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Editorial Office: Faculty of Law, Sriwijaya University
Jalan Srijaya Negara, Palembang, South Sumatra 30139, Indonesia.
Phone: +62711-580063 Fax: +62711-581179
E-mail: sriwijalayalawreview@unsri.ac.id | sriwijalayalawreview@gmail.com
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Legal Protection for Nightclubs Female Workers in Bali

Ni Nyoman Juwita Arsawati^a, Gde Made Swardhana^b, Diah Ratna Sari Hariyanto^b,
and Dewi Bunga^c

^a Faculty of Law, Universitas Pendidikan Nasional, Indonesia. Corresponding author Ni Nyoman Juwita Arsawati, e-mail: juwitaarsawati@undiknas.ac.id

^b Faculty of Law, Universitas Udayana, Indonesia.

^c Department of Law, Faculty of Dharma Duta, Universitas Hindu Negeri I Gusti Bagus Sugriwa Denpasar, Indonesia.

Article	Abstract
<p>Keywords: Female Workers; Nightclubs; Risk; Legal Protection.</p> <p>Article History Received: Sep 21, 2023; Reviewed: Jan 19, 2024; Accepted: Jul 20, 2024; Published: Jul 31, 2024.</p> <p>DOI: 10.28946/slrev.Vol8.Iss2. 3176.pp286-302</p>	<p>This study aims to identify, analyse, and find the risks and legal protections for female workers at nightclubs in Badung, Bali, Indonesia. Through empirical legal research, based on the study's results, it can be found that there are many risks faced by female workers who work at nightclubs. The risks faced by female workers at nightclubs in Badung, Bali, can include health risks (physical and mental/psychological), safety risks, risks of victimisation (becoming victims of criminal acts), getting a negative prejudice from the community, being ostracised, and the risk of falling into prostitution and drug abuse. Legal protection for female workers in nightclubs has yet to be implemented optimally. Many rights and protections are owned by women who work in nightclubs, but nightclubs cannot reach them. There are still many violations of the law against female workers. Management does not provide rights for night workers in accordance with the provisions of the Manpower Act because these workers are not included in the Labor Union. The legal consequences for women workers at night entertainment sites need better legal protection, especially in the context of the labour force. Stigmatising women employees at night recreation sites as prostitution workers also weakens protection for them. Women workers do not fight for their rights because they do not have much understanding of their rights.</p>

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INTRODUCTION

Life starts from the womb of a woman. Why are women's resources in Indonesia and generally worldwide lagging behind men? There are two main causes, namely, the orientation of sociocultural values that are not conducive to developing women's resources and structural problems that make women's resources worse. Thus, it becomes impossible to compensate for the increase in men's resources. Sociocultural values help to formulate the views and

expectations of society towards women, namely positioning women only as objects, second-class citizens, and having a very limited role.

This patriarchal cultural view, among other things, causes women to be marginalised, discriminated against, and very burdened. In fact, everyone is aware that as a ratifying country to the convention on the elimination of all forms of discrimination against women (CEDAW), the International Convention on Civil and Political Rights (ICCPR), and the International Convention on Economic, social, and cultural rights (ICESCR). Furthermore, Indonesia has agreed to uphold Human Rights for everyone regardless of gender. As such, women should not be discriminated against. Women are also entitled to legal protection in all walks of life, including when working.

It is necessary to realise the changing times and the existence of women. Women in the past were not the same as women nowadays. In the past, men worked, but now women can also work and even become the backbone of the family. Some women are successful, great, and inspiring. Women can also be proud, pursuing their dreams as high as the sky, but there are not many. There are still women who have yet to be successful. In fact, some women are "forced" to work in inappropriate places because of economic demands, one of which is working in nightclubs.

The percentage of the entertainment and recreation services business subsector is 3.02% of Indonesia's total tourism and creative economy businesses. Of the total entertainment and recreation services businesses, 0.95% of the types of businesses are nightclubs.¹ Currently, there is an increase in nightclubs, one of which is a karaoke place. For example, this entertainment place is easy to find in the Badung area of Bali as an entertainment centre in Bali. Operating hours at a karaoke place are until the early morning hours. Women who work in that place inevitably have to follow these operating hours, bringing them into unsafe situations. The number of women who work in nightclubs in Bali cannot be determined with certainty. This is because not all workers are registered as workers at nightclubs. These indirect sex workers usually have other jobs as their main job. Most of them work as song guides at karaoke places, as masseuse at spas, drink jockeys at discos, cafes or nightclubs and call their side job sex workers.²

The night economy involves values contrary to conservative sociocultural and religious norms. However, the presence of nightclubs has become a commodity for tourism service businesses.³ Following the demands for gender equality, women who work in nightclubs are also entitled to legal protection by the state. Many laws and regulations place women in positions that they should not, causing women's resources to lag behind men's in education, health, access to the economy, and other fields.

Maisa mentioned that women who work in nightclubs must be protected to provide a sense of security when carrying out their work and for their nature as women. Despite their limitations, women who work in nightclubs also play an important role in national

¹ Untari et Al, "Statistik Industri Pariwisata Dan Ekonomi Kreatif 2020," Kementerian Pariwisata dan Ekonomi Kreatif/Badan Pariwisata dan Ekonomi Kreatif, 2021, 2020.

² Candra Puspitasari, Made Nyandra, and Nyoman Suarjana, "Gambaran Perilaku Wanita Pekerja Seks Tidak Langsung Di Tempat Hiburan Malam Terkait Tingginya Hiv/Aids Di Denpasar," *Sintesa 2* (2019): 505–11.

