

LEGAL PROTECTION OF THE FREEDOM TO USE THE HIJAB AS A RIGHT TO RELIGIOUS FREEDOM: CASE STUDY OF THE HOSPITALITY INDUSTRY IN THE SAMARINDA CITY REGION

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ABSTRACT

This study examines the legal protection against the prohibition of hijab for female workers in hotels located in Samarinda City. The research aims to analyze the legal protections available for women wearing hijabs and to determine whether such prohibitions constitute a violation of the right to worship. The research used in this research is empirical juridical with a statutory and case study approach. The findings reveal that the ban on hijabs in hotels results in violations of human rights and the religious rights of female workers. Although there are regulations in place to protect the right to worship, their implementation in practice remains weak, leaving female workers often in vulnerable positions. The study concludes that there is a need for strengthened regulations and legal awareness among employers to ensure that workers' rights are respected and protected, and to create an inclusive and equitable work environment.

Keywords: *Legal Protection, Religious Freedom, Hijab, Hospitality.*

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INTRODUCTION

Hospitality industry is sector services that offer service like accommodation , food and beverages , managed in a way commercial . Services This covers room comfortable with various facilities. restaurants and services room , and service addition like cleanliness , center fitness , spa, pool swimming , space meetings , and activities recreation .¹

¹ IBM, Wiyasha. "Akuntansi Manajemen untuk Hotel dan Restoran." Yogyakarta: Andi Offset (2007).

Hotel is one of the means Supporter main role important in support development business in the field tourism . Along with rapid development sector tourism in Indonesia, the number of hotels is also increasing increase , create opportunity significant work for society . Hospitality industry No only provide field work in the field service guests , but also in various other divisions like management , finance , marketing , and operations .

Although industry hospitality offer Lots opportunity work , there is various challenges that must be faced , especially related with international SOP (*Standard Operating Procedure*) policy . International SOP (*Standard Operating Procedure*) is procedure operational established standards For ensure that activities and processes in organization or company implemented with consistent and efficient across all units or location , in particular in context operation international .

other side , compliance law put regulation company in position more important , because must in line with regulation national , so that international SOPs No may contradictory with law or right workers regulated by law local . One of the challenge main implementation of SOP in hotels is policy use uniforms , which sometimes forbid worker woman wearing the hijab. Indonesia, as a Muslim majority country , is facing dynamics complicated related hijab ban for worker women . Many Muslim women are forced take off the hijab for work and fulfill need life . Hijab is obligation in Islam, it is regulated clear in the Qur'an and as-Sunnah, and not should changed Because follow trend , time , or place .²

According to Muslim women wearing the hijab are Allah SWT's command that is not Can bargained for . This is likened to like prohibition eat meat pigs , both is prohibition that is not Can denied . no may somebody to justify meat pig only Because reason For disease . So is it with Muslim women who do not may take off the hijab with forced reasons .³

Government has emit policy For protect right workers , in particular Woman . The 1945 Constitution guarantees freedom religion and opinion , while Law no. 39 of 1999 concerning Human Rights Humans also assert freedom worship . Apart from that , Article 80 and Article 185 of the Law Number 13 Years 2003 which reads " Entrepreneur must give enough opportunity to worker / laborer For carry out the worship required by his religion ." In case this , prohibition the use of hijab is also the same just like prohibition worship , because the hijab is obligation for individual Woman muslim .⁴

² Abu Al-Ghifari, *Jilbab Seksi*.Cet. II, Bandung: Media Qolbu, hlm. 38 (2005).

³ Kuntarto, "*Konsep Jilbab Dalam Pandangan Para Ulama Dan Hukum Islam*." An-Nidzam: Jurnal Manajemen Pendidikan dan Studi Islam 3.1 (2016): 35-62.

⁴ Sari, Siska Dwi Manda. "*Larangan pekerja perempuan berjilbab*." Fakultas Ilmu Sosial Dan Ilmu Politik (2013).

