



The Reconstruction of Gender-Responsive Labour Law Enforcement: Repositioning the Department of Manpower in Addressing Sexual Violence Against Women in the Indonesian Workplace

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Abstract

Sexual violence against women in the workplace remains a persistent structural challenge that undermines workers' dignity, equality, and the realization of decent work. Although Indonesia has strengthened its legal framework through Law Number 12 of 2022 on Sexual Violence Crimes, Minister of Manpower Decree Number 88 of 2023, and related labour regulations, enforcement remains fragmented and largely reactive. This study examines the role of the Department of Manpower in enforcing labour laws related to workplace sexual violence, identifies weaknesses within the current enforcement system, and proposes a gender-responsive enforcement model to enhance victim protection. The research employs a normative juridical method using statutory, conceptual, comparative, and case approaches, supported by international labour standards and human rights instruments, including ILO Convention No. 190 and CEDAW. Primary legal materials consist of Indonesian legislation and international instruments, while secondary materials include scholarly literature, judicial decisions, government reports, and international publications. The findings indicate that workplace sexual violence constitutes not only an individual criminal offence but also a structural labour law violation arising from failures in workplace governance, employer accountability, and state supervision. The study further reveals that the Department of Manpower's effectiveness is constrained by fragmented institutional authority, limited labour inspection capacity, weak inter-agency coordination, and the absence of integrated victim-centred enforcement mechanisms. Accordingly, this research proposes a Gender-Responsive Labour Law Enforcement Model (GRLEM) integrating preventive supervision, gender-sensitive labour inspection, institutional coordination, victim protection, and effective administrative sanctions. The model contributes to labour law scholarship by transforming labour inspection into a human rights-based enforcement mechanism that supports safe, equitable, and violence-free workplaces in Indonesia.

I. INTRODUCTION

The transformation of labour markets in the twenty-first century has significantly increased women's participation across various economic sectors, contributing substantially to national productivity and economic growth. Nevertheless, greater participation has not necessarily been accompanied by stronger legal protection against workplace violence. Sexual violence remains one of the most pervasive forms of gender-based discrimination within employment relationships, creating profound legal, social, psychological, and economic consequences for women workers. Beyond causing individual trauma, workplace sexual violence undermines equality,

occupational safety, productivity, and public confidence in labour institutions, thereby threatening the realization of decent work promoted by the International Labour Organization (ILO) (International Labour Organization [ILO], 2019).

International labour law increasingly recognizes that violence and harassment are incompatible with fundamental labour rights. The adoption of ILO Convention No. 190 concerning Violence and Harassment in the World of Work represents a paradigm shift by recognizing violence and harassment, including gender-based sexual violence, as structural obstacles to decent

work rather than isolated interpersonal misconduct (ILO, 2019). Convention No. 190 emphasizes that every worker has the right to a workplace free from violence and harassment and places corresponding obligations upon governments, employers, and labour institutions to establish comprehensive preventive and enforcement mechanisms (ILO, 2021). This development signifies the evolution of labour law from regulating contractual employment relationships toward safeguarding human dignity within the workplace.

Indonesia has gradually strengthened its legal framework addressing workplace sexual violence. Constitutional guarantees under Articles 27 and 28D of the 1945 Constitution establish the principles of equality before the law and the right to fair working conditions. These guarantees are further reinforced through Law Number 39 of 1999 concerning Human Rights, Law Number 13 of 2003 concerning Manpower, Law Number 12 of 2022 concerning Sexual Violence Crimes, and Minister of Manpower Decree Number 88 of 2023 concerning Guidelines for the Prevention and Handling of Sexual Violence in the Workplace. Collectively, these legal instruments demonstrate increasing governmental commitment to protecting workers from violence and discrimination.

Despite these normative developments, workplace sexual violence remains significantly underreported and inadequately addressed. Reports published by the International Labour Organization, United Nations Entity for Gender Equality and the Empowerment of Women, and Komisi Nasional Anti Kekerasan terhadap Perempuan consistently demonstrate that many victims refrain from reporting incidents because of fear of retaliation, employment termination, social stigma, lengthy legal procedures, and institutional distrust (ILO, 2022; UN Women, 2022; Komnas Perempuan, 2023). Such circumstances illustrate that the existence of legal norms alone does not necessarily ensure effective protection when enforcement institutions remain structurally weak.

Within Indonesia's labour governance system,

the Department of Manpower occupies a strategic position as the principal administrative authority responsible for labour inspection, regulatory supervision, dispute prevention, and enforcement of labour standards. Labour inspectors constitute the state's primary institutional mechanism for ensuring employer compliance with labour legislation, including occupational safety, equality, and non-discrimination. However, the institutional role of the Department of Manpower in addressing workplace sexual violence remains predominantly administrative, focusing upon compliance inspections and mediation rather than comprehensive victim protection or proactive enforcement. Consequently, labour law enforcement frequently operates separately from criminal justice mechanisms despite workplace sexual violence simultaneously constituting labour law violations, human rights violations, and criminal offences.

