

Employees are the backbone of a company. The worker is said to be so because indeed he is one of the elements that has a very important and strategic role, because without the workers the company cannot run optimally, thus the company cannot participate in national development. Recognizing the importance of workers/labor for the company, it is necessary to make efforts so that workers can continue to exist and optimal work productivity at work, and one thing that needs serious attention from all parties is the safety and health of the workers/laborers.



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Legal Protection of Safety and Health of Workers



**Joupy G.Z Mambu
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By

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TABLE OF CONTENTS

TITLE PAGE	1
TABLE OF CONTENTS	2
CHAPTER I INTRODUCTION	4
A. Background Problem	
B. Problem Identification	
C. Limitation and Problem Formulation	
D. Research Objectives	
E. Benefits of Research	
CHAPTER II LITERATURE REVIEW	10
A. Theoretical Review	
1. Theory of Rights	
2. Interest Classification Theory	
3. Welfare State	
4. Stafentheorie	
B. Conceptual Studies	
1. Juridical Review	
2. Legal Guarantee	
3. Occupational safety and health	
CHAPTER III RESEARCH METHODS	20
A. Research Type	
B. Research Variable	
C. Data and Data Sources	
D. Research Steps	
1. Data Collection	
2. Data Processing	
3. Data Analysis and Discussion	
CHAPTER IV RESEARCH AND RESEARCH	26
A. The establishment of legislation that guarantees safety and Occupational Health in Indonesia	
a. Types of laws and regulations that guarantee safety and Occupational Health in Indonesia	
b. Scope of Content and Material of Safety and Health Regulations Working in Indonesia	
c. Scope of Regulation of each Safety and Health Factor Work	
B. Preparation and Supervision of Occupational Safety and Health Regulations in Indonesia	
1. Application of Occupational Safety and Health Regulations	
2. Oversight of Occupational Safety and Health Regulations	
a. Supervision of Occupational Safety and Health Regulations	

at Specially
b. Supervision of Labor Regulations in general

CHAPTER V CLOSING..... 43
A. Conclusion
B. Suggestion

REFERENCES45

FOR AUTHOR USE ONLY

CHAPTER I INTRODUCTION

A. Background

In the Preamble to the 1945 Constitution of the Republic of Indonesia, the ideals of the Indonesian people are listed which are at the same time the national goals of Indonesia, namely:

"...protect the entire nation. Indonesia and the entire homeland of Indonesia and promote public welfare, educate the nation's life and participate in carrying out world order based on freedom, eternal peace and social justice..."¹

To achieve these national goals, sustainable development efforts are carried out which constitute a series of development that is comprehensively directed and integrated; including employment development. Law Number 13 of 2003 states:

"Employment development as an integral part of national development based on Pancasila and the 1945 Constitution of the Republic of Indonesia, is carried out in the context of developing Indonesian people as a whole and developing Indonesian society as a whole to increase the dignity, worth and self-esteem of the workforce and to create a prosperous, just, prosperous society. and evenly, both materially and spiritually.,²

1 Indonesia, the 1945 Constitution of the Republic of Indonesia, Preamble to the 4th Paragraph.

2 Indonesia, Law on Manpower, L.J.L No. 13 of 2003, LN No. 39 of 2003, TLN No. 4279; General Explanation.

"Employment is all matters relating to the workforce before, during, and after the work period."³ Based on the employment formulation, the issue of occupational safety and health is an integral part of employment, thus occupational safety and health is an aspect that must be considered. obtain legal guarantees in social and economic security camps in the context of developing Indonesian people as a whole and the development of Indonesian society as a whole to increase the dignity, worth and self-esteem of the workforce and to create a prosperous, just, prosperous and equitable society, both materially and spiritually.

Workers are the backbone of the company. The worker is said to be so because indeed he is one of the elements that has a very important and strategic role. Because without the workers the company cannot run optimally, thus the company cannot participate in national development.

Recognizing the importance of workers/labor for the company, it is necessary to make efforts so that workers can continue to exist and optimal work productivity at work, and one thing that needs serious attention from all parties is the safety and health of the workers/laborers.

"Safety means things that make you free or avoid danger, calamity, disaster, damage; or things that make

¹ Indonesia, Law on Manpower, Ibid., Ps. 1 number 1.

nothing lacking, or not getting disturbed."⁴ "Work safety is safety related to machines, work equipment, materials and processing processes, workplace foundations, and their environment, as well as ways of doing work."⁵

"Health is a state of health, physically, mentally, spiritually and socially that enables everyone to live socially and economically productive lives."⁶

Occupational safety and health is intended primarily so that workers will be free or protected from danger, catastrophe, disaster, damage caused by the risks of accidents and diseases caused or caused by their own work or work environment.

Health is a human right⁷ which is one of the elements that must receive serious attention in realizing prosperity according to the ideals of the Indonesian nation as intended in the Preamble to the 1945 Constitution of the Republic of Indonesia. If health is declared a human right, all parties in this regard government, society,

4 Language Center Dictionary Compilation Team, Edition 3, cet. 3, (Jakarta: Balai Pustaka, 2003), p. 1017.

5 Abdul Khakim, Introduction to Indonesian Manpower Law Based on Law no. 13 of 2003, cet.1,(Bandung: Citra Aditya Bakti,2003),p. 64.

6 Indonesia, Law on Health, Law no. 36 of 2009, LN No. 144 of 2009, TLN No. 5063, Ps. I number 1.

7 Indonesia, the 1945 Constitution of the Republic of Indonesia, Ps. 28H paragraph (1), in conjunction with the Law on Human Rights, Law no. 39 of 1999, LN No. 165 of 1999, TLN No. 3886, Ps. 9 paragraph (3). Law on Health, Law no. 36 of 2009, LN No. 144 of 2009, TLN No. 5063, Explanation I General.

Non-governmental organizations, including companies,⁸ corporate organizations, must respect and even strive to improve the health of everyone and must create an environment that supports the creation of everyone's health.

The development of the industrial sector is currently one of the mainstays in national development which has a positive impact on employment, increasing income and equitable development. On the other hand, industrial activities in the production process are always accompanied by factors that contain risks that endanger the health and safety of workers.

Every threat to occupational safety and health must be prevented, because such a threat will bring both material and immaterial losses, especially to the welfare of the workforce and their families.