Implementation Still Lots businessman who violates rule such as news circulating in digital media regarding hotels in the Samarinda City area implementing prohibition wearing hijab to employee her daughter . “ My daughter go home story while crying , he said if Want to Joining PSG, he must open the hijab. I was shocked , and I try communicate to party school . But what I can even chat (message) short through *mobile phone*) which is like No educated from his vocational teacher ,” said Sizuka's father . Prohibition the made with reason following International SOP , where matter this is very contradictory with law positive in Indonesia.

METHOD

This research uses a juridical-empirical method, namely an approach that examines the application of normative law to legal events in society.⁵ In this research, a statutory approach and a case study are also used. Suteki and Galang Taufani stated that the legislative approach is intended to examine all laws and regulations related to the legal issue being handled. Meanwhile, case studies are studies of certain cases from various legal aspects.⁶

Research using the above method utilizes two types of data, namely: first Primary Data: Data obtained directly from respondents and informants through interviews regarding the research topic. Second Secondary Data: Data collected from primary, secondary and tertiary legal materials. Regarding subjects, this research involves subjects consisting of individuals who are involved and understand the related information, with the following criteria: First Respondents: Hotel Management, Female Workers, Civil Servant Investigators, and the East Kalimantan Provincial Manpower Service. Second Speaker: Sharia Lecturer, Expert in Hadith Interpretation

And to strengthen this research, the objects in this research were carried out at several hotels in the Samarinda City area, namely: Hotel (M), Hotel (I), Hotel (H), Hotel (J), Hotel (G), Hotel (B) , and Hotel (G). Data was collected through direct interviews with respondents and resource persons at the research location, using guided interviews to obtain accurate primary data.

DISCUSSION

Using the Hijab as a Form of Religious Freedom for Female Workers in the Hotel Industry in Samarinda City

Hijab, which is a typical clothing for Muslim women, has experienced rapid growth in recent years. This growth is reflected in the increasing enthusiasm of hijab users, as well as the variety of models and styles that always follow modern fashion trends.

⁵ Abdul Kadir Muhammad, “*Hukum dan Penelitian Hukum*”. (Bandung:Citra Aditya, 2004), hlm 134

⁶ Eka NAM Sihombing dan Cynthia Hadita, “*Penelitian Hukum*” (Malang: Setara Press, 2022) hlm 33-34

As a result, the concept of the hijab is no longer confined to ancient and traditional assumptions in society, but has become a trending alternative in the world of modern fashion for Muslim women.⁷ However, with the increasing popularity of fashion trends that promote the hijab as a lifestyle, women who choose to wear the Shar'i hijab often experience various forms of discrimination. Discrimination is unfair treatment that occurs when a person or group is differentiated based on certain characteristics such as race, ethnicity, religion, or social status. Forms of discrimination include restrictions, humiliation, or rejection that arise due to differences in religion, ethnicity, race, origin, social class, economic status, gender, language, beliefs, or certain policies. As a result, human rights can be violated and basic freedoms threatened, both on an individual and group scale, in various fields such as politics, economics, law, social, cultural and other aspects of life. The phenomenon of discrimination often occurs in society because humans have a tendency to differentiate between each other. This results in unfair treatment based on race, social class, gender, ethnicity, creed, economic status, physical appearance, or other factors related to discrimination.⁸

This frequent discrimination, of course, consciously or unconsciously, is a violation of human rights. The use of the hijab by Muslim women is a form of obedience by a Muslim woman in carrying out the Islamic law of the religion she adheres to. Constitutionally, based on Article 29 of the 1945 Constitution, it is stated that "the state guarantees the freedom of every citizen to embrace their own religion and to worship according to their religion and beliefs". This means that the use of the hijab is a form of worship that must be respected and protected. Furthermore, Indonesia bases the protection of human rights, including the right to freedom of religion and worship of Almighty God (YME) as an embodiment of the First Principle of Pancasila which is the basis of state philosophy (*filosofische grondslag*).⁹

