

Legal Protection of Women's Workers' Rights During the Covid-19 Pandemic

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Abstract - Protection of Human Rights is an act or effort to protect the public from arbitrary actions by rulers who are not following the rule of law, to realise order and tranquillity to enable man to enjoy his dignity as a human being. During the Covid-19 pandemic, the Government is often forgotten by the Government in making a policy, namely the protection of the rights of women workers. This study aims to analyse the Legal Protection of Women Workers' Rights during the Covid-19 Pandemic based on the above problems. The research method used is the normative juridical research method. The results showed that Article 28D paragraph (1) of the Constitution of the Republic of Indonesia year 1945 states that everyone is entitled to recognition, guarantee, protection, and certainty of fair law and equal treatment before the law. Article 11 CEDAW Article 3 of the Convention on women's Political Rights shows that the protection of such rights is applied more specifically to all women. The national instrument on this matter can be found in Article 76 of Law No. 13 of 2003 on Employment and Article 49 (1) of Law No. 39 of 1999 on Human Rights.

Index Terms – covid-19 pandemic, female workers, human rights protection, termination of employment

INTRODUCTION

The world is facing a crucial problem with the presence of Covid-19 that has spread throughout the world, including Indonesia. The dilemma of various countries in tackling Covid-19 makes the Government feel the unrest and losses that impact health and the economy. Therefore, the Government needs to issue a policy stipulated in government Regulation No. 21 of 2020 on Large-Scale

Social Restrictions to break the chain of Spread of Covid-19[1] [2].

The policy led some companies to take steps to reduce losses due to Covid-19. One of the steps taken by some companies in Indonesia is to perform termination of employment on employees who work in the company. This is in line with Articles 164 and 165 of Law No. 13 of 2003 on Employment, which states that a company has the right to terminate employment relations with workers if a company suffers losses, no exception to the most vulnerable women in termination of employment.

The country that is supposed to be the guarantor of the rights of its citizens deliberately let various cases of violations against the workers still occur. Nevertheless, in general, some companies that break the working relationship during the Covid-19 pandemic often use force majeure reasons, even though the company is still producing as usual. There is a guarantee against the right of citizens to be entitled to a decent job/livelihood in the constitution.

In the 1945 Constitution, there are constitutional rights that must be fulfilled, one of which is the fulfilment of women's rights, especially for female workers. Based Article 1 of Law No. 13 of 2003 on Employment stated that "Labor is every person who is able to do work in order to produce goods or services both to meet the needs of himself or the community"[3]. Based on this understanding, what is meant by workers is everyone who works by receiving wages or rewards in other forms[4].

Normatively some provisions of the legislation. National labour/employment that is still felt less protect workers, especially female workers. When reviewed normatively, the Constitution of the Republic of Indonesia 1945 guarantees the right of every citizen to obtain a job under Article 27 paragraph (2) which states each citizen is

entitled to a job and a decent livelihood for humanity. This was later reaffirmed in the Constitution of the Republic of Indonesia year 1945 (the result of the second amendment) Chapter XA on Human Rights. Article 28 D mandates that "Everyone has the right to work and to be rewarded and treated fairly and appropriately in employment relationships". Furthermore, Article 28 I paragraph (4) confirms that protection, promotion, enforcement, and fulfilment, human rights are the responsibility of the State[5]. Therefore, the vagueness related to the termination of employment by the company during the Covid-19 pandemic becomes the author's focal point to discuss the policies issued by the company for workers, especially female workers; it is necessary to have legal protection for these female workers[6].

Early in 2020, China has alarmed the world about the dangers of SARS-Cov-2 or Corona Virus Disease 2019 (Covid-19). Since the warning, some countries have been wary of the outbreak of the virus[7]. A brief assessment by the Center for Mathematical Modeling and Simulation of the Bandung Institute of Technology predicts that the pandemic will peak at the end of March and end in mid-April 2020. Even with the dynamism of existing data, these predictions can undoubtedly continue to change.

On April 10, 2020, the 40th day after the President announced the first covid-19 patients in Indonesia. Positive cases of Covid-19 continue to increase as confirmed that the number of positive cases reached 4,557 cases. Of these, there is a continuous spike in daily life. Now the number of patients who died reached 399 people. The Government's slowness in anticipating the virus poses problems in every aspect, both social, economic, and political. On March 10, 2020, the Director-General of the World Health Organization sent a letter to the President of the Republic of Indonesia to question Indonesia's readiness to deal with the global pandemic. The Government's openness in handling cases highlight the approach in tracking and detecting cases of Covid-19.