The activities of the industrial sector cannot be separated from the use of advanced technology that can have an impact on occupational safety and health, especially the problem of occupational diseases and the work environment, but the efforts of related parties, especially the company's efforts have not been optimal in preventing and overcoming the sources of accidents. and sources of occupational health problems.

Indonesia as one of the big countries in the world, is very interested in occupational health and safety issues. This is caused by

⁸ Article 87 paragraph (1) of Law no. 13 of 2003 states: "Every company is required to implement an occupational health and safety management system that is integrated with the company's management system."

65% of Indonesia's population is of working age (30% working in the formal sector and 70% in the informal sector).

The growth of industry and the increase in the workforce add to the positive and negative impacts. One of the negative impacts is the increase in occupational diseases.⁹

Efforts to prevent and overcome occupational diseases and accidents are basically the responsibility of the company, which is obliged to maintain working conditions that create the health and safety of workers in accordance with the provisions of laws and regulations. This is in accordance with the affirmation in Article 87 paragraph (1) of Law no. 13 of 2003 which states: "every company is required to implement an occupational safety and health management system that is integrated with the company's management system."

"Not all companies understand the meaning and importance of occupational safety and health and how to implement it in a corporate environment;"¹⁰ this is due to lack of attention; The high time and cost causes sometimes the company does not try to prevent and/or cope with every job or work environment, its workforce which has the potential to cause accidents and occupational health problems.

Data from the International Labor Organization (ILO), every year there are 1.1 million deaths caused by disease or accidents due to

9 <http://www.binkesja.cOm>, accessed 15 April 2011.

10 Adrian Sutedi, Labor Law, cet. 1, (Jakarta: Sinara Graphic, 2009), p. 170.

work relationship. About 300,000 deaths occur from 250 million accidents and the rest are deaths due to occupational diseases, of which an estimated 160 million new labor-related diseases occur every year.

The level of health and productivity of the workforce is strongly influenced by the workload factors borne by a worker and the time he carries out his work. Every job is a burden for the perpetrator, the burden can be physical, mental, and social. A worker in a field that is categorized as rough/heavy, such as loading and unloading goods at the port, carries more physical burdens than mental or social burdens. On the other hand, an entrepreneur may be responsible for a big mental burden, while their social workers experience more social burdens.

The work environment is a workplace environment that tends to affect workers in carrying out their work, becoming additional in the workload that is directly due to the work at hand, thus a job is carried out in an environment or situation that causes additional physical and spiritual burdens for the workforce. influence on job security, namely the ability of workers in a certain time. Increasing and maintaining a person's job security is influenced by many factors such as skills, physical fitness, nutritional status, health level and age. The sources of hazards to the health of workers are:

11 Center for Occupational Health, 2005.

"First, physical factors which can be: (a) the sound is too noisy, (b) the temperature is too high or too low, (c) the lighting is inadequate, (d) the ventilation is inadequate, (e) radiation, (f) Odors in the workplace, (g) Humidity, Second, chemical factors which can be: (a) Gases/vapors, (b) Liquids, (c) Dusts, (d) Crystals and other forms other forms, (e) Chemicals that have toxic properties Third, biological factors which can be in the form of: (a) Bacteria, viruses, (b) Fungi, worms and insects, (c) Plants and other living things

/ arise in the workplace environment Fourth, physiologic factors which can be in the form of: (a) Bad posture at work, (b) Equipment that is not suitable or not suitable for the workforce, (c) Process, attitude, and method monotonous work, (d) workload that exceeds the ability limit. Fifth, psychological factors, which can be in the form of: (a) forced/forced work that is not in accordance with abilities, (b) working atmosphere unpleasant work, (c) thoughts that are always depressed, especially because of the inappropriate attitude of superiors or coworkers, (d) jobs that tend to cause accidents more easily." 12

The extent to which the applicable laws and regulations regulate all the potentials which are the elements that are the factors causing the occurrence of occupational health and safety disturbances; and the extent to which business actors, especially companies, seek to improve occupational safety and health. "Efforts to improve occupational safety and health should be prioritized over overcoming occupational safety and health problems." 13 The implementation of the provisions that lead to the prevention of illness or accident due to the employment relationship is intended to provide guarantees of occupational safety and health. Efforts to improve the situation and condition of the workforce by preventing occupational diseases or accidents,

12 See, Lalu Husni, Introduction to Indonesian Manpower Law, Revised Edition, cet. 4, (Jakarta: RajaGrafindo Persada, 2003), 140-142.

13 Soedzuj adi, Manpower Law in Indonesia: A Guide for Employers, Workers, and Prospective Workers, cet. 1, (Yogyakarta: Pustaka Yustisia, 2008), p. 88.

hazard control in the workplace, health promotion, and rehabilitation will have an impact on self-improvement of workers which leads to increased company productivity.

On the part of the workers themselves, in addition to their limited understanding and knowledge, some of them are still reluctant to use protective equipment or comply with the actual rules, because there is often a lack of instructions and explanations from the employer for new workers, including the importance of all safety and protective equipment. that must be used in work as an effort to prevent and overcome the safety and health of the workforce itself.

According to H. W. Henervih in Soedarjadi "80%" of accidents are caused by unsafe acts and only 20% by safe conditions. So it can be said that in general the incidence of work accidents is caused by human factors (human error), where the cause of the accident begins with the workforce often neglecting to carry out their obligations at work, for example not providing correct information when requested by supervisory employees or occupational safety and health experts. , do not meet and comply with occupational safety and health requirements that apply in the workplace, and do not use the required personal protective equipment in the workplace concerned.

Soekotjo Joedatmadjo, Chairman of the National Occupational Safety and Health Council (DK3N) stated: "The frequency of work accidents in companies is increasing.

14 Soedarjadi, Ibid., p. 88.

is through the establishment of laws and regulations that guarantee the safety and health of workers. Then Husni stated: "To realize safety protection, the government has made efforts to foster norms in the field of employment.

Based on the background of the problems described above, the researchers are interested in conducting a study that focuses on legal guarantees for occupational safety and health in Indonesia.

B. Problem Identification

Problem identification is a process of seeking and finding the cause of a problem.¹⁸ Based on the description in the background of the problem, the problems in this study can be identified as follows:

1. There is still a lack of prevention and mitigation efforts against any threats to the safety and health of workers during work.
2. Some companies are still lacking in their efforts to improve occupational safety and health.
3. Some companies have not implemented efforts to prevent accidents or diseases due to work relations.
4. The workers' awareness of occupational safety and health is still low.

