

JURIDICAL ANALYSIS OF THE LEGAL FRAMEWORK ON *SAFE COMMUTING* PROVIDED BY COMPANIES FOR FEMALE WORKERS AT NIGHT

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Abstract

This research is motivated by the limited legal arrangements regarding companies' obligation to ensure *safe commuting* for women who work at night. Legally, Article 76 of Law Number 13 of 2003 concerning Manpower specifically regulates the provision for female workers. The main problem is the time limitation in Article 76 paragraph (4) of Law Number 13 of 2003 concerning Manpower, which only requires the provision of shuttle transportation at 23:00 – 05:00, thus creating a legal gap in practice. This study aims to analyze the legal framework governing the company's obligations to provide safe commuting and to examine the legal remedies available if these obligations are not met. The research method used is normative juridical, employing legislative, conceptual, and case approaches, and is analyzed descriptively and analytically. The results of the study show that regulations related to *safe commuting* already exist in principle but remain limited, leaving opportunities for companies to avoid legal obligations. In addition, legal remedies are more preventive and corrective, through internal company policies, labor supervision, and human rights approaches. The conclusions of this study show a gap between formal compliance and substantive protection for women workers. Therefore, it is recommended to review regulations, strengthen internal policies, and increase supervision to ensure optimal protection.

Keywords: *safe commuting*, legal protection, legal framework, women workers, night work



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I. INTRODUCTION

Fulfilling primary needs such as clothing, food, and board is an essential for every individual and family. In an effort to meet these needs, people generally work to earn income and get employment rights, including the right to safety, health, and protection while working. Today's ¹ socio-economic developments show that more and more women are participating in the workforce, both as workers and business actors, to help meet the needs of their families.²

The participation rate of the female labor force in Indonesia shows an upward trend year over year. According to Moh. Edy Mahmud, Deputy for Balance Sheet and Statistical Analysis of the Central Statistics Agency (BPS), stated that the Employment Participation Rate (TPAK) for women in August 2024 showed 56.42% and increased to 56.63% in August 2025. Although the increase is not significant, this trend shows an increase in the number of women entering the employment sector.³ This condition is in line with the growth of the industrial sector, which is increasingly massive to date.

Based on data from the Majalengka Regency Manpower Office, Majalengka is one of the areas showing relatively rapid industrial sector development. Be it small, medium, or large industries. There are 65 (sixty-five) industries that employ more than 100 (one hundred) people in Majalengka Regency and are engaged in various fields, such as the garment, textile, shoes, and other industries.⁴ Of these industrial sectors, most operate for up to 24 hours under a shift-work system.

In the *shift* system, some workers, including women, are required to work at night. Workers at night have a higher risk of work accidents than those during regular hours, in terms of health, safety, and security. Work accidents can arise in the context of employment bonds, including work-related illnesses and incidents that occur on the journey to and from work.⁵ The

¹ Annisa Putri Sinaga and others, 'Analysis of the Legal Protection of Women's Labor in the Shift Work System in Companies', 01.05 (2025), pp. 1520–1528.

² Haryo Yudanto and others, 'Dynamics of Gender Law Towards Legal Protection for Women in Indonesia', 2 (2024), pp. 2347–2354.

³ Among the news, 'BPS recorded a participation rate of 70.59 percent', (<https://www.antaranews.com/berita/5221005/bps-catat-tingkat-partisipasi-angkatan-kerja-capai-7059->), [accessed November 06, 2025 at 08.WIB]

⁴ Nana Sujana, *Head of Industrial Relations, Manpower, Cooperatives and Small and Medium Enterprises Office of Majalengka Regency*, interview (Majalengka Regency, December 09, 2025, at 11.30 WIB)

⁵ Then Husni, *Introduction to Employment Law* (Jakarta: Raja Grafindo Persada, 2016). p. 153

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risks that arise, including traffic accidents, criminal acts, sexual harassment, and other security threats, are more vulnerable to occur at night.