In essence, human rights in Indonesia originate and lead to Pancasila. Which means that human rights receive strong guarantees from the nation's philosophy, namely Pancasila. Based on Pancasila, it means that the implementation of human rights must pay attention to the lines that have been determined in the provisions of the Pancasila philosophy. For the Indonesian people, implementing human rights does not mean implementing them freely, but rather must pay attention to the provisions contained in the Indonesian way of life, namely Pancasila. This is because basically there are no rights that can be implemented absolutely without considering the rights of other people. Any rights will be limited by the rights of others. If, in exercising our rights, we do not pay attention to the rights of other

⁷ Nurhasan, "Studi Motivasi Dan Trend Berpakaian Wanita Muslimah Dalam Mengenakan Hijab Pada Mahasiswa Di Universitas Sriwijaya," *Jurnal Pendidikan Dan Konseling* 4 (2022) hal 58.

⁸ Zulia Devi Ananta and Ari Puji Astuti, "Memahami Tindakan Diskriminasi Di Tempat Kerja : Perspektif Hukum Dan Etika" 2, no. 3 (2024).

⁹ Fatmawati, "Perlindungan Hak Atas Kebebasan Beragama dan Beribadah Dalam Negara Hukum Indonesia" *Jurnal Konstitusi*. Vol 8 No. 2 (2011), Hal 493.

people, then what will happen is a clash of rights or interests in life in society, nation and state.¹⁰

The provisions above are compatible with this research, where this research found that hotel policies in Samarinda City vary regarding the use of the hijab. Some hotels have policies prohibiting the use of the hijab for reasons of professionalism standards and company image. This policy has a direct impact on female employees who wear the hijab, often forcing them to choose between their work and their religious beliefs.

In East Kalimantan, especially in the Samarinda City area, as of 2023, there are 58 registered hotels divided into... into two specifications, namely 23 starred hotels and 35 non-star hotels.

table 1

Subdistrict	Number of Hotels in Samarinda City Year 2023	
	Starry	Non-Star
The Palace	-	2
Samarinda	-	2
Samarinda City	7	10
Welcome	-	1
Samarinda Across	-	1
Loa Janan Ilir	2	1
Kunjang River	12	12
Northern Samarinda	2	4
North Samarinda	-	-
Pinang River	-	2
Amount :	23	35

Source : Samarinda City Tourism Office

In fact, Indonesia has a legal framework that guarantees freedom of religion and protection against discrimination in the workplace, which consists of from various regulations and laws, such as 1945 Constitution: Article 28E paragraphs (1) and (2) guarantee freedom religion and belief, Law Number 39 of 1999 concerning Human Rights Humans: Article 22 states that everyone has the right embrace religion and worship according to his religion, the law Number 13 of 2003 concerning Employment: Articles 5 and 6 state that every worker entitled get equal treatment without discrimination, and Law Number 13 of 2003 concerning Employment: Article 80 which reads: businessman must give chance enough to worker / laborer For carry out the worship required by his religion.

¹⁰ Eka N.A.M Sihombing, Pemberlakuan "Parliamentary Threshold" dan Kaitannya dengan Hak Asasi Manusia, *Jurnal Konstitusi*, Vol. 1, No. 1, Juni (2009), hal. 28.

Legal Protection for Female Workers Affected by the Prohibition of Wearing the Hijab in the Hotel Industry in Samarinda City

However, research this also reveals that a number of employee women who wear the hijab feel No fully protected by law and experienced discrimination in place work. Some hotels in Samarinda City Still apply policy uniform that is not accommodate the hijab with reason standard service and image company. Policies This often contradictory with existing regulations, show that supervision government in ensure compliance to law not enough strict.

