

Gender-Based Tort: A Case Study of Discrimination Against Women in the Workplace

Irene Puteri Alfani Sofia Sinaga¹, Adeline Lo², Natasya Edgina Chen^{3*}, Nicole Baretta⁴

¹Universitas Pelita Harapan, Indonesia

²Universitas Pelita Harapan, Indonesia

³Universitas Pelita Harapan, Indonesia

⁴Universitas Pelita Harapan, Indonesia

*Corresponding Author: 01051230027@student.uph.edu

Abstract

Article History:

Submitted:

10-09-2025

Received:

06-12-2025

Accepted:

18-01-2026

Keywords:

Employer; Manpower;

Tort; Discrimination

This study examines gender-based discrimination in Indonesian workplaces, focusing on the unlawful termination of pregnant employees. Despite the existence of comprehensive labour regulations, such as “the Minister of Manpower Regulation No. 3 of 1989, Law No. 13 of 2003, as amended by Law No. 6 of 2023”, and other relevant provisions that guarantee the protection of workers’ rights, discriminatory practices against women continue to occur in various employment sectors. The case study of PT IRNC illustrates how employers unlawfully dismissed pregnant workers on illegitimate grounds, thereby violating their rights and causing both material and moral damages. Using a normative legal approach, this study affirms that such discriminatory actions constitute “a tort under Article 1365” of the Indonesian Civil Code, which holds employers legally accountable to provide compensation and reinstate affected workers. Therefore, gender discrimination in the workplace is not only an employment issue but also a form of tort that requires stricter and more consistent law enforcement. This study emphasizes the importance of increasing legal awareness, compliance, and effective implementation to ensure justice, equality, and the full protection of female workers’ rights within Indonesia’s contemporary labour law framework.

1. Introduction

Employment is fundamental to a country's economic and social development. In Indonesia, employment encompasses all matters relating to labour before, during, and after employment, as regulated in Law Number 13 of 2003 concerning Manpower (the Manpower Law). A workforce is any person capable of performing work to produce goods and/or services to meet the needs of society. Employment conditions in Indonesia still face various challenges, such as high unemployment rates, job availability, the dominance of the informal sector, and skills gaps, as well as the quality of the workforce.¹ Furthermore, industrial relations in Indonesia remain unequal, particularly in the informal sector, which demonstrates the weak bargaining position of workers and labour unions.²

Research by Nurhakim et al. (2023) shows that women often experience wage discrimination despite possessing qualifications and experience that are equivalent to those of

¹ Nikmatul Mukaromah et al., “Kependudukan Dan Ketenagakerjaan Pada Pertumbuhan Ekonomi Di Indonesia,” *Jurnal Intelek Dan Cendekiawan Nusantara* 1, nolabour. 6 (2024): 9593–9604, <https://jicnusantara.com/index.php/jicn/article/view/1763/1996>.

² Irsad Munawir and Pandu Pamungkas, “Kebijakan Ketenagakerjaan Dan Hubungan Industrial Di Indonesia: Tinjauan Terhadap Dinamika, Tantangan, Dan Strategi Peningkatan Kualitas,” *Dinamika: Jurnal Ilmiah Ilmu Administrasi Negara* 12, no. 2 (2025): 550–63, <https://doi.org/10.25157/dak.v12i2.20893>.

men.³ Another study by Rokhim (2022) also highlights how descriptive and prescriptive gender stereotypes can hinder women's career advancement in the workplace. To ensure fair and discrimination-free treatment, Indonesia has established several regulations, such as Articles 5 and 6 of the Manpower Law, which state that every worker has an equal opportunity to obtain employment without discrimination and has the right to equal treatment.⁴

Employers that provide employment to workers are obliged to ensure fair treatment without discrimination in any form. Furthermore, employers are also obliged to respect workers' rights and obligations equally in accordance with the Manpower law. A work agreement is a crucial instrument governing the legal relationship between an employer and its workers. A work agreement typically outlines the rights and obligations of both parties, including special rights for female workers, such as menstrual leave, maternity leave, and paternity leave, which guarantee protection during the reproductive period. As emphasized by Hasanah et al. (2025), a work agreement not only serves as a legally binding document but also ensures that workers' rights are effectively protected from discrimination and unfair treatment.⁵

