



The Position of Maternity Rights for Female Workers in Law Number 13 of 2003 Concerning Labour in the City of Ternate

Nur Ida¹, Juhdi Taslim², Wasari Larino³

^{1,2,3} Fakultas Hukum Muhammadiyah University of North Maluku, Indonesia

ABSTRACT

Published Online: December 09, 2025

This study examines the position of women's maternity rights in Law No. 13 of 2003 concerning Manpower (Case Study of the Ternate City Manpower Office). Maternity rights are human rights specifically possessed by women due to their reproductive abilities, such as menstruation, pregnancy, childbirth, and breastfeeding. Therefore, the responsibility to fulfil and protect maternity rights is the duty of all parties, especially the government.

This study uses empirical research methods with a descriptive approach. Primary data was obtained directly from the Ternate City Manpower Office, as well as secondary data which included interviews with relevant parties and document studies such as Law No. 13 of 2003. Data collection techniques included in-depth interviews and participatory observation. The collected data was then analysed descriptively to describe the position of female workers' maternity rights and identify existing obstacles.

The results of this study are expected to provide a better understanding of the position of maternity rights and provide input for the Ternate City Manpower Office and related parties to improve professionalism in the workplace for female workers.

KEYWORDS:

Maternity Rights, Manpower, Women, Manpower Office, Ternate

INTRODUCTION

The 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) guarantees its citizens the right to employment, as clearly stated and elaborated in Article 27 Paragraph (2). The 1945 Constitution, in Chapter Xa on Human Rights, Article 28 D1, also mandates that every person has the right to work and to receive fair and proper compensation and treatment in their employment relationship (Naidu & Satyanarayana, 2018). The state also guarantees equality, equal rights and obligations for every human being without distinction based on ethnicity, descent, religion, belief, gender, social status and skin colour, which is enshrined in the second principle of Pancasila, point number 2 (Octwelfth & Rasji, 2026). Satjipto Rahardjo defines legal protection as an effort to protect a person's interests by allocating a human right to that person to act in the interests of those interests (Mniwasa, 2025). According to Setiono, legal protection is

an action or effort to protect the community from arbitrary acts by authorities that are not in accordance with the law (Padrón et al., 2023). As the fourth most populous country in the world, Indonesia has an abundant workforce. However, the large number of workers without high quality skills has become a new problem for Indonesia's development. An excess of workers and insufficient jobs will increase unemployment (Arini et al., 2021).

Economic demands are the main reason for women to participate directly in the workforce. Based on data from the Central Statistics Agency (BPS) in 2021, it is stated that the percentage of female workers aged 15 years and above is 39.52% or 51.79 million people (Mpho Mhlongo, n.d.). This proves that the number of working women is almost half of the total workforce (Burbyka et al., 2017). The concept of gender equality, which refers to full equality between men and women, means that every individual is free to enjoy political, civil, social, cultural and, in particular, economic rights (Storozhuk & Hoyan, 2017).

The human rights perspective assumes that all human beings are born free and equal (Nanni, 2023). Based on this assumption, discrimination on the grounds of gender, race, ethnicity, skin colour, religion and other

Corresponding Author: Nur Ida

*Cite this Article: Nur Ida, Juhdi Taslim, Wasari Larino (2025). The Position of Maternity Rights for Female Workers in Law Number 13 of 2003 Concerning Labour in the City of Ternate. *International Journal of Social Science and Education Research Studies*, 5(12), 1042-1047

factors is not permitted (Spînu, 2021). In the world of work, there is no distinction between male and female workers; both have the same employment opportunities to obtain work and income. Normatively, female and male workers enjoy equal rights, but overall the situation of female workers is still far from ideal, both in terms of quantity and quality. Formally, female workers' rights are guaranteed and regulated by conditions that are the responsibility of the state to protect women as citizens so that they can enjoy their basic human rights and freedoms (Heymann et al., 2023). Therefore, the protection of women's rights and the implementation of human rights should be carried out. However, in reality, there are still many cases of human rights violations against women (Hall, 2010).

The public perception of women is that of a patriarchal cultural stigma or marginalisation in the workplace, which views women as weaker than men. Because women are considered more vulnerable than men, legal protection for female workers is essential, especially with regard to their reproductive rights. Reproductive rights are specific rights related to the reproductive functions inherent to women, yet these specific rights are often overlooked. To protect these specific rights, regulations have been established governing violations of female workers' rights at night, violations involving work that threatens women's moral health or violates their reproductive rights (provisions regarding menstruation, maternity, maternity leave or miscarriage), because pregnant women are vulnerable to health risks and are entitled to protection (Zimmermann, 2016).