Human rights protection is an act or effort to protect the public from arbitrary actions by rulers who are not by the rule of law, to realise order and tranquillity to enable people to enjoy their dignity as human beings. Similarly, the community joined the task force to accelerate Covid-19 handlers. The community that joins, which is one of the elements of health resources, also must carry out its service duties professionally. Considering that the people who join this are the law subjects, then, in essence, the relationship between the community, patients, and health facilities is legal. Legal relationships always give rise to reciprocal rights and obligations, the rights of one party to the other party's obligations, and vice versa. As a legal subject who has performed his service duties in the proper legal corridors, the public is entitled to legal protection from the rules of positive law.

Raharjo, in his book entitled "Legal Science", suggests that legal protection is to give protection to human rights

harmful by others and that protection is given to the community to enjoy all the rights granted by the law[8]. Soekanto, in his book entitled "Pengantar Penelitian Hukum", states that legal protection is all efforts to fulfil the right and aid provide a sense of security to witnesses and or victims, which can be realised in such forms as through restitution, compensation, medical services, and legal assistance.

This study aims to analyse the Legal Protection of Women Workers' Rights during the Covid-19 Pandemic based on the above problems.

RESEARCH METHODS

The method used is a method of normative juridical research, namely writing that emphasises favourable laws and analyses using literature materials, written legal norms[9]. When viewed from the nature of writing, then the method used is to use a descriptively analytical method, namely describing the symptoms that arise in society and problems that arise and trying to analyse and provide a solution. This method is based on data and information of a general nature, including legislation, theory and doctrine, and expert opinion[10].

RESULTS AND DISCUSSIONS

1. Human Rights Protection in the Task Force to Accelerate The Handling of Covid-19

Article 28D paragraph (1) of the Constitution of the Republic of Indonesia 1945 states that everyone is entitled to the recognition, guarantee, protection, and certainty of fair law and equal treatment before the law[11]. This is like Article 5 paragraph (1) of Law No. 39 of 1999 on Human Rights, which also states that everyone is recognised as a human being who has the right to sue and obtain the same treatment and protection by his/her human dignity before the law[12].

Article 27 paragraph (1) of Law No. 36 of 2009 concerning Health states that health workers are entitled to get rewards and legal protection in carrying out their duties by their profession. Strengthened by Article 57 letter a Law No. 36 of 2014 concerning Health Workers, health workers in carrying out practices are entitled to obtain legal protection if they carry out their duties by Professional Standards, Professional Service Standards, and Standard Operating Procedures. The regulation gives the government authority to carry out legal orders in providing guarantees for legal protection to health workers. In connection with the task force handling the acceleration of Covid-19, the Government must provide protection and guarantees of the rights of health workers in performing services, including rewards and guarantees for safety and health during duty.

Raharjo stated that legal protection is to protect human rights harmed by others and that protection is given to the community to enjoy all rights granted by law[13].

Constitutionally the Government is obliged to provide adequate health services, and the public is entitled to protection as an inherent right, so the protection and health insurance of everyone is the vanguard[14]. The Government's obligation to fulfil the public's constitutional right to health has an international juridical basis, namely in Article 2 paragraph (1) of the Convention on Economic, Social and Cultural Rights. Then the national constitution has also mentioned in article 28I paragraph (4) of the Constitution of the Republic of Indonesia 1945 that the protection, promotion, enforcement, and fulfilment of human rights is the state's responsibility, especially the Government. The obligation of this Government is also affirmed in Article 8 of the Human Rights Act, then Article 7 of the Health Law, which states that the Government is tasked with organising health efforts that are evenly distributed and affordable by every community. Then Article 9 of the Health Act states that the Government is responsible for improving public health[15].

Efforts to fulfil the right to health can be made in various ways in the form of prevention and healing. Prevention efforts include creating health-appropriate conditions, ensuring food and employment availability, suitable housing, and a healthy environment. At the same time, the healing efforts are carried out by providing optimal health services.

