

Legal Protection of Women Workers in Garment Companies in Bandung Regency

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ABSTRACT

Background & Objective: Legal protection for working women is the fulfillment of basic rights that are inherent and protected by the State, meanwhile there are still many female workers who have to struggle to be able to exercise their rights to provide breast milk to their children. The existence of company support in terms of providing child care in the workplace, a special room for expressing breast milk, and sufficient rest time for expressing breast milk are several supporting factors for the success of exclusive breastfeeding. This research aims to find out how garment companies in Bandung give their female workers the right in the form of time to provide exclusive breastfeeding, as well as to find out the legal protection for female workers to provide exclusive breastfeeding based on Law no. 36 of 2009 concerning health is linked to Law no. 13 of 2003 concerning employment. **Method:** normative juridical is presented descriptively and analytically. **Result:** At the garment factory in Bandung district, there is no ideal place or room for breastfeeding or expressing breast milk, and special opportunities for breastfeeding or expressing breast milk have not been provided during working hours, which means the company has not implemented the provisions of the legislation. So it can be said that legal protection for female workers in garment factories in Bandung district is not optimal enough in protecting the right to

breastfeed for female workers. **Conclusion:** In garment companies in Bandung Regency, there is no ideal place or room for breastfeeding or expressing breast milk, and special opportunities for breastfeeding or expressing breast milk have not been provided during working hours so the rights of female workers are not implemented and are not by the provisions regulated in Law no. 36 of 2009 concerning Health.

Introduction

Health is a basic right for all Indonesian citizens, this is clearly stated in Article 28H paragraph (1) of the 1945 Constitution which reads "*Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and the right to receive health services*" (Undang-Undang 1945, n.d.)

Regarding women's reproductive rights, which are special rights due to their reproductive function, which men do not have, Article 28H paragraph (2) states that "Everyone gets special facilities and treatment to obtain the same opportunities and benefits to achieve equality and justice".

Provisions regarding reproductive rights are regulated in Article 49 paragraph (2) of the Human Rights Law which states that "Women have the right to receive special protection in carrying out their work or profession against matters that could threaten their safety and/or health regarding women's reproductive function." The explanation of paragraph (2) explains the special protection aspect in two things, namely health services related to menstruation, pregnancy, and childbirth, and providing opportunities to breastfeed children ((Undang-Undang No. 39 Tahun 1999 Tentang Hak Asasi Manusia, n.d.).

Breast milk (ASI) is an emulsion of fat in a solution of protein, lactose, and inorganic salts secreted by the mother's mammary glands, which is useful as food for her baby (Soetjningsih (ed), 1997). Exclusive breastfeeding is the provision of breast milk without other additional food and drinks to babies aged zero to six months. Even water is not given during this stage of exclusive breastfeeding (Bahiyatun, 2008).

In 2001 the World Health Organization stated that exclusive breastfeeding for the first six months of a baby's life is the best. Exclusive breast milk in sufficient quantities is the best food for babies and can meet the baby's nutritional needs during the first 6 months. Breast milk is the first and main natural food for babies so that they can achieve optimal growth and development.

Breastfeeding is the process of giving milk to babies or small children with breast milk (ASI) from the mother's breasts (Depkes RI, 2004). Babies use the sucking reflex to obtain and swallow milk. Getting breast milk (ASI) is one of the human rights of babies that must be fulfilled, as well as the right of every mother to breastfeed her baby. Children's rights are part of human rights that must be guaranteed, protected, and fulfilled by parents, families, communities, government, and the state (Casese, 2005).

These children's rights include non-discrimination, the best interests of the child, the right to survival, development, and respect for children's opinions in accordance

with Law no. 23 of 2002 concerning Child Protection Chapter I Article 1 No.12 and Chapter II Article 2. To support this, various recognitions or agreements, both global and national, have been issued that aim to protect, promote, and support breastfeeding.

Breast milk is a child's right in Undang-Undang no. 36 of 2009 concerning Health, the right of babies to receive exclusive breast milk is explained in Article 128 Paragraph 1 which reads, Every baby has the right to receive exclusive breast milk according to the child's opinion by Law no. 23 of 2002 concerning Child Protection Chapter I Article 1 No. 12 and Chapter II Article 2. To support this, various recognitions or agreements, both global and national, have been issued which aim to protect, promote, and support breastfeeding (Undang-Undang No 36 Tentang Kesehatan, n.d.) (Undang-Undang No 32 Tentang Perlindungan Anak, n.d.).

In Islam, workers are categorized as *mustadh'afin* according to the conception of the Al-Qur'an, for at least two reasons. First, because the position of the workforce is very weak economically, their livelihood depends on the owners of capital. Second, workers do not receive sufficient protection from the State for injustices suffered by capital owners (Eko Riyadi, 2012).