According to Law No. 13 of 2003 concerning Manpower, Article 54 provides protection that 'Every worker has equal opportunities without discrimination to obtain employment.' Similarly, Article 27 paragraph (2) of the 1945 Constitution states that 'Every citizen has the right to work and a decent livelihood.' Based on the enactment of articles regulating workers' rights, it is clear that workers have rights that must be fulfilled by a company. The definition of labour contained in Law No. 13 of 2003 refines the definition of labour contained in Article 1 of Law No. 14 of 1969 concerning Basic Provisions on Labour, which defines labour as all persons who have the ability to perform work, either within or outside of an employment relationship, to obtain goods or services to meet the needs of society. The protection of labour, which aims to guarantee the basic rights of employees, must of course take into account developments and progress in the national and international business world. 'Everyone has the right to work and to receive fair and proper remuneration and treatment in employment relationships', as stipulated in Article 28D paragraph (2) of the 1945 Constitution (Okstriaana & Munika, 2024).

The importance of maternity rights in the workplace cannot be overlooked. These rights have several significant

benefits, both for female employees and companies. Maternity rights include maternity and childbirth leave, providing mothers with the time they need to recover their physical and mental health after giving birth. It also ensures that babies receive optimal attention and care during the early stages of their lives, which is crucial for their development. By providing fair maternity rights, companies contribute to gender equality in the workplace. This helps reduce discrimination against women and ensures that they have equal opportunities to develop in their careers without having to sacrifice their health or family needs. Employees who feel valued and supported by their company tend to be more productive and loyal. By providing maternity rights, companies can create a more positive and supportive work environment, which in turn can increase productivity and reduce employee turnover. Complying with international laws and standards regarding workers' rights, including maternity rights, is a legal obligation for companies. It also reflects the company's commitment to ethical and socially responsible business practices. Companies that pay attention to employee rights, including maternity rights, tend to have a better reputation in the eyes of the public and potential employees. This can enhance the company's image and help in attracting and retaining the best talent. Maternity rights also provide important emotional and psychological support for working mothers. This includes a sense of security and comfort that they do not have to worry about losing their jobs or income during pregnancy and after giving birth (Carluccio et al., 2020). Companies that support maternity rights invest in the long-term well-being of their employees. This can result in a healthier, happier, and more productive workforce in the long run. By ensuring that maternity rights are respected and properly implemented, we can create a more inclusive, fair, and sustainable work environment for all (Nayakaratne & Perera, 2024).

Labour issues are macro issues that need to be resolved as soon as possible. To date, there has been no legal protection for female workers from unlawful and arbitrary actions. Based on the background of the above issues, the author is interested in raising the following topic: "THE POSITION OF MATERNITY RIGHTS FOR FEMALE WORKERS IN LAW NUMBER 13 OF 2003 CONCERNING LABOUR: A CASE STUDY OF THE TERNATE CITY LABOUR OFFICE".

RESEARCH METHODS

Before conducting research, it is very important to determine the type of research because the type of research is the umbrella of research that is used as the main basis for implementation. Therefore, the determination of the type of research is based on the right choice because it affects the entire research process. Judging from this type of research, the research used is empirical research. Empirical research

Nur Ida et al, The Position of Maternity Rights for Female Workers in Law Number 13 of 2003 Concerning Labour in the City of Ternate

(field research) or field research is research whose object is related to symptoms, events and phenomena that occur in society, institutions or countries that are non-library in nature by observing phenomena that exist in society (Crombez et al., 2009).

It is an activity of compiling data that has been collected systematically so that it can be analysed. This research uses descriptive analysis techniques, which begin with grouping data with information according to sub-aspects, followed by interpretation to understand the relationship between each aspect in this research (Boaduo, 2011).

RESULTS AND DISCUSSION

Obstacles faced by the Ternate City Manpower Office in fulfilling maternity rights.

The local government, through community participation, in this case the Ternate City Manpower Office (Disnaker), needs to be involved to ensure that female workers in Ternate City obtain their rights²⁶. However, there are often challenges and obstacles in fulfilling maternity rights.

“The obstacles faced by the Ternate City Manpower Office in fulfilling the maternity rights of female workers include a lack of assertiveness, weak supervision, and inconsistent enforcement of sanctions. The Manpower Office also experiences difficulties in providing facilities”.

“The obstacle on the part of female workers is a lack of understanding of the law. This makes it difficult for them to file complaints or report violations”.

