

WOMEN AND THE WORLD OF WORK: CHALLENGES IN THE IMPLEMENTATION OF LABOR LAW

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Abstrak

The transformation of labor law through the Job Creation Law has posed significant implementation challenges, particularly for female workers. This study aims to examine the psychological impacts of labor law enforcement inconsistencies on women workers by using a socio-legal and legal psychology approach. This qualitative descriptive research involved semi-structured interviews with seven female informants working in formal sectors in Surabaya. Findings reveal that the lack of compliance with maternity leave rights, gender-based discrimination, and unequal workloads have triggered psychological distress such as stress, anxiety, and decreased work motivation. On the other hand, positive practices from companies that properly implement labor regulations are shown to enhance workers' psychological well-being. The study highlights the urgent need for stricter law enforcement, improved legal literacy, and an effective supervision system to ensure substantive justice for female workers.

Keywords: Female Workers; Labor Law; Gender Discrimination; Legal Psychology; Socio-Legal

INTRODUCTION

The transformation of Indonesia's labor law reached a pivotal moment with the enactment of Law No. 11 of 2020 on Job Creation (Omnibus Law), which significantly altered the landscape of industrial relations. One of the main criticisms leveled against this regulation is its tendency to prioritize labor market flexibility over normative worker protection (Tanjung & Arminsyah, 2024; Rishan, 2022).

Within this context, women workers occupy a particularly vulnerable position. They face multiple layers of inequality both structural and psychological stemming from gender discrimination, social pressures, and prolonged job insecurity (Xie et al., 2024; Dokuka et al., 2022). Moreover, the "double burden" of being both productive

employees in the workplace and primary caregivers at home exacerbates their physical, economic, and psychological strain (Hareesh & Alhazmi, 2025; Stephen & Elza, 2024).

When labor law, which is meant to serve as a protective instrument, fails to be gender-sensitive or effectively implemented, the consequences can include work-related stress, anxiety, and even depression (Borrelli et al., 2024). From a legal psychology perspective, workers' perceptions of the effectiveness of legal protection are directly linked to their mental well-being. At the same time, the socio-legal approach underscores that law should not be assessed solely through its normative text but also through the lived experiences of individuals in everyday life (Cockel et al., 2023).

In Indonesia, studies on labor law remain predominantly normative-dogmatic, while empirical research exploring women workers' experiences and the psychological impacts of dysfunctional legal protection is still limited. Similarly, occupational psychology research often separates psychological aspects from the legal structures that underpin the world of work. Interdisciplinary research that integrates legal and psychological perspectives on women's labor conditions remains rare.

This article offers an original contribution by combining socio-legal studies with occupational and legal psychology. The focus is on examining how women workers experience labor law and how legal effectiveness influences their psychological state. Preliminary findings from this study reveal restrictions on maternity leave rights both in duration and in pay that are inconsistent with statutory provisions. These findings indicate weak legal implementation and low employer compliance with maternity protection regulations.

Such conditions highlight that the reality of labor law implementation for women is shaped not only by formal legal frameworks but also by structural, social, and cultural factors that influence their perceptions, experiences, and mental health. A more contextual and human-centered approach is needed to ensure that labor law truly functions as an effective and gender-equitable protective instrument.

LITERATURE REVIEW

A. Transformation of Labor Law in Indonesia

The enactment of Law No. 11 of 2020 on Job Creation (Omnibus Law) marked a fundamental shift in Indonesia's labor law framework, replacing several existing provisions in the Manpower Act and related regulations. This reform was designed to streamline bureaucratic processes, attract foreign investment, and enhance labor market flexibility (Tanjung & Arminsyah, 2024). However, critical perspectives argue that such flexibility often translates into weakened normative protections for workers (Rishan, 2022).