Existing legal scholarship has generally examined workplace sexual violence from the perspectives of criminal law, human rights, gender studies, or employment discrimination. Comparatively limited attention has been devoted to analysing labour inspection itself as a strategic instrument of gender-responsive law enforcement. Likewise, previous studies tend to evaluate statutory provisions without critically examining institutional fragmentation between labour administration, criminal justice agencies, employers, and victim support mechanisms. This fragmented analytical approach leaves an important gap regarding how labour institutions should be reconstructed to respond effectively to gender-based workplace violence.

Accordingly, this research argues that workplace sexual violence should no longer be conceptualized solely as an individual criminal act requiring prosecution after harm has occurred. Instead, it should be understood as a structural failure of workplace governance requiring integrated preventive supervision, gender-sensitive labour inspection, institutional accountability, and collaborative law enforcement. Reconstructing the role of the Department of Manpower therefore becomes

essential not only for improving labour compliance but also for fulfilling Indonesia's constitutional obligations, international human rights commitments, and sustainable development objectives relating to gender equality and decent work.

This study seeks to address three principal research questions. First, how should workplace sexual violence be conceptualized within Indonesian labour law and international labour standards? Second, what institutional challenges currently limit the effectiveness of the Department of Manpower in enforcing labour law relating to workplace sexual violence? Third, how should labour law enforcement be reconstructed to establish a gender-responsive institutional framework capable of strengthening victim protection and preventing workplace sexual violence?

The novelty of this research lies in the development of a Gender-Responsive Labour Law Enforcement Model (GRLEM), which reconceptualizes labour inspection from a predominantly administrative compliance mechanism into an integrated human rights-based enforcement system. Unlike existing studies emphasizing criminal prosecution or employer obligations independently, this model integrates preventive supervision, gender-sensitive labour inspection, victim-centred protection, inter-agency coordination, administrative sanctions, and institutional accountability within a collaborative governance framework. Consequently, this research contributes not only to Indonesian labour law scholarship but also to broader discussions concerning gender-responsive regulatory governance and contemporary labour inspection systems.

II. RESEARCH METHODS

This study employs normative juridical research using a qualitative legal research design. Rather than measuring empirical prevalence, the research focuses on examining the coherence, effectiveness, and institutional implementation of legal norms governing workplace sexual violence within Indonesia's labour law system. The study

adopts four complementary legal approaches comprising the statutory approach, conceptual approach, comparative approach, and case approach.

The statutory approach analyses Indonesian legal instruments regulating labour protection, workplace safety, gender equality, human rights, and sexual violence, including the 1945 Constitution, Law Number 13 of 2003 concerning Manpower, Law Number 12 of 2022 concerning Sexual Violence Crimes, Law Number 39 of 1999 concerning Human Rights, Minister of Manpower Decree Number 88 of 2023 concerning Guidelines for the Prevention and Handling of Sexual Violence in the Workplace, and other relevant implementing regulations. The conceptual approach examines theoretical perspectives relating to labour law enforcement, decent work, gender-responsive governance, labour inspection, institutional accountability, and victim-centred legal protection.

The comparative approach refers to international legal instruments and comparative labour standards, particularly ILO Convention No. 190 concerning Violence and Harassment in the World of Work, ILO Recommendation No. 206, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and selected comparative practices concerning labour inspection and workplace violence prevention. Meanwhile, the case approach evaluates judicial decisions, policy reports, and institutional practices relevant to workplace sexual violence in order to assess the effectiveness of existing enforcement mechanisms.

The legal materials consist of primary legal materials, including constitutions, statutes, government regulations, ministerial regulations, international conventions, and judicial decisions, together with secondary legal materials comprising books, peer-reviewed journal articles, official reports published by the International Labour Organization, UN Women, Komnas Perempuan, the Ministry of Manpower, and other authoritative institutions. All legal materials are analysed qualitatively using legal interpretation, systematic analysis, comparative legal reasoning,

and prescriptive legal analysis to formulate recommendations for reconstructing Indonesia's labour law enforcement system concerning workplace sexual violence against women.

III. RESULTS AND DISCUSSION

A. Sexual Violence Against Women as a Structural Violation of Labour Rights and Human Rights

Sexual violence against women in the workplace should no longer be understood merely as an isolated criminal act committed by an individual against another individual. Such a conventional perspective tends to reduce workplace sexual violence to personal misconduct, thereby overlooking the broader structural conditions that enable its occurrence. Contemporary labour law scholarship increasingly recognizes that workplace sexual violence is deeply embedded within unequal employment relationships, organizational power imbalances, discriminatory workplace cultures, and institutional failures in labour governance. Consequently, workplace sexual violence constitutes not only an offence against individual bodily autonomy but also a systemic violation of labour rights, equality principles, and fundamental human rights that undermines the realization of decent work and social justice within employment relations (International Labour Organization [ILO], 2019, pp. 5–8; Collins et al., 2019, pp. 271–279).

