data findings and then take action, because it concerns legal culture, especially touching on the social and dignity of the female generation.

Apart from the aspect of the civil rights (maternity rights) of female workers in the PT. IWIP environment, from the data obtained there are indeed a number of cases involving female workers as perpetrators and victims of crimes, such as harassment, violence leading to types of social and sexual crimes, even alleged "criminal human trafficking" has occurred both outside and inside the PT. IWIP company environment with various information. The practice of prostitution and night entertainment as well as a work environment that is monotonous in its routine, makes workers depressed/stressed and lacks concentration. Several cases of work accidents, in the PT. IWIP company area occurred due to "worker negligence" due to lack of concentration.

It does not happen massively on a large scale for workers to set aside their break time or work shifts to find entertainment venues just to relieve fatigue after work. A new pattern in social interaction caused by the existence of cultural acculturation influenced by the culture of origin where the workers or night entertainment service providers are located. How when we observe the rate of economic growth and transactions indirectly forming a new socio-economic cultural polarization, in short "there is money there are goods". Being in an environment that dramatically changes drastically, urges humans to be able to adapt or be carried away by such circumstances. Competition to obtain income opportunities with the demand for both goods and

services, automatically business actors will make agreements to mutually benefit the parties, without regard to the impact of the law and culture in the future, such as the social interaction environment, the young generation of women, social space to live and be recognized and so on. Indeed, the direction of reasoning of instrumental social and legal studies in society is very complicated and complex, that is why not all laws and regulations are made to guarantee and accommodate all sociological, philosophical, historical and living law interests as legal aspects, so here we need the autonomy and independence of the role holders to carry out their functions, as a sign of the authority of the laws and regulations. Should it then be integrated across sectors in order to implement the functions of supervision and enforcement with the aim of maintaining and caring for public order based on the Philosophy and Constitution of the Unitary State of the Republic of Indonesia.

Bound by the principle of methodology in legal research, where the type of research has implications for legal advocacy, it is appropriate to apply the "Principle of presumption of innocence" which is included in the context of this research, especially regarding the identification of information and its sources, so that the results of this research are not used as political material for interests to bring each other down.

In fact, this research focuses on the extent to which the implementation Law No. 13 of 2003 concerning employment, and how obstacles affect the implementation of maternity rights according to this regulation. As well as matters relating to harassment and types of crimes that befall female workers in the PT. IWIP environment. Regarding the next whether it will lead to legal aspects in the realm of the formal justice system, it is very dependent on the field of integrated cross-sectoral supervision and enforcement according to the substance of its duties and functions.

Regarding allegations of sexual harassment and violence or allegations of criminal practices of human trafficking, if we observe them as a whole, then it is certain that these are interrelated with each other as a complex unity in social interaction relations when viewed from the perspective of the study of the sociology of criminal law in the context of criminology;

### **c. Identification of Non-Criminal Human Trafficking**

On this occasion, the author feels the need to present the results of observations, interviews and analysis regarding the potential for alleged TPPO practices inside or outside the research location which by the researcher, does not separate TPPO into separate aspects from the factors that influence TPPO to occur, both theoretically and empirically. As an illustration of the alleged occurrence of TPPO at the location or around the research location, it can be seen in the variables and patterns of the Criminology Review Aspects.

First, anthropological aspects: the "Certain Community" group in the aspect of group culture is the main factor of influence as an innate culture, which is seen by some groups or certain community groups as bad behavior; However, these bad habits are not generally attributed massively to certain groups or classes, but rather subjectively negative stigmas arise due to irresponsible sentiments

Second, sociological aspects: cultural acculturation, whether it is social, political, or economic interaction, allows a new culture in between existing cultures or patterns of social interaction. It is seen as existing and common, but the influence that is carried away actually allows for fatal legal consequences.