³ Fatimatuz Zahrah Rizwan, "Leisure Economies and Night Clubs: Spaces for Resistance from Productive/Reproductive Roles?," *Geoforum* 126 (2021), <https://doi.org/http://doi.org/10.1016/j.geoforum.2021.08.004>.

development.⁴ The involvement of women in the workforce provides many inputs for the state, but improving the fate of women workers often creates controversy and is an endless issue. Although there have been many laws and regulations governing the legal protection of workers, especially female workers, in reality, like Law Number 39 of 1999 concerning Human Rights, Law Number 13 of 2003 concerning Manpower, Law of The Republic of Indonesia Number 24 of 2011 Concerning Social Security Administering Agency, and so on, there are still many violations of the law against female workers. Exploitation even occurs and leads to even more severe social abuse of prostitution. Women who work at night are more vulnerable to sexual abuse, especially sexual violence. Sexual abuse is committed by women night workers both at work and at home. The fear of being a victim of crime always depicts the female night worker. The fear of crime arising in women night workers against the risk of prosecution is based on having previously obtained a variety of information received either through the mass media, the experiences of others or having been the victim of bullying. It creates fear in the women's night workers.⁵

It is necessary to pay attention to and protection for women as workers. The condition that women who work in nightclubs are in a vulnerable and risky position makes this study urgent to be conducted. This is interesting because, in addition to the ideals of gender equality, women are still physically and mentally weak, which makes them need special protection. Thus, the researchers were interested in studying and writing an article entitled "Legal Consequences for Female Workers at Nightclubs in Badung, Bali." This study was conducted from the perspective of criminology and victimology, focusing on the risks faced by female workers and the legal protection for female workers at nightclubs, especially in Badung, Bali, from a human rights perspective.

The general objective of this study is to broaden knowledge regarding legal consequences for female workers at nightclubs in Badung, Bali, from the perspective of criminology and victimology. The specific purpose of this study is to find out, analyse, and find the risks and legal protections for female workers in nightclubs in Badung.

The significance of the study consists of theoretical benefits, which can be used to provide an understanding and analysis of the risks and legal protection of female workers at nightclubs in Badung, Bali. Related to this, it will also explore the reasons why women are willing to work at nightclubs (criminological factors) and the position of women who are vulnerable to being victims of crime (victimological). The practical benefits of this study are useful for students, lecturers, law enforcers, observers of social criminology issues, and librarians to be used as reference material for studying social problems of crime both at the practical level and scientific studies on the analysis of women who work at nightclubs.

RESEARCH METHODS

This study employed a descriptive type of empirical legal research. This study aims to describe precisely what it is about the risks and legal protection of female night workers at nightclubs in the Badung Regency. This research location was chosen because Badung Regency is the tourism centre in Bali, which has the largest nightclubs in the city. The data sources used to

⁴ Maisa Maisa, "Perlindungan Hukum Terhadap Keselamatan Kerja Wanita Pada Usaha Hiburan Malam Di Kota Palu," *Maleo Law Journal* 1, no. 2 (2017): 203–16.

⁵ Rina Astuti, "Hubungan Kesadaran Akan Kerentanan Diri Dan Mekanisme Coping Pada Perempuan Pekerja Malam Di Tempat Hiburan Karaoke Wilayah Jakarta Barat," *Indonesian Journal of Criminology* 7, no. 2 (2011): 193–211.

support the writing of this study consisted of two types of data, namely primary data and secondary data. Primary data in this study were sourced from field research conducted at the Badung Regency Tourism Office and Social and Workers Office of Badung Regency (*mami* (the term for pimps) and female workers at nightclubs). Secondary data consisted of Primary Legal Materials, including Law Number 39 of 1999 concerning Human Rights, Law Number 13 of 2003 concerning Manpower (hereinafter referred to as the Manpower Act), and Law of The Republic of Indonesia Number 24 of 2011 Concerning Social Security Administering Agency, and so on—secondary Legal Materials which include literature related to the problem. Tertiary legal materials in this study included the Black Law Dictionary. It also included a legal dictionary, a criminology dictionary, and a Great Dictionary of the Indonesian Language. Interviews were conducted with *mami* (the term for pimps) and female workers at nightclubs who were the research samples. Existing data were then collected using the document study technique to collect secondary data and the in-depth interview technique to collect primary data. The research sample determination technique used was non-probability sampling in the form of purposive sampling. The data analysis model used was qualitative descriptive. After conducting qualitative analysis, the data were presented descriptively, by explaining or describing clearly, systematically, and complete the research results of the problems posed.

ANALYSIS AND DISCUSSION

Risks Faced by Female Workers at Nightclubs in Badung, Bali

Description of Nightclubs in Badung, Bali

Before discussing the risks faced by female workers at nightclubs in Badung, Bali, it is necessary to know the description of the nightclubs in Badung, Bali (Research related to this was carried out before the COVID-19 pandemic). Based on the results, the qualifications of nightclubs that have a permit or are registered with the Tourism Office can be seen. The researchers did not examine all entertainment venues but were limited to nightclubs, especially Karaoke places.

Based on data from the Badung Regency Tourism Office, there are 10 karaoke places in Badung Regency. As with other entertainment venues, the data on the number of karaoke places can be more than the list obtained by the researchers at the Tourism Office. This can also be seen from the existence of five-star hotels in Kuta, Legian, and Seminyak Nusa Dua, which provide pubs or karaoke, which are intended for guests staying at the hotel.

In this study, only six karaoke places were examined, including one that is quite well-known in Badung Regency. The data in Table 1 below are collected based on karaoke places and workers both day and night. The data were obtained based on interviews with "Mami," who was on duty at Karaoke in Badung Regency.

Table 1: Number of Karaoke Workers in Badung Regency in 2019

No	Discotheque Entertainment	Address	Total Morning and noon
1	Grahadi Karaoke	St Bypass Kuta	265 people
2	Boshe VVIP Club	St Bypass Kuta	238 people
3	Platinum Executive Club	St Suwung	225 people
4	Mirror Night Club Karaoke	St Dewi Sri	115 people
5	EC Executive Club Karaoke	St Imam Bonjol	220 people
6	Wirama Karaoke & Bar	St Ssetan	144 people
T O T A L			1197 people

Source: Analysed from the primary source.

