

Fulfillment of the Rights of Women Workers to Association in Trade Union Organizations at Companies in Makassar City

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Abstract. This article departs from the author's analysis that the existence of a trade union law related to the position of women workers in trade union organizations is a great opportunity in fighting for the rights of women workers. This study describes the fulfillment of the rights of women workers in trade unions at companies in Makassar City, South Sulawesi. The scope of this research focuses on an empirical study of the rights of women workers in trade union organizations in three large companies that employ women workers a lot. The research method used is a qualitative method with an explanatory approach. Data collection is carried out through literature study and reviewing convention documents and legislation/labor laws. The data analysis technique used is descriptive qualitative analysis and data collection is carried out through questionnaires and interviews, then data presentation, data reduction and conclusions are drawn. The results show that the rights of women workers in trade union organizations have not been accommodated optimally, lack of access to trade union organizations, the interesting thing is that quantitatively women workers still face stigmatization that women workers are not appropriate to participation trade unions, and are still considered as women workers. weak human beings, besides the strong understanding of patriarchy in trade union organizations.

Keywords: Women's rights, women worker, trade union organizations

1 Introduction

Constitution of Indonesia, namely the 1945 Constitution of the Republic of Indonesia, recognizes that everyone has the right to freedom of association, assembly and expression. Trade unions/labor unions are organizations formed from, by and for workers/laborers both inside and outside the corporation that are free, open, self-contained, democratic, and liable for struggling for, defence and protecting the rights and importance of workers/laborers and his family. Each laborers have the right to form and participation trade unions. Trade unions have the right to gather and manage funds and be responsible for union treasury, including the granting of strike funds. Employers must give opportunities for the management and members of the trade union to implement trade union activities during working hours agreed by both parties and/or regulated in a collective work agreement. Law No. 21 of 2000 concerning Trade Unions/Labour Unions is one of the embodiments of these rights.

Guaranteed protection of workers' rights, one of which is reflected in the rights related to association and assembly activities. The International Labor Organization (ILO) in its declaring of basic rights at work, stipulates that one of the important

rights that must be guaranteed is the freedom of association and the recognition of collective bargaining. This is reinforced by the birth of the ILO Convention No. 87 concerning Freedom of Association and the Protection of the Right to Organize and Collective Bargaining and the ILO Convention No. 98 Concerning the Applicability of the Fundamentals of the Right to Organize and Collective Bargaining [1]

One form of legal protection provided by the government for workers/workers is the ensure of independence of association and deacons in a forum for workers/workers' unions. Freedom of association and assembly as well as expressing opinions are basic rights possessed by citizens of a democratic legal state with people's sovereignty. The rights that humans have based on their dignity as human beings and not because of gifts from the community or the state are called human rights [2]. Human rights in a state of law cannot be segregated from order and justice. Recognition of the rule of law is one of the aims of protecting human rights, meaning that individual rights and freedoms are admittedly, revered and enforced [3]. Confession and refuge of human rights has the main place and can be said to be the goal of the rule of law [4].

Freedom of association and assembly contained in the ILO convention on Freedom of Association and Protection of the Right to Organize, 1948 (No. 87) has

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been ratified and set forth in a Presidential Decree of the Republic of Indonesia. No. 83 of 1998, and the ILO Convention on the Right to Organize and Collective Bargaining, 1949 (No. 98) have been ratified in Law no. 18 of 1956. Convention No. 98 is aimed at encouraging the full development of voluntary collective bargaining mechanisms.

The focus of this study is on the rights of women workers' unions in the work area, therefore the question in this study is whether the rights of women workers in trade unions are fulfilled in appropriate with what is stipulated in the legislation.

Latest information retrieved from the results of this study is that the position of female workers has not yet received a strong place in the trade union, they are still considered weak human beings, and are strengthened by a patriarchal culture that has taken root in their work environment.