17 Then Husni Loc. cit., p. 131-132.

18 Bambang Sunggono, *Legal Research Methodology*, cet. 6, (Jakarta: RajaGrafindo Persada, 2003), p. 61.

5. There are workers who are still reluctant to use protective equipment or safety equipment to prevent occupational safety and health risks.
6. The Manpower Law has not provided proportional protection to the legal interests of workers, including occupational safety and health.
7. The application of the principles of occupational safety and health in the workplace is not yet optimal.

C. Limitation and Problem Formulation

Based on the identification of the problems above, it appears that the problems regarding occupational safety and health are very broad and complex. In order for this research to achieve the stated objectives, the researcher limits this research to the problem: "legal guarantees for occupational safety and health in Indonesia?"

The basis for the study of these problems is the opinion of Lalu Husni regarding the development of norms as described above, with this being the problem in this study:

1. To what extent are regulations that guarantee occupational safety and health in Indonesia?
2. To what extent is the implementation and supervision of regulations that guarantee occupational safety and health in Indonesia?

D. Research Objectives

In general, this study aims to describe legal guarantees for occupational safety and health in Indonesia, while

specifically this research aims:

specifically this research aims:

1. To describe the extent to which the establishment of regulations that guarantee occupational safety and health in Indonesia.

2.To describe the extent to which the implementation and supervision of regulations that guarantee occupational safety and health in Indonesia.

E. Research Benefits

1. Theoretical Benefits

a.The results of this study are expected to be useful theoretically in the sense of:

It is hoped that the results of this research can answer the problems stated above, thus this work may add to the treasury of knowledge in the field of law in general and in the field of labor law in particular.

b. The results of this study can be used as a basis for developing legal science in general and employment law in particular in terms of fostering legal norms on occupational safety and health in the sense of establishing norms that guarantee occupational safety and health, implementing and supervising norms that guarantee occupational safety and health. .

c. The results of this study are expected to contribute ideas and add insight in the field of Employment Law, especially regarding occupational safety and health.

d. The results of this study are also expected to be the basis and/or comparison for other parties who wish to apply the concept of this research to the same object but to other or broader subjects, leading to better research as a forum for testing assumptions and existing theories in order to obtain a more valid and reliable scientific truth.

2. Practical Benefits

In terms of practical benefits, it is hoped that:

a. The results of this study can provide accurate contributions and input for workers to be able to better understand the safety aspect. and occupational health.

b. The results of this study are expected to provide input to the regulators in determining the direction and institutional policies in terms of legal guarantees for the safety and health of workers in Indonesia.

c. The results of this study are also expected to provide input to the company in carrying out prevention and control efforts against labor safety and health problems in Indonesia that arise in the work environment so that it is prioritized in order to realize the welfare of life and productivity that arise in the work environment. so that it is prioritized to create welfare

d. Contribute ideas to the workforce regarding the safety and health of workers as a very important component in maintaining the quality of life as a very strategic element to support optimal work productivity in the context of developing Indonesian people as a whole and the development of Indonesian society as a whole to improve the dignity and self-worth of the workforce and create a prosperous, just, prosperous and equitable society, both materially and spiritually.

3. Benefits for Researchers

The results of this study can also be useful for researchers themselves because, with this research, it is clear that researchers have gained added value of knowledge in the form of:

a. Expanding the knowledge of researchers about Legal Science in general and Employment Law in particular.

b. Researchers have gained added value of knowledge, especially knowledge about occupational safety and health as one of the most important elements for workers so that they can still exist with optimal work productivity at work.

c. Researchers have gained added value of knowledge, especially regarding the extent to which norms are formed, implemented and supervised against norms that guarantee occupational safety and health in Indonesia.

CHAPTER II LITERATURE REVIEW

A. Theoretical Framework.1

1. Theory of Rights

In ancient Roman culture, the Latin word *jus*, which was later translated into the word *right*, was used primarily in the sense of objective law, namely the totality of laws, rules and social institutions necessary to facilitate and ensure the common good. At that time the word *jus* was mainly understood as law (objective law) and not yet as *right* (subjective law). It wasn't until the late Middle Ages that the word *jus* began to be used in a subjective legal sense as a person's ability to freely and legally control something, do something or demand something.²

In European law, a distinction is made between objective law and subjective law, "Objective law is the rule of law, *de regel, de norm*) that governs a social relationship. So the objective law applies to the general public, not to someone who

1 It is called a theoretical framework because a theory or a hypothesis is usually composed of more than 1 (one) statement regarding certain phenomena that are harmoniously related to each other, thus forming 1 (one) scope of research. In other words, the theoretical framework is an arrangement of several assumptions, opinions, facts, rules, principles, information as a logical unit that becomes the basis, reference, and guideline to achieve the objectives of the study. In general, theories are sourced from laws, books/written papers in the field of science, and research reports. Theory bridges expectations and reality. In positive legal theory, the expectation is reflected in the provisions of the law (*das sollen*), while the reality is in the form of behavior (*das sein*). See, Abdulkadir Muhammad, *Law and Legal Research*, cet. 1, (Bandung: Citra Aditya Bakti, 2004), p. 71. 2 Frans Ceunfin, ed., *Human Rights: Fundamentals in Legal Philosophy and Political Philosophy*, cet. 1, (Mauwere: Ledalero Publishers, 2004), p. xv-xvi.

certain, objective law is a law that regulates certain relationships between two or more people.

When the objective law is used to regulate certain legal relationships, based on man one has rights (*recht*) and the other has obligations (*plicht*) to something; Such an (objective) law is called subjective law, because in this case the (objective) law has been associated with a certain person, a certain subject. So objective law is a legal (objective) regulation that is associated with a person and therefore has become power. (*macht*) or authority (*bevoegdheid*) and obligations (*plicht*). The difference between objective law and subjective law is in line with the difference between law and rights.⁴ The meaning of subjective law is actually rights and obligations, but in general what is meant by subjective law is only the meaning of rights (*recht*) not including obligations (*plicht*).⁵ This distinction between objective law and subjective law in Continental (western) Europe is in line with the distinction in legal systematics in Indonesia which mentions law and rights. In Anglo Saxon England, law is called law and rights are called rights

3 J. L. van Apeldoorn, Introduction to Legal Studies (Inleiding Tot de Studie van Het Nederlandse Recht), cet. 19, (Jakarta: Pradnya. Paramita, 1982), p. 53-57.