Discrimination manifests in various social settings, with the workplace being a particularly significant site of gender-based inequality. According to the Indonesian Dictionary (KBBI), discrimination is the differential treatment of fellow citizens based on skin color, social class, ethnicity, economic status, religion, etc.⁶ The workplace is not immune to discrimination, particularly gender-based discrimination against female workers. Baiduri and Anshori (year) note that gender discrimination disproportionately affects female workers, exemplified by gender inequality in leadership positions.⁷

Generally, gender discrimination against female workers can take the form of differential treatment in terms of unequal access to job opportunities, job promotions, and social protection. Furthermore, there are still numerous cases of unilateral wage deductions due to menstrual or maternity leave, which should be the right of female workers. Furthermore, the reality on the ground shows that terminations of employment relationships of female workers are often carried out for unfair reasons such as pregnancy, marriage, or maternity leave. These actions clearly contradict applicable norms and legal regulations, such

³ Putri Rahmah Nurhakim, Ita Rodiah, and Henky Fernando, "Diskriminasi Upah Terhadap Perempuan Yang Bekerja: A Perspective of Gender Work Place," *Endogami: Jurnal Ilmiah Kajian Antropologi* 7, no. 1 (2023): 16–31, <https://doi.org/10.14710/endogami.7.1.16-31>.

⁴ Ishmatul Maula Rokhim and Rakhmaditya Dewi Noorizki, "Stereotip Gender Pada Wanita Karir Di Tempat Kerja," *Flourishing Journal* 2, no. 6 (2022): 415–21, <https://doi.org/10.17977/um070v2i62022p415-421>.

⁵ Melia Dwi Hasanah et al., "Perlindungan Hukum Bagi Pekerja Perempuan Yang Mengalami Diskriminasi Dalam Hubungan Kerja," *Desentralisasi: Jurnal Hukum, Kebijakan Publik, Dan Pemerintahan* 2, no. 3 (2025): 200–212, <https://doi.org/10.62383/desentralisasi.v2i3.903>.

⁶ KBBI, "Kamus Versi Online/Daring (Dalam Jaringan)," *Kamus Besar Bahasa Indonesia*, 2025, <https://kbbi.web.id/diskriminasi>.

⁷ Zulia Devi Ananta et al., "Memahami Tindakan Diskriminasi Di Tempat Kerja: Perspektif Hukum Dan Etika," *Trending: Jurnal Manajemen Dan Ekonomi* 2, no. 3 (2024): 106–20, <https://doi.org/10.30640/trending.v2i3.2638>.

as the Manpower Law, which protects the rights of female workers during their reproductive years.⁸

This study investigates the legal premise for classifying gender discrimination as an unlawful act (tort). First, it is important to understand that a tort is any act that violates the law and causes damages to another person, obligating the person causing the damage through their fault to compensate for that damage (Article 1365 of the Civil Code). If an act of discrimination violates the five elements of tort: the act, an unlawful act, the fault, the damage, and causation, then it can be classified as a tort. However, other elements must also be considered, such as the work agreement governing the relationship between the employer and employee, as well as the provisions contained in the company regulations.

Studying gender discrimination as an unlawful act in the workplace is important because there is still limited research covering this topic, particularly in relation to the aspects of manpower with the mechanism of civil accountability, which applies in the form of compensation. Based on the research background described above, the author will conduct a study entitled "Gender-Based Tort: A Case Study of Discrimination Against Women in the Workplace." In addition, the author wants to know and discuss in more depth: The legal relationship between tort and cases of discrimination against female workers, and the form of legal settlement for the occurrence of discrimination against female workers according to Indonesia's positive law.

2. Methods

This research employs a normative juridical method with a statutory and conceptual approach. The positive legal aspects studied in this approach refer to applicable laws and regulations.⁹ The primary case study of PT IRNC is analyzed doctrinally to deconstruct the application of tort law principles. Data collection in this research was conducted through literature studies in the form of secondary data as the basis for research. Primary legal materials include Law No. 13 of 2003 on Manpower, the Indonesian Civil Code, and relevant court rulings. Secondary materials comprise scholarly journals and legal commentaries on employment discrimination and tort law. Tertiary sources, such as verified news reports, are used to contextualize the case study where primary court documents are not publicly accessible, a limitation that is acknowledged.

