

# CHAPTER I

## INTRODUCTION

### 1.1 Background

Humans are created differently from the moment they are born. When humans are born, by nature they have basic rights, namely universal human rights regardless of gender, race, ethnicity, religion, skin color, nationality, age, political views, social status, language and other status. Seeing from this, human rights are a set of principles related to equality, human dignity and justice.<sup>1</sup> They recognize our freedom to make choices about our lives and develop our potential as human beings. They are about living a life free from fear, harassment or discrimination.<sup>2</sup> The source of human rights is the endowment of qualities, virtues and powers which God has bestowed upon mankind without discrimination. To fulfil the possibilities of this divine endowment is the purpose of human existence. Human rights can be established in terms of social status when members of the community realize that the gift of life and conscious being obligates them to meet responsibilities owed to God, to society and to self.<sup>3</sup>

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<sup>1</sup>Andi Akhirah Khairunnisa, “Penerapan Prinsip-Prinsip Hak Asasi Manusia Dalam Pembentukan Produk Hukum Oleh Pemerintah Daerah”, Jurnal MP (Manajemen Pemerintahan), Vol.5, No.1, Juni 2018, pg. 67

<sup>2</sup>Australian Human Rights Commission, “An Introduction to Human Rights”. <https://humanrights.gov.au/our-work/education/introduction-human-rights/>. Accessed 22 September 2021

<sup>3</sup>Bahai Teaching, “Human Rights are God-Given Rights”. <https://bahaiteachings.org/human-rights-are-god-given-rights/>. Accessed 22 September 2021

This definition implies that human rights are instruments created to protect human life as a respect that life is a sacred thing given by God Almighty. Almost the same definition is also stated in the MPR RI Decree No. XVII / MPR / 1998 concerning Human Rights described in number I letter D point 1 that: "Human rights are rights as a gift from God Almighty, which are inherent in human beings, natural, universal and eternal, related to human dignity". As we can see that human rights are natural, human rights are absolute, therefore human rights are also protected outside the national law. In international law there is protection of human rights which regulates what rights individuals are entitled to obtain. Human rights as a form of respect for each individual have led the United Nations (UN), which is an international organization that brings together countries in one forum to achieve common goals, has formulated many human rights instruments to protect the guarantee of individual rights and human beings universally, then the *Universal Declaration of Human Rights (UDHR)* was created.<sup>4</sup> The Universal Declaration of Human Rights was the first document ratified by the United Nations to contain an internationally recognized list of human rights. The Universal Declaration of Human Rights has become the framework not only for subsequent international human rights treaties, but also for many national and regional human rights documents.<sup>5</sup>

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<sup>4</sup>United Nations Human Rights (Office of the high commissioner), "International Human Rights Law". <https://www.ohchr.org/en/professionalinterest/pages/internationallaw.aspx>. Accessed 22 September 2021

<sup>5</sup>Mashood A. Baderin, "*Hukum Internasional, Hak Asasi Manusia & Hukum Islam*", (Jakarta: Komisi Nasional Hak Asasi Manusia, 2010), pg. 18-19

In Indonesia itself, law is an important instrument in regulating aspects of life because Indonesia is a constitutional state based on the third amendment to the 1945 Constitution of the Republic of Indonesia<sup>6</sup>. This causes the position of humans in law to have a very close relationship with human rights. The juridical basis for human rights in Indonesia is based on the 1945 Constitution of the Republic of Indonesia [“1945 Constitution”]<sup>7</sup> and is continued with the making of Law Number 39 of 1999 concerning Human Rights. As we know, the 1945 Constitution was made with the aim of regulating and organizing the life of the Indonesian people in order to obtain certainty, utility, justice in the life of the state and society. Thus, the 1945 Constitution is the highest regulation as well as a reference and parameter in making a regulation that is under it. From the purpose of the drafting of the 1945 Constitution and the Human Rights Law, it is concluded that the issue of human rights in Indonesia has become a major theme in the discussion of state and community life.<sup>8</sup>

The 1945 Constitution has undergone several changes. Human rights began to be discussed and focused on the second amendment by adding chapters and special articles containing human rights as mentioned

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<sup>6</sup>S.Masribut Sardol, "Pengaturan Hak Asasi Manusia dalam Hukum Indonesia", Fakultas Hukum Universitas Pembangunan Nasional Veteran Surabaya, Vol.1, No.1, (2014).