Health services include aspects of social security for health, adequate health facilities, qualified medical personnel, and financing of affordable services by the community[16]. Article 12 of the Convention on Economic, Social, and Cultural Rights also outlines the steps that must be taken to realise the highest standards in achieving physical and mental health, namely: (1) improvement of all aspects of environmental and industrial health; (2) prevention, treatment and control of all endemic infectious diseases, occupational diseases and other diseases; (3) the creation of conditions that guarantee the existence of all services and medical attention when disease arises.

II. Harmonisation of Government Policy as An Effort to Fulfill Human Rights in Handling Covid-19

By adhering to the principle of "salus populi suprema lex esto", the safety of the people is the highest law. Health policy to save, prevent, and cure Covid-19 should be the priority [17]. Therefore, efforts to implement Large Scale Social Restrictions conducted by the Government of Indonesia, which practically combines with self-quarantine conducted by citizens where Large Scale Social Restrictions are applied, make economic problems arise, because of the obstruction of economic activity of citizens due to restrictions, so that the Government both central and regional should be responsible for providing social assistance to the poor and affected citizens of the Border Force policy large scale. Thus, although citizen activities are limited to fulfil health rights due to Covid-19, the economic

rights of citizens, especially the right to be free from hunger, must still be fulfilled. In practice, there are often problems, especially in terms of data collection, but conceptually, the policy of Large-Scale Social Restrictions accompanied by social assistance shows that there has been a harmonisation between the fulfilment of health rights and economic rights.

However, new problems arise caused by uncertainty about when the Covid-19 pandemic will end. Many predictions have been submitted but have not been able to answer the very end of Covid-19. For example, the predictions of scientists from the Singapore University of Technology and Design, the Covid-19 pandemic will end on September 1, 2020. Meanwhile, according to scientists from Sepuluh November Institute of Technology, Surabaya and Gadjah Mada University, Yogyakarta predicts that the Covid-19 pandemic will be completed by the end of May 2020. Even up to this paper was written in early December 2020. The prediction of the end of Covid-19 at the end of September 2020 is not proven.

The vagueness of predictions from experts about when the end of the Covid-19 pandemic caused economic markets to experience much instability. Because vaccines to treat and prevent Covid-19 are not yet available, it causes this virus to be like a snowball that continues to roll and grow, potentially destroying the economy. None other than that, because the Covid-19 pandemic caused a halt in trade transactions that are conventionally one of the essential things of economic activity due to the policy of Large-Scale Social Restrictions and quarantine. During the Covid-19 pandemic, it is inevitable that most economic transactions will be halted or at least disrupted.

Meanwhile, the economic resilience of the citizens is limited, so it is very likely to cause economic problems not only for the poor but also those who were not previously poor. The durability of companies or businesses affected by restrictions on activities due to the policy of Large-Scale Social Restrictions is quite limited, thus allowing a wave of termination of employment that will directly impact the disruption of the economic rights of citizens. Similarly, the ability of the state in providing subsidies for its citizens. What has been revealed by the Government is the Government's ability to support people affected by Covid-19, both in terms of budget and time. Therefore, in terms of economic rights, not only the right to be free from famine is threatened, but also the right to decent jobs and livelihoods, the right to be rewarded from work, the right to fair and decent treatment in employment relations, and the right to choose a job that is guaranteed Article 27 Paragraph (2), Article 28D Paragraph (2) and Article 28E Paragraph (1) of the 1945 Constitution.

III. Legal Protection of Women's Workers' Rights During the Covid-19 Pandemic

In the dynamics of employment in Indonesia, the working relationship does not necessarily run optimally or can be said to experience problems caused by the worker or the company. Among workers who feel harmed by the company's policies, as well as companies that feel harmed by the negligence of the workers. These factors can allow for disputes between workers and employers in terms of termination of employment coupled with the Covid-19 pandemic that has spread throughout the world, including Indonesia. Thus, some companies issue policies to break the working relationship with some workers perceived to result in additional losses to the company.

Based on Law No. 13 of 2003 on Employment, losses caused by the company has not reached two years, then the company can not break the employment relationship just like that. Therefore, there need to be other efforts given by the company or the Government in tackling the impact of Covid-19 on workers who are at the termination of employment to limit working time/overtime, and workers can be homeless by not breaking the working relationship. This can help the government reduce the unemployment rate and help the government numb the economy during the Covid-19 pandemic.