Provisions relating to contract duration, outsourcing, wage determination, and severance pay have undergone substantial changes, with critics warning of increased precarity among vulnerable labor groups. In the case of women workers, these changes may exacerbate existing structural inequalities by limiting access to secure, long-term employment and reducing bargaining power in industrial relations. This aligns with international debates on neoliberal labor reforms, which highlight a recurring trade-off between economic competitiveness and social protection (Arranz et al., 2020).

B. Women Workers in the Context of Employment

Gender inequalities in the labor market remain pervasive, manifesting in wage gaps, occupational segregation, and limited career progression opportunities (Abuhussein et al., 2021). In Indonesia, women's labor force participation is further constrained by socio-cultural norms that reinforce traditional gender roles (Stephen & Elza, 2024). The double burden phenomenon where women balance full-time employment with unpaid domestic responsibilities has been identified as a key factor affecting productivity, job satisfaction, and career development (Dokuka et al., 2022).

Research shows that such burdens are intensified in contexts where workplace policies fail to accommodate maternity leave, flexible work arrangements, or childcare support. Discriminatory practices, such as termination during pregnancy or denial of statutory maternity rights, remain documented in both formal and informal sectors,

suggesting a persistent gap between legal mandates and workplace realities (Azizah et al., 2023).

C. Occupational Psychology and Mental Health Impacts

The psychological toll of precarious work conditions on women is well documented. Job insecurity, workplace discrimination, and excessive workloads are significant predictors of stress, burnout, and anxiety disorders (Hareesh & Alhazmi, 2025; Borrelli et al., 2024). These conditions are further aggravated when women lack institutional support or face hostile workplace cultures.

Occupational psychology literature emphasizes the role of perceived organizational justice fairness in decision-making, equitable treatment, and transparent communication in safeguarding workers' mental well-being (Cloutier et al., 2018). For women workers, the absence of such fairness mechanisms can diminish self-esteem, erode trust in management, and reduce overall job engagement. The intersection of gendered labor experiences with mental health outcomes underscores the need for an integrated policy approach that addresses both structural and psychosocial determinants.

RESEARCH METHOD

This study employed a descriptive qualitative approach combined with a socio-legal method (Al-Fatih, 2023) and a legal psychology perspective. This approach was selected to gain an in-depth understanding of how female workers experience and interpret the implementation of labor laws within their workplace, as well as the psychological impacts of prevailing labor policies (Beznosov, 2023).

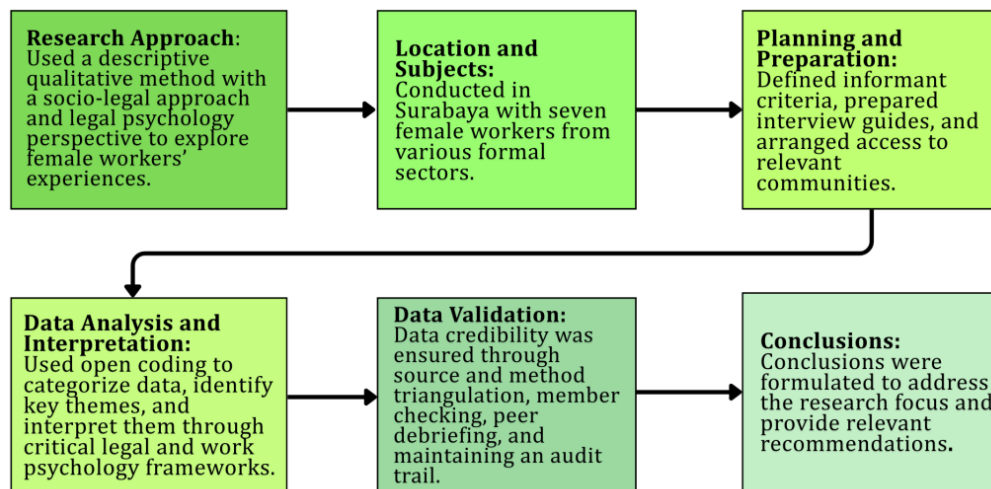
The researcher served as the primary instrument, engaging actively and empathetically with the research subjects. The study involved seven female informants, aged 24–38, employed in formal sectors such as household industries, retail services, office administration, and manufacturing, with work experience ranging from 1 to 10 years. Surabaya was chosen as the research site due to its role as a major hub for the service and manufacturing industries, the significant number of female workers, and its reflection of the gap between labor law regulations and their practical implementation.