A hotel workers (N) who have worked at *the front office* of the hotel (M) for more from a year disclose that There is hijab ban for all over worker women, including in the *back office* division. She confess daily wearing a long hijab, but replace it in accordance current hotel standards work. He No feel This discrimination, because Already know consequence moment interview

Hotel management (M) explains that hijab ban for employee aiming guard uniformity and professionalism. The uniform is set ensure appearance staff consistent and identifiable by guests, as well as help maintain neutral hotel image. Use of uniform without accessories, including the hijab, are considered create more view neat.

A worker *kitchen* in the hotel (H) which has Work for 5 months explain that each division has uniform different. *Back office* workers, such as *kitchen*, *HRD*, and *accounting* are allowed wearing a hijab, while part operational prohibited. Policy This Already set by the hotel.

Interview results with (A), which has been worked 3 months in hotel (M) as staff *food and beverage*, shows that the hotel forbid employee wearing a hijab. According to him, the rules This delivered since interview first, and he No know whether There is another option for workers who want wearing hijab besides to resign self.

Interview results with (D) Sales and Marketing at hotel (M), showing that worker woman may wearing a hijab, except in positions *Sales and Marketing*. Interview results with (F), staff *food and beverage* hotel (I) which has Work a year, showing that the SOP is uniform different in each division. Uniform provided by the hotel, while trousers and loafers personal. In the food and beverage section, hijab is prohibited according to the SOP of a 4 star hotel, but in other divisions, such as *Head of Department*, *administration*, and *kitchen*, hijab is allowed. Even, *kitchen* required wearing hijab For reason cleanliness.

From the findings this, can concluded that there is gap between framework existing law with implementation in the field. Employees women who wear hijab in industry hotels in Samarinda City Still face challenge significant in operate their religious beliefs without must sacrifice career they. Research This recommend the

need improvement supervision and enforcement law For ensure that policy company in line with principles freedom religion and non - discrimination guaranteed by law .

If it is related to a religious perspective, it can be seen that according to most scholars the hijab is a form of worship, the meaning of worship is::

يَا أَيُّهَا النَّبِيُّ قُلْ لَأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ ذَلِكَ أَدْنَى أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

Meaning: "O Prophet (Muhammad), tell your wives, your daughters and the wives of the believers so that they stretch their headscarves over their entire bodies. This is so that they are easier to recognize so that they are not disturbed. Allah is Forgiving, Most Merciful." (QS. Al-Ahzab: 59)

وَقُلْ لِّلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ

Meaning: Say to the believing women, "Let them restrain their eyes and their private parts, and let them not reveal their jewellery, except what is (normally) visible from them. And let them cover their headscarves over their chests, and do not reveal their ornaments except to their husbands." (QS. An-Nuur: 31)

The verse above explain obligation close private parts for Muslim women , with two verses that contradict each other complement : Surah an-Nur (24:31) emphasizes politeness and closure aurat , while Surah al-Ahzab (33:59) states that wearing the hijab is obligations . Verses This give guide about the procedure get dressed in Islam and emphasizes the hijab as symbol identity and obedience Muslim women , making it integral in practice religious that reflects respect to Islamic values . So , in perspective Islamic law , hijab is not only just element culture or choice personal , but is religious obligations that have meaning deep . In Islamic law , the hijab is element important from the procedure worship that reflects obedience to God.

Prohibition wearing hijab in context Islamic law is considered as violation to obligation worship . This action No only violating social norms or culture , but also principles base Islamic teachings that regulate procedures dress and expression obedience to God.

In an interview with Ustadzah Khadijah Tsalis , a lecturer in hadith interpretation at the Muhammadiyah University of East Kalimantan, she explain a number of hadith authentic related to hijab:

The Messenger of Allah SAW ordered woman For out on the day Eid Fitri and Eid al-Adha, including those currently menstruation , for witness goodness , with condition borrow a headscarf if No have it (HR Muslim).