From the results of the study, it can be concluded that the obstacles faced by the Ternate City Manpower Office in fulfilling maternity rights for female workers are a lack of assertiveness, weak supervision, and inconsistent enforcement of sanctions. The Manpower Office also faces obstacles in providing facilities. The challenge from the perspective of female workers is a lack of understanding of the law. This situation makes it difficult for them to file complaints or report violations.

Forms of Supervision by the Ternate City Manpower Office Regarding Maternity Rights.

The rights of female workers are regulated in the constitution, legislation, and several implementing regulations. The guarantee of these rights is in line with various international conventions that regulate the rights of female workers. Legal protection for female labourers or workers is a manifestation of human rights that are always recognised, respected, and protected. Articles 76 (1), (2), (3), and (4) of Law No. 13 of 2003 concerning Manpower provide a number of concessions for female workers or labourers.

"The form of supervision is where the Manpower Office first provides guidance, then supervision, and finally

resolution. This is considered important because sometimes female workers do not understand their rights as stipulated in Law No. 13 of 2003".

‘Once female workers understand their rights, the Manpower Office will carry out repressive supervision, such as imposing sanctions and enforcing the law, in order to achieve the objectives of supervision’.

From the results of the above research, the author can conclude that the Manpower Office first provides guidance, then monitoring, and finally resolution. This is considered important because female workers often do not understand their rights as stipulated in Law No. 13 of 2003. If female workers are aware of their rights, we will conduct strict supervision, such as imposing sanctions and enforcing the law, to achieve the objectives of such supervision.

The Position of Maternity Rights for Female Workers Implementation of Law No. 13 of 2003.

Naturally, women have different physiology compared to men. They perform two functions, namely reproductive and social functions, whereby reproductive functions are not possessed by men. This reproductive function includes the menstrual cycle, pregnancy, and the process of childbirth, while the social function shows how important the role and position of women are in the family and their environment. Therefore, to explain the implementation of Law No. 13 of 2003 concerning Employment related to Maternity Rights. The Ternate City Manpower Office socialises maternity rights to female workers regarding human rights, equality, and protection. Socialisation and workshops will be conducted, reaching all offices and companies that have an obligation to employ women.

Policies implemented by the Ternate City Manpower Office in fulfilling Maternity Rights

The policies implemented by the Ternate City Manpower Office to support female workers in their maternity rights, such as maternity and lactation leave, include the formation of a Regional Tripartite Cooperation Institution (LKS) and labour protection at the regional level. In addition, if there are gender stereotypes and discrimination in the work environment, the Ternate City Manpower Office takes action with a normative approach based on labour laws.

From the results of the above research, it can be concluded that currently, the Manpower Office has formed a Tripartite LKS at the regional level as well as protection for workers in the region. If there are gender stereotypes or discrimination in the workplace, the Ternate City Manpower Office takes measures based on labour laws. The objective of the policy implemented by the Ternate City Manpower Office is to protect female workers at the regional level. In dealing with gender stereotypes and discrimination in the workplace, the Manpower Office's

Nur Ida et al, The Position of Maternity Rights for Female Workers in Law Number 13 of 2003 Concerning Labour in the City of Ternate

stance is firm, fair, and supportive of women's rights.

The Position of Maternity Rights for Female Workers Implementation of Law No. 13 of 2003.

Naturally, women have different physiology compared to men. They perform two functions, namely reproductive and social functions, whereby reproductive functions are not possessed by men. This reproductive function includes the menstrual cycle, pregnancy, and the process of childbirth, while the social function shows how important the role and position of women are in the family and their environment. Therefore, to explain the implementation of Law No. 13 of 2003 concerning Employment related to Maternity Rights. The Ternate City Manpower Office socialises maternity rights to female workers regarding human rights, equality, and protection. Socialisation and workshops will be conducted, reaching all offices and companies that have an obligation to employ women.

Policies implemented by the Ternate City Manpower Office in fulfilling Maternity Rights

The policies implemented by the Ternate City Manpower Office to support female workers in their maternity rights, such as maternity and lactation leave, include the formation of a Regional Tripartite Cooperation Institution (LKS) and labour protection at the regional level. In addition, if there are gender stereotypes and discrimination in the work environment, the Ternate City Manpower Office takes action with a normative approach based on labour laws.

From the results of the above research, it can be concluded that currently, the Manpower Office has formed a Tripartite LKS at the regional level as well as protection for workers in the region. If there are gender stereotypes or discrimination in the workplace, the Ternate City Manpower Office takes measures based on labour laws. The objective of the policy implemented by the Ternate City Manpower Office is to protect female workers at the regional level. In dealing with gender stereotypes and discrimination in the workplace, the Manpower Office's stance is firm, fair, and supportive of women's rights.

