

The Existence Of Legal Protection For Female Workers In The Informal Sector In Yogyakarta

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Abstract.

Informal sector female workers in Yogyakarta face various challenges in obtaining adequate legal protection. However, there are still various laws and regulations that provide protection for workers, but their implementation in the informal sector is still limited. The existence and continuity of informal sector activities in the economic system play a significant role in community development and national development. This study aims to identify various local government policies, as well as the implementation of relevant national regulations, such as "Law No. 13 of 2003 concerning Manpower". The method used is normative juridical research, which is based on a statutory approach and a case approach. The results of the study indicate that although there have been efforts to provide legal protection through policies regulated by law, their implementation in the field is still limited, especially in terms of monitoring and awareness of female workers regarding their rights.

Keywords: *Legal protection; women workers and informal sector.*

I. INTRODUCTON

In today's modern era, many women work to ensure their families have a decent quality of life, to meet needs such as school fees, buying clothes, food, drinks, health costs, and many other unexpected emergency needs. Informal sector female workers play an important role in the economy, but they often face gender inequality, lack of legal protection, and limited access to social security and welfare. "As stated in Article 27 paragraph (2) of the 1945 Constitution, "every citizen has the right to work and a decent living standard." The phrase "every citizen" means that every citizen, both men and women, has the same status before the law and government and also has the right to decent work. However, many of them work without adequate social security or legal protection". The informal sector is synonymous with disorganization, disorder, and unregistered employment, and is home to those with low education and the inability to compete for stable employment in the formal sector. Those without adequate skills and education constitute the largest segment of the informal economy, which requires no formal education, high skills, official permits, or substantial capital to produce goods and services. They generally operate in small businesses, often in large enough numbers to disrupt city records. In this regard, the informal sector plays a significant role (A. Ridwan, 2017). Female workers in the informal sector include various types of jobs such as street vendors, online motorcycle taxis, part-time couriers, casual laborers, farm laborers, domestic workers, and other micro, small, and medium enterprises. "The existence of female workers in the informal sector has an important role in reducing inequality in income distribution and makes a major contribution to overcoming the problem of unemployment" (Gilbert & Googlerr, 1996).

The increase in the number of informal sector workers does not guarantee prosperity for the community; instead, it can create social risks that arise during work, threatening workers' safety, such as accidents while commuting and contracting occupational diseases. This necessitates the need for social protection and security for workers. In fact, the low level of social protection for workers in the informal sector leaves them living in uncertainty (Berkat et al., 2021). Women working in the informal sector generally have low levels of education, skills, specialized expertise, and low wages. Various efforts have been made by the central and regional governments to address this issue. One of them is through improving

the quality of human resources, which is a benchmark for successful development through empowering the informal sector. The human resource factor is important to consider because a country's competitive advantage will be determined by the quality of its human resources (Suparno, 2009). Low minimum wages have a negative impact on poverty levels in the Special Region of Yogyakarta Province (Khindya & Niniek, 2023). Yogyakarta is one of the oldest cities in Indonesia with special autonomous region status, as stipulated and regulated by Law 13 of 2012. The Yogyakarta Special Region Regulation requires strict control over foreign cultural influences entering Yogyakarta. The reason for preserving culture is that it can only stand idly by the sultan's regulations.

This has caused poverty to continue to increase every year. This also impacts the development of people's mindsets and ultimately impacts the region's economic progress. The character factor of a society is resigned or "*nerimo ing pandum*" (accepting things as they are) (Rahman & Kuswajono, 2025). Of the many ethnic groups in Indonesia, the Javanese, especially in Yogyakarta, are the most relaxed and comfortable when communicating. They are known for their politeness and respect for others. Sometimes, when something goes wrong, they still manage to smile. Therefore, it's difficult to understand the thoughts of people from their community, and their distinctive lifestyles are well-maintained. Despite the passage of time, many regions have developed and expanded (Silvia, 2022). According to data from the Central Statistics Agency of the Special Region of Yogyakarta Province, the workforce reached 2.22 million in August 2023. The workforce comprised 74.08 percent, a 1.48 percentage point increase compared to August 2022. The open unemployment rate in August 2023 was 3.69 percent, a 0.37 percentage point decrease compared to 4.06 percent in August 2022. However, the rural unemployment rate increased by 0.27 percentage points due to the prolonged El Niño. A total of 1.15 million people (53.78 percent) worked in informal activities, a 0.40 percentage point increase compared to 53.38 percent in August 2022. This means that the number of workers in the informal economy is greater than the number in the formal economy. This should be a particular concern for local governments, as the informal sector, which has long been considered a female-dominated sector, is predominantly female".