Aisha may Allah be pleased with her explain that woman generation First quick tear their coats For close advance after down paragraph about close up cloth veil (HR Bukhari, Abu Daud, and others). Aisyah also stated that No wearing hijab can remove blessing sustenance in the world and bear sanctions in the afterlife .

With thus , in perspective Islamic law , prohibitions wearing hijab can categorized as act criminal offenses right worship and religious obedience . This is because hijab is not just aspect symbolic , but is religious obligations that have deep spiritual and moral dimensions . Therefore that , effort For forbid Muslim women wearing hijab can considered as barrier to implementation the fundamental obligation of worship in Islam. (Khadijah, 2024)

In an interview , investigators at the Department of Manpower stated that wearing hijab is obligation for all Muslim women , and the prohibition wearing hijab The same with prohibition worship as well as discrimination to worker . He confirm that the hijab is not bother activity work . If there is report about businessman who forbids worker wearing hijab , the service is ready follow up (Mariani, 2024).

There are opinions of commentators who reveal that when faced with a choice between carrying out work duties and fulfilling religious obligations to wear the hijab, expert on hadith interpretation to argue that obligation wearing a hijab is a must prioritized . Opinion This based on the existence of clear and firm argument about obligation close private parts in Islamic teachings . In the context of This , the Law Employment arrange that every worker entitled get chance For operate their religious obligations without experience discrimination or obstacles in place work . Therefore that , obligation wearing a hijab for Muslim women , who are religious commandments , no only is not quite enough spiritual responsibility but also get support law through Article 80 of the Employment Law . This article confirm that right worker For carrying out religious worship and obligations must respected and protected in environment work , ensure that workers' religious rights still awake although they involved in activity work .

In enforcing the law to prevent discrimination, a Labor Inspectorate was established under the Directorate General of Manpower. This unit protects the rights of workers and employers throughout Indonesia. Based on Article 176 of Law no. 13 of 2003, supervision is carried out by competent and independent supervisory employees to ensure the implementation of regulations. Supervisors also have the authority as civil servant investigators (PPNS) to carry out coercive action through the courts.

In the interview, the investigator Supervisors and PPNS of Manpower, denied accept complaint related discrimination worship in place work. If there is discrimination in the company licensed, will followed up in accordance rule. He also stated that the hijab is not bother work; on the other hand, the hijab can interesting attention traveler international, reflecting diversity culture and become symbol unique identity, potential increase interest traveler to experience culture authentic in Indonesia. (Mariani, 2024)

Based on Law no. 3 of 1951, supervisor employment given broad authority For request all related information with connection work. Information This Can requested Good in a way written and also oral from businessman and also laborers, and obligations For fulfill it must obeyed. In addition, the supervisor employment also has right For do interview direct with worker without presence party third, including businessman.

Rule This designed For ensure objectivity and honesty information provided by workers, as well as avoid existence pressure or influence from party wherever. With Thus, the supervisor employment can operate his job with more effective and ensure that rights workers and entrepreneurs protected in accordance with regulation applicable legislation. Arrangements This also reflects commitment government in create environment fair and transparent work, where everyone party feel safe For give the real information without worry will consequence negative.

Implementation supervision employment done through a series designed stages For ensure compliance against norms and regulations employment. Stages This includes:

1. Guidance Efforts (*Preventive Educative*): These are preventive measures that involve various activities to increase understanding and awareness of work norms. These efforts include:
 - a) Socialization of Work Norms: Conducting outreach to the industrial community on applicable labor regulations and standards.
 - b) Provision of Technical Advice/Suggestions: Providing technical guidance and recommendations to assist companies in implementing correct labor standards.
 - c) Training: Conducting training to improve the skills and knowledge of workers and management regarding good labor practices.
 - d) Counseling: Educating the industrial community on their rights and obligations in the workplace through various forums and media.
 - e) Dissemination of Labor Information: Providing relevant information on labor regulations through various communication channels.
 - f) Consultation and Assistance Services: Providing direct

support and guidance to companies and workers in resolving labor issues.

