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Submission date: 27-Nov-2023 06:59PM (UTC+0700)

Submission ID: 2239562173

File name: 113-Article_Text-1108-1-10-20230626.pdf (225.4K)

Word count: 3373

Character count: 19340

LEGAL PROTECTION OF STAYCATION VICTIMS (WOMEN WORKERS) IN A CRIMINOLOGICAL PERSPECTIVE)

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ABSTRACT

Staycation or vacation at home is increasingly in demand by many people, including female workers. However, this does not guarantee safety during the staycation. There is a risk of crimes such as sexual harassment that can occur. Therefore, legal protection for staycation victims needs to be considered, especially for female workers. This article discusses the legal protection of staycation victims (female workers) in criminological theories such as sociological theory, psychological theory, environmental theory, social control theory, and deterrence theory, as well as a focus on feminist criminology. These theories can help understand the causes of crimes against female workers in staycation environments and provide solutions for better legal protection for victims. Therefore, it is important to develop policies and regulations governing staycations so that female workers can feel safer when carrying out these activities. In conclusion, legal protection of staycation victims (female workers) requires cooperation between the community, security forces, government, and hotel staff in creating a safe and comfortable environment for staycations conducted by female workers. The research used in this journal is juridical research normative.

Keywords: Legal Protection; Victim; Staycation; Criminology

Introduction

The term criminology was first used by a French anthropologist named Paul Topiward. According to Paul, criminology comes from the word *crimen* which means crime/criminal, and *logos* means science. Furthermore, Edwin Sutherland and Donald R. Cressey mention criminology as: "... the body of knowledge regarding delinquency and crime as a social phenomenon. It includes within its scope the process of making law, breaking laws, and reacting to word the breaking of laws..." (Sutherland et al., 1992)

Based on the above, it can be concluded that criminology is oriented to:

1. Law making which can include a study of the concept of crime and who is the lawmaker with factors that must be considered in making law; (Nurisman, 2022)
2. Violation of the law which can include who the perpetrator is and why the violation of the law occurred, as well as what factors influence it;
3. Reactions to violations of the law through the criminal justice process and community reactions.

Further in its development, in order to discuss the dimension of crime/criminals, known as criminological theories.

Criminological theories have an important role in understanding and providing legal protection to staycation victims. Some criminological theories that can be attributed to the protection of staycation victims are as follows: (Purnamasari et al., 2023) Sociological Theory views that crime occurs due to social factors that exist in society. In the context of staycations, social factors such as poverty, injustice, and social class differences can be

a trigger for crime (Febriyani, 2018). Therefore, the legal protection of the staycation ban corps must involve improving social conditions in society;

1. Psychological Theory

The psychological theory views that crime occurs because of psychological factors that exist in the perpetrator. In the context of a staycation, psychological factors such as addiction, stress, and mental disorders can trigger crime. Therefore, legal protection of staycation victims must involve rehabilitation and psychological treatment for perpetrators of crimes; (Ntoumanis et al., 2021)

2. Environmental Theory

The environmental theory views that crime occurs due to environmental factors that exist around the perpetrator. In the context of staycations, environmental factors such as overcrowding, low security, and lack of supervision can trigger crime. Therefore, legal protection of staycation victims must involve improving the surrounding environment that is safer and more vigilante;

3. Social Control Theory

Social control theory views that crime occurs due to a lack of social control over the behavior of the perpetrator. In the context of staycations, lack of supervision and law enforcement can trigger crime. Therefore, legal protection of staycation victims should involve increased surveillance and stricter law enforcement; and

4. Detergent Theory

Deterrence theory views that crime can be avoided if the perpetrator is threatened with severe sanctions. In the context of staycations, strict law enforcement and severe sanctions for criminals can be a way to prevent crime. Therefore, legal protection for staycation victims must involve strict law enforcement and severe sanctions for perpetrators of crime.

The purpose of this study is to find out: 1) How is the legal protection of staycation victims, especially female workers, in a criminological perspective, 2) Why action occurs crime, and 3) How the legal system combats the crime, taking into account criminological factors such as victims, perpetrators, environment and other factors.

Research Method

The research used in this journal is normative juridical research (Sucipto et al., 2022). The normative juridical research is carried out with 3 (three) approaches, namely: statute approach, concept approach, and case study. The legal theories used as the basis for the analysis of the three problem formulations are the Theory of Legal Certainty and The Theory of Legal Protection Protection).