In some cultures, women may be in a lower position than men (Sczesny et al., 2022). Most people also share the view that the path to becoming a man or woman is a natural consequence of being born biologically as a man or a woman (Huriani, 2021), such as the natural nature of women being more diligent, patient, disciplined, agile, versatile in work and having better negotiation skills than male workers. However, this does not mean that male workers are considered lazy, not diligent at work; it is just that women are considered superior despite all the advantages they have. Women still have some privileges that male workers do not have because of the different health and physical conditions of women in terms of experiencing menstruation, conceiving a baby and giving birth, therefore equal rights to work are needed as a continuous effort to raise awareness and provide social protection for female workers, especially in the informal sector. Cultural factors often pressure women to choose between career and family, regardless of their educational qualifications (Pratiwi & Rahmadanik, 2020). The government has issued various policies to protect workers' rights, but their implementation still faces various obstacles. This study analyzes the conditions of female workers in the informal sector in Yogyakarta, assesses available legal protections, and identifies the challenges faced by female workers in this sector.

II. METHODS

This research on the existence of legal protection for female workers in the informal sector in Yogyakarta is discussed using normative legal research methods, where the research is examined using a conceptual approach and a case approach (Marzuki, 2014). This research utilizes several data sources, including primary, secondary, and tertiary data. The secondary legal materials used include "Law No. 13 of 2003 concerning Manpower". Secondary legal materials in this research are sourced from books, scientific journals, articles, and relevant online sources.

III. RESULT AND DISCUSSION

1. Legal Protection for Female Workers in the Informal Sector in Yogyakarta.

According to Subekti, “The law not only seeks a balance between various interests that conflict with each other but also finds a balance between the demands of justice in 'order' or 'legal certainty’”. Thus, legal protection aims to guarantee legal certainty in society, and the law must also be based on justice, namely the principles of justice in society as well (Yulia et al., 2023). Legal protection for female workers is an important part of efforts to create justice and prosperity in the world of work. “Law Number 13 of 2003 concerning Manpower”. Provides guaranteed protection for all workers, including women workers. Intended for the formal sector, several provisions in this law can be applied to workers in the informal sector, especially those related to working hours, wages, and protection against gender-based discrimination. “Article 5: provides protection to women workers from discrimination, including discrimination related to the right to menstrual leave, the right to maternity leave, and other protection rights. Women's trade unions can play a role in fighting for these rights.” “Article 6: every worker/laborer has the right to receive equal treatment without discrimination from employers.” “Article 76B: states that women who work have the right to receive protection from violence and sexual harassment in the workplace, and trade unions can play a role in ensuring the implementation of this protection in the workplace.” The law covers various protections, including basic rights, collective bargaining, occupational safety and health, special provisions for women, children, and workers with disabilities, as well as wage guarantees and social security (Mario et al., 2021). Although the legal framework exists, the practical implementation of these protections for female workers remains inconsistent across regions and companies in Indonesia. Trade unions are important for protecting workers' rights and interests and improving their welfare.

“Law Number 21 of 2000 concerning Trade Unions”. Provides space for female workers to form trade unions to fight for their rights, including the right to fair wages and protection of occupational health and safety. “Article 1 paragraph 1: States that trade unions are organizations formed by workers or laborers that are independent, free, and democratic, which aim to fight for and protect the interests of their members, including female workers”. “Article 4: States that trade unions function to fight for and protect workers' rights, including the rights of female workers related to wages, working conditions, fair treatment, and protection against violence and sexual harassment”. In addition, it is important to note that the ILO International Convention No. 111 on discrimination in employment and work also provides an international legal basis for protecting the rights of female workers, which is also in line with Indonesian law. However, trade unions often struggle with professional management and weak bargaining positions, hampering their ability to effectively advocate for the welfare of their members (Nita & Susilo, 2020) to be able to live prosperously. The existence of Workers' Unions/Labor Unions still faces general obstacles in carrying out their obligations to improve workers' welfare. The Indonesian Constitution mandates the development of a national social security system to protect and guarantee the welfare of all citizens. “Law No. 40 of 2004 concerning the National Social Security System (SJSN)”. Article 19 regulates the rights of workers to obtain health insurance. All workers, including female workers, have the right to receive health insurance that includes medical examinations, treatment, care, and other health benefits. Thus, female workers who work in the social security scheme have the right to adequate access to health care, which also includes reproductive health rights and the right to receive care related to pregnancy and childbirth. Article 28 regulates equality in social security. It states that everyone, without discrimination, has the right to receive social security, including female workers.

This means that female workers who work in the formal and informal sectors have the right to receive protection and health services equal to those of male workers. (Sherly et al., 2023) as well as the right to receive convenience in special treatment to obtain the same opportunities and benefits in order to achieve equality and justice, the right to social security that allows for the full development of oneself as a dignified human being. One of the government's roles in supporting its citizens in running the government is through the provision of public services. One such service is healthcare. As a form of government responsibility in ensuring public welfare, the health insurance program, BPJS Kesehatan, is implemented. “Law No. 24 of 2011 concerning the Social Security Administering Body (BPJS)”. Article 32 of this law stipulates the

obligation of BPJS Kesehatan to provide health insurance for all participants, including female workers. It also explains that the health insurance provided covers various types of health services, including treatment for health problems specific to women, such as pregnancy care, childbirth, and other reproductive health care. This protection is especially important for female workers, who are vulnerable to reproductive health and economic risks due to the biological processes of women. Article 41: This article also stipulates the obligation of companies to register their workers in social security programs, including health insurance. This implies that female workers who work in companies are entitled to health protection through BPJS Kesehatan, which is administered by the state. Article 22: This article regulates the rights of female workers to maternity insurance, namely the right to receive health insurance benefits related to childbirth, including pre- and post-natal care costs. Thus, the social health insurance provided to female workers includes general health protection and specific protection related to reproductive health. Through this law, the state guarantees access to healthcare for female workers, including medical examinations, pregnancy and childbirth services, and other care related to women's health. Based on this, employers are required to register their workers for social security as a form of protection and to ensure their welfare (Tedi et al., 2020).