Third, variables of TPPO Pattern Analysis Scheme in Sociological and Criminological Theory: To connect the results of data analysis with factors that influence the occurrence of TPPO practices, if we start from the spirit of the Decree of the Minister of Manpower Number. 88 of 2023 concerning Guidelines for the Prevention and Handling of Sexual Violence in the Workplace. Basically, PT. IWIP does not want to interfere with someone's privacy, but because even though it is a matter of someone's privacy, the incident that occurred can affect or disrupt

industrial relations and the dignity of the company, then it is appropriate that the company in this case will act with the existing mechanism. However, until this research is complete, data collection by PT. IWIP has not conducted socialization and briefing on the Decree of the Minister of Manpower Number. 88 of 2023 concerning Guidelines for the Prevention and Handling of Sexual Violence in the Workplace. on the grounds that the regulation was only issued after the Job Creation Law. The regulation is technically more about protecting female workers from immoral acts and sexual violence against female workers. Different from Law Number. 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking. In this law, it is more about the aspect of repressive action, while in the Decree of the Minister of Manpower, it is more about preventive action which may be with the exception of legal handling depending on the case, namely between unlawful acts and their legal consequences. Therefore, this problem is a complex problem and is not interpreted as a pure criminal act without any civil elements, so we must see what elements are the scope of Law Number. 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking, its relationship with the Decree of the Minister of Manpower.

There are three elements of unlawful acts in Law Number. 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking, namely; elements of process, elements of method, and elements of exploitation. In the context of this research, are there any practices or indications of TPPO crimes in the environment of PT. IWIP or outside the environment of PT. IWIP. First, the definition of Criminal Acts of Human Trafficking (TPPO) as stated in Article 1 paragraph (1) of Law Number. 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking. is an act of recruitment, transportation, shelter, sending, moving, or receiving a person with the threat of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt trapping or giving payment or benefits, so as to obtain the consent of the person who holds control over the other person. Whether carried out within the country or between countries, for the purpose of exploitation or resulting in people being exploited. If the whole definition is variable as a criminal element or unlawful act, namely; process, method and exploitation are fulfilled, then it can be categorized as falling within the definition of the Crime of Human Trafficking.

First, the process elements according to language: It is an action that includes planning where something is obtained and how to obtain it, and the action goes beyond a process from and to what is desired as a goal. If the understanding according to this language is compiled into the understanding of the Crime of Human Trafficking. is the element of legal language as the intention of the process then it is certain that this can be fulfilled. Likewise, the elements of the method and exploitation. So here the element is positioned as the intention to fulfill the unlawful act.

Second, elements of method: The element of method is intended as an action to obtain what is desired as a future goal, and in this sense the method is accompanied by: violence, threats of violence, intimidation, forgery, fraud, abuse of power, giving payment or benefits and others, where the potential victim does not know the intention, or is powerless because he is in power and terror due to threats and so on.

Third, elements of exploitation: In the exploitation element, what is seen is the perpetrator's actions or deeds towards the victim, more towards the utilization of the victim's personal resources, both physical and non-physical. This means that the perpetrator takes advantage of something that is in the victim, for example; the victim is exploited without the victim's knowledge or consent, employed not in accordance with what was promised, and so on. This means that the exploitation element includes aspects that are exploited by the perpetrator against the potential that exists in the victim's self and soul (including mental and intelligence) without consent, accompanied by the lure of rewards, threats, or being under the power of the perpetrator. If we go deeper into the dissection of the elements of the act as a

requirement for proof, then the understanding of the exploitation element of the Crime of Human Trafficking (TPPO) is more about efforts to obtain benefits that exist in the victim's self (body) and soul (mental/intelligence) with the same mode as the process element.

Likewise, regarding the legal act compared to its legal consequences, legal compliance can only be measured based on which elements of the act are proven or fulfilled and which are not proven or fulfilled, because this refers to the scope of the minimum standard of proof of the legal event (unlawful act). Whether the act falls within the scope of the Criminal Act of Human Trafficking (TPPO) is highly dependent on the evidence and statements as an indication that the event has the potential to exist or is ongoing. Likewise, the assumption or rumor about whether there is an indication of the practice of the Criminal Act of Human Trafficking (TPPO) in the area of the PT. IWIP Company, and outside its area.? This requires in-depth study that requires time and consistent investigation and supervision, considering the pattern of crimes that fall within the scope of TPPO, is more tactical and efficient, namely by involving information and communication technology as a means of the crime.