From the perspective of labour law, every employment relationship creates reciprocal rights and obligations between employers and workers. Employers are not merely obligated to provide wages but are also legally responsible for ensuring a working environment that is safe, healthy, dignified, and free from all forms of violence and discrimination. This obligation reflects the evolution of labour law from a contractual regulatory regime toward a human rights-oriented legal framework emphasizing worker protection as a constitutional obligation of the State. Therefore, when sexual violence occurs within the workplace, the legal responsibility extends beyond the individual perpetrator and encompasses employers whose negligence in

establishing preventive mechanisms, internal complaint procedures, and effective supervision contributes to the perpetuation of unsafe working environments (Collins et al., 2019, pp. 284–291; Deakin & Morris, 2021, pp. 413–420).

This broader understanding is consistent with the constitutional framework of Indonesia. Article 27 paragraph (2) of the 1945 Constitution guarantees every citizen the right to employment and a decent livelihood, while Article 28D paragraph (1) guarantees equality before the law and equal legal protection. These constitutional provisions should not be interpreted narrowly as guaranteeing access to employment alone. Rather, they impose positive obligations upon the State to ensure that employment relationships are conducted under conditions respecting human dignity, equality, occupational safety, and freedom from violence. Consequently, workplace sexual violence constitutes a constitutional issue because it directly interferes with the realization of fundamental constitutional rights guaranteed to every worker (Constitution of the Republic of Indonesia of 1945; Butt & Lindsey, 2018, pp. 134–138).

The recognition of workplace sexual violence as a human rights issue has also been firmly established under international law. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires States Parties to eliminate all forms of discrimination against women, including discrimination occurring in employment relationships. The CEDAW Committee has repeatedly emphasized that gender-based violence constitutes a form of discrimination because it prevents women from enjoying equal opportunities in employment, career advancement, remuneration, and participation in economic life. Consequently, governments bear not only negative obligations to refrain from discrimination but also positive obligations to establish effective legal institutions capable of preventing, investigating, punishing, and remedying workplace sexual violence (United Nations, 1979; Fredman, 2016, pp. 97–112).

A significant paradigm shift occurred following the adoption of the International Labour Organization Violence and Harassment Convention, 2019 (Convention No. 190). Unlike previous labour standards primarily addressing occupational safety from a physical perspective, Convention No. 190 explicitly recognizes violence and harassment—including sexual violence—as incompatible with decent work. More importantly, the Convention introduces the concept of "the world of work," thereby extending legal protection beyond traditional workplace premises to include work-related travel, training activities, social events, electronic communications, business trips, remote working arrangements, and other activities connected to employment relationships. This expanded concept reflects the transformation of modern labour markets in which professional interactions increasingly occur through digital technologies and flexible working arrangements (International Labour Organization [ILO], 2019, pp. 6–12; ILO, 2021, pp. 14–21).

Within the Indonesian legal system, significant progress has been achieved through the enactment of Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS Law). Unlike earlier criminal legislation that focused primarily upon punishment, the TPKS Law adopts a comprehensive victim-centred approach encompassing prevention, protection, recovery, access to justice, restitution, and institutional responsibility. Nevertheless, the implementation of these protections within employment relationships remains institutionally fragmented because labour administration, criminal investigation, industrial relations mechanisms, and victim recovery services continue operating under separate legal frameworks with limited coordination. As a consequence, victims frequently encounter overlapping procedures, inconsistent institutional responses, prolonged dispute resolution, and secondary victimization arising from repetitive reporting obligations before multiple agencies (Law No. 12 of 2022 concerning Sexual Violence Crimes; Komisi

Nasional Anti Kekerasan terhadap Perempuan [Komnas Perempuan], 2023, pp. 31–42).

The structural nature of workplace sexual violence further demonstrates that organizational governance significantly influences both the occurrence and persistence of violence. Numerous empirical studies indicate that workplace sexual violence frequently develops within institutional environments characterized by hierarchical management structures, unequal gender representation, weak accountability mechanisms, and organizational cultures prioritizing corporate reputation over victim protection. In many cases, employers respond by encouraging informal settlements, transferring victims rather than perpetrators, or discouraging formal complaints to avoid reputational damage. Such institutional responses reinforce impunity while simultaneously increasing the vulnerability of women workers. Therefore, labour law should recognize organizational negligence as an independent form of legal responsibility requiring administrative intervention alongside criminal liability imposed upon perpetrators (McDonald, 2012, pp. 6–15; McCann, 2005, pp. 18–24).