<sup>7</sup>PEN. When the writer of this thesis refers to the term "UUD 1945" then what is meant by the Author is the 1945 Constitution of the Republic of Indonesia after the fourth amendment. when the Author inputs the 1945 Constitution before, or in connection with certain changes, the additional identity of the “UUD 1945” will be included in the body of the text.

<sup>8</sup>Komisi Nasional Hak Asasi Manusia, “Jurnal HAM Komisi Nasional Hak Asasi Manusia”, Jurnal HAM, Vol 11, (2014)

in Chapter XA articles 28A-J.<sup>9</sup> After the fourth amendment, human rights are still prioritized in the 1945 Constitution. Human rights must be prioritized in the foundation of the state because these basic rights will be inherent in humans from the time they are in the womb to the last breath. Since humans are in the womb, humans already have the right, namely the right to live. In Article 28I paragraph (1) of the 1945 Constitution states that:

“The rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances.”

From the several rights mentioned above, it is appropriate for humans to have the right to live and the right to be recognized as individuals before the law. Moreover, because Indonesia is a highly populated country, the existence of human rights protection is very much needed so that all people have the same right to be recognized before the law, the right to show who they are, where they comes from, what religion they believes in, what culture they uses in order to create a sense of security and respect for each other so as not to create discriminatory traits.<sup>10</sup> This is further explained in article 28I paragraph (2) of the 1945 Constitution which states that:

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<sup>9</sup>*Ibid.*

<sup>10</sup>Eko Hidayat, “Perlindungan Hak Asasi Manusia Dalam Negara Hukum Indonesia”. Penelitian, Bandar Lampung: Fakultas Syariah IAIN Raden Intan Lampung, pg. 81

“Every person shall have the right to be free from discriminatory treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment.”

Discrimination can occur in all aspects of social life, such as differences in religious viewpoints, racism, and sexism. With the existence of human rights, everyone should be free to embrace a religion and worship according to their religion, as well as what culture they live, as stipulated in article 28E paragraph (1) of the 1945 Constitution states that:

“Every person shall be free to choose and to practice the religion of his/her choice, to choose one's education, to choose one's employment, to choose one's citizenship, and to choose one's place of residence within the state territory, to leave it and to subsequently return to it.”

This article reflects that Indonesia has a variety of different religious and cultural backgrounds. In fact, the majority of religions in Indonesia are Islam<sup>11</sup>, therefore there are various Islamic laws that are accommodated in a number of applicable regulations. Ali Said as a Minister of Human Rights and Law, said that Islamic Law is considered one of the components in the Indonesian legal system that become one of the sources for the establishment of national law.<sup>12</sup> Although Indonesia does not apply Islamic law as thoroughly, basically the values contained in Islamic Law are also applied in positive law in Indonesia. We can see this from various laws and

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<sup>11</sup>Indonesia.go.id., “Agama”. <https://indonesia.go.id/profil/agama>. Accessed 19 February 2021

<sup>12</sup>Ali Muhammad Daud, “*Introduction to Islamic jurisprudence and the legal system in Indonesia*”, (Depok: Raja Grafindo Persada, 2016), pg. 174

regulations that contain Islamic legal values, one of them is explained based on The Statuta Jakarta (Batavia) of the year 1642, that all matters related to the inheritance for Indonesians who were Muslims, would be handled in accordance with Islamic Law.<sup>13</sup>

Islamic law is based on the revelations of Allah SWT (Al-quran) and the Sunnah of the Prophet, both detailed and general.<sup>14</sup> The regulations in Islamic law known as Sharia, contain Allah's stipulations and his prophet's provisions, both in the form of prohibition and instruction that cover all aspects of human life.<sup>15</sup> Therefore, Islamic law has several governing principles, one of the most important is the principle of justice. Justice is needed in all aspects of human life, one of which is justice in a muslim womans right to carry out one of their obligations as a Muslim woman to cover up their body by using Jilbab.