The location also provided direct access to worker communities and legal aid organizations, enabling richer contextual data collection.

Data collection took place over five months (March–July 2025) using semi-structured interviews, limited observation, and document analysis of national labor regulations and internal company policies. Data were analyzed using thematic analysis, which involved open coding, grouping data into categories, and identifying central themes that reveal the relationship between legal experiences and psychological impacts on female workers.

The themes were interpreted within the framework of critical legal theory and work psychology theory. To ensure data validity, the study applied source and method triangulation by comparing interview results among informants and corroborating them with relevant legal documents. Member checking was conducted by inviting informants to review interview transcripts and preliminary interpretations, while peer debriefing involved discussing findings with academic colleagues to minimize interpretive bias (Karya et al., 2024). An audit trail was systematically maintained to ensure transparency and accountability throughout the research process.

Figure 1. Research Methodology



RESULT AND DISCUSSION

A. Discrepancies in the Implementation of Labor Laws for Female Workers

This study reveals a gap between the normative provisions set out in Article 82(1) of Law No. 13 of 2003 on Manpower, as amended by Law No. 11 of 2020 on Job Creation which explicitly guarantees three months of maternity leave for female workers and its practical implementation. Empirical data from informants indicate that this right is not fully granted by employers. In several cases, requests for maternity leave have even been covertly used as grounds for unilateral termination of employment (PHK). This reflects a violation of the principle of maternity protection and signals weak supervision and enforcement of labor laws in certain sectors.

Informant 4 reported that her company granted only one month of leave for operational reasons and required her to return to work immediately after childbirth despite not having fully recovered. Informant 6 experienced termination after notifying her employer of her intention to take maternity leave, with indications that pregnancy was perceived by management as a productivity burden.

This phenomenon reflects systemic gender-based discrimination in which women of reproductive age are viewed as an economic liability. Such conditions cause significant psychological distress, including stress, anxiety, job insecurity, and a decline in emotional and professional well-being (Stephen & Elza, 2024; Yuxin, 2023).

From a legal psychology perspective, the reduction of maternity leave or dismissal of pregnant workers undermines the sense of justice and reinforces legal powerlessness (Febianti et al., 2025; Sumertajaya & Dewi, 2024). Although maternity rights are legally guaranteed, weak supervision and low legal literacy result in rare reporting by affected workers (Febianti et al., 2025). The efficiency argument used by companies is legally unfounded since the right is non-negotiable. The gap between legal norms and practice illustrates the weakness of labor protection for women. Strengthening labor supervision and improving legal literacy are therefore crucial to fostering workers' awareness and willingness to claim their rights.

B. Gender Discrimination and Inequality in Workplace Opportunities

Studies by Febianti et al. (2025), Cortina et al. (2021), Kapoor et al. (2021), and others indicate that gender-based discrimination remains prevalent in the workplace, particularly in recruitment, promotion, and workload distribution. This study supports these findings, with informants 1, 4, and 5 reporting that as female workers, they were often perceived as less productive or unable to work optimally due to their dual role as mothers. Women were also often judged through biased stereotypes as being emotional and irrational in decision-making, limiting their opportunities for promotion or strategic positions.

Normatively, Law No. 13 of 2003 on Manpower, particularly Articles 5 and 6, affirms that every worker has equal rights without discrimination and must be treated fairly regardless of gender. However, such legal norms are often not implemented in industrial relations. The discrepancy between law and practice provides space for structural injustice against female workers.