Table 1 shows the number of workers (day and night) at each karaoke entertainment venue in Badung Regency, as listed in Table 1 above, is 1,197. The largest workers were found in Drahadi Karaoke, which amounted to 265 people. The data were obtained from information from several people nicknamed "Mami" who worked at the entertainment venue. The data were an estimate because, during the last few months, workers have come in and out. Thus, no more than five people are predicted to resign or start working at the entertainment venue (interview with "Mami" Else at Grahadi Karaoke on January 24, 2019).

Table 2: Number of Workers in Karaoke at Day and Night in 2019

No	Karaoke Entertainment	Noon	Night	Total	%
		14.00 – 20.00	20.00 – 02.00	- people -	percentage
1	Grahadi Karaoke	109	156	265	21,95
2	Boshe VVIP Club	103	135	238	19,72
3	Platinum Executive Club	105	120	225	18,64
4	Mirror Night Club Karaoke	50	65	115	9,53
5	EC Executive Club Karaoke	105	115	220	18,23
6	Wirama Karaoke & Bar	60	84	144	11,93
TOTAL		532	675	1.207	100

Source: Analysed from the primary source.

Table 2 shows that workers at karaoke entertainment venues vary greatly during the day and night. This is because workers in karaoke entertainment – although not all – can workday or night depending on the needs of the guests/customers who visit the entertainment venue. In general, these workers already have "customers." Thus, they can work either day or night. In addition, they also work at certain events such as Karaoke birthdays, Sunday nights, or famous singer shows or parties to invite guests with discounts or to show off certain products. For example, in Boshe, karaoke is invited by famous Disc jockeys (DJ) and foreign singers, as well as from Jakarta (Indonesia) and give customers/guests a treat of free beer, which requires more workers at night.

Regarding the income of female nightclub workers, several interviews conducted in Grahadi, Boshe, Wirama, and others found that the confessions of female night workers consisted of a fixed income (salary), health funds, and guest tips. In addition to their income, there are also expenses for being night workers at the entertainment venue.

Some of the interviews concerning income that was conducted from about 25-night workers at a karaoke place in Badung Regency as a sample showed the income and average living costs (see Table 3).

Table 3: Gross Income of Female Night Workers at Karaoke Entertainment Places in each Karaoke Club Calculated per Month (26 days)

Karaoke	Salary/ Wage	Fee/Tips	Booking	Health	Total
Grahadi Karaoke	1.750.000	200.000x26 = 5.200.000	150.000x26 = 3.900.000	400.000	11.250.000
Boshe VVIP Club	1.650.000	200.000x26 = 5.200.000	150.000x26 = 3.900.000	400.000	11.150.000
Platinum Executive Club	1.650.000	200.000x26 = 5.200.000	150.000x26 = 3.900.000	400.000	11.150.000
Mirror Night Club Karaoke	1.500.000	200.000x26 = 5.200.000	100.000x26 = 2.600.000	250.000	9.550.000

EC Executive Club	1.600.000	200.000x26 = 5.200.000	150.000x26 = 3.900.000	400.000	11.100.000
Wirama Karaoke & Bar	1.400.000	200.000x26 = 5.200.000	100.000x26 = 2.600.000	250.000	9.450.000

Source: The data processed by the researchers from the results of interviews in each karaoke.

From Table 3, the following information can be described: 1) the monthly salary/wages received at each of the karaoke venues above are different depending on the level of crowds and visits to the venue. Monthly salary/wages were given for those who have worked for more than three months (after a kind of training) while those who have not reached three months have not been given a basic/fixed salary, depending on management's assessment; 2) Medical expenses are not given definitively but for night workers who have worked for more than three months only. If they are sick, they will be given compensation funds according to the karaoke management. If they are not sick, they will not be compensated accordingly.

Fees/tips from customers are erratic depending on the kindness of the guests. However, according to the guest attendants, they are given a minimum of IDR 200,000/day if it is calculated on average per month (not 30 days because night workers are given one day off for a week to 4 days a month or working for 26 days). Thus, the income from customer fees/tips is IDR 200,000 x 26 days = IDR 5,200,000/month. That is, if they work uninterruptedly. However, according to guest attendants, they work on average four days off or workday or night depending on the order/booking from each customer.

- a) When booked to accompany guests/customers, workers as Guest Attendants are counted for 4-5 hours/day to get IDR 100,000 to IDR 150,000, excluding the fee/tips received.
- b) The fees/tips received by the night workers are not fixed in the amount of IDR 200,000 but can be more accepting depending on how the female night workers, as guest attendants, try to "seduce" the customers. Thus, the customers will be moved to "spend" their money to buy phones (HP), rent a boarding house, and pay for their motorbikes, as Elsy, Vivin, Ryan, Joan, and Anita stated. Guest attendants always use nicknames/pseudonyms. At one of the Karaoke in Badung, including booking hourly (still counted as 5 hours), they will receive IDR 50,000 in an hour. If it is calculated for five hours, it means IDR 250,000 even if it is booked by guests/customers (in an interview on September 12, 2018, at Boshe, one of the nightclubs).

It needs to be acknowledged that salaries/wages, fees, boarding time, and medical expenses are not absolute, but they are still given to the night worker even if in one month the workers' performance is considered inappropriate by the management, the workers do not maintain good manners, and they often get complaints. The consequence is that the results obtained will be subject to a deduction according to the level of error committed. For example, the work should be done for a month with one day off every week, but the female night worker only works according to the work schedule with prior notification. Thus, the sanction given is an oral warning, a written warning, and a salary deduction. If one still violates it, she will be expelled from the workplace at the karaoke. The possibility of income each month can be reduced from the desired expectations.

