

ABSTRAK

Penelitian ini dilatarbelakangi oleh diterbitkannya Surat Edaran Wali Kota Lhokseumawe Nomor 451.48/26 tentang pembatasan jam kerja pramusaji wanita yang menimbulkan persoalan mengenai kesesuaian muatan materiilnya dengan sistem peraturan perundang-undangan di Indonesia serta prinsip-prinsip *Siyāsah Dustūriyah*. Penelitian ini memiliki dua rumusan masalah, yaitu: (1) bagaimana analisis yuridis terhadap muatan materiil Surat Edaran Wali Kota Lhokseumawe Nomor 451.48/26; dan (2) bagaimana analisis *Siyāsah Dustūriyah* terhadap aspek kemaslahatan (*maslahah*) dan pemenuhan hak-hak wanita dalam Surat Edaran Wali Kota Lhokseumawe Nomor 451.48/26. Penelitian ini menggunakan metode penelitian hukum normatif (*normative legal research*) yang bersifat deskriptif analitis dengan pendekatan peraturan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*). Bahan hukum diperoleh melalui studi kepustakaan yang terdiri atas bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier, kemudian dianalisis secara kualitatif. Hasil penelitian menunjukkan dua temuan utama, yaitu: (1) secara yuridis, Surat Edaran Wali Kota Lhokseumawe Nomor 451.48/26 merupakan aturan kebijakan (*beleidsregel*) yang berada di luar hierarki peraturan perundang-undangan, namun muatan materiilnya mengandung norma yang membatasi jam kerja pramusaji wanita. Pengaturan tersebut belum sepenuhnya selaras dengan sistem hukum ketenagakerjaan nasional karena lebih menekankan pembatasan jam kerja daripada pemberian perlindungan bagi pekerja wanita yang bekerja pada malam hari; dan (2) berdasarkan perspektif *Siyāsah Dustūriyah*, kebijakan tersebut pada dasarnya bertujuan mewujudkan kemaslahatan melalui perlindungan terhadap wanita. Namun, penerapannya harus tetap memperhatikan prinsip *maslahah* (*al-maṣlahah*), keadilan (*al-'adl*), persamaan (*al-musāwah*), *raf' al-haraj* (menghilangkan kesulitan), serta perlindungan hak-hak wanita agar tercipta keseimbangan antara tujuan perlindungan dan pemenuhan hak konstitusional wanita sesuai dengan tujuan syariat (*maqāṣid al-syarī'ah*).

Kata Kunci: *Surat Edaran, Beleidsregel, Pembatasan Jam Kerja, Pramusaji wanita, Hukum Tata Negara, Siyāsah Dustūriyah.*

ABSTRACT

This research was motivated by the issuance of the Circular Letter of the Mayor of Lhokseumawe Number 451.48/26 concerning the restriction of working hours for female waitresses, which raises legal issues regarding the conformity of its substantive provisions with the Indonesian legal system and the principles of Siyāsah Dustūriyah. This study addresses two research questions: (1) how is the juridical analysis of the substantive provisions contained in the Circular Letter of the Mayor of Lhokseumawe Number 451.48/26; and (2) how does Siyāsah Dustūriyah analyze the aspects of public benefit (maṣlaḥah) and the protection of women's rights embodied in the Circular Letter of the Mayor of Lhokseumawe Number 451.48/26. This study employs normative legal research with a descriptive-analytical approach, using the statutory approach, the conceptual approach, and the Siyāsah Dustūriyah approach. The legal materials consist of primary, secondary, and tertiary legal materials obtained through library research and analyzed qualitatively. The findings reveal two main conclusions. First, from a juridical perspective, the Circular Letter of the Mayor of Lhokseumawe Number 451.48/26 constitutes a beleidsregel (policy rule) that falls outside the hierarchy of laws and regulations in Indonesia. Nevertheless, its substantive provisions contain norms restricting the working hours of female waitresses. Such regulation has not been fully aligned with the national labor law framework, as it emphasizes restrictions on working hours rather than providing legal protection for female employees working at night. Second, from the perspective of Siyāsah Dustūriyah, the policy is fundamentally intended to promote public benefit (maṣlaḥah) by protecting women. However, its implementation must also adhere to the principles of maṣlaḥah (public benefit), al-'adl (justice), al-musāwah (equality), raf' al-haraj (the elimination of hardship), and the protection of women's rights in order to achieve a balance between the objective of protection and the fulfillment of women's constitutional rights in accordance with the objectives of Islamic law (Maqāṣid al-Sharī'ah).

Keywords: Circular Letter, Beleidsregel, Restriction of Working Hours, Female Waitresses, Constitutional Law, Siyāsah Dustūriyah.