Another critical dimension concerns the economic consequences of workplace sexual violence. Beyond psychological trauma, victims often experience decreased productivity, absenteeism, resignation, interrupted career development, reduced income, and long-term exclusion from labour markets. Employers likewise incur substantial economic losses through declining organizational performance, increased employee turnover, reputational damage, litigation costs, and weakened investor confidence. At the macroeconomic level, widespread workplace violence undermines labour productivity, reduces women's labour force participation, and weakens sustainable economic development. Consequently, preventing workplace sexual violence should be understood not merely as a human rights obligation but also as an essential component of sound labour market governance and national economic policy (International Labour Organization, 2022, pp. 19–28; World Bank, 2023, pp. 85–92).

Furthermore, the emergence of digital employment has created new patterns of workplace sexual violence that extend beyond conventional physical interactions. Online harassment through email, virtual meetings, instant messaging applications, social media platforms, and employer communication systems increasingly blurs the distinction between workplace and private space. Existing labour regulations remain largely designed for conventional workplaces, whereas digital forms of harassment often escape administrative supervision despite producing equally serious psychological and professional consequences. This transformation requires labour law to adopt a broader understanding of occupational safety that incorporates psychosocial risks arising from digital employment relationships, thereby ensuring that legal protection remains relevant within contemporary labour markets (European Agency for Safety and Health at Work, 2022, pp. 40–49; ILO, 2021, pp. 22–27).

Accordingly, this study argues that workplace sexual violence should be reconstructed as a structural labour governance issue rather than merely an individual criminal offence. Such a reconstruction shifts the focus of legal protection from punitive responses after violence occurs toward preventive institutional governance emphasizing organizational accountability, gender-sensitive labour inspection, employer responsibility, and integrated state supervision. Under this approach, labour law functions not only as an instrument regulating contractual employment relationships but also as a constitutional mechanism for protecting human dignity, gender equality, occupational safety, and social justice within the world of work. This conceptual reconstruction provides the normative foundation for redefining the role of the Department of Manpower as a proactive institution responsible for preventing structural violence rather than merely responding to legal disputes after harm has occurred (Deakin & Morris, 2021, pp. 421–427; International Labour Organization, 2019, pp. 8–10)

B. Repositioning the Department of Manpower in Gender-Responsive Labour Law Enforcement

The Department of Manpower occupies a pivotal position within Indonesia's labour governance system because it serves as the primary state institution entrusted with ensuring compliance with labour legislation through inspection, supervision, administrative enforcement, and industrial relations facilitation. Traditionally, labour inspection has concentrated upon verifying employer compliance with statutory obligations concerning wages, working hours, occupational safety, social security, and employment contracts. Although these functions remain fundamental, contemporary developments in labour law require labour inspection to evolve beyond technical regulatory compliance toward a broader human rights-oriented enforcement mechanism capable of protecting workers from discrimination, violence, and psychosocial hazards. This transformation reflects the growing recognition that labour inspectors are not merely administrative regulators but also institutional guardians of fundamental labour rights and decent work principles (International Labour Organization [ILO], 2022, pp. 17–24; Weiss & Schmidt, 2023, pp. 141–150).

The evolution of labour inspection corresponds with the changing objectives of labour law itself. Classical labour law primarily regulated contractual relationships between employers and employees, emphasizing industrial peace and economic productivity. Contemporary labour law, however, increasingly functions as a mechanism for balancing unequal bargaining power within employment relationships while simultaneously safeguarding equality, dignity, occupational health, and social justice. Consequently, labour inspection must no longer be confined to verifying documentary compliance but should actively assess whether organizational practices genuinely protect workers from structural forms of discrimination and violence, particularly those affecting women workers (Collins et al., 2019, pp. 295–302; Deakin & Morris, 2021, pp. 430–438).

Within Indonesia, the legal authority of the Department of Manpower derives principally from Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law, together with implementing regulations governing labour inspection and occupational safety. These legal instruments authorize labour inspectors to conduct workplace inspections, investigate violations, issue compliance orders, recommend administrative sanctions, and facilitate the settlement of industrial relations disputes. Nevertheless, none of these statutory powers expressly limits labour inspection to economic matters. On the contrary, the broad objective of labour law to ensure decent working conditions provides sufficient legal justification for labour inspectors to supervise organizational measures preventing workplace violence and protecting workers' dignity (Law No. 13 of 2003 concerning Manpower; Law No. 6 of 2023 concerning Job Creation).