4 E. Utrecht, Introduction to Indonesian Law, cet. 11, adapted by Moh. Saleh Djindang, (Jakarta: Ichtiar Baru and Sinar Harapan, 1989), p. 250.

5 Sudikno Mertokusumo, Knowing the Law (An Introduction), 3rd edition, cet. 1, (Yogyakarta: Liberty, 1991), p. 40.

6 R. Soeroso, Introduction to Law, cet. 5, (Jakarta: Sinar Graphic, 2002), p. 274.

The law is general in nature because it applies to everyone, while the rights

The law is general in nature because it applies to everyone, while the right is individual in nature attached to the individual. According to Algra that law (objective law) is the basis of rights (subjective law). The right is only real after being stipulated by law, a person has the right to do something because it is stipulated by law. The law requires the occurrence of events. Only then does the law give rights when the event occurs. In contrast to Scholten who sees rights as inherent in every individual from birth to death, Scholten sees it historically theoretically while Algra sees rights from a positive operational angle in this case the working days of the law.⁷

Since the 17th century, the modern notion of rights was born as an ability related to free human beings, independent of objective legal ties. This means, rights in the modern sense of the new born after there is a formal-legal recognition of the freedom or autonomy of every human being. Recognition of human dignity as free and autonomous beings is a condition that allows the recognition of rights

C. de Rover wrote, "Rights are (entitlements). A right is a claim that one person can make against another up to the limits of the exercise of that right."⁹

7 Sudikno Mertokusumo, Op. cit., p. 40-41.

8 Frans Ceunfin, ed., Loc. cit., p. xvi.

9 C. de Rover, To Serve and To Protect Universal Reference for Human Rights and Humanitarian Law for Police and Security Forces, translated by Supardan Mansyur, 1st edition, cet. 1, (Jakarta: RajaGrafito Persada, 2000), p. 47.

In legal literature, some of the terminology that has arisen is related to the term rights, such as: power (gezag, authority), power (macht, power).

In the 19th century in Germany, 2 (two) theories of rights that were very important and very influential, emerged:

a. Belangentheorie (interest theory) one of the adherents of this theory is Rudolf von Jhering.

According to Rudolf von Jhering "Das subjective Recht ist rechtlich geschütztes Interesse". In Indonesian: "the right is something important for the person concerned which is protected by law." So according to belangentheorie (interest theory), "that rights as something important for those concerned are protected by law."¹⁰ Interests are individual or group demands that are expected to be fulfilled. Interest essentially contains power that is guaranteed and protected by law. What is called a right is legal because it is protected by law. ¹¹

Salmod, defines rights as: "Interests recognized and protected by law." Fulfilling that interest is an obligation, while neglecting it is a mistake. a right,

10 E. Utrecht, 1989, Loc. cit., p. 252-254. See also, R. Soeroso, Introduction to Law, cet. 5, (Jakarta: Sinar Graphic, 2002), p. 247-248.

" Sudikno Mertokusumo, Loc. cit., p. 41. See also, Frans Ceunfin, ed., Loc. cit., pp. 160, 164.

because it requires those affected to do something or not to do something.¹²

b. Wilmachttheorie (theory of will equipped with power) one of the adherents of this theory is Bernhard Windscheid.

According to Bernhard Windscheid, "Das subjective Recht ist eine von der Rechtsordnung verliehene Willensmacht".¹³ So according to Wilmachttheorie theory (theory of will equipped with power) that: "the right is a will equipped with power which is given by law to the person concerned.

carry out his will in a certain way and his will is directed to satisfy

Allen defines: "the right as a power under the law by which a person can exercise his interests."¹⁶

In addition to the teachings of the two schools or the two theories on rights mentioned above, there are other opinions about rights.

" Lili Rasjidi, and Ira Thania Rasjidi, Introduction to Philosophy of Law, cet. 3, (Bandung: Mandan Maju, 2002), p.109.

13 van Apeldoorn, Loc. cit., p. 58.

14 E. Utrecht, 1989, Loc. cit., p. 252-254.

15 Sudikno Mertokusumo, Loc. cit., p. 41.

16 Lili Rasjidi, and Im Thania Rasjidi, Op. cit., p.109.

c.L. J. van Aperdoorn and E. Utrecht

c.L. J. van Aperdoorn and E. Utrecht

According to van Apeldoorn, subjective law (rights) is power (macht) and protected interests. That power is based on morality (zedelijkheid, moral). Strength is not only physical strength (fisekemacht), therefore a thief who has power over the goods he has stolen does not have any rights over the goods, because his strength is not based on decency and justice. ¹⁷ So according to Apeldoorn strength is not only physical strength but must be strength based on morals.

d. According to E. Utrecht, the right is not a power even though the right contains the characteristics of power. Rights are one way to gain power, but rights themselves are not power.¹⁸ Utrecht distinguishes power (macht, power) with power (gezag, authority). Strength is "coercion exerted against a person, even though that person has not accepted the coercion as lawful," i.e. partially or wholly in accordance with the law. That power can only be said to be "power if it is accepted because it is felt in accordance with the feeling of the law, meaning that the person knows that the coercion is from a legitimate person/entity."¹⁹

¹⁷ van Apeldoorn, Loc. cit., p. 58.

18 Utrecht, 1989, Loc. cit., p. 253.

19 Utrecht, 1989, Loc. cit., p. 24.

With reference to the Belangentheorie (interest theory) which states that "rights as something important for those concerned are protected by law;"²⁰ interests are individual or group demands that are expected to be fulfilled; interests essentially contain power that is guaranteed and protected by law; what is called a right is legal because it is protected by law, so this understanding can be used in relation to types or groups of interests.

2. Interest Classification Theory

Roscoe Pound classifies legally protected interests into 3 (three) groups, namely:

- a. public interest,
- b. social interests, and
- c. personal interests.²¹

This theory was later reaffirmed by Prof. Satochid Kartanegara. According to Satochid, legal interests (rechtsbelang) are divided into three groups, namely:

- a. Individual interests (individuale belangen),
- b. The public interest (maatschappelijke belangen), and
- c. State interest (staats belangen).²²

20 E. Utrecht, 1989, Loc. cit., p. 252-254. See juga, R. Soeroso, Loc. cit., p. 247-248.

21 W. Friedmann, *Theory and Philosophy of Law*, (Jakarta: RajaWali Pers, 1990), p. 141.

22 Satochid Kartanegara, *Criminal Law Part I*, (Jakarta: Student Literature Center, tt.), vhal. 79.

Furthermore, Satochid details the interests of people or individuals including:

- soul (leven);
- body (lijf);
- honor (eer);
- independence (vrijheid); and
- property (vermogen).