Female workers are often considered an unproductive condition for companies because the nature of women as women who give birth and breastfeed can affect the smooth running of their duties and responsibilities as workers. The policies in force in companies often do not accommodate women's rights, with maternity leave being shortened and there is no opportunity for female workers to breastfeed their children during working hours (Agusmidah, 2010).

There is no data on the success of breastfeeding for working mothers in Indonesia, but from the 2007 Indonesian Health Demography Survey (SDKI), data was found that 95% of toddlers in Indonesia had received breast milk, 44% of newborns received breast milk within 1 hour after birth and 62% of babies received breast milk on the first day, but only 32% of babies received exclusive breast milk for up to 6 months.

The mother's high level of education, working less than 20 hours a day, family support, company support in terms of providing child care at work, a special room for expressing breast milk, sufficient rest time for expressing breast milk and mothers breastfeeding more often when not working are factors supporting the success of exclusive breastfeeding (Raulina Suradi, 2008).

Objective

This research aims to determine the legal protection for working women in providing exclusive breastfeeding.

Method

The type of research used is normative juridical presented descriptively analytically. A conceptual approach was taken to explore the meaning of exclusive breastfeeding and the necessity of giving it to babies, while a legislative approach was taken to examine and analyze the laws and regulations governing exclusive breastfeeding, especially for working women. In this research, secondary data was used with data collection techniques through the study of library materials. This research was carried out at one of the factories in Bandung Regency.

Results

From the research results, it was found that in the garment factory, there was no childcare center or special facilities for female workers to express breast milk. The working hours that apply in both factories are the same, namely a maximum of 8 hours for each shift, and there are 3 shifts with changes every 2 days and one day off out of 6 working days. The rest time given during one shift is once for 1 hour. And in garment factories in Bandung district there is no ideal place or room for breastfeeding or expressing breast milk, and special opportunities for breastfeeding or expressing breast milk have not been provided during working hours, which means the company has not implemented the provisions of the legislation. So it can be said that legal protection for female workers in garment factories in Bandung district is not optimal enough in protecting the right to breastfeed for female workers.

For the age of the respondent's children, the smallest is 2 months and the maximum age is 23 months. Respondents entrust their children to caregivers because there is no childcare at work.

Table 1. Caregivers of Respondents' Children When Left at Work

Caregiver	f	%
Maid	4	25
Grandma	7	43,75
Other Siblings	4	25
Daycare	1	6,25

It can be seen from Table 1 that respondents entrusted their children to the child's grandmother or the respondent's parents (43.75%) the same number were entrusted to the respondent's servants and relatives (25%) and only one respondent entrusted his child to child care (6.25%).

Table 2. Current Child Consumption

Consumption	f	%
Exclusive Breastfeeding	2	12,5
Breast Milk + Formula	3	18,75
Breast milk + Formula + Complementary Food	5	31,25
Formula Milk + Complementary Food	6	37,5

It can be seen that of the 16 respondents, only 2 people are still giving exclusive breast milk, that is by expressing breast milk at home and storing it in the freezer considering that their children are still 2 months old and 5 months old, so these workers think that their children should still receive exclusive breast milk. For workers who give formula milk to their children, generally, children are given formula milk after they are 7 months old, and complementary foods are given when the child is 6 months old. However, some workers provide formula milk as a substitute for breast milk when they work even though their child is still 4 months old and still has the right to receive exclusive breast milk.

Table 3. Respondents' Knowledge of the Benefits of Breastfeeding

Benefits of breast milk	Yes		No	
	F	%	F	%
Quality nutrition	14	87,5	2	12,5
Clean and will not spoil	9	56,25	7	43,75

Benefits of breast milk	Yes		No	
	F	%	F	%
Right temperature	15	93,75	1	6,25
Avoid diarrhea and allergies.	13	81,25	3	18,75
Strengthens the bond of love	11	68,75	5	21,25
Reduces the risk of breast cancer	10	62,5	6	27,5
Easily digested by children.	14	87,5	2	12,5

From Table 3, it can be seen that respondents know about the advantages of breast milk, namely the many quality nutrients contained in breast milk which are known by 87.5% of respondents, however regarding the knowledge that breast milk is clean and will not go stale, only 56.25% know it.

Table 4. Knowledge about breastfeeding limits

Breast milk is given until age	F	%
2 years old	13	81,25
< 2 years or if still willing	3	18,75

From Table 4 it can be seen that as many as 81.25% know that the limit for breastfeeding is two years, and the remaining 18.75% state that the limit for breastfeeding should not exceed two years or depends on the child's willingness to breastfeed.

