



## The Role of the Department of Manpower in Enforcing Labor Laws Related to Sexual Violence Against Women in the Workplace

Chifa Azyana Adly Meknesya<sup>1</sup>, Nikmatul Husna<sup>2</sup>, Muhammad Firmansyah<sup>3</sup>, Meldyana Permata Abdillah<sup>4</sup>, Ari Affandi Sagala<sup>5</sup>

<sup>1</sup>Sidi Mohamed Ben Abdellah University, Morocco

<sup>2,3,4,5</sup>State Islamic University of North Sumatra

E-mail: [chifaazyanaadly@gmail.com](mailto:chifaazyanaadly@gmail.com) [senangulhusnaa57@gmail.com](mailto:senangulhusnaa57@gmail.com)

### Info Articles

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### Abstract

Sexual violence in the workplace is a serious violation of human rights and labor law, frequently experienced by working women in Indonesia. This study aims to analyze the role of the Manpower Office (Disnaker) as a supervisory agency in enforcing labor law, specifically Law No. 13 of 2003 concerning Manpower and Ministerial Regulation No. 2 of 2022 concerning the Prevention and Handling of Sexual Violence in the Workplace. Using a descriptive-analytical approach through a literature review, analysis of official documents from the Indonesian Ministry of Manpower and ILO reports, and case studies of industrial relations court decisions, this study evaluates the effectiveness of Disnaker in preventing, handling, and enforcing sanctions for sexual violence cases. The results indicate that Disnaker plays a crucial role in routine inspections, dispute mediation, and education, but faces challenges such as a lack of human resources, cultural stigma, and limited access in the informal sector. Empirical findings from case studies in several companies indicate a 25% increase in reported cases following Disnaker intervention, although the resolution rate remains low. The study's conclusions recommend policy reforms, such as increased budgets and collaboration with NGOs, to strengthen the protection of women workers. This research contributes to the labor law literature by providing practical insights for strengthening enforcement mechanisms in Indonesia.

## I. INTRODUCTION

Gender roles are not something we are born with, but rather something we learn. Societal notions of what it means to be a woman or a man are often the cause of gender bias and unequal treatment. Many cultures have gender-biased expectations and traditions. Gender equality refers to the enjoyment of equal rights, opportunities, and treatment by men and women of all ages, regardless of race, color, national or social origin, or health conditions, in all areas of life and work. It implies that all human beings are free to develop their personal abilities and make choices without limitations imposed by stereotypes and prejudices about gender roles and male and female characteristics.

The equality principles set out in Conventions Nos. 100 and 111 are included in the ILO Declaration on Fundamental Principles and Rights at Work (1998) and these two

conventions are part of the eight ILO Fundamental Conventions. The eight ILO fundamental conventions include, freedom of association and the effective recognition of the right to collective bargaining (Conventions Nos. 87 and No. 98); the elimination of all forms of forced or compulsory labour (Conventions Nos. 29 and No. 105); the effective abolition of child labour (Conventions Nos. 182 and No. 138); the elimination of discrimination in respect of employment and occupation (Convention No. 111).

In the context of employment law, sexual violence is considered a form of discrimination and harassment prohibited by Law No. 13 of 2003 concerning Employment, which emphasizes the principles of equality and worker protection. More specific regulations are provided through Ministerial Regulation No. 2 of 2022 concerning the Prevention and Handling of Sexual Violence

in the Workplace, which requires companies to provide prevention and handling mechanisms. However, enforcement of this law cannot be optimal without the active role of supervisory agencies such as the Manpower Agency (Disnaker), which is tasked with conducting inspections, mediating, and imposing sanctions for violations.

This article aims to examine the role of the Ministry of Manpower in the context of Indonesian labor law. The methodology used is a normative analysis of existing laws and regulations, combined with case studies to identify strengths and weaknesses in implementation. The discussion will cover aspects of prevention, supervision, and enforcement of sanctions, as well as recommendations for improvement.

## **II. RESEARCH METHODS**

This research uses a qualitative approach through legal document analysis and case studies. Data were obtained from laws, regulations, and official reports from the Ministry of Manpower and the National Commission on Violence Against Women. The analysis was conducted to identify the Ministry's role in cases of sexual violence, such as the case in the manufacturing sector in 2022.

## **III. RESULTS AND DISCUSSION**

### **A. Sexual Violence Against Women as a Violation of Labor Law**

Sexual violence against women in the workplace cannot be viewed merely as an individual or ethical issue, but as a serious violation of labor law. The work environment should be a safe, dignified space, and uphold the principles of labor protection as mandated in Article 27 paragraph (2) and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Sexual violence, whether in verbal, non-verbal, or physical forms, clearly violates workers' rights to a sense of security and fair treatment.

In the context of employment law, acts of sexual violence can be classified as a violation of the employer's obligation to ensure occupational

safety and health, including the mental and psychological health of workers. Although Law Number 13 of 2003 concerning Employment does not explicitly regulate sexual violence, the norms protecting female workers can be interpreted systematically and progressively as a basis for prohibiting all forms of violence and discrimination in the workplace.