One of the events in December 2025 was the beheading of a woman who was about to go to work. The incident took place at 05.30 WIB, in front of the Kasokandel Police Station, Majalengka Regency.⁶ This condition shows the potential negligence of employers in fulfilling their obligation to protect occupational safety for women during the journey to and from work, which is normatively part of the employment relationship. Thus, safe commuting is an integral part of protection for women who work at night, covering not only the work environment but also *commuting*. *Safe commuting* in this study is understood as the legal obligation of employers to ensure the safety and security of women, from the journey to work to the journey back home. Therefore, the provision of safe and decent transportation (safe commuting) refers to efforts to protect the safety of women who work at night.

In general, the state requires companies to provide special protection to women who work at night. The Company is required to provide shuttle transportation facilities and other supporting services for female employees in accordance with the provisions stipulated in Law Number 13 of 2003 concerning Manpower, especially Article 76 paragraph (4), as well as the Decree of the Minister of Manpower and Transmigration Number 224 of 2003.⁷ Then in the Regional Regulation of Majalengka Regency Number 9 of 2022 concerning employment and specifically discusses this in Article 35 paragraph (1) letter d of Chapter VII which discusses protection, wages, and welfare and women and the form of implementation of protection related to the norms of children and women in accordance with laws and regulations. This means that the provision of transportation is not just an additional facility, but an imperative legal obligation. However, in reality, many industries in Majalengka Regency have not provided shuttle transportation for women working at night. One of them is PT X which has not provided shuttle transportation facilities, because the condition of workers, especially women, prefers to settle in boarding houses that are not far from the company. Then the company provides transportation subsidies for workers.⁸ However, the absence of shuttle transportation facilities for women indicates a discrepancy between applicable legal norms and

⁶ Realita.co, 'Factory Employee Stabbed in front of Kasokandel Police Station, Majalengka, Cellphone Snatched and Hand Seriously Injured', (<https://realita.co/baca-45142-karyawan-pabrik-dibegal-depan-polsek-kasokande-hp-dirampas-dan-tangan-luka-parah>), [accessed December 15, 2025 at 02.45 WIB]

⁷ Tri Nurhayati, Arina Hukmu Adila, and Riza Fibriani, 'Empowering Women and Children Workers in the Digital Labor Market in a Gig Economy: A Legal Framework for a Safer Future', 20 (2024), pp. 81–90.

⁸ IB, *Human Resource* Staff of PT X Majalengka Regency, interview (Majalengka Regency, November 15, 2025, at 15.30 WIB)

their implementation. Therefore, this study is essential for juridically examining the legal framework, the nature of employers' obligations, and legal remedies for violations of the obligation to provide safe commuting to protect the safety of women who work at night.

Much research has examined legal protections for female workers at night; however, existing studies have not specifically addressed safe commuting as a corporate obligation during the commute to and from work. Research by Sinta et al. (2023)⁹ in a journal entitled "*Legal protection of the right to menstruation, pregnancy, and childbirth leave for female workers in Law Number 13 of 2003 concerning Manpower and Law Number 11 of 2020 concerning Job Creation*", includes the protection of the reproductive rights of female workers, such as menstrual leave, pregnancy, and childbirth. The study did not touch on the issue of the safety of round-trip trips at night or the company's obligation to provide transportation for female workers.

Meanwhile, another study by Rosalia Angraeni et al., (2023)¹⁰ in the journal entitled "*The Role of the Manpower Supervisory Unit in the Protection of Women Workers Working at Night in Kudus Regency*", analyzed the function of labor supervisors in ensuring the safety of female workers in Kudus Regency who work on night shifts. The focus of the research is more on the function and effectiveness of government supervision, rather than on the analysis of the legal framework that requires companies to provide transportation facilities or protection during work trips. Thus, the issue of commuting protection has not been comprehensively discussed.