2. Inspection Action (*Repressive Non Justicia*) : This step focuses on law enforcement through inspection and follow-up of labor violations. This process involves:
 - a) Verbal Warning: Giving a verbal warning during the inspection if a violation is found. b) Written Warning: Issuing an inspection note containing a written warning to the company's management if a violation is found based on the results of the inspection and testing. c) The inspection activity itself consists of several types, namely:
 - First Inspection: A thorough inspection of a new or previously uninspected company or workplace , aimed at ensuring initial compliance with labor norms.
 - Periodic Inspection: An inspection conducted after the initial inspection, usually according to an agreed schedule to ensure that the company remains in compliance with applicable regulations.
 - Special Inspection: An inspection conducted based on public complaints, requests from companies, or instructions from the head of the labor inspection unit to handle specific problems or issues that arise.
 - Re-inspection: An inspection conducted again by a higher-ranking labor inspector to ensure that improvements have been implemented and labor standards are being complied with. (Netty & Ardianto, 2019)
3. Investigative Action (*repressive pro justicia*) . In accordance with Article 1 number 2 of the Criminal Code (KUHP), an investigation is a series of actions carried out by investigators based on the law to search for and collect evidence, in order to explain the crime that occurred and find the suspect. This effort is made if the Supervisory Officer has provided guidance and warnings, but the employer still ignores it. Therefore, the Supervisory Officer can proceed to the law enforcement stage through the Civil Servant Investigator (PPNS) of Manpower to conduct an investigation and follow up in accordance with applicable legal procedures (KUHP).

Supervision carried out by supervisors employment from the Department of Manpower (Disnaker) of East Kalimantan Province covering series

comprehensive and sustainable activities . Every month , supervisor employment do a series coaching as well as examination in various company For ensure compliance to regulation applicable employment laws . In their duties , each supervisor own not quite enough answer For check five companies in a way periodically , so that covers various aspect operational different companies .

Supervision process started with inspection initial , followed by inspection advanced If required . After the inspection process finished , supervisor employment will issue a summary inspection note results findings and recommendations . For ensure results further examination accurate and representative , supervisor employment try do inspection sudden or inspection at the company . The purpose of sudden inspection This is For to obtain a realistic picture about conditions and situations the actual company , including in matter implementation of employment norms .

During inspection , supervisor will do coaching beginning , checking field data , and identifying violation . If there is any problem , supervisor issue a mandatory coaching note followed up by the entrepreneur . If not There is repair , will done inspection special which includes aspect connection work , discrimination , and compliance against the norms. Supervisors also focus on protection rights worker woman in accordance applicable regulation .

According to supervisor Employment East Kalimantan Province , they only Can follow up case from company bodied law after accept report official written from workers , communities , or party affected . "We just do supervision direct If There is complaint official , because amount supervisor limited and not allow For inspect every company ." (Harahap , 2024)

On the other hand , if referring to the applicable regulations , PPNS has authority do investigation without must accept report moreover before , according to with various existing regulations . Some points his supporters is :

According to the Criminal Procedure Code, PPNS can investigate based on report , complaint , or catch hands (Articles 1, 6, and 7). Arrest hand means PPNS can direct catch somebody moment or quick after do act criminal without need report , because violation happened in front of them . According to PP No. 43 of 2012, PPNS can do investigation on initiative Alone If know indication act criminal (Articles 2 and 4). This means that PPNS can start investigation without report or complaint , giving they authority For act proactive in handle violation law . UU no. 30 of 2014: Official government , including PPNS, can investigate without wait report (Article 50). Regulation of the Minister of Law and Human Rights No. M.HH-01.AH.09.01 of 2008: PPNS can investigate based on observation direct or information trusted .