As for the public interest, it is peace and security (rusten order), and being a legal interest for the state is security for the state.

Even though there are three kinds of legal interests, in fact the legal interests cannot be separated. This is because a new legal interest can be considered as an individual interest, if that interest is also a public interest (het belang van individual zal slechts als een rechtsbelang erkend worden, indien het tevens het belang van demaat schappij betekent). Soepomo in Asikin stated:

"Protection of workers is divided into 3 (three) types, namely: (1) Economic protection, namely the protection of workers in the form of sufficient income, including if workers are unable to work against their will; (2) Social protection, namely protection of workers in the form of occupational health insurance, and freedom of association and protection of the right to organize; (3) technical protection, namely the protection of workers in the form of work security and safety."²³

23 Zainal Asikin, (ed.), Basics of Labor Law, (Jakarta: RajaGrafindo Persada, 1993), p. 76; See also, Abdul Khakhn, Introduction to Indonesian Manpower Law Based on Law No. 13 of 2003, cet. 1, (Jakarta: Citra Aditya Bakti, 2003), p. 61-62.

Meanwhile, according to Abdul Khakim, the scope of protection for workers/laborers according to Law no. 13 of 2003 includes:

"1) Protection of the basic rights of workers/laborers to negotiate with employers; 2) Protection of occupational safety and health; Special protection for female workers/laborers, children, and persons with disabilities; and 3) Protection of wages, welfare, and security. labor social."24

Article 86 paragraph (1) of the Manpower Law states: "Every worker/labor has the right to obtain protection for: a. work safety, b. morals and decency, and c. treatment that is in accordance with human dignity and values. religion."25

3. Welfare State

This theory was developed by Jeremy Bentham, John Stuart Mill, and Rudolfh von Jhering. According to this theory, the law will guarantee the greatest good of the greatest number of people. So the element that is prioritized by this legal theory. The adherents of this theory have the principle that people will take actions to get the maximum happiness and reduce suffering. On this basis, whether something is good or bad, whether the action brings happiness or not. As well as

24 Abdul Kbakim, Introduction to Indonesian Manpower Law: Based on Law Number 13 of 2003, cet. 1, (Jakarta: Citra Aditya Bakti, 2003), bal. 60-61.

25 Indonesia, Law on Manpower, Law no. 13 of 2003, LN No. Is 39 of 2003, TLN No. 4279, Loc. cit.

with legislation, good or bad is also determined by the size

the. Therefore, a law that provides a lot of happiness to the largest part of society will be considered a good law.

(According to Bessant, Watts, Dalton and Smith,²⁶ the basic idea of the welfare state dates back to the 18th century when Jeremy Bentham (1748-1832) promoted the idea that government has a responsibility to ensure the greatest happiness (or welfare) of the greatest number. of their citizens. Bentham uses the term 'utility' to describe the concept of happiness or well-being. Based on the principles of utilitarianism he developed, something that can cause extra happiness is something good. On the other hand, something that causes pain is bad. government action should always be directed at increasing the happiness of as many people as possible. Bentham's ideas on legal reform, the role of the constitution and social research for the development of social policy made him known as the "father of the welfare state"²⁷.

Adherents of utilitarianism consider the purpose of law to be to provide as much benefit and happiness as possible to citizens. This is based on the existence of a social philosophy that

26 Bessant, Judith, Rob Watts, Tony Dalton and Paul Smith, *Talking Policy: How Social Policy is Made*, (Crows Nest: Allen and Unwin, 2006), in <http://muhaiminkhair.wordpress.com/2010/04/29/islam-and-welfare-state-a-comparative-analysis/>
27 <http://muhaiminkhair.wordpress.com/2010/04/29/islam-and-welfare-state-a-comparative-analysis/>
revealed that every citizen of society yearns for happiness

revealed that every citizen desires happiness and the law is one of his tools. Bentham argues that the existence of the state and law is merely a tool to achieve the essential benefit, namely the happiness of the majority of the people.

Welfare State, the aim of the State is not only to maintain law and order but also to actively seek the welfare of its citizens.²⁸ Kranenburg, including adherents of the theory of the welfare state. According to him, the aim of the state is not only to maintain law and order, but also to actively seek welfare, which also covers a wide range of fields, so that the goals of the state should be referred to as a plurality of state goals. He also stated that efforts to achieve the country's goals were based on justice in an equitable and balanced manner

The objectives of the Republic of Indonesia are stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, which explicitly states the objectives of the State of Indonesia, namely, "to protect the entire Indonesian nation and the entire homeland of Indonesia and to promote public welfare, educate the nation's life and participate in carrying out world order." So the State is obliged to protect every citizen including Indonesian workers. Not only that, but the State advances the welfare of the entire Indonesian nation, including advancing the welfare of all workers

28 <http://dieks2OIO.wordpress.com/2010/08/27/Pengertian-function-and-goal-Unitary-State-Republik-Indonesia/>

29 Articles. Arwan Sabditama, *Goals and Functions of the State*, huylarwansabditama.blogspot.com/2010/07/goals-and-function-country.html.

Indonesian Work. One form of embodiment of the protection and promotion of general welfare is to provide legal guarantees for workers in order to avoid the risk of accidents and illness that occur in work relationships.

As a state of law, the most strategic effort in creating occupational safety and health is through the establishment of laws and regulations which are intended to provide the basis for patterns of prevention and control of occupational safety and health. Then Husni said: "To realize the protection of work safety, the government has made efforts to foster norms in the employment sector. In the sense of fostering these norms, it includes the notion of establishing, implementing, and supervising the norms themselves.,³⁰

Norm development in the sense of establishing norms which are intended to provide a basis for prevention and control of occupational safety and health is not sufficient, because it still has to be followed up with efforts to implement, supervise and control occupational safety and health prevention and control norms.