Result And Discussion

In the world of work, staycation victims are generally experienced by women who are still contract workers in employment agreements. An employment contract agreement is a written agreement made between a worker and an employer or employer, which regulates the rights and obligations of both parties during the employment relationship ongoing. In the employment contract agreement, there are clauses agreed by both parties, such as salary levels, benefits, working hours, leave, and other provisions that related to employment relations. Employment contracts play an important role in establishing healthy and mutually beneficial working relationships between workers and employers. Through this employment contract agreement, workers and employers can know their rights and obligations clearly, so as not to avoid misunderstandings or disputes later (Mustafa, 2022)

The employment contract agreement also serves as physical evidence of the agreement between workers and employers, so that if there is a dispute or case in the future, then the document employment contract can be used as evidence in the dispute resolution

process (Dharmanto & Sari, 2023). However, keep in mind that the employment contract agreement must be made in accordance with applicable laws and regulations, and does not reduce the rights that have been guaranteed by law for workers. If there is a clause that conflicts with statutory provisions, then the clause is considered invalid and invalid.

In general, an employment contract agreement is a form of written agreement between workers and employers that is binding during the period of employment and is regulated based on statutory provisions that apply (Nasution et al., 2021). Staycation is one of the popular forms of work for female workers. However, staycation workers often face the risk of various forms of harassment, by employers. Therefore, legal protection for staycation victims is very important to do.

In the employment contract agreement, there are several things that can be done to provide legal protection for staycation victims (Mulyani et al., 2021a):

First, the agreement must be clear and detailed about the rights that staycation workers have, including the right to decent work and fair wages. In addition, the agreement must also explain the limits that must be lived by the employer, such as not harassing or extorting workers.

Second, the agreement must include a mechanism for complaints or reporting if there is a violation on the part of the employer. So that staycation workers have a clear path to report actions that are not in accordance with the employment contract agreement. This is important to prevent injustice for staycation workers.

Third, the employment contract agreement can also include requirements for the employer to undergo verification before becoming a staycation worker user. This verification can be done by labor agencies or nongovernmental organizations that work to protect workers' rights.

According to Williams III and Marilyn McShane, criminology theories are classified into 3 (three) groups, namely: (A'yun, 2021)

Abstract Theories or Macro Theories. Basically, the theories in this classification describe the correlation between crime and the structure of society, including in the macro theory Anomie theory, and Conflict Theory;

Micro theories are more concrete. This theory wants to answer why a person/group of people in society commits a crime or becomes a criminal (criminal etiology). Concretely, these theories tend to be more psychological or biological approaches. Included in these theories are Social Control Theory and Social Learning Theory;

Bridging Theories are not included in the category of macro/micro theories and describe the social structure and how one becomes evil.

However, the reality is that these theories often discuss epidemiology that explains the rates of crime and the etiology of perpetrators of crime. Included in this group are Subculture Theory and Differential Opportunity Theory.

In addition to the classification above, Frank P. Williams III and Marilyn McShane also classified various criminological theories into 3 (three) more parts, namely: (Sari et al., 2020)

1. Classical Theory and Positivist Theory

Basically, Classical Theory discusses legal statutes, government structures and human rights. The positivist theory focuses on criminal pathology, coping, and improving individual criminal behavior;

2. Structural Theory and Process Theory

The structural theory focuses on the way societies are organized and the impact of behavior. Structural theories are also commonly called strain theories because of "Their assumption that a disorganized society creates strain which leads to deviant behavior". Strictly speaking, the basic assumption is that society creates tension and can lead to deviant behavior, while Proses Theory discusses and explains, and analyzes how people become evil;

3. Consensus Theory and Conflict Theory

Consensus theory uses the basic assumption that in society there is consensus/agreement so that there are general values that are then mutually agreed. Furthermore, conflict theory has a different basic assumption that in society there is little agreement and people who hold to the value of opposition.

In addition, by comparison, John Hagan classifies criminological theories into: (Mangkeprijanto, 2019)

1. Theories Under Control or theories to overcome evil behavior, such as Social Disorganization Theory, Neutralization Theory, and Social Control Theory. Basically, these theories discuss why some people break the law, whereas most people do not;
2. Theories of Culture, Status, and Opportunity, such as Frustration Status Theory, Class Culture Theory, and Opportunity Theory emphasize why a small percentage of people oppose the established rules of the society in which they are live/live;
3. Over Control Theory which consists of the principles of Labeling Theory, Group Conflict Theory, and Marxist Theory. These theories put more emphasis on the issue of why people react to evil.

From the classification above, it can be concluded that one classification and another classification are not identical / the same. It was this aspect of the main theorist (personal dramatic) that triggered it. In addition, the classification of theories is also influenced by the subjectivity of the person who performs the classification, so it is relatively dichotomous and artificial.