Table 5. Respondents' Attitudes about Breastfeeding

Attitude Statement	SS	S	R	TS	STS
Breast milk is very useful and nothing can replace it.	10	6	0	0	0
Breast milk is important for children's intelligence.	11	5	0	0	0
Even if the child is not breastfed, the child is still close to the mother.	2	4	3	7	0
Breast milk contains substances for immunity.	12	4	0	0	0
Breastfeeding makes the body and breasts unattractive.	0	1	3	9	3
Breastfeeding is a modern woman's attitude.	4	9	1	2	0
Breast milk can get stuck if not given regularly	5	6	1	2	0
Working mothers don't need to breastfeed because of the hassle.	0	3	3	6	4
Working women should be given the right to breastfeed	2	5	8	1	0
Breastfeeding mothers are entitled to time to breastfeed or express breast milk during working hours	2	4	9	1	0

Table 5 shows that the majority of respondents' attitudes support giving breast milk to children, 25% strongly agree and 56.25% agree that giving breast milk is the attitude of modern women. Regarding the right to breastfeed, 12.5% strongly agree and 25% agree that the right to breastfeed should be given to working women.

However, some attitudes refer to attitudes that do not support breastfeeding, namely regarding the closeness between mother and child that can still exist even if they are not breastfed, 12.5% strongly agree and 25% agree. An unsupportive attitude is also shown by the statement that giving breast milk can make the body and breasts unattractive by 6.25%.

Table 6. Opportunities for Respondents to Breastfeed During Working Hours

Statement	Always	Sometimes	Never
Given the opportunity to breastfeed during working hours	0	4	12
Dedicated time for breastfeeding	0	1	15

Table 6 shows that the majority of respondents were never allowed to breastfeed their children during working hours (75%), and were never given special time to breastfeed their children during working hours (93.75%).

Table 7. Availability of facilities and the right to breastfeed at the workplace

Statement	Yes	No
There is a breastfeeding place in the workplace.		16
The landfill is available in the workplace.		16
Ideal facilities for expressing and storing breast milk are available in the workplace.		16
There is a right to breastfeed for women at work.		16
Not providing exclusive breastfeeding because they have to go back to work.	5	11

Table 7 shows that in the workplace there are no ideal facilities that support female workers in providing breast milk to their children (100%). Respondents who can express breast milk usually do so in the toilet during break times.

Table 8. Supervisor and Management Support for Breastfeeding During Work

Statement	Yes	No
Superiors provide opportunities to breastfeed or express breast milk during working hours	4	12
Employers do not consider it necessary to provide breastfeeding during working hours.	1	15
There has been socialization that breastfeeding is a right of women workers	10	6
Superiors suggested prioritizing work over breastfeeding	1	15

Table 8 shows that only 25% of bosses provide opportunities to breastfeed during working hours and there has been socialization about breastfeeding rights for female workers (62.5%).

Table 9. Breastfeeding behavior of female workers

Statement	Yes	No
Seeking the right to breastfeed during working hours	13	3
If not meeting the child, breast milk is expressed and given later	2	14
Do not breastfeed again after returning to work	0	16

Statement	Yes	No
Strive for exclusive breastfeeding until 6 months	6	10
Attempts to breastfeed until 2 years	16	0
Prioritize breast milk over formula	13	3
Try to propose breastfeeding rights in the workplace	5	11

Table 9 shows that the majority of respondents have positive attitudes towards breastfeeding. They try to obtain the right to breastfeed during working hours (81.25%), provide exclusive breastfeeding (37.5%), and prioritize giving breast milk rather than formula milk (81.25%), but only a small percentage try to propose implementing the right to breastfeed at work (31.25%).

Discussion

Indicators of the success of health development include reducing the infant mortality rate and improving the nutritional status of the community. Indonesia is currently facing a double nutritional problem, namely a condition where on the one hand there is still a large number of people suffering from malnutrition, while on the other hand, the number of undernourished people tends to increase. This double nutritional problem is closely related to people's lifestyles and nutritional behavior. The nutritional status of the community will be good if good nutritional behavior is carried out at every stage of life, including babies.

The best feeding pattern for babies from birth to 2 (two) years old includes:

1. Give breast milk to the baby immediately within 1 (one) hour after birth
2. Give only breast milk from birth until the age of 6 (six) months.
3. Provide appropriate complementary foods for breast milk (MP-ASI) from the age of 6 (six) months.
4. Continue breastfeeding until the child is 2 (two) years old.