3. Results and Discussion

3.1. The Legal Relationship between Tort and Cases of Discrimination Against Female Workers

In the framework of human resource development and social justice in Indonesia, the protection of the rights of female workers is a crucial issue that requires serious attention. Despite the progress in labour regulations, discrimination against female workers, particularly during pregnancy, remains a significant and ongoing problem. This is clearly illustrated in the

⁸ Melia Dwi Hasanah et al., "Perlindungan Hukum Bagi Pekerja Perempuan Yang Mengalami Diskriminasi Dalam Hubungan Kerja," *Desentralisasi: Jurnal Hukum, Kebijakan Publik, Dan Pemerintahan* 2, no. 3 (2025): 200–212, <https://doi.org/10.62383/desentralisasi.v2i3.903>.

⁹ Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20–33, <https://doi.org/10.14710/gk.2020.7504>.

case of PT IRNC, where the employer carried out the termination of an employment relationship with a female employee named Lestari on the grounds that she had failed to perform her duties. In reality, Lestari continued to perform her work even when she was six months pregnant and had informed her colleagues that she could not perform faceprint attendance due to pregnancy-related pain and the need for rest.¹⁰ The employer's justification of "failure to work" as a basis for termination directly violates Lestari's rights as a pregnant worker, which are expressly protected under the Manpower Law. This case does not merely concern an individual worker but reflects a broader structural and legal issue that must be addressed comprehensively.

The urgency of discussing the PT IRNC case is further reinforced by data showing the high rate of discriminatory termination of employment relationships involving female workers during their reproductive period. For example, a 2024 survey conducted by the Ministry of Manpower of the Republic of Indonesia recorded that approximately 18 percent of complaints related to termination involved discrimination due to pregnancy or maternity leave, particularly in the manufacturing and service sectors. Other research shows that such discrimination often arises from gender stereotypes and negative perceptions of the productivity of pregnant workers, resulting in violations of the basic rights of women as workers who should receive protection and support during pregnancy.¹¹

From a legal perspective, protection for female workers is clearly established under the Manpower Law, particularly Article 76 section (2), which prohibits employing pregnant women in conditions that may endanger their health or safety. Article 153 section (1)(e) of Law No. 6/2023 (Job Creation Law) prohibits termination of employment involving women who are pregnant, giving birth, have a miscarriage, or are breastfeeding. Section (2) of the same article provides that any such termination relationship involving women who are pregnant, giving birth, have a miscarriage, or are breastfeeding. Section (2) of the same article provides that any termination in such circumstances shall be deemed null and void by operation of law. In addition, Law No. 4 of 2024 concerning Maternal and Child Welfare strengthens this protection by providing administrative and criminal sanctions for employers who commit discriminatory acts, including the unilateral termination of an employment relationship with a pregnant employee.¹² Complementing these provisions, the Minister of Manpower Regulation No. 3 of 1989 concerning the Prohibition of Termination of Employment for Female Workers Due to Marriage, Pregnancy, or Childbirth clearly states in Article 2 that employers are prohibited from terminating female workers because of marriage, pregnancy, or childbirth, whether under a fixed-term or an indefinite work agreement.

Although the legal framework governing the protection of female workers has been well established, its implementation in practice remains far from ideal. Similar to the case of PT IRNC, many employers continue to justify the termination of pregnant workers by using

¹⁰ Nanang, "YTM Soroti PHK Perempuan Hamil Di PT IRNC," *Media Alkhairaat*, 2025, <https://media.alkhairaat.id/ytm-soroti-phk-perempuan-hamil-di-pt-irnc/>.

¹¹ Sali Susiana, "Pelindungan Hak Pekerja Perempuan Dalam Perspektif Feminisme," *Aspirasi: Jurnal Masalah-Masalah Sosial* 8, no. 2 (2019): 207–21, <https://doi.org/10.46807/aspirasi.v8i2.1266>.