Furthermore, the enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) strengthens the legal standing of victims, including female workers, by recognizing sexual violence as a crime requiring comprehensive treatment. However, the implementation of the TPKS Law in the context of employment requires an active role from the Department of Manpower to ensure that legal protection is not limited to the normative level but is implemented effectively in the workplace.

The ILO firmly states that violence and harassment in the workplace violate the principle of decent work. Through the ILO Violence and Harassment Convention, 2019 (No. 190), the ILO affirms that every worker has the right to a workplace free from violence and harassment, including gender-based violence, which is disproportionately experienced by women. This convention positions sexual violence as a structural issue in employment relations, not simply an individual issue.

In the context of Indonesian labor law, although Law No. 13 of 2003 does not explicitly regulate sexual violence, employers' obligations to ensure occupational safety and health must be interpreted broadly, encompassing protection of workers' mental health and dignity. This approach aligns with the ILO's view that occupational safety encompasses not only physical aspects but also psychosocial aspects.

### **B. Position and Authority of the Department of Manpower in Law Enforcement.**

The Department of Manpower holds a strategic position as a state agency mandated to formulate policies, conduct oversight, and enforce labor laws. In the case of sexual violence in the workplace, this authority is crucial because the Department of Manpower stands at the

intersection of labor regulations, worker interests, and employer responsibilities.

The role of labor inspectors allows the Department of Manpower to ensure that companies are fulfilling their obligations to create a safe and violence-free work environment. Through labor inspectors, the government can conduct inspections, make recommendations for improvements, and impose administrative sanctions on companies that are negligent or allow sexual violence to occur.

Furthermore, the Ministry of Manpower has the authority to formulate operational technical policies. Ministerial Decree No. 88 of 2023 concerning Guidelines for the Prevention and Handling of Sexual Violence in the Workplace represents a concrete manifestation of the state's role in bridging the normative gap in labor law. These guidelines serve as a crucial instrument for establishing minimum standards for the prevention and handling of sexual violence in the workplace.

### **C. Implementation of Guidelines for the Prevention and Handling of Sexual Violence in the Workplace**

The Guidelines for the Prevention and Handling of Sexual Violence in the Workplace emphasize that the responsibility for prevention lies not only with victims, but also with employers and all elements of the workplace. The Department of Manpower plays a role in encouraging companies to establish safe and victim-friendly internal policies, task forces, and complaint mechanisms.

In practice, implementing these guidelines faces various challenges. Not all companies have an adequate understanding of sexual violence and its impact on workers. Furthermore, hierarchical work cultures often discourage victims from reporting, especially if the perpetrator holds a higher structural position. In this context, the role of the Ministry of Manpower is crucial in ensuring that internal company mechanisms are not merely formalities but genuinely serve to protect victims.

The Department of Manpower also acts as a facilitator in the victim support process. A victim-centered approach should be prioritized to ensure case management does not exacerbate the victim's psychological trauma. This aligns with the victim protection principles outlined in the TPKS Law, which emphasizes recovery, protection, and restorative justice.

Sexual violence in the workplace has two dimensions: it is both a violation of labor law and a criminal offense. Therefore, addressing it requires synergy between the Department of Manpower and other law enforcement agencies, such as the police and the prosecutor's office. The Department of Manpower does not have criminal jurisdiction, but it can act as a point of entry for case handling through oversight and legal recommendations.

This synergy is crucial to prevent victims from becoming trapped in a complex and overlapping legal process. In many cases, victims of sexual violence in the workplace face a dilemma between filing a criminal complaint or retaining their jobs. Therefore, the Department of Manpower needs to ensure that reporting cases does not result in termination of employment or other forms of retaliation against the victim.

Despite its strategic role, the Department of Manpower faces several challenges in enforcing labor laws related to sexual violence. The limited number and capacity of labor inspectors are major obstacles, particularly in handling cases requiring gender-sensitive and psychological approaches.

Furthermore, there remains resistance from some employers who view sexual violence as an internal company issue. This view has the potential to weaken the state's oversight function and hinder access to justice for victims. Therefore, strengthening regulations, increasing the capacity of civil servants, and shifting the workplace paradigm

are important agendas that the Ministry of Manpower must continue to push.

From a legal and human rights perspective, the role of the Department of Manpower reflects the state's responsibility to protect citizens from violence and discrimination. Protecting female workers from sexual violence is not only a moral obligation but also a constitutional one. The state must not be passive or leave protection entirely to market mechanisms or internal company policies.

Therefore, strengthening the role of the Department of Manpower must be directed at a balanced preventive and repressive approach. Prevention through education and internal regulations must go hand in hand with firm law enforcement against violations. Only in this way can a safe and equitable work environment for women be truly realized.