Law No. 13 of 2003 on employment is one solution in protecting workers and employers about the rights and obligations of each party. Labour protection is stipulated in Law No. 13 of 2003 on Employment Article 67 to Article 101 covering the protection of workers with disabilities, children, women, working time, occupational safety and health, wages and welfare and studying Law No. 13 of 2003 means in regulating the rights and obligations for workers and entrepreneurs in carrying out a mechanism of the production process.

In addition, the existence of female workers who always get unfair treatment requires legal protection and human rights. Today's human rights today is considered a modern political ethic with the core idea of moral demands concerning how humans are obliged to treat people, so it is potentially solid to protect weak people and groups against their strong authority because of their position, age, status, and status others.

The definition of human rights adopted in the charter of human rights is naturally universal and eternal as the grace of God Almighty, including the right to life, the family right, the right to develop themselves, the right of security and the right of equality, which therefore should not be ignored or deprived by anyone[18] [19]. While in Article 1 paragraph (1) of Law No. 39 of 1999 on Human Rights defines human rights as a set of rights attached to the nature of human existence as a creature of God Almighty and is a gift that must be respected, upheld and protected by the State, law, Government and everyone for the honour and protection of human dignity and dignity which is furthermore in Article 38 of Law No. 39 of 1999 on Human Rights which says that[20][21]:

- a. Every citizen, according to his talents, prowess, ability, is entitled to a decent job;
- b. Everyone has the right to freely choose the job he or she likes and is entitled to fair employment conditions;
- c. Everyone, both men and women who do the same, comparable, equal, and similar work, is entitled to the wages and terms of the same employment agreement; and
- d. Everyone, both male and female, in doing a job commensurate with his human dignity, is entitled to a fair wage by his achievements and can guarantee his family's survival.

This means that workers, especially women, have the right to legal protection to get a decent job for their families. Then the description of Human Rights as outlined in the provisions of the 1945 Constitution is contained in article 28. Article 28 A of the Constitution of the Republic of Indonesia 1945 states that "Everyone has the right to live and has the right to defend his life and life"[22].

Article 28 D of the Constitution of the Republic of Indonesia 1945 states that (1). Everyone has the right to recognition, guarantee, protection and certainty of fair law and equal treatment before the law. Paragraph (2) states that Everyone has the right to work and be rewarded and treated fairly and appropriately in employment relationships. Article 28 G of the 1945 Constitution states that (1) Everyone is entitled to the protection of personal, family, honour, dignity, and property under his control, and is entitled to a sense of security and protection from the threat of fear to do or not do something that is a human right. (2). Everyone has the right to be free from torture or degrading treatment of human dignity and to be entitled to political asylum from another country[23] [24] [25].

Article 28 H paragraph (3) of the 1945 Constitution states that Everyone is entitled to social security that allows his/her full development as a dignified human being. Rights are protected interests, while interests are individual, or group demands expected to be met interests in their nature, containing powers guaranteed and protected by the law in carrying it out. So-called rights are valid because the legal system protects them.

Recognition and protection of human rights that are used as the main elements of the state of the law is a manifestation of the constitution that this country is based on the law and not based on power then protection is a guarantee that the dignity and dignity of human beings get a decent place in front of the law and Government, and in this position human beings are subjects who get guaranteed protection of human rights[26].

No less important is the protection of labour that aims to guarantee the fundamental rights of workers and guarantee opportunities and treatment without discrimination. This is the essence of the drafting of labour laws that realise the welfare of workers that will affect the progress of the business world in Indonesia. Every woman

has special rights relating to human rights that are recognised and protected by law. Women are categorised as vulnerable groups who have a special place in the guaranteed protection of human rights. In the many granting rights for women is the same as other rights as mentioned in the Human Rights Act, but with that reason, it is further affirmed. The underlying principles of rights for women include gender perspective rights and anti-discrimination in the sense of having rights such as men in education, law, employment, politics, citizenship and rights in marriage and its obligations. The legal basis for such rights in international instruments can be found in Article 23 of the General Declaration of Human Rights, Article 6 paragraphs (1), seven and Article 8 paragraphs (1) point (a) and (b) of the International Convention on Social and Cultural Economic Rights, in which it is governed by the rights of a person to a profession and occupation that applies to all persons.