¹² Balthasar Watunglawar, Karel Wowor, and Joefina Tendean, "Perlindungan Hukum Terhadap Tenaga Kerja Perempuan Menurut Sistem Hukum Di Indonesia," *SOSCIED* 6, no. 1 (2023): 265–79, <https://doi.org/10.32531/jsocied.v6i1.635>.

reasons such as “failure to work” or “lack of commitment to work.” Such practices constitute a form of disguised discrimination that cannot be legally justified.¹³ Therefore, it is important to analyze this matter from the perspective of tort law, as provided in Article 1365 of the Indonesian Civil Code (KUHPerdata). This provision states that every person who commits an unlawful act that causes damage to another person is obliged to compensate for such damage.

Applying the five elements of tort under Article 1365 to the PT IRNC case reveals that the employer’s conduct satisfies all requirements for civil liability. First, the act element is satisfied by the employer’s affirmative decision to terminate Lestari’s termination violates the Manpower Law and the Maternal and Child Welfare Law. Third, there is fault, indicated by the employer’s bad faith and disregard of statutory obligations. Fourth, there is damage, including both material loss due to loss of employment and immaterial loss such as psychological distress. Fifth, there is causation, as there is a direct link between the employer’s act and the damage suffered by the employee. The tort perspective is essential because it provides a more comprehensive legal remedy and forms a basis for claims of both material and immaterial damages, which are not automatically available under industrial relations dispute mechanisms.

3.2. The Legal Settlement for the Occurrence of Discrimination Against Female Workers According to Indonesia’s Positive Law

The employment relationship between workers or labourers and a company should be marked by signing a work agreement by both parties.¹⁴ However, PT IRNC's unilateral termination of Lestari constitutes a serious violation of the Indonesian Manpower Law. PT IRNC's unilateral termination of Lestari cannot be categorized as a default (a breach of contract). It should be noted that a breach of contract is a damage that occurs because one party fails to fulfill its agreed-upon performance obligations.¹⁵ Because there is no legal and explicit work agreement that allows for termination of employment due to pregnancy, it cannot be categorized as a breach of contract. In essence, there are three main aspects of normative rights that employers must fulfill that are often violated against female workers, especially during pregnancy, namely the right to fair wages, protection of occupational health and safety, and the right to be treated equally without being subordinated.¹⁶

In addition, it should be noted that PT IRNC's unilateral termination not only violates the work agreement between the company and the workers, but it also violates the company's regulations. The role and function of these company regulations are to provide certainty of

¹³ Srinorindra Rahayu Budiiswanti, Fence M Wantu, and Avelia Rahma Y Mantali, “Perlindungan Pemutusan Hubungan Kerja (PHK) Terhadap Pekerja Perempuan,” *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora* 1, no. 4 (2024): 117–32, <https://doi.org/10.62383/progres.v1i4.1006>.

¹⁴ Rudi Febrianto Wibowo and Ratna Herawati, “Perlindungan Bagi Pekerja Atas Tindakan Pemutusan Hubungan Kerja (PHK) Secara Sepihak,” *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (2021): 109–20, <https://doi.org/10.14710/jphi.v3i1.109-120>.

¹⁵ Bing Waluyo, “Kajian Terhadap Perbuatan Melawan Hukum Berdasarkan Pada Pasal 1365 Kitab Undang-Undang Hukum Perdata,” *Cakrawala Hukum: Majalah Ilmiah Fakultas Hukum Universitas Wijayakusuma* 24, no. 1 (2022): 14–22, <https://doi.org/10.51921/chk.wdref14>.

¹⁶ Adi Tiyyar Bukhares et al., “Penyalahgunaan Cuti Hamil Sebagai Alasan PHK: Tinjauan Hukum Terhadap Perlindungan Pekerja Wanita,” *Jurnal Pendidikan Tambusai* 9, no. 2 (2025): 24382–24391, <https://doi.org/10.31004/jptam.v9i2.30594>.

rights and obligations between employers and workers, improve the welfare of workers, regulate employment relations between employers and workers, and create a peaceful working environment.¹⁷ According to the Manpower Law itself, company regulations are a set of rules made in writing that specify work requirements and the company's discipline and rules of conduct. PT IRNC is a company established through a collaboration between PT IMIP, Tsingshan Holding Group, and Ruipu Technology Group Co., Ltd. PT IRNC also operates in the IMIP Industrial Area.¹⁸ Therefore, the company regulations that apply to PT IRNC are the same as those of PT IMIP.