The income received is certainly different from the expense of the night workers. In place of the women who work at night in each entertainment venue, from the total expenses, it appears almost the average amount of expenditure as listed in Table 4. On average, the female respondents who work at night have a monthly expenditure of IDR 6,550,000. In detail, these

expenses cover accommodation for 1,200,000, food and clothing for a maximum of 2,000,000, make-up expenses with an amount of 750,000 and transportation for 2,600,000.

If it is calculated between the income and expenses of night workers in entertainment venues, it can be seen in the table below, which shows the net income received by night workers as guest attendants. Incidentally, the respondents interviewed by the researchers did not live in a dormitory but a boarding house instead.

Table 4: Average Income and expenses for Female Night Workers at Nightclubs

Karaoke	Income	Expense	Total Net
Grahadi Karaoke	11.250.000	6.550.000	4.700.000
Boshe VVIP Club	11.150.000	6.550.000	4.600.000
Platinum Executive Club	11.150.000	6.550.000	4.600.000
Mirror Night Club Karaoke	9.550.000	6.550.000	3.000.000
EC Excutive Club	11.100.000	6.550.000	4.500.000
Wirama Karaoke & Bar	9.450.000	6.550.000	2.900.000

Source: Analysed from the primary source.

The female night workers continue to work full-time. Thus, the results obtained in each karaoke place are different. According to Mesya, one of the guest attendants at Boshe Karaoke stated that the results needed to be more comprehensive after deducting the cost of living in Badung. However, she still set aside her income for her son, raised by her grandmother in Java. In contrast to Cacha, who was met at EC Karaoke, she stated that if the results were said to be either sufficient or insufficient, depending on how she managed it. Indeed, Cacha's dependents are quite a lot to pay for the schooling of her two children, not to mention her husband's living expenses in Java (interview on November 25, 2018).

Female workers who work as guest attendants accompany guests/customers who "order" the room through the "Package" that has been provided according to the number of guests who use the room. Most of the Guest Attendants came from West Java (Indramayu, Cianjur, Bandung, and Jakarta), Central Java (Jogjakarta, Semarang, Solo, and Purwokerto), East Java (Banyuwangi, Surabaya, and Jember, et cetera), Bali (Karangasem, Singaraja), and others.

It was not explained how much room rent is used for karaoke. It may be included with the existing package, including women as guest attendants. If guest attendants get guests, they are given wages by the management at the end of the month per customer guest acquisition of IDR 1,000,000 by the company for the trainee at the entertainment venue, a kind of training for three months. If it is three months and the trainee is considered good and has no complaints from guests, then the trainee can be recruited to become a day or night worker. Naturally, there are specific provisions for both beginners and those who have worked in that place for a long time. According to the survey, the average age of night workers in nightclubs in Badung Regency is 19-25 years old.

Risks Faced by Female Workers at Nightclubs in Badung, Bali

Health risks: physical and mental or psychological problems

There are many risks that might be faced by female workers who work at nightclubs. Based on the results of interviews and observations of the researchers, the risks faced by female workers at nightclubs in Badung, Bali, may include health risks (physical and mental/psychological), safety risks, risks of victimisation (being victims of criminal acts), getting negative prejudice from the community, ostracised, and the risk of falling into acts of prostitution and drug abuse.

Women who work in nightclubs are very vulnerable to health problems. Rio Arif Pratama et al. argue that working at night has health risks that cannot be avoided because night should be used to rest, yet the demands of work will change lifestyle and rest time.⁶ Nightclubs are also places that are always in contact with cigarettes, alcohol, and even drugs.

A study was conducted by Ligia Lopes Devóglio, José Eduardo Corrente, et al in Botucatu Brazil (2017), the results of their research show that smoking is one of the risks of working in the nightclubs. Other risks are drinking alcohol and using drugs.⁷ Carinne Brody, Kathryn C. Kaplan, Sovannary Tuot, et al., in their research among Female Entertainment Workers in Cambodia (2020), also revealed that apart from smoking, female workers cannot avoid drinking alcoholic beverages, some of them are also pressured to consume alcohol while working.⁸ In line with research conducted by Carinne Brody, Pheak Chhoun, et al in Cambodia (2018) also found that there was coercion to drink alcoholic beverages more than once a month at work.⁹ This shows that smoking/cigarette smoke, alcohol, and drugs are threatening risks for women who work in nightclubs, which are certainly a risk to their health.

Workplaces that always play loud/noisy music every day can also cause a risk of damaging workers' hearing. This statement aligns with the research results from Leigh S. Goggin, Robert H. Eikelboom, Gemma S. Edwards, et al., who conducted research on visitors and workers at nightclubs in Australia (Perth in Western Australia, 2008). The results showed that the majority (81%) of respondents had experienced symptoms of hearing loss, such as temporary hearing loss, tinnitus and headaches. Noise-induced hearing loss is a serious occupational health hazard.¹⁰

It should be realised that it is not only physical/body health problems that threaten the health of women who work at night. The risk of psychological or mental disorders cannot be avoided. Female workers who think about their work's risks or negative impacts will likely cause various anxieties. Generally, the anxiety that occurs is, first, anxiety about declining health. The second is moral anxiety, in which workers view their work as a disease of society that violates norms and has bad moral values. The third is the anxiety of narcotics raids at nightclubs. Fourth is anxiety about violence and sexual harassment from customers, especially if the customer is under the influence of alcohol, which makes the customer's emotions unstable. This brings fear to women while doing their jobs in nightclubs.¹¹ This anxiety certainly has an impact on the mental and psychological health of workers.