4. Stufentheorie 31

Stufentheorie means ladder theory, this theory is the result of Hans Kelsen's creation. According to Kelsen:

30 Then Husnt Introduction to Indonesian Manpower Law, Revised Edition, cet. 4, (Jakarta: RajaGrafindo Persada, 2003), 131-132.

Stufentheorie is often referred to as the Stufen des Recht Theorie, See, E. Utrecht, Introduction to Indonesian Law, cet. 11, adapted by Moh. Saleh Djindang, (Jakarta: Ichtiar Baru and Sinar Harapan, 1989), p. 35, 98.

Legal norms are tiered and layered in a hierarchical structure, where a lower norm applies, originates, and is based on a higher norm, a higher norm applies, originates, and is based on a higher norm. again, and so on until a norm that cannot be explored further and is hypothetical, fictitious, axiomatic, namely the Basic Norm (Grundnorm)."³²

Hans Nawiasky uses the term Staatsfundamentalnorm for the term Grundnorm from Hans Kelsen. Grundnorm or Staatsfundamentalnorm is the highest norm in a country, this is a norm that is not formed by a higher norm, but is pre-supposed or determined in advance by the people in a country and which is or is the place where legal norms depend on it. . In addition, Grundnorm or Staatsfundamentalnorm is also called Ursprungsnorm or Urnorm which means the norm of origin or the norm of ash. As it is stated that it is pre-supposed, the basis for its validity cannot be explored further, so we need to accept it as something that cannot be disputed, as a hypothesis, something fictitious, something axiom.³³

"All norms are derived (afgeleid) from one Grundnorm or Staatsfundamentalnorm, namely one highest norm (basic).

32 Maria Farida Indrati Soeprapto, Ilmu Legislation: The Basics and Its Formation, cet 5, (Yogyakarta: Kanisius, 2002), p. 25, 29.

Hypothesis means something that is assumed to be true; fictitious means only imaginary ads; Axiom means a truth that can be accepted without proof.

33 Maria Farida Indrati Soeprapto, Ibid., p. 28-29.

government and particular people make instructions (life) that are derived from the same highest norm."³⁴

Hans Kelsen said that "law is included in a dynamic norm system (nomodynamis),³⁵ because the law is always formed and abolished by the institutions or authorities authorized to form it, so that in this case it is not seen in terms of the content of the norm but from the perspective of the law. in terms of its enactment or formation, the law is valid (valid) if it is made by an institution or authority authorized to form it and is based

on a higher norm so that in this case the lower norm (inferior) is formed by a higher norm (superior), and the law it is tiered and layered to form a hierarchy.³⁶ In the dynamics of legal norms, there appears to be something called vertical where legal norms are tiered from bottom to bottom, or from bottom to top: in this vertical dynamics a legal norm is valid, based on, and sourced from above legal norms, legal norms that are above it. above it applies, is based on, and is based on legal norms above it again, and so on until a legal norm becomes the basis of all legal norms below it. Based on the Stufentheorie (stairs theory) from Hans Kelsen mentioned above, it can be argued that with the enactment of Pancasila

34 E. Utrecht, Loc. cit., p. 35.

35 Hans Kelsen, *General Theory of Law and State*, (New York: Russel & Russel, 1945), p. 35); See also, Maria Farida Indrati Soeprapto, *Science of Legislation: Fundamentals and Its Formation*, cet. 5, (Yogyakarta: Kanisius, 2002), p. 9.

36 See jugs, Maria Farida Indrati Soeprapto, *Op. cit.*, p. 9.
as the source of all sources of state law,³⁷ then all laws and regulations

as the source of all sources of state law,³⁷ then all applicable and enacted laws and regulations must be sourced and based on Pancasila. The laws and regulations governing manpower must also be valid, sourced, and based on Pancasila, thus efforts to foster legal norms in general and foster norms in the field of employment in particular for occupational safety and health in particular are an elaboration of values values contained in Pancasila as the Grundnorm or Staatsfundamentalnorm Indonesia.

In the kaftan with Hans Kelsen's theory of legal norms, it is necessary to state the basis for determining the problems in this study as stated at the end of Chapter I, namely the opinion of Lalu Husni which states:

"To realize the protection of work safety, the government has made efforts to foster norms in the field of manpower. In the sense of fostering these norms, it includes the notion of establishing, implementing, and supervising the norms themselves."³⁹

In an effort to overcome occupational safety and health problems, first of all, the establishment of norms regarding

37 Indonesia, Law on the Establishment of Legislation, Law no. 10 Tabun 2004, LN No. 53 Tabun 2004, TLN No. 4389, Ps. 2.

38 According to Lalu Husni, this effort to foster norms already includes the notion of establishing, implementing, and supervising norms itself.

See, Lalu Husni, *Introduction to Indonesian Manpower Law*, Revised Edition, cet. 4, (Jakarta: RajaGrafindo Persada, 2003), 131-132.

39 Then Husni, Loc, cit., bal. 131-132.

occupational Health and Safety. The establishment of occupational safety and health norms begins with high laws and regulations, for example the 1945 Constitution of the Republic of Indonesia, Laws, Government Regulations, Presidential Regulations and other implementing regulations such as Ministerial Regulations, Regional Regulations, and others.

B. Conceptual Studies

1. Juridical Overview

Review comes from the word "review which means: look at something; look around, examine, observe, study carefully." Review means views, opinions (after investigating, studying, as follows).

The word "juridical" means according to the law; legally.⁴¹ Based on the definitions above, it can be found that what is meant by juridical review in this study is to study carefully or investigate according to law or legal investigations and then express views or opinions; and The views or opinions expressed are views or opinions from a legal point of view only.

40 Language Center Dictionary Compilation Team, Big Indonesian Dictionary, Edition 3, cet. 3, (Jakarta: Balai Pustaka, 2002), p. 1198.

41 Language Center Dictionary Compilation Team, Ibid., p. 1278.

2. Legal Guarantee

The word "guarantee" comes from the word "jamin" which means to bear, promise to fulfill obligations." While "guarantee means dependents; borne; warranty."⁴² Sutan Remy Sjandeini,

"The term "Insurance" is a term used and related to insurance. In the world of insurance in Indonesia, the term "Demand" is used as a synonym for "Insurance". In line with that, the term "Insurance" appears which means the insurer or insurance company, and the term "Insured" which means the insured or insured party"⁴³

It can be said that a guarantee is an attempt to legally bear the things that will happen or be experienced by one of the parties due to a disaster or catastrophe, for example loss, accident, illness, and others.