The enactment of Minister of Manpower Decree Number 88 of 2023 concerning the Guidelines for the Prevention and Handling of Sexual Violence in the Workplace represents a significant normative advancement because it establishes minimum institutional standards requiring employers to develop internal prevention policies, confidential reporting mechanisms, victim protection procedures, and educational programmes addressing workplace sexual violence. However, regulatory standards alone cannot guarantee effective implementation. Numerous employers formally adopt written policies merely to satisfy administrative requirements without ensuring their practical effectiveness. Consequently, the Department of Manpower must move beyond reviewing written documentation toward evaluating whether workplace policies are genuinely implemented through independent complaint mechanisms, confidential investigations, protection against retaliation, and effective disciplinary procedures

(Ministry of Manpower of the Republic of Indonesia, 2023, pp. 11–27).

This shift requires a fundamental reconceptualization of labour inspection itself. Rather than functioning solely as an institution verifying legal compliance, labour inspectors should operate as risk-based regulators capable of identifying structural conditions that facilitate workplace sexual violence. Such conditions include unequal organizational hierarchies, absence of gender-sensitive leadership, inadequate complaint mechanisms, poor occupational mental health policies, ineffective disciplinary systems, and organizational cultures that normalize gender discrimination. By identifying institutional vulnerabilities before violence occurs, labour inspectors contribute directly to preventive law enforcement rather than merely responding to violations after harm has been inflicted (International Labour Organization, 2021, pp. 33–39; Weil, 2014, pp. 58–73).

An equally important dimension concerns the integration of gender-responsive governance within labour inspection. Gender-responsive governance requires public institutions to recognize that women and men frequently experience employment relationships differently because of structural inequalities embedded within organizational cultures and labour markets. Consequently, labour inspection cannot adopt a gender-neutral approach when supervising workplace violence. Instead, labour inspectors must possess specialized competencies enabling them to recognize patterns of gender discrimination, abuse of managerial authority, coercive workplace relationships, and victim vulnerability arising from unequal power structures. Without such institutional sensitivity, labour inspection risks reproducing discriminatory assumptions that discourage victims from reporting workplace sexual violence (Fredman, 2016, pp. 105–114; UN Women, 2022, pp. 18–29).

The effectiveness of labour inspection also depends significantly upon institutional independence and professional competence.

Workplace sexual violence frequently involves senior managers, supervisors, or individuals occupying positions of organizational authority. Under such circumstances, labour inspectors must possess sufficient legal independence to investigate complaints objectively without political, economic, or organizational interference. International experience demonstrates that independent labour inspectorates supported by adequate financial resources, specialized training, and clear enforcement authority are substantially more effective in promoting compliance than inspectorates operating primarily through voluntary employer cooperation (International Labour Organization, 2022, pp. 30–37; Weil, 2014, pp. 94–101).

Another critical aspect concerns the relationship between labour administration and criminal justice institutions. Workplace sexual violence simultaneously constitutes a labour law violation, a criminal offence, and a human rights violation. Nevertheless, each legal regime pursues different objectives. Criminal law seeks to determine individual criminal responsibility, whereas labour law primarily aims to restore safe working conditions, prevent future violations, and ensure employer accountability. Accordingly, the Department of Manpower should not duplicate criminal investigations but instead complement criminal proceedings through administrative supervision, workplace risk assessment, institutional reform, and employer compliance monitoring. Such complementary enforcement reflects the principle of integrated governance in which multiple institutions collectively contribute to comprehensive victim protection rather than operating independently within fragmented legal frameworks (International Labour Organization, 2019, pp. 18–22; OECD, 2023, pp. 74–82).

The rapid expansion of digital employment further necessitates institutional adaptation by labour authorities. Increasing reliance upon remote work, virtual meetings, digital communication platforms, and artificial intelligence has created new forms of workplace harassment extending beyond traditional office

environments. Labour inspectors must therefore develop supervisory methodologies capable of assessing digital workplace governance, including employer policies concerning online harassment, electronic evidence preservation, cyberbullying prevention, and confidential digital reporting mechanisms. Failure to adapt labour inspection to technological transformation would significantly weaken legal protection for workers operating within increasingly digitalized employment relationships (European Agency for Safety and Health at Work, 2022, pp. 51–60; ILO, 2022, pp. 41–47).

From a comparative perspective, many jurisdictions have gradually transformed labour inspection into an integrated governance institution emphasizing prevention, institutional accountability, and human rights protection. Several European labour inspectorates now evaluate psychosocial occupational risks alongside traditional occupational safety standards, recognizing workplace harassment and sexual violence as significant occupational hazards requiring administrative intervention. These developments demonstrate that labour inspection is evolving internationally from a reactive compliance mechanism toward a proactive regulatory institution promoting organizational integrity and worker well-being. Indonesia should similarly embrace this paradigm by strengthening the Department of Manpower as the principal institution responsible for preventing workplace violence through continuous institutional supervision rather than relying predominantly upon criminal justice mechanisms after violence has occurred (Weiss & Schmidt, 2023, pp. 151–159; European Agency for Safety and Health at Work, 2022, pp. 61–69).