Jilbab is one of the Islamic religious orders for its adherents. This is an obligatory thing, same with prayer and others. There are many arguments about the definition of jilbab from Mufassir. There are those who say that wear the Jilbab as outerwear, then wear clothes that cover the whole body, while others cover everything, so that only their eyes can be seen. There are also those who interpret the jilbab as like *khimar* or *veil*. In addition, there are those who interpret the jilbab as *izar*, which is like a sarong, which is an

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<sup>13</sup>*Ibid*, pg. 152

<sup>14</sup>Eva Iryani, "Hukum Islam, Demokrasi, dan Hak Asasi Manusia", Jurnal Ilmiah Universitas Batanghari Jambi, Vol.17, No.2, (2017), pg. 24

<sup>15</sup>Ali Muhammad Daud, "*Introduction to Islamic jurisprudence and the legal system in Indonesia*", (Depok: Raja Grafindo Persada, 2016), pg. 30



outer garment that covers, inside it is covered with clothes, then closed again. There are also some Al-Quran surah that obliges a Muslim to cover up their body with jilbab and, one of which is in the Al-Quran surah Al-Ahzab verse 59 which stated:<sup>16</sup>

"O Prophet, Say to your wives, daughters of believers: Let them stretch out their jilbab (all over their bodies), so that they are easier to recognize, therefore they are not disturbed and Allah is Most Forgiving, Most Merciful".

From this verse, women are obliged to wear jilbab to protect themselves and perform worship according to religious orders. Jilbab itself has many interpretations from various scholars, one of which is based on the scholar As-sadi who said: "Jilbab is what is worn over clothes, whether in the form of milhafah, khimar, rida 'or the like, which is worn to cover their hair and chest".<sup>17</sup> From this statement we can see that the way women cover up their body is using jilbab for daily activities so that sometimes the use of the jilbab in society is still visible in the form of a prominent religion.

In any case, there are still many Muslim women who experience discrimination in carrying out worship, especially in using Islamic religious attributes, namely jilbab. Even though, covering the genitals is a great ethic in Islam so that all Muslims have the right to carry out their worship

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<sup>16</sup>Merdeka.com, "Al-Qur'an Surat Al-Ahzab Ayat ke-59". <https://www.merdeka.com/quran/al-ahzab/ayat-59>. Accessed 20 February 2021

<sup>17</sup>Muslim.Or.Id, "Makna Hijab, Khimar dan Jilbab". <https://muslim.or.id/26725-makna-hijab-khimar-dan-jilbab.html>. Accessed 20 February 2021

perfectly. This is supported by the presence of Article 4 of Law Number 39

Year 1999 concerning Human Rights which states that:

“The right to life, the right to not to be tortured, the right to freedom of the individual, to freedom of thought and conscience, the right not to be enslaved, the right to be acknowledged as an individual before the law, and the right not to be prosecuted retroactively under the law are human rights that cannot be diminished under any circumstances whatsoever.”

From this article, every human being has the right to personal freedom and the right to religion. Wearing jilbab is a form of worship for Muslims, so it is a right for a Muslim to practice his religion perfectly and this right cannot be revoked by anything. The right to embrace a religion and worship according to religion is clearly regulated in the 1945 Constitution its includes to *non-derogable rights* which this right cannot be reduced under any circumstances its guarantee by international human rights instruments and national laws.<sup>18</sup> Until now, in Indonesia there are still various forms of human rights violations related to the right to freedom of religion. From 1998 to 2009 the National Human Rights Commission has received hundreds of complaints related to cases of violations of the rights to freedom of religion and belief.<sup>19</sup> The cases include, among others, the prohibition of the establishment of places of worship, the destruction of people's residences, the prohibition of worship and the closure of places of worship, acts of discrimination against certain people, persecution, the destruction of

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<sup>18</sup>Komisi Nasional Hak Asasi Manusia, “Jurnal HAM Komisi Nasional Hak Asasi Manusia”, Jurnal HAM, Vol 11, (2014)

<sup>19</sup> *Ibid.*



places of worship and others. From the description above, the use of jilbab for women in Indonesia should be protected and respected. Because it is a right for every Muslim woman and this right is not appropriate in comparison with anything. But in fact, there are still many violations that occur, namely many Muslim women workers who are prohibited from wearing jilbab in the workplace.

In practice, the prohibition of wearing jilbab in the workplace has not received much attention from many Indonesian citizens because when faced with the choice to fulfill their religious obligations fully or to get the opportunity or proper treatment for the work they want, most of them will choose to prioritize the work they want because they want to make money for their living. Things such as this in practice will be difficult, when someone is positioned in a condition to choose both things between choosing a job or practicing his religion perfectly, they might be choosing a job rather than their religion because they need income so as not to become unemployed, where the absence of income causes the unemployed to reduce their consumption expenditure which causes a decrease in the level of prosperity and welfare.<sup>20</sup> The factor that influences female workers to remove their jilbab is the economic factor, because the salary they earn is quite large, so that the female workers remain in the workplace. Different with several countries in the world, one of which is Russia, although the