"Law means regulations that are considered binding; laws; regulations."⁴⁴ In the Legal Dictionary it is said: "Law means coercive regulations that determine human behavior in society, made by official bodies, violations of these regulations result in action being taken."⁴⁵

42 Language Center Dictionary Compilation Team, Op. cit., p. 456.

41 Sutan Remy Sjandeini, Mortgage: Principles, Basic Provisions and Problems Faced by Banking (A Study on Mortgage Law), cet. 1, (Surabaya: Airlangga University Press, 1996), p.3.

44 Language Center Dictionary Compilation Team, Op. cit., p. 410.

41 J. C. T. Simorangkir, Rudy T. Erwin, and J. T. Prasetyo, *Legal Dictionary*, cet. 1, (Jakarta: Bumi Aksara, 1995), p. 66.

Based on the definitions above, what is meant by Legal Guarantee in this research is that it has been borne or guaranteed based on statutory regulations. Thus, legal guarantees for occupational safety and health mean that occupational safety and health for workers in Indonesia has been guaranteed or has been covered; and who is the guarantor, when it starts to become his dependents, how to bear it all has been regulated in the laws and regulations.

3. Occupational Safety and Health

Salvation comes from the word "safe" which means free from danger, disaster, disaster; protected from danger, disaster, disaster; nothing less; no disturbance, damage.⁴⁶

If the word Safety is associated with the word Work, then the meaning of Occupational Safety is to be free or protected from danger, catastrophe, disaster or nothing less during work.

According to Sumakmur, "Occupational safety is safety related to machines, work tools, materials, and their processing processes, workplace bases and their environment, as well as ways to do work."⁴⁷ Meanwhile, according to Lahu Husni,

46 Language Center Dictionary Compilation Team, *Loc. cit.*, p. 1017.

47 Sumakmur, *Safety and Accident Prevention*, (Jakarta: Haji Masagung, 1993); See also, Abdul Khakim, *Introduction to Indonesian Manpower Law: Based on Law No. 13 of 2003*, cet. 1, (Jakarta: Citra Aditya Bakti, 2003), p. 64; See also, Ragil Setiyabudi, *Occupational Health and Safety in the Industrial Environment*, www.gatra.com and www.kompas.co.id

Occupational safety is related to work accidents, namely accidents that occur in the workplace or known as industrial accidents. This industrial accident in general can be interpreted as an unexpected and unwanted event that disrupts the regulated process of an activity.⁴⁸

Work safety is included in the so-called technical protection, namely the protection of workers/laborers in order to be safe from the dangers that can be caused by equipment or materials that are released.⁴⁹

Regarding the concept of health in the Law on Health it is stated, "Health is a state of health, both physically, mentally, spiritually, and socially that enables everyone to live socially and economically productive lives."⁵⁰

According to the Joint ILO WHO Committee on Occupational Health in 1995, the definition of occupational health is:

Occupational health aims at the promotion and maintenance of the highest degree of physical, mental and social health of workers in all occupations, prevention of health problems in workers caused by their working conditions, protection of workers from risks due to factors that impair health, placement of workers and maintenance of work in a work environment in accordance with their physical and psychological abilities."⁵¹

48 Then Husni, Loc. cit., p. 136.

49 Zaeni Asyhadie, Employment Law: Employment Law in the Field of Employment Relations, Revised Edition, cet. 2, (Jakarta: RajaGrafindo Persada, 2008), p. 104.

50 Indonesia, Law on Health, Law no. 36 of 2009, LN No. 144 of 2009, TLN No. 5063, Ps. 1 number 1.

"51 See, Soedar adi, Guide for Employers, Workers, and Prospective Workers, cet. 1, (Yogyakarta: Pustaka Yustisia, 2008), pp. 89-90.

Meanwhile, according to Sumakmur:

"Occupational health is a specialization in health sciences/medical and its practices with the aim of enabling workers/worker communities to obtain the highest degree of health, either physically or mentally, as well as socially, with preventive and curative efforts, against diseases/ health problems caused by pedagogical factors and the work environment, as well as to common diseases."⁵²

Occupational safety and health efforts aim to protect the safety and health of workers in order to achieve optimal work productivity by preventing accidents and occupational hazard diseases in the workplace, health promotion, treatment, and rehabilitation. Thus, the objectives of occupational safety and health regulations are:

1. Protect workers from the risk of work accidents.
2. Improve the health status of workers.
3. So that workers and the people around them are guaranteed safety.
4. Ensure that production sources are maintained and used safely and efficiently.

52 See, Sumakmur, Corporate Hygiene and Occupational Health, (Jakarta: Haji Masagung, 1988), p. 5; See juga, Ragil Setiyabudi, Occupational Health and Safety in the Industrial Environment, www.gatra.com and www.kompas.co.id

Chapert III RESEARCH METHODS

A. Type of Research

"The type of research used in this research is normative legal research or library research."¹ Normative legal research examines laws that are conceptualized as applicable norms or rules. The applicable legal norms are in the form of written positive legal norms formed by statutory institutions (basic laws), codification, laws, government regulations, presidential regulations, and so on.²

"This type of research is commonly referred to as "dogmatic studies" or what is known as doctrinal research.,³ "Research of the doctrinal type (doctrinal research) is similar to the type of normative legal research."⁴ "Normative legal research is also known as theoretical/dogmatic legal research. "⁵ "Legal dogmatics are theoretically rational, so that their disclosure is tied to the method

¹ Soedono Soekanto and Sri Mamudji, Normative Legal Research A Brief Review, cet. 4, (Jakarta: Raja Grafindo Persada, 1995), p. 13-14; See also, Bambang Sunggono, Legal Research Methodology, cet. 6, (Jakarta: RajaGrafindo Persada, 2003), p. 184.

² Abdulkadir Muhammad, Law and Legal Research, cet. 1, (Bandung: Citra Aditya Bakti, 2004), p. 52.