2. Legal Issues for Female Workers in the Informal Sector

The legal challenges faced by women workers in the informal sector are a strategic issue in labor studies and social protection law. In Indonesia, the informal sector employs more than half of the national workforce, with a significant proportion of women. This situation is exacerbated by gender bias in the social and economic structure, where women are often placed in subordinate positions, both in the workplace and in domestic life. As a result, many women workers accept poor working conditions without sufficient bargaining power. Limited legal recognition. One of the main challenges facing informal sector workers is the lack of legal recognition for their work. Local governments often struggle to monitor the conditions of informal workers, given their widespread distribution and the lack of employment contracts among many informal sector workers, who are often not officially registered or have employment contracts, often neglecting their rights (Eko et al., 2024). Despite its crucial role as an economic safeguard, the informal sector often experiences discriminatory treatment and even violence from state policies. They also often lack access to the formal legal system, making them vulnerable to exploitation. Many women workers in the informal sector are unaware of their rights under labor law. Lack of access to social security. Many informal sector workers lack the ability or awareness to participate in government social security programs, which are often perceived as complex or unaffordable. Many informal sector workers have low and irregular incomes, thus viewing social security contributions as an additional burden, leading to low participation in social security programs.

Lack of public awareness campaigns from the government or relevant parties leaves many informal workers unaware of the benefits and procedures for registering for social security, which are often overly technical or confusing, especially without assistance. This lack of awareness creates uncertainty regarding the rights and protections workers should receive. While employers may provide technical protection for workplace accidents, a lack of understanding of workers' legally protected rights can be detrimental. Furthermore, the practice of only making verbal employment agreements presents another obstacle, even though the law requires a valid employment agreement to be in writing. This lack of understanding can lead to neglect of workers' rights. This problem is further exacerbated by the lack of public awareness campaigns by the labor office regarding workers' rights and obligations (Aura & Ratih, 2024). In addition, a number of informal workers, such as domestic workers or online motorcycle taxi drivers, are not always considered as workers entitled to social security, so they remain economically vulnerable. Low wages and working conditions. This is due to low and precarious incomes that force informal workers to work only to meet their daily needs, rarely willing to participate in social security. Furthermore, informal workers near the poverty line cannot allocate their monthly income to social security, which means informal workers cannot contribute, because social security is their last resort if they have more money (Ranti et al., 2023). Informal sector workers also often face the problem of low, inadequate wages and poor working conditions (Yosephin & Jefri, 2025).

Because there are no regulations governing minimum wages or working conditions for informal workers, they often work in unsafe and unhealthy conditions, without protection of their basic rights. Some female workers are forced to accept poor working conditions due to economic constraints, where they do not have many other better employment options. It is crucial for the government and society to recognize and support the contributions of women workers in the informal sector in several ways, such as improving wages and working conditions, facilitating access to public services, protecting them from discrimination and harassment that persists in the workplace, providing training and mentoring, and encouraging the development of informal businesses. With the right support, women workers in the informal sector can maximize their potential and make greater contributions to the national economy and family life. Gender discrimination in the Indonesian workforce remains an ongoing issue, with women facing numerous challenges. Despite legal protections, cultural factors continue to impact gender equality in employment. Women in developing countries often experience discrimination in formal employment, such as lower wages, fewer promotion opportunities, and some companies still do not provide leniency for working women with families. Women workers have childcare responsibilities; women in developing countries generally have greater childcare responsibilities than men, making it more difficult for them to work in the formal sector. According to the International Labour Organization (ILO), by 2024, approximately 70% of female workers in developing countries will be employed in the informal sector. This proportion is expected to continue to increase in the coming years.

IV. CONCLUSION

Legal protection for women workers in the informal sector in Yogyakarta is regulated by various laws and regional regulations. These regulations exist, but their implementation remains hampered by workers' lack of understanding, limited access to social security, and weak oversight. Therefore, ongoing efforts are needed to improve legal protection and ensure that informal sector workers enjoy equal rights with formal sector workers. In addition to efforts to improve the welfare of informal workers, they must also receive economic and skills empowerment, such as providing access to relevant training and skills development for women workers in the informal sector to increase productivity and income. Protection and equality for women workers must also be carried out for the prevention and handling of sexual harassment in the workplace that is safe and easily accessible to women workers in the informal sector, providing affordable and quality childcare services to help women workers balance work and childcare responsibilities, and raising awareness about the rights of women workers in the informal sector through education and public campaigns.

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