It is recorded that there are around 30 smartphone applications used as communication facilities, which unfortunately the use of these applications has shifted to work facilities, meaning that some parties use these applications as a means of communication and online prostitution service transactions or what is known as open BO or (Open Booking Order). Open BO can be found in applications such as; Michat, W-Match, Line, Ome tv, Jus talk, Nigo live, Telegram, Para Me, MICO: Go Live Streaming, Hallo - live random Video Chat and others. A number of the applications above have their respective advantages for use as a means of communication and information, so that users will be more interested in choosing which application facilities are suitable and safe to use.

Imagine, if so many communication applications can potentially be used as a means of crime in the scope of Human Trafficking Crimes (TPPO), then what about Digital Security or Digital Forensic owned by Role Holders (law enforcement), this is an effort for early detection, supervision and action. From this research data, the information obtained about the use of smartphone applications used as a means of transaction and information on Online Prostitution, the most common is Michat. By some circles, the Michet application is commonly used in open Booking Orders whether it occurs and takes place within the PT. IWIP Company environment or outside the company. This is very dependent on the enforcement section, this means that it also implies that cross-sectoral supervisors in the control and enforcement task force are important to be empowered, as an effort to anticipate the impacts caused by these kinds of practices. If the question is, is there a possibility of the practice of one of the elements of the Human Trafficking Crime (TPPO), for example online prostitution, in the PT environment. IWIP or outside the environment, to answer it is by looking at the state of the social interaction phenomenon, the economy of the effects of industrial relations and everything that surrounds it in and around PT. IWIP.

## CONCLUSION

Based on a series of analyses and discussions, the author concludes the following main points. First, that in the effort to implement legal guarantees and protection of the rights of female workers according to Law Number. 13 of 2003 concerning employment, at PT. IWIP has been running well, only in several aspects regarding the Maternity Rights of female workers, which are related to information and services, it has not been maximized, this is caused by the factor of monitoring information and services that have not been recorded periodically, as well as the method to ensure what percentage of the total female workforce in the PT IWIP environment has been able or has not obtained its maternity rights properly. Likewise, supervision and procedures for handling violence and sexual harassment in the workplace, and how complete the structure or unit is that oversees the authority to supervise the implementation



of KEMENAKER No. 88 of 2023 concerning Guidelines for the Prevention and Handling of Sexual Violence in the Workplace. Furthermore, Law No. 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking. is a part that has not received serious attention to handling, both internally and externally within and outside the PT. IWIP environment.

Second, the aspects that influence and become obstacles in the implementation of the fulfillment of the signals of Law Number. 13 of 2003 concerning employment, are on the issue of the ability of female workers to report or simply consult on what rights female workers have according to the signals of Law Number. 13 of 2003 concerning employment, in addition to maternity rights which have actually been guaranteed by the regulation. Likewise in anticipating the occurrence of violence and sexual harassment in the work environment, which the Government through KEMENAKER No. 88 of 2023 challenges, the Guidelines for the Prevention and Handling of Sexual Violence in the Workplace will only be socialized by the Industrial Relations of PT. IWIP together with related agencies in this case the Provincial DINAKER, to determine which methods will be applied, as well as which parties are substantially related to female workers to occupy structural positions (role holders) for service, supervision and action. This includes the scope of prevention and prosecution of Human Trafficking Crimes both within and outside the PT. IWIP Company environment.

The suggestions that can be presented in this writing are as follows: First, in the welfare unit of female workers of PT. Indonesia Weda Bay Industrial Park (IWIP) must have a routine agenda that is informative in nature providing open access to services related to the rights and guarantees of legal protection and maternity rights of female workers in the PT. IWIP environment. The reason for the legal guarantee is as a motivation for participation in the implementation of cross-sectoral supervision and enforcement functions related to legal rights, legal guarantees and legal protection to all areas of industrial relations of PT. IWIP which are especially concerned with female workers.