As a comparison material, researchgate can be put forward with several articles that examine the rights of women's trade unions. 1) Journal/article Dorothy Sue Cobble, Rutgers the State University of New Jersey, 2016. International Women's Trade Unionism and education. In his article on equality and the global labor movement, his analysis of several countries found that women make up the majority of union members, with a proportion commensurate with their number in the workforce, only one third of countries where women are under-represented in unions with women membership below forty percent. The results of the study conclude that female workers/workers are changing themselves with the current global labor movement, they are by making education a political center, the practice of educating women workers in trade unions, helping to map the way forward for a labor movement that is stronger, more meaningful and more inclusive [5]. 2) International Journal of Manpower. C.S. Venkata Ratnam Harish C. Jain. 2002. Vol 23. No 3. Women in trade Unions in India. Highlighting the job separation experienced by women in the trade union structure, highlighting the participation of women in trade unions in India, this article explains that less than 8 per cent of the 380 million labors in India are unionized and women make up a very small part of the union membership with rationale for the low membership and participation of women in trade unions. In jobs where women are organized, the incident of union leadership between women varies plenty. In this article it is explained that on the positive side it explains that India has become a forerunner in organizing women in the informal sector such as; workers' coop, self-help groups, such as the Working Women's Forum, etc., it was even found that these trade unions created social workers' unions, the meaning of the Self-Employed Women's

Association by the author is a broader goal of empowering, developing and struggling for their rights from on business unions in North America (concentrate on bakery and butter issues only) [6]. 3) Journal of Sage. Economic and Industrial Democracy 2022. Vol. 43(2) 773-792 Articles. Julie Prowse. University of Bradford UK., Peter Prowse. University of Sheffield Hallam UK., Robert Perret. Independent Researcher UK.; Women Take Care and Mentake Charge: The Case of Leadership

in The Public and Commercial. This article presents that women's unions need gender professionalism in leadership roles across trade unions at all levels, and recognizes that there is a great need for leadership attributes that they value and are a factor in leading trade unions. This article also explains that there is a high consensus that leadership attributes are needed that can encourage women into leadership roles and representation in their participating trade unions [7].

2 Research Method

The research method used is a descriptive qualitative method using normative juridical analysis, the data used are primary data and secondary data. primary data was obtained from a questionnaire, whereas secondary data was collected by collecting laws and regulations and legislation else as well as library materials such as scientific articles, both published in book either and in the form of an online journal system. It also uses tertiary substances in the form of a dictionary, all of the material is studied carefully and then field in the form of data and in the form of a description, then the data is analyzed qualitatively to answer the concerns that exist in the study, so that it can be deduced.

3 Result and Discussion

3.1 Characteristics of women's trade unions in the perspective of human rights.

Human rights are rights that humans have naturally without exceptions and privileges for certain groups, groups or social levels of humans. These rights cover, among others, the right to life, security, freedom of opinion and freedom from all forms of oppression which must be upheld, not only by every individual from a country that recognizes the existence and respects human rights themselves, but must also be guaranteed by the state without there are exceptions. The guarantee provided by the state for these rights cannot be interpreted that these rights are born after the state ratifies an international convention on human rights or issues any regulations that guarantee the human rights of its citizens, but rather it is the state's responsibility to ensure the rights provided by the state. has been owned by every citizen by nature and shows the state's respect for these rights. Because the most basic rights are naturally owned by every human being along with his birth in the world as an independent individual. The term Human Rights itself means that these rights are found in the nature of humanity and for the sake of humanity. Therefore, every human being has it and that right cannot be revoked by anyone, even by himself [8].

Women, as a group in society within a country, are a group that is also obliged to get guarantees for the rights they have in basic terms. The Universal Declaration of Human Rights (UDHR 1948) does not explicitly state that there is a guarantee of human rights for women's groups in particular, but Article 2 of the UDHR provides that everyone should have rights and freedoms without

discrimination, including not discriminating based on sex [9].

After the UDHR, assorted international human rights instruments were born about certain aspects of the position of women in family and community life, including the Convention on women's political rights. The Convention on the Elimination of All Forms of Discrimination Against Women was called to as the Women's Convention or the Women's Convention is now known as the CEDAW Convention.

The women's convention is the most thorough convention on the protection and enforcement of women's rights and is very important because it makes the human aspect of women, who make up more than a part of the world's dwellers, the focus of human rights concerns. The soul of the Women's Convention is rooted in the UN's goal of reaffirming belief in human rights, the respect and worth of every human being and the equates rights of men and women. The women's convention comprehensively provides details on the meaning of equates rights for women and men, and the steps needed to achieve them.