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<sup>20</sup>Badan Perencanaan Pembangunan Daerah, “Pembangunan dan Pertumbuhan Ekonomi”. <https://bappeda.bulelengkab.go.id/informasi/detail/artikel/artikel-pembangunan-pertumbuhan-ekonomi-53>, Accessed 22 June 2021

religion of Islam there is only 14% or is said to be a minority but there all Muslim women are required to wear the hijab, the region is the Republic of Chechnya. The regulation is actually not officially stated in their regional regulations. According to the local government, the recommendation to wear the hijab is only a strong appeal.<sup>21</sup>

Another reason why some companies do not allow or prohibit their employees from wearing jilbab at work is because it violates workplace policies regarding employee appearance at work. In addition, there is another reason, namely that the leader of the company is a non-Muslim, so the ban on wearing jilbab is imposed so that there is no prominence of certain religions<sup>22</sup>. Other than that, there are too many definitions and interpretations about jilbab that makes the entrepreneurs become worried about allowing jilbab in the workplace. Besides all these things, Indonesian workers should receive full protection, because they are an important instrument for the future national development of the Republic of Indonesia. Things like this have attracted attention from government agencies and resulted in the Law Number 13 of 2003 concerning manpower. The considerations that "weigh" the Manpower Act state that:

"Protection of workers is intended to guarantee the basic rights of workers or laborers, and guarantee equal opportunity, as well as treatment without discrimination on any basis to realize the welfare

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<sup>21</sup>Irefer World, "Moscow tries to tame Islam in Chechnya". <https://www.refworld.org/docid/506c177f2.html>. Accessed 20 June 2021

<sup>22</sup>Siska Dwi Manda Sari, "Larangan Pekerja Perempuan Berjilbab". Studi Deskriptif, Surabaya: Program Studi Sosiologi Fakultas Ilmu Sosial dan Ilmu Politik Universitas Airlangga, 2014, pg. 4

of workers or laborers and their families, while still paying attention to the progress of the business world."

Judging from the purpose of drafting the labor protection law, the government has seen that workers need protection from all discriminatory treatment and guarantee equal opportunities to support national economic progress. On the contrary, in its implementation there are still many female workers who wear the jilbab are getting discrimination. This is a violation of the right to embrace a religion and worship according to religion, because wearing a jilbab is an obligation for a Muslim woman. One of them happened in the case at PT. M, some employees of PT M before entering the door still wear jilbab, but after entering offices they remove their jilbab and wear clothes that deviate from Islamic law.<sup>23</sup>

This phenomenon is a form of discrimination that women workers got. When a company implements the prohibition of wearing a jilbab for female workers in the company regulation or in collective labor agreement, that company can be categorized as having discriminated against workers on the basis of religion and prohibited Manpower Law. In this regard, Article 5 of Law Number 13 of 2003 states that "Every worker has equal opportunity without discrimination to get a job." Supported with Article 6 of Law Number 13 Year 2003 concerning Manpower Law which states that

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<sup>23</sup> Results of Interview with Zhania, Supervisor of Health and Beauty Brand at PT M, Zoom Meeting, October 9, 2021, 14.00 WIB.

"Every worker / labourer has the right to receive equal treatment without discrimination from the entrepreneur."

The provisions in Article 5 and Article 6 of Law Number 13 Year 2003 concerning Manpower convince the author that all entrepreneurs in Indonesia are prohibited from discriminating against their workers and prospective workers who wish to work in their company because basically all workers have the same opportunity without discrimination to get a job, either it is based on religion, gender, ethnicity, race, differences in political views, differences in status, or other differences. Even, there are no specific articles in the mentioned Law about the use of religion attributes.

To eliminate discrimination, Indonesia has ratified the ILO Convention No. 111 concerning Discrimination in Employment and Occupation, which is manifested in the form of Law No. 21 of 1999. Thus, because Indonesia has ratified the ILO convention, this ratification should further supports that the policy on the prohibition of a woman to wear jilbab is included in the category of job discrimination. This resulted in Indonesia having international liability.<sup>24</sup> Discrimination itself is unfair treatment of a person or group due to one thing. Discrimination against female workers wearing jilbab is an unfair treatment and eliminates the right of a Muslim woman to carry out her prayers perfectly.