Second, it is important to "hold" or optimize work units or service groups, cross-sectoral supervision and enforcement between related agencies (integration of UPTD units), be it the government (UPTD-PPPA and UPTD DISNAKER), Authorities, NGOs, Academics, Practitioners and the Community. Including being given measurable space and access based on the function and duties of the work unit in efforts to serve, supervise and enforce matters related to the rights and legal guarantees of female workers, as well as other unlawful acts related to women, before finally being handed over to the authorities. This momentum is also a forum for Internal coordination between PT. IWIP and External Parties (Units or task forces) as well as a source of confirmed data and information sources, as well as harmonization and continuity of a dignified and cultured social generation.

## REFERENCE

- Armelly, A., Rusdi, M., & Pasaribu, E. (2021). Analisis sektor Unggulan Perekonomian Indonesia; Model Input-Output. *Sorot*, 16(2), 119. <https://doi.org/10.31258/sorot.16.2.119-134>
- Black, H. L., & Black, H. C. (1990). *Black's Law Dictionary - Sixth Edition*. Springer.
- Chayaningrum, D. (2012). Pemanfaatan Tanah Adat Untuk Kepentingan Penanaman Modal di Bidang Perkebunan. *Jurnal Negara Hukum*, 3(1), 21–40. <https://jurnal.dpr.go.id/index.php/hukum/article/view/2970>
- Dinas Tenaga Kerja Balikpapan Website. (2025). Dinas Tenaga Kerja Balikpapan. <https://disnaker.balikpapan.go.id/>
- Fajar, M., & Achmad, Y. (2019). *Dualisme Penelitian Hukum: Normatif dan Empiris* (5th ed.). Pustaka Pelajar.
- Gie, T. L. (2004). *Pengantar Filsafat Ilmu*.