⁶ Rio Arif Pratama et Al, "Injustice during Night Work for Female Employees: A Lesson from Samarinda, Indonesia," *Indonesian Journal of Law and Economics Review* 2, no. 2 (2019): 7, <https://doi.org/https://doi.org/10.21070/ijler.2019.V2.9>.

⁷ Ligia Lopes Devóglio et al., "Smoking among Female Sex Workers: Prevalence and Associated Variables," *J Bras Pneumol*, *National Library of Medicine* 43, no. 1 (2017): 6–13, <https://doi.org/http://dx.doi.org/10.1590/S1806-37562016000000162>.

⁸ Carinne Brody et Al, "We Cannot Avoid Drinking?: Alcohol Use among Female Entertainment Workers in Cambodia," *Substance Use & Misuse* 55, no. 4 (2020): 602–12, <https://doi.org/https://doi.org/10.1080/10826084.2019.1691596>.

⁹ Carinne Brody et al., "Childhood Conditions, Pathways to Entertainment Work and Current Practices of Female Entertainment Workers in Cambodia: Baseline Findings from the Mobile Link Trial," *Plos One* 14, no. 10 (2019): e0216578, <https://doi.org/https://doi.org/10.1371/journal.pone.0216578>.

¹⁰ Leigh S. Goggin et al., "Noise Levels, Hearing Disturbances, and Use of Hearing Protection at Entertainment Venues," *The Australian and New Zealand Journal of Audiology* 30, no. 1 (2008): 50–58.

¹¹ Hai Rul, "Gambaran Kecemasan Pada Wanita Pekerja Tempat Hiburan Malam (Wanita Penghibur)," *Motiva Jurnal Psikologi* 1, no. 1 (2018): 66, <https://doi.org/https://doi.org/10.31293/mv.v1i1.3499>.

Psychologically, female workers in nightclubs can experience stress and even depression (including suicidal risk behaviour). Stress conditions result from pressure obtained both from within oneself and the environment. The occurrence of an imbalance between the pressure faced by an individual and the ability to deal with this pressure creates a condition of stress, which, if experienced for a long time, can lead to a condition of depression.¹²

Safety Risk

Working at night is riskier for workers, especially for women in nightclubs. Especially, if the workers do not live in the dormitory/mess provided by the nightclub and there is no shuttle facility from the nightclub. Safety risks on the trip are certainly threatening such as traffic accidents. The safety risk from crime also threatens both at work and on the way (to and from work).

A study conducted by Laia Plaza Hernández, Roger Ferrer Montero, and Cristiana Vale Pires regarding the behaviour of everyone in nightclubs shows that nightclubs are a place to seek sexual experiences, especially for men, transgender and non-binary. Women value opportunities to socialise and engage in non-restrictive bodily displays such as dancing in nightlife environments, whereas for men, these environments are places where they can express and strengthen their masculinity by being sexually active.¹³ This condition is a justification that female workers tend to become victims of sexual harassment, both verbal, such as seduction, and non-verbal sexual harassment, namely physical touching and even attempted rape.

Risk of Victimisation (being a victim of a crime)

Women who work in nightclubs are very vulnerable to being victims of crime at work or on their way home (home/boarding house). Reina said that women who work at night are vulnerable to being victims of sexual crimes, especially sexual violence. Besides that, workers are also afraid of being victims of muggings and physical violence. Fear always threatens and overshadows workers. Nightclubs such as karaoke places that provide a closed room/privacy and freedom for their customers also provide opportunities for customers to sexually harass women who work as guest attendants. The risk of victimisation will continue to arise because of their routine activities related to their work. As stated by Osgood and Warr in their theory of routine activities the opportunities that exist will affect the occurrence of crime.¹⁴ A publication from Oxfam in Cambodia also describes that sexual and sexual harassment that occurs in places of entertainment is a risk of victimisation due to work.¹⁵

Based on the theory, women who work in nightclubs may bring opportunities to make them victims of crime, which confirms that crime occurs because of opportunity as in the form of occupational crime (crimes due to opportunity) or victim-prone occupation.¹⁶ This is one of

¹² Desi Desi, Caroline Surjadi, and Sri Suwartiningsih, "Gambaran Psikososial Pemandu Karoke Di Sarirejo, Salatiga," *Jurnal Keperawatan Muhammadiyah* 7, no. 2 (2022): 89–95.

¹³ Hernández et al., "Sexism Free Night: Research Report (Sexualised Violence in Nightlife Environments)," European Commission, 2022, <http://hdl.handle.net/10400.14/40000>.

¹⁴ Astuti, "Hubungan Kesadaran Akan Kerentanan Diri Dan Mekanisme Coping Pada Perempuan Pekerja Malam Di Tempat Hiburan Karaoke Wilayah Jakarta Barat."

¹⁵ Cambodia Oxfam, "Entertainment Workers: Social Protection for the Most Marginalised Informal Workers," Phnom Penh: Oxfam Cambodia, 2019.

¹⁶ Gde Made Swardhana and Rai Setiabudi, *Latent Victims and Victim-Prone Occupations Will Also Be Related to The Types of Victims of Crime* (Bali: Pustaka Ekspresi, 2021).

the causal factors of crime from a criminological perspective, and victimised women occupy a position that is vulnerable to being victims of crime.