One of the human resource development programs related to the field of employment mentions that there are activities to increase women's participation in economic development, including the supervision and protection of women workers. Participation female workers in the development process, are influenced by family sources who then with all the limitations enter the labor market to get a job.

The government's efforts to guarantee freedom of association and assembly for workers/labourers are contained in Law no. 21 of 2000 concerning trade unions/labor. The rights of association and assembly receive great attention from the government. There are norms for the protection of the right of association as set forth in Article 29 of Law No. 21 of 2000, namely; Employers must offer chance for the management and/or members of the trade/labor union to carry out trade union activities within working hours agreed by both parties and/or as stipulated in the collective work agreement. Therefore, women workers in association in trade union organizations are an important part of the Law.

Based on the provisions that are regulated globally as contained in the UDHR in article 23 paragraph (1) it stipulates that everyone has the right to establish and enter labor unions to protect their importance. Furthermore, Article 8 of the State Covenant guarantees the right of everyone to form a trade union and participation a work union of his own choice, which is only subject to the regulations of the organization concerned for the advancement and protection of his economic and social attraction. There shall be no limitation on the implementation of this right, except for those defined by law which are needed in a democratic society in the importance of national security or public order, or for the protective of the rights and freedoms of others. Therefore, the state, in this case the government, is obliged to respect (to respect) to protect (to protect), and to fulfill the rights of individuals related to the right to form trade unions and participate labor unions. One of the obligations of the state in protecting the rights of

individual workers, including women workers, is to provide protection in the form of labor union legislation, namely Law Number 21 of 2000.

Freedom of association, assembly, expressing ideas both orally and in writing, obtaining a decent living and work for humanity and having the same position in law is the right of every citizen. In the context of freedom of association, workers have the right to form and grow trade unions that are free, open, independent, democratic and responsible. Therefore, the trade union organization is a means to fight for, protect, and sustain the importance and prosperity of workers and their families. As well as realizing industrial connection that are compatible, dynamic, and equitable.

In the context of the struggle for workers' rights, the importance of the workers must be fought for continuously, over the rights and importance of the workers are often violated, and even remain far from real protection. The pillar that plays a very important role in upholding the rights and importance of workers in realizing welfare is the trade union organization

3.2 Basic principles for fulfilling the rights of women workers in trade union organizations.

Based on the provisions that are regulated globally as contained in the General Declaration of Human Rights in article 23 paragraph (4) stipulates that person has the right to establish and enter trade unions to safeguard their importance, furthermore in article 8 of the covenant explains that the state guarantees the right of person to form trade unions and participation trade unions of their own option, subject only to the organization's regulations concerned, for the advancement and safeguard of its economic and social importance. There shall be no limitation on the implementation of this right, except for those determined by law which are needed in a democratic society in the interest of national security or public order, or for the protection of the rights and freedoms of others. Therefore, the state, in this case the government, is obliged to respect (to respect) to protect (to protect) and to fulfill (to fulfill) the rights of individuals related to the right to form trade unions and participation trade unions.

Freedom of association, assembly, expressing ideas both orally and in writing, obtaining a decent living and work for humanity and having the same position in law and is the right of every citizen. In the context of freedom of association, workers have the right to form and grow trade unions that are free, open, independent, democratic and responsible. Therefore, the trade union organization is a means to fight for, protect, and defend the importance and welfare of workers and their families as well as to realize harmonious, dynamic and equitable industrial relations [10].

In the 1945 Constitution of the Republic of Indonesia, article 28 stipulates that the freedom of association and assembled, reveal thoughts verbally and in writing and so on is regulated by law. Furthermore, Article 28 H (3) expressly stipulates that "Everyone has the deserve to gain special facilities and treatment to acquire the same chance and benefit in order to achieve common ground and justice. The right to freedom of

association is a basic right that is part of human rights. therefore, very important to be fulfilled therefore very important to be fulfilled. The right to freedom of association is also emphasized in the guarantee of protection in Law Number 39 of 1999 concerning Human Rights. It is unequivocally regulated in Article 24 paragraph 1 that "Everyone has the right to assemble, hold together, and associate for peaceful purposes"

Basically, the organization in the form of a trade union is to implement one of the human rights, namely freedom of expression and organization, which in turn is expected to fulfill the basic rights of workers/labourers to a decent wage, without discrimination in work and position, social security and protection. and good work supervision etc.