Accordingly, this study argues that the Department of Manpower should be repositioned as a gender-responsive labour law enforcement institution whose mandate extends beyond administrative supervision toward safeguarding constitutional rights, promoting gender equality, and preventing structural violence within employment relationships. Such repositioning requires labour inspection to integrate preventive

supervision, organizational governance assessment, multidisciplinary expertise, victim-centred procedures, digital oversight, and collaborative institutional coordination into a unified enforcement framework. Through this transformation, labour inspection becomes not merely an instrument of regulatory compliance but a strategic mechanism for realizing decent work, protecting human dignity, and strengthening the effectiveness of labour law enforcement in Indonesia (Collins et al., 2019, pp. 303–311; Deakin & Morris, 2021, pp. 440–446).

C. Institutional Challenges in Enforcing Labour Laws Against Workplace Sexual Violence

Despite the enactment of Law Number 12 of 2022 concerning Sexual Violence Crimes and the issuance of Minister of Manpower Decree Number 88 of 2023 concerning the Guidelines for the Prevention and Handling of Sexual Violence in the Workplace, the effectiveness of labour law enforcement in Indonesia continues to face significant institutional constraints. The problem no longer lies primarily in the absence of legal norms but rather in the inability of existing enforcement institutions to translate those norms into effective workplace protection. Contemporary labour law scholarship argues that labour regulation should no longer be assessed merely from the perspective of statutory compliance but also from its capacity to guarantee substantive equality, dignity, and protection of workers within increasingly complex employment relationships (Adams et al., 2021; Collins, 2022; Rombouts, 2021).

One of the principal weaknesses concerns the limited effectiveness of labour inspection. Traditionally, labour inspectors have concentrated on monitoring compliance with wages, working hours, occupational safety, and employment contracts. However, modern labour governance requires inspectors to address psychosocial risks, including workplace violence, sexual harassment, and gender discrimination. According to Adams et al. (2021), labour inspection has gradually evolved from a compliance-oriented mechanism into an

instrument of social regulation that seeks to balance economic efficiency with the protection of workers' fundamental rights. Similarly, Collins (2022) argues that labour administration should function as a human rights institution because employment relationships inherently involve unequal bargaining power that requires active state intervention.

Institutional fragmentation also constitutes a significant obstacle to effective law enforcement. Cases of workplace sexual violence simultaneously involve labour law, criminal law, occupational safety regulations, and human rights protection, yet each legal regime is administered by different government institutions with separate procedural frameworks. As a consequence, victims often encounter overlapping reporting mechanisms, inconsistent institutional responses, and uncertainty regarding legal remedies. Rombouts (2021) explains that one of the most significant contributions of ILO Convention No. 190 is its adoption of an inclusive, integrated, and gender-responsive approach, requiring States to harmonize labour administration, occupational safety, criminal justice, and equality legislation into a coherent enforcement framework rather than treating workplace violence as an isolated legal issue. Likewise, Collier and Carels (2021) emphasize that workplace sexual harassment should no longer be treated merely as an employment dispute but as a multidimensional governance issue requiring integrated institutional intervention.

Another challenge concerns organizational governance within employing enterprises. Many companies formally adopt anti-harassment policies merely to satisfy regulatory requirements without establishing effective reporting systems, independent investigations, or protection against retaliation. Consequently, victims frequently remain reluctant to report sexual violence because they fear dismissal, demotion, career stagnation, or social stigma within the workplace. According to Collier and Carels (2021), the principal innovation of Convention No. 190 lies in shifting responsibility from individual victims

toward organizational accountability, requiring employers to conduct workplace risk assessments, establish preventive measures, and implement institutional mechanisms capable of preventing violence before it occurs. This approach fundamentally transforms employer responsibility from reactive dispute resolution into proactive organizational governance.

The persistence of patriarchal organizational cultures further weakens labour law enforcement. Workplace sexual violence frequently occurs within hierarchical organizational structures where authority is concentrated among supervisors or senior management, thereby creating unequal power relations that discourage victims from seeking legal protection. Collins (2022) observes that labour law should be understood as a mechanism for protecting human dignity rather than merely regulating contractual obligations because unequal employment relationships often produce structural vulnerabilities that cannot be addressed solely through private contractual arrangements. This perspective aligns with modern human rights-based approaches that recognize gender-based violence as an institutional manifestation of discrimination rather than an isolated interpersonal conflict.

Digital transformation has introduced additional complexities into labour law enforcement. Hybrid working arrangements, virtual meetings, electronic communication platforms, and remote employment have expanded workplace interactions beyond conventional physical offices. Consequently, sexual harassment increasingly occurs through digital communications that remain difficult to supervise using traditional inspection mechanisms. Adams et al. (2021) note that labour law must continuously adapt to technological developments affecting employment relationships, while the ILO Guide on Convention No. 190 confirms that the concept of "the world of work" extends legal protection beyond physical workplaces to encompass all work-related environments, including digital communication and remote work arrangements.