Mechanism for Handling Reports of Maternity Rights Violations at the Ternate City Manpower Office

The Job Creation Law, known as Law Number 11 of 2020, is an Indonesian regulation that was approved on 5 October 2020 by the Indonesian House of Representatives. This law was then promulgated on 2 November 2020. The main objective of this law is to create more jobs and increase foreign investment in the country. This is achieved by reducing the requirements in regulations regarding business licences and land acquisition processes. Law Number 11 of 2020 is also often referred to as the Omnibus Law.

Law Number 11 of 2020 concerning Job Creation has made many changes to regulations, including Law Number 13 of 2003 concerning Manpower. These changes cover matters such as salaries and wages as well as foreign workers. However, the substance of the protection of women's rights as stipulated in Law Number 13 of 2003 remains unchanged. The provisions regarding the protection of female workers that have been conveyed in the previous Manpower Law will continue to apply and will not undergo any changes, even though Law Number 11 of 2020 concerning Job Creation has begun to be implemented.

From the results of the study, it can be concluded that the mechanism for handling reports of violations of maternity rights by the Manpower Office is to fill out a complaint form, followed by mediation, guidance, and the creation of a mutual agreement. Since 2025, the Ternate City Manpower Office has received two reports of violations of maternity rights for female workers. These violations were related to the wearing of the hijab.

Legal Protection for Female Workers

Sali Susiana (2017; 209) states that when working, a woman's status as a worker should not prevent her from fulfilling her role as a woman, including being a mother who is pregnant, giving birth, breastfeeding, and raising children. Companies must pay attention to fulfilling the specific rights of female workers and must not discriminate against them. Equality in treatment in the workplace is very important for creating harmonious and high-quality industrial relations.

In general, a woman is understood as a girl with attractive beauty, elegance, and motherly qualities. She has reached adulthood, is emotionally mature, and exhibits feminine behaviour. However, adult women sometimes lack a comprehensive understanding due to differing regulations. Working women are part of the workforce who do work for themselves or follow the orders of their superiors. Female workers are often seen as weak by superiors in higher positions, so they need to have their rights protected.

The purpose of legal protection for workers is to provide a sense of security from the power of the company, thereby creating a harmonious atmosphere within the company. This is done based on the principle of industrial relations. Every company tries to reduce losses by providing incentives for its workers, such as bonuses for successful work, attendance incentives, and other bonuses related to employee attendance in the work environment. Legal protection for female workers is regulated by Law No. 13 of 2003 concerning labour and Article 76 of the Minister of Manpower's Decree. This provision is also contained in the implementation of Indonesian Transmigration Decree No. Kep 224/Men/2003, which regulates the obligations of companies in employing female

Nur Ida et al, The Position of Maternity Rights for Female Workers in Law Number 13 of 2003 Concerning Labour in the City of Ternate

workers. In practice, companies must implement employment agreements that are appropriate for their employees and must be supervised by the responsible authorities.

Protection for workers is regulated in Law No. 11 of 2020 concerning Job Creation, which has 15 chapters and a total of 186 articles. Prior to the enactment of the Job Creation Law, labour protection was regulated in Law No. 13 of 2003 concerning Manpower. Therefore, the rights of female workers have various specific protections.

Law Number 11 of 2020 concerning Job Creation is a law in Indonesia. This law was approved by the House of Representatives of the Republic of Indonesia on 5 October 2020 and officially promulgated on 2 November 2020. Its purpose is to create more jobs and increase investment as well as to carry out land acquisition, as it covers various sectors. Law Number 11 of 2020 concerning Job Creation is often referred to as the Omnibus Law.

This regulation also includes revisions to Law Number 13 of 2003 concerning Manpower, which concerns wages and salaries for foreign workers. However, these changes do not affect the substance of the protection of women's rights that has been previously regulated in the Manpower Law. The protection for female workers contained in the previous Manpower Law remains in force and there have been no changes, even though there is now Law Number 11 of 2020 concerning Job Creation.

CONCLUSIONS

The obstacles faced by the Ternate City Manpower Office in fulfilling maternity rights for female workers are a lack of assertiveness and weak supervision, as well as inconsistent enforcement of sanctions. The Office also faces obstacles in providing facilities. The challenge from the perspective of female workers is a lack of understanding of the law. This situation makes it difficult for them to file complaints or report violations.

The Ternate City Manpower Office monitors the fulfilment of female workers' maternity rights by first providing guidance, then monitoring, and finally resolving any issues. This is considered important because sometimes female workers do not understand their rights as stipulated in Law No. 13 of 2003.