Ratification of the ILO Convention No. 87 on Freedom of Association through Presidential Decree No. 83/1998, is a new chapter in the organization of workers/labourers in Indonesia. The ratification laid a strong foundation for the democratization of the workers/labor movement in line with the demands for reform in all fields of activity of the Indonesian nation. As one of the reform measures in the sector of Industrial

Relations and in line with the ratification of the ILO Convention, the state of Indonesia has enacted Law Number 21 of 2000 concerning Trade Unions.

There are 3 (three) articles in the trade union law related to the role of women workers/labourers in association. The article in question is article 4 which regulates the objectives and functions of trade unions/labor unions, namely; as stated in article 4 paragraph (1) regarding the purpose and paragraph (2) which regulates its function. Meanwhile, Article 5 regulates the right of every worker/labourer to form and become a member of a trade/labor union and Article 12 regulates the obligations of a trade/labor union which must be open to accepting members without distinction of political sect, religion, ethnicity and gender. The articles in full are as follows:

Article 4.

(1) Trade unions/labor unions, federations and confederations of trade unions/labor union's purpose to provide protection, advocacy of rights and importance, as well as to improve worth welfare for workers/labourers and their families. (2) To reach the purpose as referred to in paragraph (1), trade unions/labor unions, federations and confederations of trade unions/labor unions have the following functions: (a) as parties in making collective labor agreements and settling industrial strife; (b) as a representative; workers/labor in organization institutions in the field of manpower according to their level; (c) as a means of invent harmonious, dynamic, and equitable industrial relations in accordance with the applicable laws and regulations; (d) as a means of distribution aspirations in fighting for the rights and importance of its members; (e) as the planner, implementer, and person in charge of the workers/labor strike in accordance with the prevailing laws and regulations; (f) as representatives of workers/labourers in fighting for share proprietary in the company.

Article 5

Every worker/labour has the entitlement to establish and being a member of a trade union/labor union

A trade union/labor union is established by at least 10 (ten) workers/labourers

Article 12

Trade unions/labor unions, federations and confederations of trade unions/labor unions must be open to accepting members without distinction of political sect, religion, ethnicity, and gender

3.3 Analysis of the role of trade union organizations on women workers.

The pillar that plays a very important role in upholding the rights and importance of workers in realizing welfare is the trade union organization, according to Muchtar Pakpahan that the condition for realizing the welfare of the people, especially workers is the achievement of a strong trade union in the sense of having many members and having an understanding of the common struggle. have funds that come from contributions, and have strong and trusted leadership. Next it says that for the welfare of workers/labourers, a container is needed as an umbrella for the common struggle [11]. The birth of the Indonesian Labor Workers Council (MPBI) which was declared on May 1, 2012 in commemoration of International Labor Day. MPBI is expected to carry out four activities outside the traditional trade union duties. First, MPBI struggles to create a welfare state, a state that fights for the welfare of its people. Like the ideals of social democrats, the ideology of trade unions in the Second world. MPBI pioneered the realization of social justice, human rights democracy, law enforcement, including anti-corruption and anti-discrimination, and against oppression. Third. MPBI drives the people's economy through participation efforts among the lower middle class. Fourth. MPBI participates in politics by building or owning its own political party or in mutualistic symbiosis with a political party by realizing social justice and social welfare. Thus, the main task of MPBI is to interfere in state political affairs or to participate in determining the direction of political policy, as in almost all European countries, Australia, New Zealand, Brazil and South Africa.

The existence of a trade union organization is very important because it can become a partner with employers in the context of realizing business and creating a conducive climate. As a comparison, it can be examined the role of trade unions/labor in Indonesia with trade unions in Europe, in Europe there are three types of trade union movements based on their orientation, namely market-oriented, class-oriented and social.

Market-oriented trade unions position workers/labourers as economic actors who fight for economic achievements, such as the welfare of members. This is generally achieved through collective bargaining.

Class-oriented trade unions, positioning trade unions as vehicles to fight for class and their role, they promote importance related to the position of a transformation in society quickly.