Furthermore, Indonesian labour law enforcement remains predominantly complaint-driven. Administrative intervention generally occurs only after victims submit formal complaints, despite empirical evidence demonstrating that victims of workplace sexual violence frequently refrain from reporting because of psychological trauma, economic dependence, and fear of retaliation. Contemporary labour governance instead advocates preventive supervision through institutional risk assessment, periodic compliance audits, organizational governance evaluation, and gender-sensitive workplace inspections. As explained by Rombouts (2021), Convention No. 190 requires States to adopt preventive strategies emphasizing education, supervision, institutional reform, and organizational accountability rather than relying exclusively upon punitive sanctions after violence has occurred.

Accordingly, the principal weakness of Indonesia's labour law enforcement system lies not in legislative inadequacy but in the persistence of fragmented institutional governance, limited labour inspection capacity, insufficient gender-sensitive expertise, and reactive enforcement mechanisms. Future reform should therefore prioritize reconstructing labour inspection into a gender-responsive governance institution capable of integrating prevention, supervision, victim protection, organizational accountability, and inter-agency coordination. Such institutional transformation would better reflect contemporary developments in comparative labour law, which increasingly position labour administration as a strategic instrument for protecting human dignity and achieving substantive equality within employment relationships (Adams et al., 2021; Collins, 2022; Collier & Carels, 2021).

D. Reconstructing Labour Law Enforcement Through a Gender-Responsive Labour Inspection Model

The preceding discussion demonstrates that the principal weakness of Indonesia's labour law enforcement system does not lie in the absence of statutory regulations but rather in the

institutional design governing their implementation. Existing legal instruments including Law Number 13 of 2003 concerning Manpower, Law Number 12 of 2022 concerning Sexual Violence Crimes, and Minister of Manpower Decree Number 88 of 2023 have progressively established legal obligations for preventing workplace sexual violence. Nevertheless, these regulations continue to operate within fragmented institutional structures where labour inspection, criminal justice institutions, occupational safety authorities, and victim protection agencies frequently function independently. Consequently, legal protection remains reactive instead of preventive, while institutional responsibility becomes dispersed among multiple agencies. Modern labour law scholarship argues that effective labour governance requires legal institutions capable of preventing structural inequalities rather than merely responding to legal disputes after violations have occurred (Deakin & Morris, 2021; Rombouts, 2021).

From the perspective of comparative labour law, labour inspection should no longer be understood merely as an administrative mechanism verifying compliance with employment regulations. Instead, labour inspectorates should function as institutions responsible for safeguarding fundamental labour rights, promoting equality, identifying psychosocial workplace risks, and ensuring organizational accountability. Simon Deakin and Gillian Morris explain that the contemporary evolution of labour law reflects a transition from contract-centred regulation toward rights-based governance, where the State assumes a proactive role in correcting structural inequalities inherent within employment relationships. Accordingly, labour inspectors must evaluate not only legal compliance but also whether workplace governance effectively protects workers' dignity, equality, and occupational well-being (Deakin & Morris, 2021).

This study therefore proposes a Gender-Responsive Labour Inspection Model (GRLIM) as a reconstructed framework for strengthening

labour law enforcement concerning workplace sexual violence in Indonesia. Unlike the existing complaint-driven inspection system, the proposed model emphasizes preventive supervision based upon organizational governance, institutional accountability, and continuous risk assessment. Under this model, labour inspectors should conduct periodic evaluations concerning workplace policies on sexual violence prevention, confidential reporting systems, victim protection procedures, organizational culture, psychosocial occupational risks, and employer compliance with gender equality principles. Such an approach reflects the preventive philosophy underlying ILO Convention No. 190, which requires States to establish effective inspection, monitoring, education, enforcement, and institutional support mechanisms capable of preventing violence before it occurs (International Labour Organization, 2019; International Labour Organization, 2021).

The first component of the proposed model is preventive institutional supervision. Rather than waiting until victims submit formal complaints, labour inspectors should identify enterprises possessing structural indicators associated with workplace sexual violence, including excessive hierarchical authority, absence of internal complaint mechanisms, inadequate gender equality policies, repeated labour disputes, and poor occupational health governance. International experience demonstrates that proactive inspection substantially increases organizational compliance because employers become responsible for continuously managing psychosocial workplace risks rather than responding only after violations occur (Nowak, 2024; Larion, 2024).