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<sup>24</sup>Achmad Zulfikar, "Alasan Pemerintah Indonesia Meratifikasi Konvensi Internasional Perlindungan Hak Pekerja Migran Tahun 2012". Skripsi, Yogyakarta: Fakultas Ilmu Sosial dan Ilmu Politik Universitas Muhammadiyah Yogyakarta, 2013, pg. 75

Still related to discrimination in the workplace, the Ministry of Manpower and Transmigration of the Republic of Indonesia and the *International Labor Organization* (ILO) have developed a national strategy for the fulfillment of equal rights and treatment for all workers in Indonesia. This development takes the form of a guide that contains matters of equal opportunity and treatment in work, hereinafter referred to as Equal Employment Opportunity (EEO) which covers all policies including their implementation aimed at eliminating discrimination in the world of work.<sup>25</sup> This guide is set forth in the Circular of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: SE.60 / MEN / SJ-HK / II / 2006 Guidelines for Equal Employment Opportunity and Opportunity in Indonesia. This guide was created to direct Indonesia to realize the provisions of articles 5 and 6 of the Manpower Law, namely discrimination free treatment. The Author thinks that the implementation of ILO Convention No. 111 has not been implemented fully in the Indonesian Legal system, because in the regulation made by the government, namely Law No 13 of 2003 concerning manpower, there are only a few articles that mention regarding discrimination especially in the form of using religion attribute and the definition by jilbab itself can make many interpretations. Therefore, on the implementation there are some entrepreneurs that still

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<sup>25</sup>Panduan Kesempatan dan Perlakuan Yang Sama Dalam Pekerjaan di Indonesia

prohibit women workers to use their jilbab, this can be seen may on the Company regulations or on the Collective Labor Agreement.

To add to the confusion, the government has ratified the convention "Convention on the Elimination of All Forms of Discrimination Against Women".<sup>26</sup> By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms , therefore Indonesia ratified this convention through Law No. 7 of 1984. When Indonesia accepts this convention, in summary Indonesia has committed that everything that discriminates against women must have legal consequences.<sup>27</sup> However, in this thesis, the author will only focus on the protection of human rights for female workers who wear the jilbab in terms of labor law and ILO convention No. 111 because the rights of women workers to get jobs and the rights of women workers who want to practice or practice their religious observances perfectly are not options, these two things can be obtained perfectly by female workers so that they live peacefully without experiencing discrimination in the workplace. In addition, this is a matter of debate because of the differences in thinking between entrepreneurs and workers. Workers have the right to religion and the right to get a job, but for the entrepreneurs to use religious attributes it is considered that there is an emphasis on a religion. However, this

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<sup>26</sup>Maria Ulfah, "Upaya Pemerintah DKI Jakarta Mewujudkan Perlindungan Perempuan Dari Kekerasan Seksual Dalam Kerangka CEDAW (2010-2015), eJournal Ilmu Hubungan Internasional, Vol. 6, No.4, (2018), pg.1517

<sup>27</sup>Angelia Maria Valentina dan Elisabeth A. Satya Dewi, "Implementasi CEDAW tentang Penghapusan Diskriminasi Perempuan: Studi Kasus Pemilu di Indonesia Tahun 2009 dan 2014. Studi Kasus, Bandung: Hubungan Internasional Universitas Katolik Parahyangan, 2017, pg. 1



debatable issue sometimes creates entrepreneurs to make a working agreement regarding violations of the use of religious attributes such as the jilbab and ignoring the applicable laws and regulations. On the contrary, the rights of workers are protected by the applicable Manpower Act and also the ratification on the ILO Convention No. 111, but there are still many business actors who ignore this regulation, while in fact this regulation is created to protect all matters and rights related to labor. Therefore, the author hopes that this research can provide the best possible recommendation through this research as a further review of the protection of human rights for female workers who use jilbab in the eyes of ILO Convention No. 111 and its implementation in Indonesia.

## **1.2 Formulation of Issues**

Indonesia seems to have ratified some rules in regards to the protection for women workers to wear jilbab in the workplace considering that wearing jilbab and getting a job is both a right for all women. Embodiment to this, Indonesia has ratified ILO Convention No. 111 concerning Discrimination in Employment and Occupation, which is manifested in the form of Law No. 21 of 1999. This resulted in Indonesia having international liability. Therefore, all entrepreneurs in Indonesia shall implement the effort from the government to protect all women workers to wear jilbab and also get a job. In regards on these debatable issues, the problems that will be the focus of the authors' research are:

1. How is the Legal protection for female workers who use jilbab in the workplace based on the ILO convention No . 111 in Indonesia?
2. Whether Indonesian Entrepreneurs have implemented the protection of the right for women workers to use jilbab in the workplace in accordance with Law No 13 of 2003 and Law No 21 of 1999?