Furthermore, Mutiarahma Yunessa et al, (2025)¹¹ In their journal entitled "*Legal Protection of Women Workers based on Law No. 13 of 2003: A Case Study of PT. AICE, the main focus of this research is more towards the protection of pregnant women workers in certain work environments, namely PT. AICE. The study discussed the company's internal protections related to pregnancy conditions and did not review transportation provisioning obligations, night safety risks, or legal aspects related to workers' travel to and from work*

⁹ Suharti Sinta, Munir, Sukirman, Jufrin, '*Legal Protection of the Rights of Menstrual Leave, Pregnancy, Childbirth of Women in the Manpower Law No. 13 of 2003 and the Job Creation Law No. 11 of 2011*', 1.3 (2023), pp. 217–231.

¹⁰ Roslila Anggraeni, Rahayu Subekti, and Purwono Sungkowo, '*The Role of the Manpower Supervisory Unit in the Protection of Women Workers Working at Night in Kudus Regency*', 1.2 (2023), pp. 79–88, doi:10.59631/slr.v1i2.73.

¹¹ Mutiarahmah Yunessa and others, '*Legal Protection of Women Workers According to Law No. 13 Year 2003 Case Study of PT. AICE*', 2.2 (2025), pp. 1191–1195.

From the three studies, it can be seen that there has been no previous study that specifically discusses the legal framework on *safe commuting* as part of the company's obligation to provide legal protection for female workers at night, especially related to the obligation to provide shuttle transportation by the company. This aspect is a distinguishing element compared to previous studies, although there are similarities in some respects.

II. RESEARCH METHODS

The approach method used in this study is a normative juridical approach, which is a legal research method that is carried out by examining and analyzing normative legal norms, as well as examining the views of experts or doctrines, legal principles, and court decisions that are relevant to the problem being studied. In this normative juridical research, several approaches are used, namely the statutory approach (*Statute Approach*), used to study the Employment Law and Kepmenakertrans Number 224 of 2003 related to transportation obligations, the conceptual approach is used to build an understanding of the concepts of *safe commuting* and *duty of care* companies that have not been explicitly regulated in the law and the *Case Approach* is used to analyze concrete events, such as the beheading incident in front of the Kasokandel Police Station, as the basis for the urgency of legal protection.¹²

The normative juridical approach was chosen because the focus of this research is to examine the legal framework regarding the obligations of companies in providing safe commuting in accordance with the rules governing female workers who work at night. With this approach, law is seen as a norm or rule that regulates the behavior of society and business actors.

Based on its nature, this research is a descriptive-analytical research. In descriptive-analytical research, the meaning, concept, and normative construction of a legal regulation are examined in depth to understand and analyze legal events. In this case, an analytical descriptive approach is used to analyze the substance of the law that regulates the protection of women workers at night, the company's legal obligations related to the provision of *safe commuting*. The results of this analysis are not presented in the form of numbers or statistics, but in the form of descriptive and argumentative descriptions based on legal interpretation.

The technique of collecting legal materials is carried out through literature studies and

¹² Suteki and Galang Taufani, *Legal Research Methodology (Philosophy, Theory and Practice)* (Raja Grafindo Persada, 2018), p. 175
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documentation studies, namely by examining various literature such as books, journals, and laws and regulations, as well as reviewing written legal documents that are relevant to this research. Furthermore, the analysis is carried out in a descriptive-analytical manner to descriptively analyze legal norms based on their hierarchy and substance, then interpret them grammatically systematically, systematically, and teleologically, and compare them with practices to find gaps, which are then drawn deductively.

III. RESULTS AND DISCUSSION

Legal arrangements regarding the Company's obligation to provide *safe commuting* for female workers at night.

Judging from the *etymology*, the term *safe commuting* in English is divided into two words, namely "safe" which means safe, safe, and free from danger, risk, or threat.¹³ While "commuting" has the root word "commute", which means a regular or repeated trip from residence to work and vice versa. Then, "commute" in Latin, which is "commuter", means to change or move. Structurally, the word consists of the pre-existing "com" (together) and the root "mutare" (replace), so *commute* means to change places or to go and return.¹⁴ So, etymologically, *safe commuting* means a safe and protected journey from sharing risks or dangers in activities to and from work.