The Ternate City Manpower Office needs to be more assertive and consistent in enforcing sanctions. The Manpower Office also needs to increase understanding of the maternity rights of female workers by conducting vocational education and training aimed at increasing productivity and competitiveness relevant to their work. In addition, the Manpower Office must also improve facilities that are comfortable and friendly to female workers.

REFERENCES

1. Arini, D. G. D., Dewi, A. S. L., & Ujjanti, N. M. P. (2021). *Women Work Protection in a Company Based on Law Number 13 of 2003*. 169.
2. Boaduo, N. A.-P. (2011). Systematic analysis and interpretation of collected data for a research study: A practical methodological framework for writing research report. *Educational Research and Review*, 6(2), 140–146.
3. Burbyka, M., Klochko, A., Logvinenko, M., & Gorbachova, K. (2017). Separate aspects of legal regulation of women's labour rights. *International Journal of Law and Management*, 59(2), 271–283.
4. Carluccio, F., Dal Corso, L., Falco, A., & De Carlo, A. (2020). HOW TO POSITIVELY MANAGE RETURN TO WORK AFTER MATERNITY LEAVE: POSITIVE SUPERVISOR BEHAVIORS TO PROMOTE WORKING MOTHERS'WELL-BEING. *TPM: Testing, Psychometrics, Methodology in Applied Psychology*, 27(4).
5. Crombez, G., Beirens, K., Van Damme, S., Eccleston, C., & Fontaine, J. (2009). The unbearable lightness of somatisation: A systematic review of the concept of somatisation in empirical studies of pain. *Pain*, 145(1), 31–35.
6. Hall, R. E. (2010). An historical analysis of skin color discrimination in America. *Springer Publishing Ltd. Doi*, 10, 978–1.
7. Heymann, J., Varvaro-Toney, S., Raub, A., Kabir, F., & Sprague, A. (2023). Race, ethnicity, and discrimination at work: A new analysis of legal protections and gaps in all 193 UN countries. *Equality, Diversity and Inclusion: An International Journal*, 42(9), 16–34.
8. Mniwasa, E. E. (2025). Maternity rights protection for women workers in Tanzania: Uncovering the gaps between the law and reality. *International Journal of Law and Management*.
9. Mpho Mhlongo, L. (n.d.). Evaluating South Africa's Maternity Protection Legal Regime Applicable to Non-Standard Female Workers' Compliance with the Maternity Protection Convention 183 of 2000. *SA Mercantile Law Journal*, 35(3).
10. Naidu, A. T., & Satyanarayana, G. (2018). Impact of compensation on employee performance. *Intercontinental Journal of Human Resource Research Review*, 6(4), 1–7.
11. Nanni, G. (2023). Gender equality, equity, and equal opportunities. *Measuring Gender Equality*, 87, 1–30.
12. Nayakarathne, L., & Perera, I. (2024). Emotional Distress of Sri Lankan Women Returning to Work Post Maternity Leave. *Journal of Business Ethics and Society*, 4(2), 28.

Nur Ida et al, The Position of Maternity Rights for Female Workers in Law Number 13 of 2003 Concerning Labour in the City of Ternate

13. Octwelfth, F. E., & Rasji, R. (2026). Enforcement of Maternity Leave Rights for Female Workers under Labor Law. *JHK*, 7(2), 902–917.
14. Okstiana, N. R., & Munika, A. S. (2024). LEGAL PROTECTION OF WOMEN WORKERS ON THE NIGHT SHIFT (COMPARISON OF INDONESIA AND MALAYSIA). *Indonesian Journal of Labour Law and Industrial Relations (IJLLIR)*, 1(01), 1–7.
15. Padrón, T. G., Kovačević, L., & Moreno, M. I. R. (2023). Labour law and gender. In *Gender-competent legal education* (pp. 583–630). Springer.
16. Spînu, O. (2021). The functionality of the principle of non-discrimination on grounds of gender, race, religion and sexual orientation in the postmodern society. *Postmodern Openings*, 12(2), 310–338.
17. Storozhuk, S., & Hoyan, I. (2017). Gender equality as a modern phenomenon. *Антропологические Измерения Философских Исследований*, 11, 71–83.
18. Zimmermann, S. (2016). Night Work for White Women and Bonded Labour for “Native” Women?: Contentious Traditions and the Globalization of Gender-Specific Labour Protection and Legal Equality Politics, 1926 to 1939 1. In *New Perspectives on European Women’s Legal History* (pp. 394–428). Routledge.