PT IRNC operates within the IMIP Industrial Area and is therefore subject to the PT IMIP company regulations. Article 2 of these regulations explicitly states that all policies apply to the IMIP area and all companies operating within it. Article 3 requires from PT IMIP, these provisions still apply to PT IRNC as stipulated in Article 2 of the company regulations, which states that this policy applies to the IMIP area and all companies entering the area, thus requiring companies to comply with this policy. Furthermore, companies entering the IMIP area must comply with all laws and regulations protecting workers' rights in Indonesia, including the Manpower Law and the Job Creation Law. Article 3 of the company regulations further regulates career and employment in Article 3 of these company regulations, which also further regulates career and employment freedom. Companies like PT IRNC entering the IMIP area are required to uphold the principles of "diversity, tolerance, openness, and fairness" and prohibit discrimination based on age, gender, disability, ethnicity, marital status, nationality, race, and religion.¹⁹

The termination of an employment relationship not only violates applicable legal norms but can also be categorized as a tort, as explained above. Every pregnant woman is part of a vulnerable group in society and has the right to better protection during her pregnancy. Therefore, special regulations are enacted to protect female workers.²⁰ One form of regulation that provides this protection is the Maternal and Child Welfare Law, in Article 4 Section (1)(f), which guarantees that every mother has the right to receive protection from all forms of discrimination and treatment that degrades human dignity. In addition, female workers also have reproductive rights, which include the right to menstrual leave, the right to maternity

¹⁷ Pemerintah Kabupaten Bantul, "Pentingnya Peraturan Perusahaan Bagi Perusahaan," Pemerintah Kabupaten Bantul, 2022, <https://disnakertrans.bantulkab.go.id/announcements/pentingnya-peraturan-perusahaan-bagi-perusahaan>.

¹⁸ IMIP, "PT Indonesia Ruipu Nickel and Chrome Alloy," Indonesia Morowali Industrial Park, 2024, <https://imip.co.id/pt-indonesia-ruipu-nickel-and-chrome-alloy/>.

¹⁹ IMIP, *Sumber Daya Manusia Dan Kebijakan Ketenagakerjaan* (Morowali: Indonesia Morowali Industrial Park, 2024), <https://imip.co.id/wp-content/uploads/2025/02/Sumber-Daya-Manusia-dan-Kebijakan-Ketenagakerjaan.pdf>.

²⁰ Michellie Chandra Wijaya and Gunardi Lie, "Pemutusan Hubungan Kerja (Phk) Sepihak Terhadap Pekerja Hamil," *Syntax Literate; Jurnal Ilmiah Indonesia* 8, no. 11 (2023): 6453–61, <https://doi.org/10.36418/syntax-literate.v8i11.13977>.

and miscarriage leave, and the right to be given the opportunity to breastfeed.²¹ These rights are established to protect women from the risk of reproductive dysfunction.²²

The function of the Manpower Law is as a policy to protect female workers from discriminatory aspects, implemented with the addition of provisions such as the implementation of curfews for female workers and the prohibition on terminating female workers who are married, pregnant, or giving birth.²³ Although the rights and protections for female workers are explicitly written in the legislation, some employers still violate these provisions, such as in the case of PT IRNC. The termination of an employment relationship is when employees leave the company, terminating the rights and obligations between the employer and employee.²⁴ Carrying out a unilateral termination is already contrary to legal provisions. If coupled with a reason for termination, such as the female worker being pregnant, it can be classified as an act of discrimination.

The Manpower Law, which was amended through the Job Creation Law, clearly regulates legal settlements for female workers who are terminated due to pregnancy, childbirth, miscarriage, or breastfeeding, as stated in Article 153 section (1)(e). In section (2) of the same article, terminations for the above reasons are considered null and void, and employers are required to re-employ the workers concerned. This means that, automatically, without the worker having to file a lawsuit in the industrial relations court, the termination decision is considered null and void, meaning it is considered to have never occurred. Hence, all consequences of the termination must be returned to their original state before the termination, which, in this case, the worker is reinstated to their original position.²⁵