From a legal psychology perspective, this condition creates substantial psychological strain, such as stereotype threat, feelings of insecurity, and reduced work motivation (Cortina et al., 2021). Female employees often feel the need to constantly prove themselves in a work environment that is skeptical of their roles and contributions. This not only hinders career advancement but also negatively affects overall psychological well-being (Abuhussein et al., 2021). The implementation of non-discrimination principles in labor law is therefore not merely a legal-formal matter but also closely linked to the right to mental health and a fair work environment for women.

C. The Gap Between Normative Provisions and Social Practice in Labor Law

The socio-legal approach in this study highlights the disparity between normative labor regulations and the social realities of the workplace. Although Law No. 13 of 2003 and the Job Creation Law guarantee worker protection including Article 86 on the right to occupational safety, health, and welfare its implementation is often ineffective due to weak supervision and sanctions.

Female workers frequently face high work pressures, not only from gender-unresponsive structures but also from colleagues. Field findings show that informants 1,

3, 4, and 5 were often assigned tasks outside their main responsibilities, such as covering for absent male colleagues or performing additional administrative duties not listed in their job descriptions. Informants were reluctant to report these violations due to fear of colleagues, lack of safe and responsive reporting mechanisms, and the perception that reporting would not result in change due to weak enforcement and lack of institutional protection.

Such fear reflects structural inequality that weakens women's bargaining power at work. In labor law, such fear should be minimized through the firm application of principles of protection and justice, as outlined in Articles 5 and 6 of Law No. 13 of 2003, which guarantee non-discriminatory treatment for all workers (Azizah et al., 2023). Addressing this fear requires transforming it into a sense of security supported by substantial legal protection and gender justice.

D. Good Practices in Implementing Labor Law to Support Female Workers

Despite many findings of rights violations, this study also identifies examples of good practice where companies properly implemented labor laws. Informants 2 and 7 reported receiving full maternity leave as stipulated in Article 82(1) of the Manpower Law, along with additional support such as adjusted working hours and lactation facilities. These companies also provided safe and responsive reporting mechanisms for discrimination or disproportionate workload. This aligns with Article 86 of Law No. 13 of 2003 on occupational health and safety rights and reflects compliance with gender-responsive labor protection norms.

Such measures enhance female workers' sense of security and psychological well-being, both of which are crucial for creating a fair and productive work environment (Azizah et al., 2023). From a work psychology perspective, fulfilling basic needs such as safety, respect, and reproductive rights protection is part of organizational strategies to increase retention, employee engagement, and job satisfaction. Moreover, tangible institutional support, such as lactation rooms and flexible work arrangements, represents not only normative compliance but also an organizational shift toward inclusivity and gender equality.

These practices could serve as models for other companies to adopt evidence-based approaches to female labor protection, beginning with internal labor policy audits, gender-awareness training for management, and enhancing human resource capacity to handle discrimination complaints fairly and transparently. The effectiveness of labor law thus depends not only on the existence of regulations but also on structural commitment and an organizational culture that integrates equality as a core governance principle (Sinaga & Zaluchu, 2021).

E. The Urgency of Enforcing Labor Laws for Female Workers

The study's findings highlight the urgent need for stronger enforcement of labor laws, particularly in protecting female workers' rights. The gap between normative provisions and workplace realities demonstrates that regulation alone is insufficient without strong oversight and effective sanctions (Rishan, 2022; Sinaga & Zaluchu, 2021). Violations such as denial of maternity leave, gender-based discrimination in promotions, and disproportionate workloads indicate weak implementation of laws intended to guarantee equality and protection (Xie et al., 2024; Azizah et al., 2023). These conditions not only undermine women's positions in the labor structure but also have serious implications for mental health and psychological well-being, including increased risk of work stress, burnout, and decreased self-efficacy.

Labor law enforcement is essential to prevent exploitative and discriminatory practices and to ensure substantive justice in the workplace (Tanjung & Arminsyah, 2024; Rishan, 2022). From a socio-legal perspective, the law must be seen not only as a normative text but also as a tool for social transformation capable of addressing gender-based structural inequalities in labor relations.