Socially oriented or community-oriented trade/labor unions see trade/labor unions as social actors and fight for the constructive role of workers/labourers in the wider society and act as a force for social, moral and political integration. In practice these three ideal types often overlap and mix, although combining them is almost impossible in a union.

In Indonesia, the struggle for trade unions was once class-oriented, which was limited during the New

Order era under the name SOBSI, then later became the All-Indonesian Trade Union (SPSI) which also eventually became the stamp of the New Order government's policies. and this is what actually resulted in the massive deorganization and depoliticization of the trade union movement in Indonesia.

The reforms created new opportunities for the development of the trade union movement in Indonesia with the issuance of a statutory regulation, which provides direction and purpose for the existence of trade union organizations, such as the provisions in Law Number 21 of 2000 concerning Trade Unions/labor unions, which was ratified. of the ILO convention No. 87 on freedom of association and protection of the right to organize.

In the exercise of the right to work, workers/labourers must also receive guarantees for a life of independence and personal security based on the principle of non-discrimination, as regulated in Article 15 of Law Number 12 of 2005. concerning Ratification of the International Covenant on Civil and Political Rights. international law on civil and political rights) 2005 LN No. LN Year 2005 No. 119 TLN No. 4558).

Guarantees of life, independence and personal security based on the basic of non-discriminate, encompass freedom from serfdom such as freedom from abuse and other ruthless, inhuman or demeaning treatment or torment, such as the right to be recognized as a person before the law anywhere; the right to obtain an effective recovery through the judiciary; freedom from randomly catching, containment or seclusion; the right to a equitable hearing and an open trial by an independent and equitable tribunal; the right to be deemed not guilty until proven guilty; freedom from arbitrarily intervention with personal, family, home or correspondence freedoms; freedom of mobilizing and occupancy; the right to asylum; the right to citizenship; the right to marry and start a family; the right to own worthy; freedom of thought, belief and religion; freedom of thoughts and phrase; the right to peaceful assembly and association as well as the right to participate in the government of the country and have same access to public services in the country.

The existence of a trade union law related to the position of women workers in trade union organizations is a great opportunity in fighting for the rights of women workers. In other words, the trade/labor union is expected to be a forum for women workers to fight for their rights. The purpose of forming a trade/labor union is to balance the position of workers/labourers with those of employers, so that through the representation of workers/labor in the trade unions, the aspirations of workers/labourers can reach the entrepreneur. In addition, via this board, it is expecting that member will

be realized workers in the production process. which is wrong to improve industrial connections at the enterprise level.

The activities of trade union officials to fight for the importance of their members/workers in terms of improving welfare are legally formally carried out first through the results of the CLA. In the CLA, everything related to the rights and liability of labours and employers is be arranged, especially the regulation of wages and social security provided by employers to workers [12].

However, in reality, the trade union organization in most companies has not been maximized as a forum that can be utilized by women workers to fight for their importance.

According to the head of the trade union PT. Kantingen Timber Celebes, that the involvement of women in trade union membership still has the opportunity, but the involvement is still limited in the trade union organization. women, but not to involvement in decision-making in trade union organizations [13].

The existence of women workers in trade union organizations can be examined through the results of a research questionnaire which revealed that 42 respondents stated that there were no female workers' representatives in trade union organizations or 46.66% while 24 respondents stated that they did not know that there were representatives of women workers involved in trade union organizations or 26%, this data shows that women workers are less involved in trade union organizations, this is because women workers are always considered as weak creatures, who are unable to fight for their importance, this has implications for the protection of normative rights. Such conditions show the incompatibility of the basic principle of equality, which is the pillar for any democratic society that aspires to achieve social justice and human rights.

In PP and PKB tend to weaken the position of women workers, the wishes and aspirations of workers are not paid attention to, labor unions which are dominated by men often make decisions without considering the importance and taking into account the position of women workers/laborers. so that they will lose access, control, and influence, the representation of women workers/laborers in the organization will below and the needs of women that need to be fought for are often forgotten, resulting in the pattern of industrial relations that gives rise to forms of discrimination such as facilities for women workers being below standard and "unfriendly", even some other facilities do not exist, and this fact shows that there is a gender bias in the movement and organization of workers/labourers. .If examined according to the theory of popular sovereignty, women workers are actually components of the people who are members of trade union organizations, and should be involved in the policy-

making process, both policies at the company level and policies at government policies. The theory of popular sovereignty, requires the people (workers) to be sovereign and represent their power to a body (organization). Therefore, the maximum involvement of

women workers in workers' organizations will give birth to an ideal collective bargaining agreement.