Then, the definition of *safe commuting* in *terms* can be interpreted as the efforts, facilities, and mechanisms provided by the company to ensure the safety, security, and comfort of employees on the way to and from work, especially during periods of high vulnerability. Therefore, *safe commuting* is a form of protection that companies can do through preventive measures to ensure the safety of employees on the way to and from work by implementing a safe travel policy.

From a theoretical perspective, legal protection has a broader meaning as stated by experts. Philipus M. Hadjon defines legal protection as an effort to provide protection to other parties through protection instruments that are preventive and repressive.¹⁵ Preventive Legal Protection, which is the protection of the rights of women workers in relation to the rules applied from government or employer policies that may affect the rights of women workers.

¹³ Indonesian from safe, <https://www.kamusinggris.com/safe>, access date 22 January 2026 at 23.29 WIB

¹⁴ FastaVoca. <https://www.fastvoca.com/toeic-id/commute-bahasa-indonesia/> access date: January 23, 2026 at 22.29 WIB

¹⁵ Philipus M. Hadjon, *Legal Protection for the Indonesian People* (PT Bina Ilmu, 2007).

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Meanwhile, Repressive Legal Protection, which is a demand aimed at the government or employers against the rules that have been determined for female workers that arise in losses.¹⁶ Meanwhile, Satjipto Rahardjo views legal protection as an effort to protect the interests of a person by giving power or rights to the individual so that he can act in order to defend those interests.¹⁷ Thus, legal protection serves to ensure the fulfillment of individual rights, both through prevention and law enforcement efforts, so as to create a sense of security, justice and legal certainty in people's lives.

In article 76 paragraph (4) of Law Number 13 of 2003 concerning Manpower, it is the main legal basis to ensure safety for female workers at night. Explicitly, the regulation states "*Employers are obliged to provide shuttle transportation for female workers/laborers who depart and return to work between 23.00 and 05.00*".¹⁸ The Company has the responsibility to ensure the safety of employees when leaving for work, as stipulated in these provisions. The goal is to protect female workers from various crimes, violence, and harassment that tend to occur late at night.

In addition, the Decree of the Minister of Manpower and Transmigration Number 224 of 2003, as stated in the second paragraph of Article 2 paragraph (2), explains that "Companies are obliged to provide shuttle transportation *for female workers/laborers who depart and return to work between 23.00 and 05.00*".¹⁹ Article 6, paragraph (1) stipulates that "*The Company is obliged to provide a shuttle starting from the pick-up point to the workplace and vice versa*"; paragraph (2) states that "*Pick-up is carried out from the pick-up point to the workplace and vice versa between 23.00 and 05.00*". This is the main basis for the pick-up scheme for female workers who work at night.

In addition, based on the Regional Regulation (Perda) of Majalengka Regency Number 9 of 2022 concerning Manpower, it is stipulated in Article 35 paragraph (1) letter d of Chapter VII, which discusses protection, wages, and welfare, that "*employers are obliged to carry out labor protection consisting of work norms of children and women.*" Paragraph (2), "*The form of protection as intended in paragraph (1) is carried out in accordance with laws and regulations*".²⁰ In the regional regulation, the provision of shuttle transportation by companies

¹⁶ Muhammad Ridho Hidayat and others, '*The Law on the Protection of Women's Labour in a Legal Perspective*', 2.1 (2022), pp. 233–250.

¹⁷ Satjipto Rahardjo, *Legal Sciences* (PT Citra Aditya Bakti, 2000).