Article 11 of the International Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) Article 3 of the Convention on women's Political Rights shows that the protection of such rights is applied more specifically to all women[27]. The national instrument on this matter can be found in Article 76 of Law No. 13 of 2003 on Employment and Article 49 (1) of Law No. 39 of 1999 on Human Rights[28] [29]. Article 49 (1) of the Human Rights Law states that "Women have the right to vote, be elected, be appointed in jobs, positions, and professions in accordance with the requirements and laws and regulations". At the CEDAW Convention, the most important articles of this convention are Article 4 and Article 11. Article 4 describes affirmative action or positive discrimination for women. While in Article 11 is explained about the rules on the obligation of the State to ensure the absence of discrimination for women in the workplace. The rights of a woman, both because she is a human being and as a woman, like human rights law, can be found in various legal systems on human rights. In this sense, it is explained that recognising a woman's rights is contained in various legal systems on human rights. The legal system on human rights is a human rights legal system both in the international and national realms. Specifically, women's rights in the legal system on human rights can be found both explicitly and implicitly. The use of common words sometimes makes the arrangement apply to women.

In this case, it can be used as a basis for the protection and recognition of women's rights. A woman sometimes gets discrimination and assumptions in the eyes; discrimination can happen both in work life, family to the life she goes through in society. With this discrimination, many parties, especially women themselves, realise the importance of raising women's rights as one type of human right that must be recognised and guaranteed protection. About women's rights in the field of profession and employment, there are rights that women must obtain both

before, during, and after doing work. Before getting a job, a woman has the right to be given the same opportunity as a man to get a job by his ability, so that the woman should be able to be selected against him without any discrimination. When getting a job, a woman also has rights that must be fulfilled, namely getting a wage by her job, getting safe and healthy working conditions, the same opportunities to be able to improve her work to a higher level, as well as the right to get training to improve the quality of her work. After getting a job, there are certainly times when women have to quit and leave their jobs. So when the work ends, a woman also has the right to get a fair severance and according to the performance and quality of the work she does.

In the period of pandemic Covid-19, of course, there have been many losses to the Nation of Indonesia today where in addition to taking many human lives, many people who lost due to the current pandemic so many ways that the Government has done, but the current pandemic still ends. So this impact is very felt for the economic sector both from the manufacturing sector, trade, up to tourism so that the impact is the termination of employment relationships between employers and workers or workers is no reason to break the employment in the current pandemic makes employers or companies have to stabilise a big step like mna way aga company continues to run even in the pandemic period that is by reducing energy so that the costs incurred are also not too significant so that companies can manage finances by what they produce and produce. Where termination of employment or employment relationship is not only a problem for the company or employers but also a significant impact for workers or workers so that they lose employment and they cannot get any more income behind the problem of termination of employment, or a company has the right to terminate employment on the grounds of efficiency.

By Article 164 Paragraph (1) of Law No. 13 of 2003 concerning employment states, employers can conduct Employment Relations because the company closes due to force majeure. Article 164 Paragraph (1) of Law No. 13 of 2003 concerning employment states, employers can perform Termination of Employment because the company closes due to force majeure. Article 164 Paragraph (3) law 13/2003 employers can also lay off workers or workers because the company closes not because of losses two years in a row or not because of force majeure or force majeure but caused by efficiency. The Minister of Manpower, in his statement regarding force majeure that has consequences for workers by severing employment, does not support the reasons of the company.

Force majeure is not the right reason or cannot be corrected by the Government due to the law article 164 paragraph 3 on employment. In this case, the contents of the law do not have legal force, in the sense that the Covid-19 Pandemic cannot be categorised as force majeure because

through the Constitutional Court Decision No.19/PUU IX/2011 states that Article 164 paragraph (3) is contrary to the Constitution of the Republic of Indonesia 1945. If a company closes and is not specified permanently closed or the company closes not for a while. Therefore, this article has no legal force for efficiency reasons can only be used if the company is permanently closed. Nevertheless, if we look at what happens, companies that have issued policies or a decision with reason or reason do not have a turnover or sufficient funds to pay enough salaries or severance, so that pandemic is the reason for termination of labour so that the company runs away from its responsibilities[30].

Where this is contrary to the regulations and has deviated from labour regulations in which in the regulation a company can close if the losses that occur in a company has reached for two years where Covid-19 is even two years so that on the grounds of force majeure used by some companies cannot be accepted by some people, especially workers who become workers in a company. Therefore, protection of employment status is needed in the current pandemic period if we look at Article 151 paragraph (1) of Law No. 13 of 2003 on Employment confirms that: "Employers, workers/ workers, unions, and the government, with all efforts must try not to break the employment relationship." Suppose all efforts have been made but cannot avoid the existence of Employment Relations so that employers or a company should not stabilise their own decisions in the determination of Termination of Employment and must be appropriately coordinated together and disseminated to workers.