### **1.3 Research Purposes**

The author purpose of writing this thesis is to find the reasonable answer to the formulation of issue stipulated above. The formulation of issues stated above revolves around the protection of human rights for women workers to practice their religion fully and get a job. Hence, the research purpose is:

1. To analyze the Legal protection for female workers who use jilbab in the workplace based on ILO Convention No. 111 in Indonesia.
2. To elaborate whether Indonesian Entrepreneurs have implemented the protection of the right for women workers to use jilbab in the workplace in accordance with Law No 13 of 2003 and Law No 21 of 1999.

### **1.4 Research Benefits**

#### **1.4.1 Theoretical Benefits**

Theoretically, the author hopes that this research can provide an overview of the mismatch between Law Number 13 of 2003

concerning Manpower and the ILO Convention No. 111 and its implementation in all workplaces against discriminatory attitudes. From this research, the authors hope to find out whether the contents of the labor law and ILO Convention No. 111 have been implemented perfectly and are in accordance with human rights in all workplaces, especially in terms of discrimination against women wearing jilbab. Overall, the authors hope that this research can provide further knowledge about labor law and the ILO Convention in particular on the nature of discrimination and protection of religious rights to workers, along with the hierarchy and binding strength of statutory regulations, international law and Ministerial Circular in Indonesian legal system.

#### 1.4.2 Practical Benefits

In practical terms, the author hopes that this research can provide input for the government in handling the mismatch between Law Number 13 of 2003 concerning Manpower and the ILO Convention No. 111 and its implementation in all workplaces. The author realizes that not all entrepreneurs in Indonesia have implemented protection for women workers to use their jilbab. A clearer sanction is needed in the form of government regulation as a preventive measure against the emergence of problems of discrimination against the use of religious attributes in the future

which can arise from the lack of explanation of the definition of discrimination in the labor law, particularly regarding the use of religious attributes. In addition, the author also hopes that this research can be of benefit to the general public, employers in any field of workplace, labor and anyone who is directly or indirectly related to labor and employers in Indonesia.

## **1.5 Framework of writing**

This thesis is arranged into five main chapters that will ease the readers to understand the discussion of this thesis. At Chapter I, the author will discuss the background of this thesis which is the prohibition of the use of jilbab in the workplace is contrary to national regulations, namely the 1945 Constitution and Law No 13 of 2003 as well as several ratifications of international conventions discussed by the author, namely ILO Convention No. 111. To dissect these legal issues, the author has divided the formulation of issues into two parts, namely, how is legal protection for female workers to use jilbab in the workplace based on the ILO Convention No. 111 in Indonesia and Whether Indonesian entrepreneurs implemented the protection of the right of women workers to use jilbab in the workplace in accordance with Law No 13 of 2003 and ILO Convention No. 111.

In Chapter 2, the author will divide this chapter into five sub-chapters. First, the author will establish laws and regulations and policies governing labor law in Indonesia and human rights. Second, the author will describe the notion of labor and human rights. Furthermore, this will be followed by the understanding and regulation of discrimination according to Law Number 13 of 2003 concerning manpower and ILO Conventions No. 111 and fourth, the author will describe the obligations of employers to provide equal opportunities and equal rights obtained by workers, and lastly talk about the authority of all humans to obtain the right to religion and the right to work in accordance with the 1945 Constitution.

Going on to Chapter 3, this chapter will discuss in general about the type of research, the type of data, data analysis technique and the type of research approach. Author will use the Normative research methodology, namely legal research that places the law as a norm system building.

For the discussion and analysis will be put in Chapter 4 which will discuss research problems and their solutions. This chapter will be divided into the next two sub-chapters and each sub-chapter will answer the respective research questions as set out in chapter two of this thesis. Authors rely on the analysis and answer the formulation of issues based on the current legal issue and come

with a solid answer regarding the legal issue stipulated in the background.

In this last chapter, the author will explain the conclusions in response to the problems that have been analyzed in chapter four. In addition to providing conclusions, the author will also provide suggestions and recommendations on these matters and possible regulations that can be drafted and implemented in the future to make it easier for the public to understand the latest policies on labor freedom to embrace their religion perfectly and get the right to work so as to provide legal certainty and protection for all parties concerned.