This requires reforms in labor inspection systems, including strengthening the role of labor inspectors, creating independent reporting channels, and involving trade unions in monitoring regulatory implementation. Furthermore, increasing legal literacy among workers, especially women, must be a strategic priority so they have the capacity to understand, claim, and defend their rights. On the employer side, institutional commitment must go beyond administrative compliance to include the internalization of

equality and inclusion values into organizational culture, gender training for managers, and adaptive policy reviews that address the specific needs of female workers (Stephen & Elza, 2024).

Without systemic and sustained strategic measures, labor law will continue to suffer from implementation dysfunction, leaving female workers in legally and psychologically vulnerable positions. Building a gender-responsive labor ecosystem is therefore not just a matter of normative justice but a foundation for a humane, productive, and sustainable work system.

F. Strategies for Gender-Responsive Labor Law Enforcement

Gender-responsive labor law enforcement requires more than normative compliance; it must be transformative and responsive to entrenched structural inequalities in labor relations. As highlighted by Rishan (2022) and Sinaga and Zaluchu (2021), weak legislative performance and supervision have caused regulations such as Law No. 13 of 2003 and Law No. 6 of 2023 to fail to address the root causes of structural injustice faced by female workers. This underscores the need for strategies that go beyond legal texts and emphasize institutional interventions to ensure substantive protection.

Abuhussein et al. (2021) note that women's psychological well-being can only be achieved if the work system fulfills eudaimonic aspects meaning, dignity, and self-actualization. Effective legal strategies should therefore target organizational culture change, through policies that promote structural equality, including transparent promotion processes, gender-based flexible work policies, and protection from reproductive-function stigma.

First, strengthening state oversight capacity is crucial. Beznosov (2023) stresses that failures in legal supervision often stem from a lack of socio-psychological approaches to labor relations, leading inspectors to focus narrowly on legal norms without addressing workplace power dynamics. Inspections should be periodic, based on gender-disaggregated data, and target vulnerable sectors such as informal and labor-intensive industries where maternity rights violations are common, as seen in the

dismissal of pregnant workers by PT TCH and WRP (Berita Bangsa, 2025; CNN Indonesia, 2023).

Second, companies should develop internal mechanisms based on procedural justice principles, as procedural injustice is strongly correlated with workers' psychological distress (Cloutier et al., 2018). This includes gender-awareness training for leaders, specialized units for handling discrimination, and safe, independent complaint channels. Consistent with Borrelli et al. (2024), an ethical and fair work climate has a protective effect against workplace stress and anxiety.

Third, legal literacy among female workers should be enhanced through community-based popular legal education. Azizah et al. (2023) highlight that understanding of labor rights remains limited, particularly among women workers with low educational backgrounds. This aligns with Al-Fatih's (2023) socio-legal perspective on integrating normative understanding with social, cultural, and psychological contexts in legal education.

Without comprehensive reforms in supervision, corporate governance, and worker legal literacy, violations of women's labor rights will persist. Inequalities in wages (Xie et al., 2024), disproportionate workloads (Cockel et al., 2023), and denial of maternity rights (Febianti et al., 2025), cannot be resolved by written regulations alone. Therefore, gender-responsive legal enforcement must mainstream substantive justice and gender inclusivity into all aspects of labor governance. This approach ensures not only legal protection but also the creation of a work ecosystem in which women can thrive professionally, psychologically, and socially within a fair and dignified framework..

CONCLUSION

Although the Labor Law and Job Creation Law include protective provisions for female workers, their implementation remains limited. Discrimination persists in the form of unequal workloads, restricted access to occupational health services, and inadequate safe reporting systems. Nonetheless, some companies demonstrate strong gender equality practices, offering positive models for female-friendly workplaces. The

government should enhance monitoring and enforcement, establish secure and accessible reporting channels, and provide employer training on gender-sensitive policies. Promoting best practices from gender-inclusive companies could drive wider adoption of equitable labor standards.

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