However, the legal settlement above is a settlement that is examined from the perspective of Manpower Law. From the perspective of Civil Law, namely tort, legal settlement can be requested for immaterial compensation. In the decision of the Hoge Raad, dated May 24, 1918, it was considered that the return to the original state is the most appropriate compensation payment, meaning that compensation does not always have to be in the form of money. This belief is supported by Djodjodirjo (1982) in Winastri et al. (2017), which states that Article 1365 of the Civil Code provides the possibility of several types of compensation claims, including compensation in the form of a return to the original state and eliminating something that was carried out unlawfully.²⁶

²¹ Monicha Widyasputri and Bagus Sarnawa, "Perlindungan Hukum Terhadap Hak Khusus Pekerja Perempuan (Perbandingan UU Cipta Kerja Dan UU Ketenagakerjaan)," *Media of Law and Sharia* 5, no. 2 (2024): 141-54, <https://doi.org/10.18196/mls.v5i2.50>.

²² Shinta Milania Rohmany, Laila Kholid Alfidaus, and Fitriyah, "Kebijakan Perlindungan Pekerja Perempuan Dari Perspektif Keadilan Gender Dan Hak-Hak Pekerja Perempuan (Studi Kasus Pekerja Perempuan Pt X Di Kabupaten Jepara)," *Journal of Politic and Government Studies* 12, no. 4 (2023): 100-119, <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/40739>.

²³ Rohmany, Alfidaus, and Fitriyah.

²⁴ Budiiswanti, Wantu, and Mantali, "Perlindungan Pemutusan Hubungan Kerja (PHK) Terhadap Pekerja Perempuan."

²⁵ Nanin Koeswidi Astuti, "Analisa Yuridis Tentang Perjanjian Dinyatakan Batal Demi Hukum," *To-Ra* 2, no. 1 (2016): 279-86, <https://doi.org/10.33541/tora.v2i1.1130>.

²⁶ Rivo Krisna Winastri, Ery Agus Priyono, and Dewi Hendrawati, "Tinjauan Normatif Terhadap Ganti Rugi Dalam Perkara Perbuatan Melawan Hukum Yang Menimbulkan Kerugian Immateriil (Studi Kasus Putusan Pengadilan Negeri Istimewa Jakarta No. 568/1968. G)," *Diponegoro Law Journal* 6, no. 2 (2017): 1-18, <https://doi.org/10.14710/dlj.2017.17314>.

Therefore, Lestari has the option to pursue both labour law remedies (automatic reinstatement under Article 153) and civil tort remedies (compensation under Article 1365). The tort claim would seek immaterial damages for psychological distress, humiliation Law) and also caused factual damages to the female worker. Therefore, female workers who experience discrimination may claim tort compensation, including immaterial damages. Such compensation aligns with the Job Creation Law's remedy of reinstatement, restoring the worker to her original position. In line with the legal settlement regulated in the Job Creation Law, namely to reinstate the worker to their original position (re-employment of the worker).

4. Conclusion

The protection of the rights of female workers is a crucial issue that deserves serious attention. Although regulations governing this matter already exist, violations remain evident, as illustrated in the case of PT IRNC, where the employer carried out the termination of an employment relationship with a female employee despite the clear prohibition contained in the Minister of Manpower Regulation, the Manpower Law, and the Job Creation Law. Such discriminatory actions against female workers result in violations of women's fundamental rights as workers who should receive protection and support during pregnancy. Moreover, this act of discrimination should not only be viewed from the perspective of manpower law but can also be classified as a tort, as it clearly constitutes an unlawful act that causes actual damage to the female worker.

It is important to note that the unilateral termination of an employment relationship by a company cannot be classified as a breach of contract (default), as there is no valid and explicit work agreement that permits termination on the grounds of pregnancy. Furthermore, company regulations prohibit any form of gender-based discrimination. From a legal standpoint, termination of an employment relationship on the grounds of pregnancy is null and void by operation of law. Therefore, based on Article 153 section (1)(e) and section (2) of the Job Creation Law, the appropriate legal remedy obliges the employer to reinstate Lestari to her previous position. In addition, from a civil law perspective, the employer's conduct can be considered a tort. As a result, Lestari has the right to claim immaterial damages from PT IRNC. This remedy aligns with the resolution mechanisms under manpower law, which seek to restore the injured party to their original condition or require that the employee be reinstated to her former position.