The current state of the pandemic is shaken. The Chairman of public policy of the Indonesian Employers Association, Sutrisno Iwantono, admitted that the exhortation not to perform termination of employment is a little challenging to apply because employers, workers /workers, unions, and the Government, with all efforts, must try to avoid termination of employment. Especially for companies or employers suffered losses so that the current pandemic makes and requires the termination of employment relationships.

The other side of the Government also protects labour rights where at the time of this pandemic, all we need is cooperation and looking for a solution in handling the pandemic that is still ongoing. So that at the beginning of the pandemic, the Ministry of Manpower has issued a Circular Letter of the Minister of Manpower Number M/3/HK.04/III/2020 of 2020 concerning Worker Protection and Business Continuity in the Framework of Prevention and Countermeasures Covid-19.

The Government urges companies or employers that the steps that should be taken to manage the company's finances do not reduce the number of workers but make steps that can be taken such as reduce the wages and facilities of managers and directors, reduce shifts, limit overtime work or temporarily houseworkers. As a result of this outbreak, the State plays a vital role in labour rights in

Indonesia. Peranan state in the protection of labour rights is needed in the current pandemic period so that workers or workers can have protection from the State wherein the pandemic period such as today still does not muffle until now to make small workers or workers lose the right as labour.

At the beginning of the pandemic, the Indonesian Government and the World Health Organization have implemented health or social distancing protocols, which are the first steps in preventing or combating the transmission of the Covid-19 outbreak where it is forbidden to crowd in crowds, maintain distance, and reduce unnecessary physical contact to help prevent transmission of Covid-19. So, at the beginning of the pandemic, the Government issued several policies to reduce the spread of Covid-19, namely social policy. The social policy issued by the Government has a significant impact on entrepreneurs and industries, especially in the production of raw materials and markets from abroad to create a production vacuum and create the impact of energy reductions in which the production that should be done every day becomes not reproduced—making the economy weak in Indonesia during this pandemic.

Where the implementation regulation resulted in the company or industry experienced a decrease in income even more significant problems, the company suffered losses where if a company has suffered losses will increase the company's convincedness to stabilise the proper steps that are termination of an employment relationship because their income or income is reduced. Losses incurred make unstable conditions of the company. The current conditions are very threatening to the workers and workers who will lose labour in the cause of pandemic Covid-19. In order to overcome the problem, the Government issued a policy intending to protect the form of justice to workers who experience employment relations; some policies issued by the Government is to issue worker cards.

Demana, this program has been planned since the beginning to reduce poverty and poverty in Indonesia Kartu Prakerja program aims to develop workforce competencies and increase productivity and competitiveness for workers. A pre-employment card is a way for the Government to assist workers who experience termination of employment so that this card can be able to reduce the increasing miscarriage in the current pandemic in the hope that the level of the economy can experience the reformation of this pre-employment card is not only beneficial for people affected by employment relations only or people who are exposed to Covid-19 but can also be helpful for micro and small businesses affected, so they can work and work again. Furthermore, with the hope of bringing creativity return to business, micro, small and medium.

Economic conditions that are still stable due to the pandemic make workers have difficulties so that the impact is very felt for workers. However, through this program, it is expected that workers who have obtained facilities from the

State can build new skills and new passions to recreate or produce new and quality products in the pandemic to support the economy. Moreover, open jobs to create new jobs to accommodate many people to reduce the number of miscarriages that are increasing in the current pandemic.

Pandemic Covid-19 causes changes from sharing aspects of life in Indonesian society to the health aspect; implementing programs in health focuses on handling pandemic Covid-19 in Indonesia itself cases that still not stop increasing, where the public must change the way of thinking behaviour to promote public health and avoid the threat virus where the virus is increasingly widespread. Where not only health workers responsible but the community must also be responsible for their respective health and not spread the virus to others so that the public must understand for which pattern of spreading the virus to remain safe and not transmit and infected so that the Government issued a policy to provide incentives for medical personnel.