The functions and roles that can be performed by trade union organizations as stipulated in Article 4 paragraph (2) of Law No. 21 of 2000 concerning Trade Unions (State Gazette of 2000 Number 131 Supplement to State Gazette Number 3989) are as follows:

As a parties in make CLAs and settling industrial strife.

As representatives of workers in cooperation institutions in the field of manpower according to their level.

As a means of creating harmonious and equitable industrial relations in accordance with the applicable laws and regulations.

As a means of channeling aspirations in fighting for the rights and importance of members.

As the planner, implementation, and person in charge of the strike of workers in accordance with the prevailing laws and regulations.

In general, the powerlessness of trade unions is not only caused by internal factors, but also "external" factors. Such as company management which systematically weakens workers' organizations by not providing protection or guarantees to workers/labourers who are actively involved in those organizations. The company also often imposes sanctions, requires overtime work, influences and even prohibits other workers/labourers from being further involved in workers' organizations. Jealousy among fellow workers/laborers is also awakened, so that workers who are active in the activities of workers' organizations will always be gossiped about by workers who are reluctant to be involved in the organization. Various forms of intimidation are carried out systematically by companies to weaken the role of trade unions, so that the being of trade unions that aim to giving protection, advocacy of rights and importance, and repair worth welfare for workers/laborers and their families is not achieved. However, it cannot be denied that history has also proven the role of trade unions in fighting for rights The membership is very large, so that workers/ laborers have felt the benefits of a trade union organization that is truly independent and consistent in fighting for workers' rights.

The union organization as a forum for fighting for workers' rights will increase bargaining both individually and as a whole. Trade unions can supervise (control) the implementation of workers'

rights in the company as stipulated in the provisions of Article 102 paragraph (2) of the Manpower Act. Whereas in carrying out industrial connections, workers/labor and their trade/labor unions have the work of carrying out work in accordance with their liability, retain order for the sustainability of production, distribution aspirations democratically, grow their ability and virtuosity as well as participating in advancing the company, and fighting for the welfare of members and their families.

The position of women workers in trade union organizations can also be examined in positions in the organizational structure, the results of the study reveal that the position of women workers in the organizational

structure is very small, the number of members is 6 to 8 women workers from the total number of members ranging from 40 to 50 unionmembers. . The number of memberships shows that the representation of women workers in trade union organizations is not representative, and this has very implications for the process of making PP and PKB, inaccommodating the importance of women workers. In fact, the involvement of women workers in the manufacture of PP and PKB, will give birth to harmonious industrial relations, as is the essence of PP and PKB which function to ensure the achievement of the implementation of Pancasila industrial relations in order to achieve peace of mind at work and peace of mind in the production and service processes, maintaining harmony in improvement and productivity. and improvement of worker welfare.

4 Conclusion

The conclusion from the results of this study is presented as follows that the position of male and female workers in trade union organizations in the ILO convention is essentially the same, namely that it stipulates that: Workers must receive protection against laws and regulations and actions that limit the rights of association such as: Employment a person on the condition that he cannot become a member of a trade union or must give up his membership from a trade union. Dismissed from work because of membership or participation in trade union activities. Employers or employers' organizations may not interfere with trade unions and their activities.

Employers and trade unions are encouraged to voluntarily negotiate to formulate collective bargaining agreements that contain provisions on working conditions, namely the rights and obligations of workers and the authorities and obligations of employers.

As a forum for workers, the formed trade union organization has one goal to provide protection, defense, and improve the welfare of its members and has a very strategic role and function in the implementation of industrial relations. Therefore, it is expected that the trade union organization has the following characteristics: Free, meaning that as an organization in carrying out its rights and obligations, it is not under pressure from other parties. Independent, meaning in its establishment as an organization on the basis of its own strength. Open, meaning that members are open to anyone regardless of class, ethnicity, ethnicity, and certain political organizations. Democratic, meaning that in the democratic election of the board there is no pressure and trust from above. Responsible, meaning that the organization is responsible to its members, society and the state. obligations of employers.

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