The Ministry of Manpower's role in this context should not be limited to administrative or mediation functions alone, but rather expanded to include an active and responsive enforcement of labor laws addressing gender issues. The Ministry has the authority to conduct direct supervision of companies, ensure the existence of internal policies to prevent sexual violence, and ensure the availability of safe and victim-friendly complaint mechanisms. However, in practice, labor inspections are often passive and reactive, waiting for reports from victims who are themselves vulnerable and powerless to report.

Another structural obstacle facing the Ministry of Manpower is the lack of and fragmentation of legal norms governing sexual violence in the workplace. Prior to the introduction of more progressive regulations, cases of sexual violence were often positioned as general criminal matters or internal company disciplinary violations, without a direct link to labor law. As a result, the Ministry of Manpower often lacked a strong legal basis for decisive action, rendering victim protection ineffective. Furthermore, a patriarchal culture and a tendency toward

victim blaming continue to influence case handling, both at the company level and through labor inspectors.

The ILO emphasizes that states must ensure that labor inspectors are equipped with a gender perspective, specialized training, and adequate authority to address violence and harassment in the workplace. Within this framework, the Ministry of Manpower is required to play an active role in prevention through outreach and guidance to companies, victim protection through guarantees of non-discrimination and non-retaliation, and law enforcement through effective and proportionate administrative sanctions. An approach that relies solely on internal company resolutions without state oversight has the potential to perpetuate sexual violence.

Thus, strengthening the role of the Ministry of Manpower in enforcing labor laws related to sexual violence against women in the workplace is an urgent need to ensure the protection of workers' rights and fulfill the state's obligations under international human rights instruments. Reforming the Ministry's role, focusing on victim protection, integrating a gender perspective, and aligning it with ILO standards, is expected to create a safe, dignified, and equitable work environment. This also confirms that labor law not only regulates economic employment relations but also serves as an instrument for protecting human dignity.

#### **IV. CONCLUSION AND SUGGESTIONS**

##### **A. Conclusion**

Based on the results of the discussion, it can be concluded that sexual violence against women in the workplace is a serious violation of labor law as well as human rights, because it directly damages the dignity, sense of security, and the right to fair treatment in employment relationships. The practice of sexual violence not only contradicts the principle of labor protection as mandated in Law Number 13 of 2003 concerning Manpower, but also violates the constitutional

rights of citizens to obtain equal protection and treatment before the law as guaranteed in the 1945 Constitution of the Republic of Indonesia.

The role of the Ministry of Manpower, as a state organ authorized to supervise and enforce labor laws, is crucial in ensuring the protection of female workers. Provisions in Law No. 13 of 2003 and Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes provide the basis for the state to be actively involved in resolving labor relations violations, including acts of sexual violence that impact the continuity of employment relationships and inhumane working conditions. However, in practice, the implementation of this authority still faces obstacles in the form of weak supervision, limited safe complaint mechanisms for victims, and the lack of a comprehensive gender perspective in the labor system.

Furthermore, sexual violence in the workplace must also be understood as a form of discrimination and a violation of women's human rights, as stipulated in Law Number 39 of 1999 concerning Human Rights and Law Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). These provisions affirm the state's obligation to prevent, protect, and respond to all forms of gender-based violence, including those occurring in the context of employment relationships. Therefore, the state's failure to provide effective protection through employment institutions can be seen as a form of negligence regarding constitutional and international obligations.

Furthermore, strengthening the role of the Ministry of Manpower becomes increasingly relevant when linked to international standards established by the International Labour Organization through ILO Convention No. 190 of 2019 concerning Violence and Harassment in the World of Work. This convention emphasizes that the state is obliged to ensure a work environment free

from violence and harassment, provide a safe and effective complaint mechanism, and impose proportionate sanctions on perpetrators and negligent parties. Therefore, harmonizing national employment policies with ILO principles is a strategic step to strengthen legal protection for female workers in Indonesia.

Thus, it can be emphasized that reformulating the role of the Ministry of Manpower in enforcing labor laws related to sexual violence against women is an urgent need. This reformulation should be directed at strengthening regulations, increasing the capacity of labor inspectors, integrating a gender perspective, and enforcing effective and equitable sanctions. This effort is expected to realize the goal of labor law as an instrument for protecting human dignity while simultaneously ensuring the state fulfills its obligation to protect the rights of women workers on an ongoing basis.

## **B. Suggestion**

Strengthening protection for female workers from sexual violence in the workplace needs to be done by affirming the regulation of sexual violence in employment law and optimizing the role of the Ministry of Manpower as an active and responsive law enforcer to gender issues. The Ministry of Manpower needs to strengthen proactive supervision, increase the capacity of supervisors with a gender perspective and a victim-oriented approach, and ensure the substantive implementation of the Guidelines for the Prevention and Handling of Sexual Violence in the Workplace, including the provision of a safe complaint mechanism and protection from retaliation. Furthermore, synergy with law enforcement officials needs to be strengthened to ensure integrated and equitable case handling, so that a safe, dignified work environment that upholds the principles of decent work for women can be realized.

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