If health workers are exposed to Covid-19, then the Government will provide free health services to medical personnel and medical personnel who have died from Covid-19 disease. The Government will provide death compensation of Rp 300,000,000. However, the incentives are delayed because of various administrative matters and convoluted processes to grant blame for medical personnel and the Government because they feel that their rights are not fulfilled can be seen that the government policy in providing incentives is less effective even because of the unfulfillment of medical personnel is the trigger for the emergence of new complications so that the purpose of making this policy is to provide welfare for medical personnel is not met.

The first policy issued by the Kemnaker is to issue a Circular letter of the Minister of Manpower Republik Indonesia Number M/3/HK.04/III/2020 concerning Protection of Workers and Business Continuity in the Framework of Prevention and Countermeasures of Covid-19. This policy aims to prevent the spread and handling of causes related to Covid-19 in the work environment and the protection of wages for workers related to Covid-19.

Second, the Ministry of Manpower issued a circular of the Minister of Manpower Republik Indonesia Number M/8/HK.04/V/2020 concerning Protection of Workers/Workers in the Work Accident Insurance Program in Cases of Occupational Illness Due to Covid -19. The circular emphasises granting rights to workers at risk and exposed to Covid-19 to obtain the protection of work accident insurance programs by the law.

The third establishes an Occupational Health and Safety Post. The post is an active effort of Ministry of Manpower by opening information and consulting services related to complaints about workers' occupational safety and health in the company.

Where the implementation of the policy not fully implemented companies by the provisions of the law where there is a sharing of barriers if in a company there is a work accident, should the incident be reported to the personnel, but, there is no report at all that causes delays in the disbursement process of Work Accident Guarantee. It creates conflict and the loss of workers' rights to get the guarantee.

Pandemic Covid-19 resulted in losses for various parties affected by this pandemic so that many companies or employers experienced and had to terminate employment with workers, and reprimands are increasing in Indonesia. Behind all that, workers' rights must also be fulfilled if they have experienced labour quality, then employers must provide the last salary that must be given in line with the provisions agreement at the beginning.

In the system of Certain Time Work Agreement system, if one of the parties terminates the working relationship before the end of the period stipulated in the Per agreement of Certain Time Work or the end of the employment relationship is not due to the provisions as referred to in Article 61 paragraph (1) of Law No. 13 of 2003 concerning Employment. The party ending the employment relationship is obliged to pay compensation to the other party in the number of workers' wages until the expiration of the term of the employment agreement.

Article 61 paragraph (1) of Law No. 13 of 2003 on Manpower explains that the Employment Agreement terminates if:

- a. Dead workers;
- b. The term of the employment agreement;
- c. A court ruling and the decision or determination of an industrial relations dispute resolution body that has a permanent legal force; or
- d. Certain circumstances or events listed in the employment agreement, company regulations, or collective labour agreements may lead to the termination of the employment relationship."

Based on the description above, workers Work Certain Time Agreement entitled to compensation when there is unilateral termination of employment in the middle of the contract period. Related to the process of filing, the Work Relations Regulation is also obliged to be subject to Law No. 2 of 2004 on Settlement of Industrial Relations Disputes.

CONCLUSIONS

Article 28D paragraph (1) of the Constitution of the Republic of Indonesia 1945 states that everyone is entitled to the recognition, guarantee, protection, and certainty of fair law and equal treatment before the law. This is like Article 5 paragraph (1) of Law No. 39 of 1999 on Human Rights, which also states that everyone is recognised as a human being who has the right to sue and obtain the same treatment and protection by his/her human dignity before

the law. In the dynamics of employment in Indonesia, the working relationship does not necessarily run optimally or can be said to experience problems caused by the worker or the company. Among workers who feel harmed by the company's policies, as well as companies that feel harmed by the negligence of the workers. These factors can allow for disputes between workers and employers in terms of termination of employment coupled with the Covid-19 pandemic that has spread throughout the world, including Indonesia. Article 11 of the International Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) Article 3 of the Convention on women's Political Rights shows that the protection of such rights is applied more specifically to all women. The national instrument on this matter can be found in Article 76 of Law No. 13 of 2003 on Employment and Article 49 (1) of Law No. 39 of 1999 on Human Rights. Article 49 (1) of the Human Rights Law states that "Women have the right to vote, be elected, be appointed in jobs, positions, and professions in accordance with the requirements and laws and regulations". At the CEDAW Convention, the most important articles of this convention are Article 4 and Article 11.

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