Based on the description of criminological theories above, according to researchers who are factors that cause female workers to often be subjected to criminal acts, such as sexual harassment So that the victims of staycation that are being updated are as follows:

Poor citations/criteria or standards in the recruitment process and selection of prospective contract employees. Some companies cut the selection stage to find prospective contract employees faster, including background checks and official references;

Weak positions, make contract employees more susceptible to harassment or intimidation by superiors because the type of contract employment is not permanent or uncertain;

Unclear work performance arrangements, with uncertainty over whether contracts will be renewed or not, making contract workers feel trapped and easily victims of abuse; Lack of strict rules related to the protection of contract employees from harassment or intimidation, or even the absence of guarantees of welfare and other rights; Ignorance or incomprehension of superiors about the rights of contract employees, including rights that must be respected and protected by the company; Difficult economic conditions, make some people more likely to 'cheat' to keep office, exceed applicable rules, or include an element of subjectivity in the assessment of work performance;

Gender discrimination, especially if the employer holds conservative views and discriminates against female workers; and A work environment that is poorly

supervised or accustomed to unethical and unprofessional behavior, which makes harassment prevalent and repeated.

The legal system that can be used to protect staycation victims (women workers) is a legal system based on justice, equality, and protection of women's workers' rights. The legal system must have clear rules and regulations so that the rights of women workers are protected and not abused by employers. Whereas the Ground Norm states that every Indonesian citizen has the right to feel safe and free from violence in accordance with the philosophy of Pancasila and the 1945 Constitution; that any violence, particularly domestic violence is a form of violence against human rights, and is categorized as a crime against the dignity of the human being. humanity and discrimination that must be eliminated; Most victims of domestic violence are women, and they should get more serious attention and protection from the government, or society to avoid threats and violence, torture, or abuse of human dignity. (Ismiati, 2020)

Furthermore, the existence of a Certain Time Work Agreement (PKWT) form states that an agreement is written between the commitment-making official as the one who makes it and self-managed workers. In this case, female workers with contract status often experience criminological actions such as harassment, the implementation of the PKWT system which is often used in institutions that are useful for agencies to make a profit when the cost of employment of employers is low because employers do not need many employees who are considered ineffective and efficient so that provide benefits to entrepreneurs (Mulyani et al., 2021b). The tendency of some companies to hire employees with an outsourcing system currently is generally motivated by the company's strategy to make products cost-efficient. (Ningsih & Herlinda, 2020) Such is the case with staycation victims.

Some things that can be done by the legal system to protect the staycation of female workers, among others, are as follows: The legal system should provide clear and reasonable limits on working hours for female workers. These limits must consider the safety and health aspects of female workers so that fatigue or work accidents do not occur that adversely affect their health; The legal system must ensure that women workers are fairly compensated for the work done. It aims to improve the welfare of women workers and avoid discrimination in terms of wage payments;

Protection against harassment and discrimination The legal system should protect female workers from physical and verbal abuse, as well as discrimination by employers or other co-workers. It is important to ensure that women workers can work comfortably and safely;

The legal system should establish adequate health and job safety requirements for female workers. Such requirements should consider the risks that may occur during employment, including health and safety risks from the use of heavy equipment or occupational environmental hazards; and Protection of wages and employment rights. The legal system should ensure that women workers have the right to wages and other work rights, such as health benefits and leave. Employers must fulfill their obligations towards women workers and must not violate their rights.

With a strong and clearly defined legal system, female worker staycations can obtain adequate protection in terms of employment and employment agreements. This will help improve their well-being and quality of life, and support the creation of a fair and safe working environment.

Conclusion

Legal protection for staycation victims, especially female workers, from a criminological perspective, is that legal protection for staycation victims really needs to be done through an employment contract agreement that is clear and binding for both parties. The agreement should list the rights and obligations, as well as the mechanism for complaints of violations that occur if any. In addition, verification of employers can also be an effort to protect the rights of staycation workers.

Until such actions occur due to weak factors, it makes contract employees more easily subject to harassment or intimidation of superiors, because of the type of work contract is not permanent or uncertain; Furthermore, work performance arrangements are not too bad, with uncertainty whether the contract will be renewed or not, making contract workers feel trapped and easy to become victims of harassment, as well as strict laws related to the protection of contract employees from harassment or intimidation, or even the absence of guarantees of welfare and rights other.

The legal system in combating such crimes, considering criminological factors such as victims, perpetrators, environment, and other factors is in the same legal system and clearly defined, korban Staycation female workers can obtain adequate protection in terms of employment and employment agreements. This will help improve their well-being and quality of life, and support the creation of a fair and safe working environment.

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