Negative Prejudice from Society and Being Ostracised

Working in a nightclub will certainly attract various views from the community. Some make positive assumptions, but more make negative assumptions. Yessy Anggreina Saputri and Amalia Rahmandani explained that women who work in nightclubs certainly face negative assumptions from their social environment, both in their families and in society.¹⁷ This is undeniable because the culture of the Indonesian people is very close to an Eastern culture that upholds morality, decency, and courtesy. Society will see negatively the female workers in nightclubs who dress sexy for work and interact with cigarettes, alcohol, accompanying men, and even assumptions or suspicions of prostitution. In fact, some women work in nightclubs. In fact, some women work in nightclubs who are forced to do this work because of economic demands to support their families. Not only in Indonesia, but a study in Cambodia also found that working in entertainment places also has negative impacts, one of which is discrimination or being ostracised by society.¹⁸

According to Riska Dewi Anggraini et al., nightclubs have become a source of moral decay problems and crime in Indonesia. This place is often a place of exploitation that degrades the dignity of women. Nightclubs are also considered a strategic place for narcotics abuse, which damages the nation's morale. Night entertainment venues, including karaoke venues, have been distributed to the community; this place is not only in the city but has entered the villages. People are worried that the presence of nightclubs will damage and affect the social behaviour of the community, especially teenagers/children because there are many violations of norms and immorality in nightclubs.¹⁹ Hairul added that women who work in nightclubs as entertainers get bad views from society, even when they quit their jobs. The prejudice and bad looks still linger.²⁰ This negative perception/prejudice from society certainly brings burden and pressure to women who work in nightclubs. The impact is not only embarrassing, but female workers who work in nightclubs are also forced to accept gossip/scorn, even to the point of being ostracised (not invited to hang out) by their family or society/social environment. Negative labels or prejudice from society as commercial sex workers (involved in prostitution), drunkards, narcotics users, and other irregularities can have a bad impact on women who work at nightclubs. Though the prejudice is not entirely correct, it may be carried out by the stamp recipient because the community has repeatedly labelled them as perpetrators of irregularities/criminals. This is related to labelling theory in the study of criminology.

Howard S. Becker quoted in Yesmil Anwar and Adang's book asserts that in the perspective of labeling theory, Howard S. Becker explains that label theory emphasises two aspects, namely explaining why and how certain people are labeled and the influence or effect of labels as a consequence of deviant behavior. This leads to the conclusion that public

¹⁷ Yessy Anggreina Saputri and Amalia Rahmandani, "Di Balik Senyum Dalam Peranku" (Studi Fenomenologis Deskriptif Tentang Pengalaman Pemandu Karaoke Single Mother Di Jawa Tengah)," *Jurnal EMPATI* 9, no. 6 (2021): 438–48, <https://doi.org/https://doi.org/10.14710/empati.2020.300311>.

¹⁸ Oxfam, "Entertainment Workers: Social Protection for the Most Marginalised Informal Workers."

¹⁹ Riska Dewi Anggraini, Holilulloh Holilulloh, and Yunisca Nurmalisa, "Pengaruh Aktivitas Tempat Hiburan Malam Terhadap Perubahan Perilaku Sosial Masyarakat," *Jurnal Kultur Demokrasi* 2, no. 3 (2015).

²⁰ Rul, "Gambaran Kecemasan Pada Wanita Pekerja Tempat Hiburan Malam (Wanita Penghibur)."

reactions can lead to bad behaviour.²¹ The public's reaction in the form of a bad label as a prostitute or narcotics abuser, which is a violation of law in Indonesia, can cause people who are labelled to commit the act labelled to them. Labelling can cause people to commit crimes or violate the law. This is certainly a bad influence from the labelling given by the community.

The risk of falling into prostitution and narcotics abuse

Nightclubs are a risky place for law violations such as prostitution and narcotics abuse to occur. Some experts are starting to look at this issue from a different perspective, blaming traditional patriarchal culture as the source of prostitution and oppression of women. In this framework, the discussion is only limited to the first-wave feminist ideology, which views prostitutes as victims of male oppression and patriarchal culture.²² The female karaoke guide is not a prostitute but an entertaining job. Accompanying the male karaoke might allow her to be persuaded by the prostitution practices offered by customers or pimps in the place. Karaoke places do not provide prostitution services, but some pimps take advantage of nightclubs to make a profit. In some cases, there is covered prostitution.

Torikil Fajri stated that the practice of covert prostitution occurred to meet economic demands. The practice of prostitution, in addition to economic pressure, is also considered the safest way to make money in the nightlife business, especially in karaoke places. These covert prostitutes use a variety of ways to get customers to give extra tips and provide speedy sex services both inside and outside the karaoke venue.²³ Many cases of prostitution occur in nightclubs because of "easy access" and "money" given by customers or pimps. The choice to take on a side job as a sex worker cannot be separated from the demands of life where women are used as useful service commodities to support their husbands and children. Meanwhile, their husbands are not working.

The practice of drug abuse is also very likely to occur because, to seek pleasure, customers will use narcotics. Although karaoke places have prohibited bringing narcotics, in practice, these cases often occur. In practice, some customers not only force female workers at nightclubs to drink alcoholic beverages but also force these workers to consume narcotics when accompanying customers. This certainly causes female workers to violate the law in Indonesia.

A study by Thomas Crewe Dixon, Song Ngak, Ellen Stein, et al. also showed the link between drugs and work in the research conducted on entertainment venues in Cambodia (2015). Research focuses on drug use (amphetamine-type stimulants or ATS). In this case, ATS is important in helping workers stay awake longer and provide energy to work from night until dawn. ATS has become a central, normal, and mandatory aspect of their jobs. ATS psychologically makes users less shy and afraid, happier, more comfortable, and more friendly. The use of ATS also comes from encouragement and customer support; there is even support from the boss (although not all), and colleagues also support the use of ATS; therefore, the

²¹ Yesmil Anwar and Adang, *Criminology* (Bandung: PT. Rafika Aditama, 2010).

²² Yu Ding, "Beyond Sex/Work: Understanding Work and Identity of Female Sex Workers in South China," *Social Inclusion* 8, no. 2 (2020): 95–103, [https://doi.org/https://doi.org/10.17645/si.v8i2.2644](https://doi.org/10.17645/si.v8i2.2644).