¹⁸ Article 76 paragraph (4) of Law Number 13 of 2003 concerning Manpower

¹⁹ Decree of the Minister of Manpower and Transmigration No. 224 of 2003 concerning the obligations of employers who employ female workers between 23.00 and 07.00

²⁰ Majalengka Regency Regional Regulation Number 9 of 2022 concerning Manpower

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must comply with the mandate of Law Number 13 of 2003 concerning Manpower and Decree of the Minister of Manpower and Transmigration Number 224 of 2003. As such, *safe commuting* is an integral part of legal protections that include the obligation to provide safe round-trip services. As a reflection of the legal obligation to take preventive measures as part of the employment relationship. Although *safe commuting* is not explicitly mentioned, its substance has been normatively regulated in labor regulations and derivative regulations. This shows the consistency of regulations from the national to regional levels in ensuring the protection of women workers.

However, after normative examination, the arrangement has normative limitations, particularly in terms of time limits; the obligation to provide transportation only applies to female workers at night from 23:00 to 05:00. These restrictions pose problems in practice, especially for female workers who work close to that time. With normative limitations, the Decree of the Minister of Manpower and Transmigration No. 224 of 2003, Article 8, states that "*The implementation of nutritious food and beverages in the workplace and the provision of shuttle transportation as referred to in Article 2 may be further regulated in the Employment Agreement, Company Regulations, or Collective Labor Agreement*". This allows companies to determine implementing regulations internally, with restrictions in the law related to the provision of shuttle transportation services for female workers.

The arrangement of shuttle transportation services at PT X is determined by the company's operating hours. Based on the Joint Employment Agreement of PT X for the period 2024 – 2026 as it has been extended for one year, namely 2026 – 2027, the categories of working hours at PT X are divided into several types of shifts, including the following:²¹

1. Category 1 regular shift is from 06-30 – 15.30 with an estimated break of 1 hour
2. Category 2 Shift (regular – night) is from 06-30 – 15.30 and 20.30 – 05.30
3. Category 3 Shift (morning-night-evening) which is from 06.00 – 15.00; 15.00 – 22.30; and 22.30 – 06.30.

In addition, Article 35 paragraph (3) in the Collective Labor Agreement at PT X states that every employee who works will be given transportation money facilities as a form of facility provided by the company.

²¹ Joint Employment Agreement of PT X for the period 2024 – 2026 as extended for one year (2026-2027). [accessed January 30, 2026, at 09.30 WIB]

Each session in the above working hours categories has a break time of 1 (one) hour. However, breaks in category 3 (three) in shift 2 (two) and 3 (three) have different rest times, namely 30 (thirty) minutes. When viewed from the working hours category, PT X has a working hour ratio of up to 8 hours, but working hours in categories three, shifts two and three are only 7 hours with a 30-minute break and have a ratio of 35 hours in a week, as stipulated in article 77 paragraph (2) of Law Number 13 of 2003 concerning Manpower as amended in article 77 paragraph (2) of Law Number 6 of 2022 concerning Job Creation, that working hours are divided into several categories:

1. 7 hours per day and 40 hours per week for 6 working days in the work week;
2. 8 hours per day and 40 hours per week for 5 working days in a work week.

Furthermore, in paragraph (4) *"The implementation of working hours for workers/laborers in the company is regulated in the Employment Agreement, Company Regulations, or Collective Labor Agreement"*. The above is the main legal basis for regulating working hours applied to PT X.

The regulation of working hours at PT X is clearly the cause of the unavailability of shuttle transportation services for female workers, because the company regulates working hours until 22.30, thus placing female workers outside the time coverage regulated in Article 76 paragraph (4) of the Labor Law. Although workers continue to work in the shift category, including close to nighttime, companies normatively do not have an obligation to provide transportation facilities (*safe commuting*). Technically, the arrangement of work shifts at 15.00–22.30 and 22.30–06.30 with a duration of 7 hours and a break of 30 minutes shows a systematic pattern to avoid the time point of 23.00 as the limit of the commencement of legal obligations. Although the application of such working time is legally valid. However, this scheme is not just an ordinary operational arrangement, but indicates the construction of policies oriented towards the avoidance of legal obligations.