5. Acknowledgments

First of all, the authors would like to express gratitude to God because with His Grace, the authors were able to finish this article. The authors would also like to say thank you to Universitas Pelita Harapan and the Faculty of Law for their support so far, especially with special thanks to our lecturer Ms. Irene Puteri Alfani Sofia Sinaga., S.E., S.H., M.H, for her guidance and direction during the writing of this article. May this research contribute to the advancement of knowledge, particularly regarding classifying an act of gender-based discrimination as a tort.

6. Reference

Ananta, Zulia Devi, Ari Puji Astuti, Putri Ananta Rahayu, Moh Jauhari Ibrahim, and M Isa Anshori. "Memahami Tindakan Diskriminasi Di Tempat Kerja: Perspektif Hukum Dan Etika." *Trending: Jurnal Manajemen Dan Ekonomi* 2, no. 3 (2024): 106–20. <https://doi.org/10.30640/trending.v2i3.2638>.

- Astuti, Nanin Koeswidi. "Analisa Yuridis Tentang Perjanjian Dinyatakan Batal Demi Hukum." *To-Ra* 2, no. 1 (2016): 279–86. <https://doi.org/10.33541/tora.v2i1.1130>.
- Benuf, Kornelius, and Muhamad Azhar. "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer." *Gema Keadilan* 7, no. 1 (2020): 20–33. <https://doi.org/10.14710/gk.2020.7504>.
- Budiiswanti, Srinorindra Rahayu, Fence M Wantu, and Avelia Rahma Y Mantali. "Perlindungan Pemutusan Hubungan Kerja (PHK) Terhadap Pekerja Perempuan." *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora* 1, no. 4 (2024): 117–32. <https://doi.org/10.62383/progres.v1i4.1006>.
- Bukhares, Adi Tiyyar, Arya Abdi Perdana Bahi, Fazrul Ghafari, Yogi Yogi, Sahid Nurcahyo, and Kivaldo Kanasa Hamzah. "Penyalahgunaan Cuti Hamil Sebagai Alasan PHK: Tinjauan Hukum Terhadap Perlindungan Pekerja Wanita." *Jurnal Pendidikan Tambusai* 9, no. 2 (2025): 24382–24391. <https://doi.org/10.31004/jptam.v9i2.30594>.
- Hasanah, Melia Dwi, Dea Zulfa Inayah, Nazwa Bunga Rezki Perdana Lubis, and Cindy Aulia. "Perlindungan Hukum Bagi Pekerja Perempuan Yang Mengalami Diskriminasi Dalam Hubungan Kerja." *Desentralisasi: Jurnal Hukum, Kebijakan Publik, Dan Pemerintahan* 2, no. 3 (2025): 200–212. <https://doi.org/10.62383/desentralisasi.v2i3.903>.
- IMIP. "PT Indonesia Ruipu Nickel and Chrome Alloy." Indonesia Morowali Industrial Park, 2024. <https://imip.co.id/pt-indonesia-ruipu-nickel-and-chrome-alloy/>.
- IMIP. *Sumber Daya Manusia Dan Kebijakan Ketenagakerjaan*. Morowali: Indonesia Morowali Industrial Park, 2024. <https://imip.co.id/wp-content/uploads/2025/02/Sumber-Daya-Manusia-dan-Kebijakan-Ketenagakerjaan.pdf>.
- KBBI. "Kamus Versi Online/Daring (Dalam Jaringan)." Kamus Besar Bahasa Indonesia, 2025. <https://kbbi.web.id/diskriminasi>.
- Mukaromah, Nikmatul, Shilfaridah Hasanah, Firlu Fachrezi Yansyah, and Heni Noviarita. "Kependudukan Dan Ketenagakerjaan Pada Pertumbuhan Ekonomi Di Indonesia." *Jurnal Intelek Dan Cendekiawan Nusantara* 1, no. 6 (2024): 9593–9604. <https://jicnusantara.com/index.php/jicn/article/view/1763/1996>.
- Munawir, Irsad, and Pandu Pamungkas. "Kebijakan Ketenagakerjaan Dan Hubungan Industrial Di Indonesia: Tinjauan Terhadap Dinamika, Tantangan, Dan Strategi Peningkatan Kualitas." *Dinamika: Jurnal Ilmiah Ilmu Administrasi Negara* 12, no. 2 (2025): 550–63. <https://doi.org/10.25157/dak.v12i2.20893>.
- Nanang. "YTM Soroti PHK Perempuan Hamil Di PT IRNC." Media Alkhairaat, 2025. <https://media.alkhairaat.id/ytm-soroti-phk-perempuan-hamil-di-pt-irnc/>.
- Nurhakim, Putri Rahmah, Ita Rodiah, and Henky Fernando. "Diskriminasi Upah Terhadap Perempuan Yang Bekerja: A Perspective of Gender Work Place." *Endogami: Jurnal Ilmiah Kajian Antropologi* 7, no. 1 (2023): 16–31. <https://doi.org/10.14710/endogami.7.1.16-31>.
- Pemerintah Kabupaten Bantul. "Pentingnya Peraturan Perusahaan Bagi Perusahaan." Pemerintah Kabupaten Bantul, 2022. <https://disnakertrans.bantulkab.go.id/announcements/pentingnya-peraturan-perusahaan-bagi-perusahaan>.
- Rohmany, Shinta Milania, Laila Kholid Alfidaus, and Fitriyah. "Kebijakan Perlindungan Pekerja Perempuan Dari Perspektif Keadilan Gender Dan Hak-Hak Pekerja Perempuan (Studi Kasus Pekerja Perempuan Pt X Di Kabupaten Jepara)." *Journal of Politic and Government Studies* 12, no. 4 (2023): 100–119. <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/40739>.
- Rokhim, Ishmatul Maula, and Rakhmaditya Dewi Noorizki. "Stereotip Gender Pada Wanita Karir Di Tempat Kerja." *Flourishing Journal* 2, no. 6 (2022): 415–21. <https://doi.org/10.17977/um070v2i62022p415-421>.
- Susiana, Sali. "Perlindungan Hak Pekerja Perempuan Dalam Perspektif Feminisme." *Aspirasi:*