The second component concerns gender-responsive inspection capacity. Labour inspectors require specialized competencies extending beyond conventional labour law enforcement. These competencies should include gender analysis, trauma-informed interviewing techniques, psychosocial risk assessment, victim-centred investigation procedures, and

organizational behaviour analysis. Debbie Collier and Monique Carels argue that workplace sexual harassment should no longer be conceptualized merely as a discrimination dispute but rather as a broader governance issue requiring integrated institutional responses that combine prevention, equality, occupational safety, and organizational accountability. Consequently, labour inspectors should receive multidisciplinary training enabling them to identify structural vulnerabilities that facilitate workplace violence before criminal intervention becomes necessary (Collier & Carels, 2021).

The third component emphasizes integrated institutional governance. Workplace sexual violence simultaneously involves labour law, criminal law, occupational safety regulation, human rights protection, and gender equality. Therefore, institutional effectiveness depends upon coordinated cooperation among the Department of Manpower, law enforcement agencies, the National Commission on Violence Against Women (Komnas Perempuan), victim protection institutions, and public prosecutors. Bas Rombouts observes that one of the principal innovations introduced by Convention No. 190 is its requirement that States adopt an inclusive, integrated, and gender-responsive approach, thereby eliminating fragmented institutional responses that frequently undermine victim protection. Within such a framework, labour inspection becomes the initial institutional gateway coordinating preventive supervision with subsequent criminal and administrative enforcement where necessary (Rombouts, 2021).

Another essential element involves digital labour governance. Rapid digitalization has fundamentally transformed employment relationships by extending workplace interactions through electronic communication platforms, virtual meetings, employer messaging applications, and remote working arrangements. Consequently, workplace sexual harassment increasingly occurs within digital environments that remain insufficiently regulated under traditional labour inspection mechanisms. Contemporary scholarship concerning

Convention No. 190 emphasizes that the concept of "the world of work" intentionally extends legal protection beyond physical workplaces to include work-related communications enabled by information and communication technologies. Labour inspectors should therefore expand inspection methodologies to include digital workplace governance, cyber-harassment prevention policies, preservation of electronic evidence, and online complaint systems capable of protecting workers regardless of where employment activities occur (Pons Carmena, 2020; International Labour Organization, 2021).

The proposed reconstruction also requires a shift in the philosophy of administrative sanctions. Existing labour law enforcement continues to emphasize corrective compliance following violations. However, modern regulatory theory increasingly recognizes that organizational accountability should be measured according to employers' preventive efforts rather than solely their responses after workplace violence occurs. Administrative sanctions should therefore be linked not only to proven incidents of sexual violence but also to employers' failure to establish preventive governance systems, conduct organizational risk assessments, implement confidential complaint mechanisms, or protect victims against retaliation. Such an approach aligns with the preventive obligations established under Convention No. 190, which require employers to identify hazards, evaluate risks, implement preventive strategies, and cooperate with labour authorities in maintaining violence-free workplaces (International Labour Organization, 2019; Kocher, 2023).

Ultimately, the reconstruction proposed by this study reflects a broader transformation in the philosophy of labour law enforcement. Labour inspection should no longer be perceived merely as an institution enforcing statutory compliance but as a strategic governance mechanism responsible for protecting human dignity, promoting substantive equality, preventing gender-based violence, and strengthening public confidence in employment institutions. Such a transformation aligns with contemporary

developments in comparative labour law, which increasingly position labour administration as a central instrument for realizing decent work, sustainable economic development, and the effective protection of workers' fundamental rights within modern labour markets (Deakin & Morris, 2021; Sedacca, 2026).

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Sexual violence against women in the workplace constitutes not only a criminal offence but also a structural violation of labour rights, human rights, and the principles of decent work. Although Indonesia has strengthened its legal framework through Law Number 12 of 2022 concerning Sexual Violence Crimes and Minister of Manpower Decree Number 88 of 2023, labour law enforcement remains constrained by fragmented institutional coordination, limited labour inspection capacity, and a predominantly reactive enforcement approach. Consequently, the Department of Manpower has not yet fully performed its role as a strategic institution for preventing workplace sexual violence.

This study argues that strengthening labour law enforcement requires repositioning the Department of Manpower from a compliance-oriented supervisory body into a gender-responsive labour governance institution. Through proactive labour inspection, integrated inter-agency coordination, and preventive organizational supervision, labour law can function more effectively as an instrument for protecting workers' dignity, ensuring gender equality, and promoting safe and violence-free workplaces, consistent with the principles embodied in ILO Convention No. 190

B. Suggestion

The Government should strengthen the institutional capacity of the Department of Manpower by developing a gender-responsive labour inspection system, increasing the competence of labour inspectors in handling workplace sexual violence, and establishing integrated coordination mechanisms with criminal justice institutions and victim protection

agencies. Furthermore, labour legislation should explicitly incorporate preventive obligations requiring employers to implement effective anti-sexual violence policies, confidential reporting mechanisms, and protection against retaliation, thereby ensuring that workplace sexual violence is addressed through preventive as well as repressive legal measures

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