This condition reflects the alleged exploitation of legal loopholes by companies, where companies formally remain within the legal corridor, but substantially ignore the protection objectives that the norm seeks to achieve. Such practices have the potential to qualify as a form of exploitation of legal loopholes, because they take advantage of the weakness of norms to avoid the responsibility to protect women workers.

Then, if analyzed with a teleological interpretation that interprets and views that a rule is seen from the intention of its former, and that intention is essentially community.²² So, in this case, restricting working hours until 22.30 does not eliminate potential occupational safety risks for women. Article 76 regulates life safety, so the number "23.00" should not be an obstacle for companies to provide protection if the risks in the field are real (such as the case of the begal at 05.30 in front of the Kasokandel Police Station).

In the context of modern law, the provision of *safe commuting* can be positioned as a *duty of care*, part of corporate social responsibility, as well as a form of compliance with the principles of *human rights due diligence*. The implementation of *safe commuting* in these conditions is no longer an imperative obligation, but is a moral, preventive obligation and the company's prudential responsibility. This also shows the existence of a void or limitation of legal norms that have not fully accommodated the reality of work risks at night.

1. Preventive and corrective legal measures that can be taken to guarantee the right to *safe commuting* for women workers who work beyond the normative time limit

A person's authority to defend, claim, or restore his rights that have been violated can be exercised through legal remedies, which is a mechanism established by law. This legal remedy can be pursued through litigation or non-litigation methods, in accordance with the applicable legal provisions.²³ In order to protect the interests in the event of violation of rights or injustice in the application of the law, Sudikno Mertokusumo argued that legal remedies are legal mechanisms established for a person and the legal entity concerned to challenge court decisions that are considered inconsistent with the provisions of applicable law or fail to reflect truth and justice.²⁴ In the context of employment law, legal remedies can be understood as steps that can be taken by workers to obtain protection for their rights, both through litigation and non-litigation.

A review of the normative restrictions outlined in labor laws and regulations is necessary before taking legal action on the non-availability of safe travel facilities for women workers at night. As in the case of PT X, the company imposed working hours for female workers until 22.30. Article 76 paragraph (4) of Law Number 13 of 2003 concerning

²² E. Fernando M. Manullang, 'Teleological/Sociological Interpretation, Interpretation of a Critical Reflection', 31.2 (2018), pp. 262–285, doi:10.25123/vej.3495.

²³ Hilda Ananda and Siti Nur Afifah, 'Litigation and Non-Litigation Settlement', 1.1 (2023), pp. 55–64.

²⁴ Sudikno Mertokusumo, *Indonesian Civil Procedure Law* (CV. Mahakarya Pustaka, 2021). p. 265

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Manpower or Decree of the Minister of Manpower and Transmigration Number 224 of 2003 states that companies are only obliged to provide shuttle transportation for female workers between 23:00 and 05:00, so that companies are not considered to have violated this provision. Although the company formally follows these working hours, it still has a responsibility to protect its female workers legally, particularly when it comes to traveling home and leaving at night. As a result, the legal remedies available in these circumstances do not involve punitive or administrative measures, but rather some of them are directed at preventive and corrective efforts to minimize risks to safety.

2. Preventive Efforts through the Company's Internal Arrangements

Stricter internal regulations can be enacted to prevent lawsuits. The Company must prepare Company Regulations in accordance with Article 180 of Law Number 13 of 2003 concerning Manpower, while the Collective Labor Agreement is regulated in Article 116 of the same law. Employment contracts, company policies, or collective labor agreements can regulate in more detail the provisions for the provision of shuttle transportation for female workers, as mandated by article 8 of the Decree of the Minister of Manpower and Migration number 244 of 2003.

Based on these provisions, although the company does not have an imperative obligation to provide *safe commuting* facilities because working hours are valid until 22.30, the company can still regulate the work travel protection policy through internal instruments. This arrangement can be realized through negotiations between workers or unions and the company to include a *safe commuting* clause as a form of preventive legal protection.