²³ Torikil Fajri, "Pelacuran Terselubung Dalam Bisnis Karaoke (Studi Pilihan Rasional Pada Pemberi Jasa Karaoke Di Karaoke 'SS' Kota Surabaya)" (Airlangga University, 2017).

incentives for using ATS in the work environment are very strong.²⁴ These conditions cause this job to be close to drugs.

Legal Protection of Female Workers at Nightclubs in Badung, Bali

A legal state will guarantee that discriminatory actions or acts will not occur between male and female workers.²⁵ The protection of women as workers is formulated explicitly in the Employment Law because women are a vulnerable group. Protection of workers has been regulated in various statutory regulations such as the Constitution of the Republic of Indonesia of 1945, Law of the Republic of Indonesia Number 7 of 1984 concerning ratification of the convention on the elimination of all forms of discrimination against women (Convention on the Elimination of All Forms of Discrimination Against Women), Law Number 39 of 1999 concerning Human Rights, Law Number 13 of 2003 concerning Employment, Law of The Republic of Indonesia Number 24 of 2011 Concerning Social Security Administering Agency and so on. Even though many laws and regulations regulate legal protection for workers, especially for female workers, in reality, there are still many legal violations against female workers.

Workers are entitled to protection of their safety and health, morals, and morality, as well as treatment consistent with human dignity and religious beliefs, as stated in Article 86 of the Manpower Act. Women workers who work at night have also been regulated in Article 76 of the Manpower Act, which confirms the prohibition on employing women under 18 with working hours of 11 p.m. to 7 a.m. Employers are prohibited from employing workers who are pregnant from 11 p.m. to 7 a.m., which, according to the doctor's statement, is dangerous for the health and safety of the womb. Employers are required to provide nutritious food and drinks. This has been clarified in the Decree of the Minister of Manpower and Transmigration of the Republic of Indonesian Number: Kep.224 /Men/2003 concerning the Obligations of Employers Who Employ Female Workers/Laborers between 11 p.m. and 7 a.m. This food and drink cannot be replaced with money; they must be decent, hygienic, and varied. Employers are required to maintain the decency and safety of workers at work. Employers are also required to provide shuttle transportation for female workers who go to and return to work between 11 p.m. and 5 a.m. This rule emphasises that female nightclub workers have rights that must be fulfilled. This provision must be partially implemented. This is due to the inferior position of female workers in nightclubs, who, on average, have low education. As a result, they do not understand their rights in the employment agreement and fight for their rights. Suppose even female workers protest to fulfil their rights. In that case, they will be faced with a choice presented by the nightclub management whether they still want to work under the existing conditions or immediately resign from their jobs. This condition is influenced by the number of job seekers being greater than the availability of jobs.

It should be realised that women who work in nightclubs get into unsafe situations because when working at night, they have to be outside the house. Thus, they risk their safety, whether

²⁴ Thomas Crewe Dixon et al., "Pharmacology, Physiology and Performance: Occupational Drug Use and HIV Risk among Female Entertainment and Sex Workers in Cambodia," *Harm Reduction Journal* 12, no. 1 (2015): 55, <https://doi.org/https://doi.org/10.1186/s12954-015-0068-8>.

²⁵ Zalzabillah Nanda Fatrisa, "Perindungan Hukum Terhadap Pekerja Wanita Yang Bekerja Pada Malam Hari Oleh Pengusaha Hiburan Malam," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 2, no. 3 (2022): 972–84, <https://doi.org/https://doi.org/10.53363/bureau.v2i3.76>.

on the way to work or after work and also very risky to become victims of criminal acts, for example, mugging and sexual crimes. Protection of women from sexual violence can be seen in the provisions of Law Number 12 of 2022 concerning the Crime of Sexual Violence. Women who work in nightclubs will force themselves to be in an unhealthy and unsafe environment because the place where they work will always be in contact with cigarettes, cigarette smoke, alcoholic beverages, and loud noises from music in nightclubs. Thus, it is very risky to workers' health. Women who work in nightclubs will also serve/accompany customers by dressing sexy. Thus, they are vulnerable to sexual harassment, sexual violence, and even fall into prostitution, especially when dealing with customers who are drunk with alcohol. Hence, it can be said that the place where women work is an unsafe place for women.

This form of wage protection is the goal of workers/labourers in carrying out work to earn sufficient income to finance their lives together with their families, namely, a decent living for humanity. Judging from the wages received by female workers in nightclubs, as presented in the previous data, it can be said that wage protection has been implemented well. Under Law of The Republic of Indonesia, Number 24 of 2011 Concerning the Social Security Administering Agency, female nightclub workers are entitled to Work Accident Insurance, Life insurance, Old Age Security and Health Care Guarantee as regulated in Article 6 paragraph (2). Based on the results of this study, it can be seen that in management at work (karaoke), not all workers' rights are considered health problems. If a female night worker is sick, she is only given replacement money for a month of IDR 400,000. However, sometimes there are also other karaoke nightclubs in Badung; management invites them to do treatment or even hospitalisation regardless of the amount spent will be replaced by management, and management has also provided company doctors. However, in practice, health protection is still limited to physical health. Mental health is often neglected, so there is no health protection for female workers. However, the mental health risks for female workers in nightclubs are very vulnerable. If a female worker experiences mental health problems, she will experience revictimisation. There is evidence of the negative impact of stigma in various areas of life. For example, stigma is associated with reduced employment opportunities and poverty, difficulties in relationships, reduced help-seeking behaviour, and poor quality of health services.²⁶ Furthermore, the company provides housing for workers, but some ask to find a place to live in a boarding house. The reason is that there is "freedom" if one has a boarding house (interview with Rahayu, who works at a nightclub in Badung, interview on September 11, 2018).