Of the many cases circulating in digital news about discrimination prohibition use of hijab for worker women in hotels in the Samarinda City area ,

not yet There is none of which were followed up by the Department of Manpower with reason No or Not yet accept complaint in a way official and written .

Employee Supervisor own authority For to uphold discipline with give sanctions criminal to violations that occurred . In the context law employment , implementation sanctions criminal own role important in to uphold rule legislation . Moeljanto add that element act criminal covering an act that violates rule law , which then present threat criminal for offender .

Law no. 13 of 2003 Concerning Employment arrange sanctions administration as form reprimand discipline like reprimand oral , revocation temporary , and revocation permanent . Concept This emphasize that in regulation legislation of a legal nature administrative , sanctions administration more prioritized than sanctions criminal . Sanctions criminal considered as step final (*Ultimate Remedy*) if sanctions administration No Enough For to uphold rule or No obeyed .

Law or applicable sanctions to businessman who forbids worker For worship poured out in Article 185 paragraph (1) which states that whoever violate the provisions mentioned in Article 42 paragraph (1) and paragraph (2), Article 68 and Article 69 paragraph (2), Article 80, Article 82, Article 90 Paragraph 1, Article 143, Article 160 paragraph (4) and paragraph 7 are subject to sanctions criminal imprisonment for a minimum of 1 (one) year and a maximum of 4 (four) years and/ or a fine of at least Rp. 100,000,000.00 (one hundred million rupiah). million rupiah) and a maximum of IDR 400,000,000.00 (four hundred million rupiah).

Protection workers are also regulated in a way firm in Articles 5 and 6 of the Law Number 13 of 2003, which states " that every power Work have chance the same one For to obtain decent work and living without differentiate type gender , ethnicity , race , religion and sect political in accordance with interest the work concerned and each worker or Workers also have rights to obtain equal treatment without existence discrimination from businessman ."

Businessman should No may obstruct worker woman in close aurat , because policies that hinder right This show that rights hotel workers yet fully respected . In accordance with Article 69 Paragraph (2) Law no. 39 of 1999 concerning Human Rights Humans , everyone is obliged honor the rights of others, and the government on duty For protect and promote rights the .

In accordance with Article 28I Paragraph (2) of the 1945 Constitution stating that everyone has the right free from discrimination and getting protection . Therefore That , forced hotel workers take off the veil to fulfil demands work No should experience discrimination . This article confirm that all form discrimination , including in right to worship, no can accepted and every individual entitled get treatment fair in the environment Work .

CONCLUSION

The use of the hijab for Muslim women is an obligation in carrying out Islamic religious law. The use of the hijab can actually be said to be a form of servitude or a form of worship carried out by Muslim women who are Muslim. Viewed from a human rights perspective, it can be seen that article 29 paragraph 2 of the 1945 Constitution guarantees and protects the ability for everyone to worship based on their respective beliefs. On the other hand, the Manpower Law also confirms this right in article 80, while Law no. 39 of 1999 regulates the right to freedom of religion in article 4 and article 22. So it can be seen that wearing the hijab is actually not a bad thing, in fact every person who wears the hijab must be respected because it is part of carrying out the mandate of the 1945 Constitution regarding freedom of religion.

Discrimination against Muslim women who wear the hijab in the workplace is still often seen. So with these phenomena, efforts need to be made to protect workers who experience acts of discrimination. If there are rules or regulations, a company violates the Labor Law by prohibiting workers from wearing the hijab, they face serious sanctions, including fines and/or imprisonment in accordance with article 185. This violation violates human rights and basic legal principles. These sanctions aim to prevent discrimination and ensure a fair work environment and respect for religious freedom. The act of banning the hijab hinders fundamental religious practices and violates workers' human rights. In this context, the Labor Law and human rights regulations provide protection for workers' rights to carry out their religious obligations without discrimination. Therefore, efforts to prohibit Muslim women from wearing the hijab can be categorized as a criminal act that harms the right to worship and is contrary to the principles of justice in the work environment.

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