3. Labor Supervision Efforts

The labor inspection system allows for further legal action. The labor supervisor is authorized to provide instructions and supervision over the implementation of labor law, as stated in Article 178 of Law No. 13 of 2003 concerning Manpower. In addition, companies are obliged to ensure the safety of workers in all fields related to work, as stated in Law No. 1 of 1970 concerning Occupational Safety.²⁵

In the context of *safe commuting*, female workers can submit a report to the labor supervisor if there are working conditions that have the potential to endanger safety, even if no

²⁵ Law Number 1 of 1970 concerning occupational safety
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direct violation of norms is found. This supervision is preventive and coaching, with the aim of encouraging the improvement of work protection standards in the company environment.

4. Human Rights Approach and Corporate Due Diligence Obligations

The human rights perspective can be used to take legal action in conjunction with the employment mechanism. Article 28G paragraph (1) of the 1945 Constitution guarantees that all individuals feel safe and protected from fear.²⁶ Law No. 39 of 1999, which regulates human rights, further strengthens the guarantee that makes the government and all parties, including corporate actors, responsible for human beings.²⁷

In the perspective of modern employment law, companies have a duty *of care* to identify and prevent risks that can endanger workers, including the risk of working travel at night. Therefore, even though there is no normative violation of the law, companies still have a moral and social responsibility to ensure the safety of women workers through adequate protection policies.

²⁶ Article 28G paragraph (1) of the Constitution of the Republic of Indonesia of 1945

²⁷ Law Number 39 of 1999 concerning Human Rights

IV. CONCLUSION

1. That legal arrangements regarding *safe commuting* for women workers in Indonesia have been regulated normatively and recognized in the labor law system, especially through Article 76 paragraph (4) of Law Number 13 of 2003 concerning Manpower and Decree of the Minister of Manpower and Transmigration Number 224 of 2003, and strengthened by Majalengka Regency Regional Regulation Number 9 of 2022 concerning Manpower. The provision emphasizes that companies are obliged to provide shuttle facilities for female workers who work in the range of 23.00 to 05.00 as a form of preventive legal protection to ensure the safety and security of workers from various risks. However, the arrangement still has normative limitations, which limit its obligations to only a certain time frame. These limitations open up opportunities for companies to formulate internal policies, especially work shift arrangements, that do not formally violate legal provisions, but have the potential to substantially avoid corporate responsibility in providing shuttle transportation services for women who work at night. Like the practice at PT X which regulates working hours on the night shift by setting a working hour ratio of 7 hours. The use of this time is a loophole that can be used by companies to avoid the obligation to provide transportation services for female workers who work at night as stated in Article 76 paragraph (4) of Law Number 13 of 2003 concerning employment. Although the use of such time is not unlawful, the implementation of protections for women who work at night is substantially unrealized.
2. Legal remedies against the non-provision of shuttle transportation for female workers at night are based on the principle that the protection of rights can be pursued through legal mechanisms both in litigation and non-litigation, but must still refer to the normative limitations of labor regulations. Since the legal provisions only require the provision of transportation at certain hours, the working conditions imposed by PT X until 22.30 do not include violations. Therefore, legal efforts are more directed towards preventive and corrective measures, with the strengthening of internal arrangements such as Company Regulations and Collective Labor Agreements, which can include clauses on the provision of transportation to ensure safe travel for women workers, labor supervision to encourage the development and improvement of safety standards, as well as a human rights approach that emphasizes the obligation of companies to be careful in ensuring the safety of workers women when they come home or go to work at night.

Suggestions

Based on the conclusion above, here are some recommendations that can be given that the government needs to review the provisions of the time limit in article 76 paragraph (4) of the labor law to be more adaptive to real conditions in the field. Then, companies need to implement internal policies, both in employment agreements, company regulations, and cooperation agreements related to the provision of shuttle services (safe commuting), as a form of preventive protection for women who work at night.

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