Almost all mothers can successfully breastfeed as measured by the start of breastfeeding within the first hour of the baby's life. Breastfeeding reduces the risk of acute infections such as diarrhea, pneumonia, ear infections, Haemophilus influenza, meningitis, and urinary tract infections. Breastfeeding also protects infants from future chronic diseases such as type 1 diabetes. Breastfeeding during infancy is associated with lower blood pressure and total serum cholesterol, associated with lower prevalence of type 2 diabetes, as well as overweight and obesity in adolescence and adulthood.

Breastfeeding can also delay the return of a woman's fertility and reduce the risk of postpartum bleeding, breast cancer, pre-menopause, and ovarian cancer; Implementing this feeding pattern will improve the nutritional status of babies and children and influence their subsequent health status.

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However, currently, the implementation of the best feeding pattern for babies from birth to 2 (two) year old children has not been implemented well, especially in terms of exclusive breastfeeding. Some obstacles in providing exclusive breastfeeding are that mothers are not confident that they can breastfeed well so that they can meet

all of the baby's nutritional needs. This is partly due to the mother's lack of knowledge, lack of family support, and low public awareness about the benefits of exclusive breastfeeding. Apart from that, there is a lack of support from Health Workers, Health Service Facilities, and baby food manufacturers for mothers' success in breastfeeding their babies.

Breastfeeding can also delay the return of a woman's fertility. To protect, support, and promote exclusive breastfeeding, efforts need to be made to increase support from the Government, Regional Government, Health Service Facilities and Health Workers, the community, and families so that mothers can provide exclusive breastfeeding to babies.

Breast milk is a child's right in Law No. 36 of 2009 concerning Health, the right of babies to receive exclusive breast milk is explained in Article 128 Paragraph 1 which reads, Every baby has the right to receive exclusive breast milk from birth for 6 (six) months, except for medical indications. Apart from that, it is also strengthened by the ratification of Government Regulation (PP) of the Republic of Indonesia Number 33 of 2012 concerning Exclusive Breastfeeding which came into effect on March 1, 2012. This PP consists of 10 chapters, 43 articles with a total of 55 paragraphs, and regulates 7 main things, namely:

1. responsibility of the government, provincial regional government, and district/city regional government
2. Mother's Milk
3. use of formula milk and other baby products
4. workplace and public facilities
5. community support
6. funding
7. coaching and supervision.

The regulation of the rights of breastfeeding women in various laws and regulations in Indonesia shows that the government actually cares and is aware of the importance of breastfeeding for the good of the nation's generation.

PP No. 33 of 2012 was prepared by the mandate of Law No. 36 of 2009 Chapter VII Article 129 paragraph (2). According to Article 2 of the PP, the regulation of exclusive breastfeeding aims to:

- a. guarantee the fulfillment of babies' rights to receive exclusive breast milk from birth to 6 (six) months of age by paying attention to their growth and development
- b. protect mothers in providing exclusive breast milk to their babies
- c. increasing the role and support of families, communities, regional governments, and the government for exclusive breastfeeding.

Female workers are often considered an unproductive condition for companies because the nature of women as women who give birth and breastfeed can affect the smooth running of their duties and responsibilities as workers. The policies in force in companies often do not accommodate women's rights, with maternity leave being shortened and there is no opportunity for female workers to breastfeed their children during working hours.

The weakness of this research is that there are many working women so it is difficult to determine which ones have children under 2 years old.

The strength of this research is that the questionnaire was made understandable and easy for them to fill out.

Conclusion

1. In garment companies in Bandung Regency, there is no ideal place or room for breastfeeding or expressing breast milk, and special opportunities for breastfeeding or expressing breast milk have not been provided during working hours so the rights of female workers are not implemented, and are not in accordance with the provisions regulated in Law no. 36 of 2009 concerning Health.
2. By not implementing the provisions regulated in Law no. 36 of 2009 concerning Health in Garment companies related to female workers and breastfeeding opportunities in connection with work agreements between employers and workers which do not support breastfeeding programs for female workers in garment factories, so it can be stated that female workers have not received comprehensive legal protection to provide breast milk as mandated in Law no. 36 of 2009 and Law no. 13 of 2003.

Suggestion

1. The government needs to encourage companies to regulate the implementation of exclusive breastfeeding as part of employment contracts by referring to the provisions of laws and regulations, especially PP No. 33 of 2012 and Minister of Health Regulation No. 15 of 2013.
2. The government needs to carry out continuous supervision over the implementation of the provision of facilities or opportunities to breastfeed or express breast milk in each company to fulfill children's rights to receive exclusive breast milk as stated in several laws and regulations that regulate the provision of exclusive breast milk. Companies must also support female workers in providing breast milk to their children and must be responsible for female workers so that they can produce the nation's next generation who are healthy and intelligent.

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