Regarding the politeness of the customers/guests, night workers argue that there are polite customers who only sing specifically. However, some sing while grouping here and there and offer to sleep together, with several rewards (interview with SR, JC, and AM, whose names are kept secret). If guests are seduced to "continue" their wishes, then it is the personal responsibility of the guest attendants, and the management is not responsible. This is where the female workers are "looking for" extra by wanting to sleep, and it depends on the agreement between the guest and the guest attendants outside of working hours (interview with JC, November 9, 2018).

Management in all nightclubs, if there is a problem, must hand it over to the authorities when night workers are involved in criminal acts, especially narcotics abuse, carrying sharp

²⁶ J. Clay et al., "Core Components of Mental Health Stigma Reduction Interventions in Low- and Middle-Income Countries: A Systematic Review," *Epidemiology and Psychiatric Sciences* 29 (2020): e164, <https://doi.org/https://doi.org/10.1017/S2045796020000797>.

weapons, et cetera, or violating decency. However, some visitors/guests caused trouble because they were drunk but were immediately dealt with by local security officers.

Legal protection is clear when some guests/customers treat the guest attendants impolitely. At the same time, if the night workers experience legal cases outside of the problems faced by management, it becomes the personal responsibility of the workers. Protection of human rights is also very limited; only those who receive protection are from the health side. Meanwhile, workers have no protection, especially regarding their rights. For example, menstruation leave and social security rights. Another thing is the management gives a day off once a week. Management does not provide rights for night workers in accordance with the provisions of the Manpower Act because these workers are not included in the Labor Union.

Based on this description, it can be seen that women who work in nightclubs do not receive social benefits/severance pay if they are forced to stop working due to pregnancy. Regarding health, generally, if a woman who works at a nightclub is sick, the company will provide medical expenses (although some are not maximised besides that, the nightclub does not provide other health facilities or insurance for the health of its workers. Regarding work safety, nightclubs have provided dormitories for workers. Nevertheless, many workers live in a boarding house outside the dormitories. Furthermore, there are no other safety guarantees for their workers. When workers choose to live in boarding houses, there are no shuttle transportation facilities from night entertainment venues. Thus, safety and security guarantees have not been fulfilled. It should be realised that women who work in nightclubs have many rights and protections, but in fact, nightclubs have many rights and protections. However, nightclubs will always be in contact with cigarette smoke, alcoholic drinks, and loud noises from music that will interfere with worker's health. Even though there are security or security officers, workers will still be at risk of becoming victims of sexual harassment in the workplace, even to the point of falling into prostitution.

Reflecting on Denmark as a welfare state with a good foundation for providing protection, it can be seen that the protection of workers in Denmark is carried out through laws and regulations, Collective agreements, and individual contracts. Collective agreements are the most important source of law, and individual contracts play a greater role in practice.²⁷ Denmark has various regulations that regulate employment, one of which is collective labor law, namely the Public Conciliation Service Act (*Bekendtgørelse af lov om mægling i arbejdsstridigheder*, No. 192 of 1997).

In general, a study reviewing labour law in Denmark by Tommy Angermair, Mette Neve and Caroline Sylvester said that Danish employment law applies a "flexicurity" model that provides substantial flexibility in managing staff adjustments, terms and conditions of employment, etc. Job mobility is high, but social security is provided comprehensively; there are even benefits for unemployment. Employment relations are regulated by a combination of statutory rules that apply to all categories of workers. There are also special rules that apply to workers in certain categories and unwritten general principles. This combination of statutory rules regulates several employment issues that have central or significant issues, for example, related to holidays, working environment, requirements in employment contracts, protection of personnel, work discrimination, etc. The right of association is also granted. Under the Act on Entitlement to Leave and Benefits in the Event of Childbirth, employees are entitled to

²⁷ ITUC, "Report of the International Trade Union Confederation. 2014. The World's Worst Countries For Workers. ITUC CSI IGB," n.d.

maternity leave and parental leave from the start of the employment relationship. Pregnant workers and employees on maternity leave are given special protection against dismissal under the Equal Opportunities Act.²⁸

Based on the description above, it is known that its flexible nature makes it easier for Denmark to protect workers, including female workers who work in nightclubs. Including or not in trade unions, female workers in nightclubs still have rights or protection as workers; even sex workers are given legal support and protection in Denmark. The important role of employment contracts is also interesting in realising worker protection. This can be a good example for Indonesia in the future.

CONCLUSION

The risks faced by female workers at nightclubs in Badung, Bali, are health risks (physical and mental/psychological), safety risks, risks of victimisation (becoming victims of criminal acts), negative labels from society, ostracism, and the risk of falling into prostitution, and drug abuse. Legal protection for Female Workers in Nightclubs in Badung Regency is very limited. Legal protection for female workers in nightclubs includes protection as workers, protection for social security, protection for personal safety and protection for wages. Female workers who work in nightclubs do not receive social benefits/severance pay if they are forced to stop working due to pregnancy. Nutritional food and drinks are not provided at night entertainment venues. Besides medical expenses, nightlife venues do not provide other health facilities or insurance for the health of their workers. Safety and security guarantees are not fulfilled when workers choose to live outside the dormitory/mess, and there is no shuttle transportation facility from the nightclub. Women who work in nightclubs own many rights and protections, but nightclubs cannot reach them. There are still many violations of the law against female workers. Management does not provide rights for night workers in accordance with the provisions of the Manpower Act because these workers are not included in the Labor Union. The government needs to emphasise the rules as a form of protection for workers facing work risks, including those in nightclubs. Workers in nightclubs are very vulnerable to legal and human rights issues. Therefore, it is necessary to reconsider that even though they work part-time, legal protection and human rights are still considered by playing their rights as regulated in the Manpower Act. Labour unions must be immediately formed in nightclubs to ensure legal protection and human rights for night workers.

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²⁸ Tommy Angermair, Mette Neve, and Caroline Sylvester, "The Employment Law Review: Denmark," 2021, <https://thelawreviews.co.uk/title/the-employment-law-review/denmark>.

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