- Herin, F. P. (2022, May 20). Daerah Tolak Lantik Penjabat Bupati Di Luar Usulan. *Kompas*. Kompas.Id
- Ino. (2020). *PHK Sepihak, PC SPSI Halteng Gugat PT. IWIP ke Pengadilan*. Halmahera Post.
- Kusnandar, V. B. (2022). *Penduduk Indonesia Era Bonus Demografi*. Databoks. <https://databoks.katadata.co.id/demografi/statistik/7ed012a280021a4/era-bonus-demografi-69-penduduk-indonesia-masuk-kategori-usia-produktif-pada-juni-2022>
- MD, M. M. (2011). *Satjipto Rahardjo dan Hukum Progresif Urgensi dan Kritik*. Epistema Institute.
- Menteri Energi Dan Sumber Daya Mineral Republik Indonesia. (2022). *Keputusan Menteri Energi Dan Sumber Daya Mineral Republik Indonesia Nomor 301.K/MB.01/MEMB/2022. Tentang Rencana Pengelolaan Mineral Dan Batu Bara Nasional Tahun 2022-2027*. JDIH ESDM. <https://jdih.esdm.go.id/common/dokumen-external/SalinanKepmenESDMNomor301RPMBN2022sd2027.pdf>
- Mertokusumo, S. (2004). *Penemuan Hukum Sebuah Pengantar* (Edisi Kedu). Liberty Yogyakarta.
- Mitak, V. a P. (2007). *Peranan Pemerintah Dalam Pembinaan Hubungan Industrial Di Kota Yogyakarta* [UAJY]. <https://e-journal.uaaj.ac.id/2777/>
- Muhammad, N. (2023, May 17). Tiga Perusahaan di Maluku Utara yang masuk Pada Katagori Zero Inseden. *Tribunnews*. <https://ternate.tribunnews.com/2023/05/17/hanya-tiga-perusahaan-di-maluku-utara-yang-masuk-kategori-zero-insiden>
- Nilai Ekspor Sektor Pertambangan Triwulan I 2023 US\$.14,31 Miliar. (2023). *Nikel*. <https://nikel.co.id/2023/05/05/nilai-ekspor-sektor-pertambangan-triwulan-i-2023-us-1431-miliar/>
- Pink, B. (2023). *Kontribusi Sektor Pertambngan dan Penggalian ke Pertumbuhan Ekonomi Terus Meningkat*. Nasional Kontan. <https://nasional.kontan.co.id/news/kontribusi-sektor-pertambangan-dan-penggalian-ke-pertumbuhan-ekonomi-terus-meningkat>
- Pratiwi, F. S. (2023). *Pertumbuhan Ekonomi Propinsi Maluku Utara Tertinggi Pada Kuartal I/2023*. Badan Pusat Statistik Provinsi Maluku Utara. <https://malut.bps.go.id/id/pressrelease/2024/02/05/757/pertumbuhan-ekonomi-maluku-utara-triwulan-iv-2023-sebesar-20-49-persen--c-to-c-.html>
- PT IWIP Harus Menyetop Produksi Nikel di Smelter L. (2023). SPKEP SPSI CEMWU. <https://spkep-spsi.org/2023/01/09/pt-iwip-harus-menyetop-produksi-nikel-di-smelter-l/>
- Rahardjo, S. (2000). *Ilmu Hukum (Legal Studies)*. PT. Citra Aditya Bakti.
- Rahardjo, S. (2002). *Sosiologi Hukum, Perkembangan, Metode dan Pilihan Masalah (Sociology of Law, Development, Methods and Choice of Problems)*. Universitas Muhammadiyah Surakarta Press.
- Rifai, A. (2011). *Penemuan Hukum oleh Hakim dalam Perspektif Hukum Progresif*. Sinar Grafika.
- Sayekti, S. (2023). *IKI Januari 2023 Meningkat Tajam, Industri Optimis Tumbuh Lebih Tinggi Di tahun 2023*. Press Release Kontan. <https://pressrelease.kontan.co.id/news/iki-januari-2023-meningkat-tajam-industri-optimis-tumbuh-lebih-tinggi-di-tahun-2023>
- Siregar, K. (2025). *Maluku Utara Salah Satu Produsen Nikel Terbesar Di Indonesia, Tetapi Apakah Masyarakatnya Sejahterah?* Channel News Asia. [Channelnewssasia.com](https://channelnewsasia.com)
- Soekanto, S. (1988). *Pokok-Pokok Sosiologi Hukum*. Alumni.
- Soekanto, S. (2007). *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum (The Factors that Influence Law Enforcement)*. Raja Grafindo Persada.
- Soekanto, S. (2010). *Sosiologi Suatu Pengantar (Sociology, An Introduction)*. PT Rajawali Pers. <https://simpus.mkri.id/opac/detail-opac?id=8443>
- Soekarto, S. (1984). *Pengantar Penelitian Hukum*. UI Press.
- Soemitro, R. H. (1988). *Metode Penelitian Hukum dan Jurimetri*. Alumni.

- Sufrin, S. (2022). *Adu Mulut, Seorang Karyawan PT. IWIP Di Pukul Hingga Tewas*. Indo Timur. <https://indotimur.com/hukrim/adu-mulut-seorang-karyawan-pt-iwip-dipukul-hingga-tewas>
- Umah, A. (2021). *Bukan Batu Bara, Ini Izin Tambang Yang Melonjak Signifikan*. CNBC Indonesia. <https://www.cnbcindonesia.com/news/20210709144310-4-259608/bukan-batu-bara-ini-izin-tambang-yang-melonjak-signifikan>
- Undang-Undang No. 13 Tahun 2003 Tentang Ketenagakerjaan (Pasal 1 angka 6)*. (2003). Peraturan BPK. <https://peraturan.bpk.go.id/Details/43013>
- Warassih, E. (2005). *Pranata Hukum Sebuah Telaah Sosiologis (Legal Structure: A Sociological Analysis)*. Suryandaru.
- Warassih, E. (2011). *Legal Institutions A Sociological Study (Pranata Hukum Sebuah Telaah Sosiologis)*. Badan Penerbit Universitas Diponegoro.
- Wowiek, M. (2022). *Cerita Bossman Main Nikel Ke Halmahera !!! Melihat Kerajaan Bisnis Tiongkok*. Youtube. <https://www.youtube.com/watch?v=psMsaFxZtyo>