- Jurnal Masalah-Masalah Sosial* 8, no. 2 (2019): 207–21. <https://doi.org/10.46807/aspirasi.v8i2.1266>.
- Waluyo, Bing. “Kajian Terhadap Perbuatan Melawan Hukum Berdasarkan Pada Pasal 1365 Kitab Undang-Undang Hukum Perdata.” *Cakrawala Hukum: Majalah Ilmiah Fakultas Hukum Universitas Wijayakusuma* 24, no. 1 (2022): 14–22. <https://doi.org/10.51921/chk.wdrex14>.
- Watunglawar, Balthasar, Karel Wowor, and Jofefina Tendean. “Perlindungan Hukum Terhadap Tenaga Kerja Perempuan Menurut Sistem Hukum Di Indonesia.” *SOSCIED* 6, no. 1 (2023): 265–79. <https://doi.org/10.32531/jsociet.v6i1.635>.
- Wibowo, Rudi Febrianto, and Ratna Herawati. “Perlindungan Bagi Pekerja Atas Tindakan Pemutusan Hubungan Kerja (PHK) Secara Sepihak.” *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (2021): 109–20. <https://doi.org/10.14710/jphi.v3i1.109-120>.
- Widyasputri, Monicha, and Bagus Sarnawa. “Perlindungan Hukum Terhadap Hak Khusus Pekerja Perempuan (Perbandingan UU Cipta Kerja Dan UU Ketenagakerjaan).” *Media of Law and Sharia* 5, no. 2 (2024): 141–54. <https://doi.org/10.18196/mls.v5i2.50>.
- Wijaya, Michellie Chandra, and Gunardi Lie. “Pemutusan Hubungan Kerja (Phk) Sepihak Terhadap Pekerja Hamil.” *Syntax Literate; Jurnal Ilmiah Indonesia* 8, no. 11 (2023): 6453–61. <https://doi.org/10.36418/syntax-literate.v8i11.13977>.
- Winastri, Rivo Krisna, Ery Agus Priyono, and Dewi Hendrawati. “Tinjauan Normatif Terhadap Ganti Rugi Dalam Perkara Perbuatan Melawan Hukum Yang Menimbulkan Kerugian Immateriil (Studi Kasus Putusan Pengadilan Negeri Istimewa Jakarta No. 568/1968. G).” *Diponegoro Law Journal* 6, no. 2 (2017): 1–18. <https://doi.org/10.14710/dlj.2017.17314>.