3 Bambang Sunggono, *Legal Research Methodology*, cet. 6, (Jakarta: RajaGrafindo Persada, 2003), p. 86.

4 Bambang Sunggono, *Ibid.*, p. 93.

5 Abdulkadir Muhammad, *Op. cit.* 52.

which is based on the requirements of deductive logic.⁶ In addition, legal dogmatics benefit accuracy, determination and clarity. “⁷ This normative legal research or library research is carried out by examining materials or secondary data alone.”⁸

According to Soedono Soekanto and Sri Mamudji: "The normative legal research or legal research literature includes: (1) Research on legal principles; (2) Research on legal systematics; (3) on the level of vertical and horizontal synchronization; (4) Comparison law; (5) History of law."⁹

Deductive procedure, starting from a general proposition whose truth is known (believed) and ending at a conclusion (new knowledge) that is more specific. In this procedure, the basic truth is an axiomatic ideal (*se#irvident*) whose essence of truth does not need to be disputed anymore.

The deductive pattern usually uses a thinking pattern called a syllogism. The syllogism is composed of two bushes of statements and a conclusion. The statement that supports this syllogism is called the premise, which is then distinguished or the major premise and the minor premise. So, the conclusion is knowledge obtained from deductive reasoning based on the two premises. Example:

Motion is virtual (no)

Speed is motion

Speed is virtual (none).

See, Bambang Sunggono, *Op. cit.*, p. 11-13.

In this process of deductive reasoning, positive rules and principles of positive law will function as the major premise in the structure of the syllogism – provided that the material truth of these premises does not need to be questioned anymore. In this case, it should be remembered that the rules of legislation, previous court decisions, and legal principles have been drawn inductively. See, Bambang Sunggono, *Op. cit.*, p. 71-72.

⁷ Soedono Soekanto and Sri Mamudji, *Loc. cit.*, p. 4; Compare this with K. F. von Gerber and Paul Laban's "rechts dogmatiek", in Sjachran Basah, *State Science (Introduction, Methods, and Developmental History)*, cf. 8, (Bandung: Citra Aditya B" 1997), p. 85.

⁸ *Ibid.*, p. 13-14; Look, Muhammad, *Loc. cit.*; See also Hadikumsuma, *Methods of Making Working Papers or Legal Science Thesis*, cet. 1, (Bandung: Mandan Maju, 1995), p. 65.

⁹ *Ibid.*, p. 13-14.

B. Research Variables

"Variables are the object of research, or who is the focus of a research."¹⁰ Based on the problem formulated in chapter one, it can be determined that the variables in this study are:

1. Establishment of norms that guarantee occupational safety and health in Indonesia.
2. Implementation and supervision of norms that guarantee occupational safety and health in Indonesia.

C. Data and Data Sources

The data in this study is only based on library data and documentation without conducting field research, so the presentation of the data will be described in the form of an "essay" with sentences¹¹ to form a text.

According to the type/type of research, namely normative legal research (library law research - library research), the data in this study is secondary data.

According to Soer ono Soekanto and Sri Mamudji, secondary data includes: "(1) Primary legal materials, namely binding legal materials; (2) Secondary legal materials, namely materials that provide explanations on primary legal materials such as draft laws, research results, the work of

10 Suharsimi Arikunto, *Research Procedures A Practical Approach*, cet. 6, (Jakarta: Bins Aksara, 1989), p. 89, 90, 92; Compare with Moh. Nazir, *Research Methods*, cet. 5, (Jakarta: Ghalia Indonesia, 2003), p. 122-126.

Hilman Hadikumsuma, *Methods of Making Working Papers or Legal Thesis Thesis*, cet 1 (Bandung: Mandan Maju, 1995), pp. 99, 104. See juga, Abdulkadir Muhammad, *Loc. cit.*, pp. 91-92

legal circles, and. etc; (3) Tertiary legal materials, namely materials

legal circles, and. etc; (3) Tertiary legal materials, namely materials that provide instructions and explanations of primary and secondary legal materials, such as: dictionaries, encyclopedias, and so on."¹²

Based on the opinion of Soedono Soekanto and Sri Mamudji, the data of this research is secondary data and in accordance with the focus of the research problem, it can be stated that the data sources are as follows:

a) Primary Legal Materials are binding legal materials in the form of applicable laws and regulations which are very closely related to the facts of this research problem, namely:

-Law Number 1 Year 1970 concerning Work Safety¹³

-Law Number 3 of 1992 concerning Workers' Social Security; 14

-Law Number 13 Tabun 2003 concerning Manpower;

-Government Regulation Number 79 of 1998 concerning Amendments to Government Regulation Number: 14 of 1992 concerning the Implementation of the Workers' Social Security Program;¹⁵

¹² Soedono Soekanto and Sri Mamudji, *Loc. cit.*, bal. 13-14.

¹³ See,-Hadi Setia Tunggal, *Collection of Labor Laws and Regulations*, Harvarino, 2010, bal. 120; See also, Zaeni Asyhadie, *Employment Law: Employment Law in the Field of Employment Relations*, Revised Edition 2, (Jakarta: RajaGrafindo Persada, 2007), bal. 105; See also, Adrian Sutedi, *Labor Law*, cet. 1, (Jakarta: Sinara. Graf" 2009), bal. 172.

¹⁴ See, Zaeni Asyhadie, *Ibid.*, bal. 115; See also, Adrian Sutedi, *Labor Law*, cet. 1, (Jakarta: Sinara Graphics, 2009), bal. 172.

"See, Adrian Sutedi, *Labor Law*, cet. 1, (Jakarta: Sinara. Graphics, 2009), bal.172

Government Regulation Number: 28 of 2002 concerning Work Skills Guarantee ¹⁶

-President's Decree No. 22 of 1993 concerning Diseases That Arise Due to Employment.¹⁷

-Regulation of the Minister of Manpower No. PER.04/MEN/1995 dated October 12, 1996 concerning Supervision and Development of Occupational Safety and Health in Building Construction Activities;
-Decree of the Minister of Manpower No. KEP-81/M/BW/1995 concerning Determination of Minimum Living Needs.¹⁸
-Regulation of the Minister of Manpower No. Per.05/MEN/1996 dated 12-12 1996 concerning Occupational Health and Safety Management;¹⁹
-Decree of the Minister of Manpower No. KEP.96/MEN/1997 March 31, 1997 Regarding Safety and Health Instructions;
-Decree of the Minister of Manpower and Transmigration No. KEP 102/MENNI/2004 concerning Working Time and Wages. Overtime,²⁰
-Regulation of the Minister of Manpower and Transmigration No. PER.06/MEN/III/2009 concerning Amendments to the Regulation of the Minister of Manpower and Transmigration No. Per.12/MENNI/2007 About

16 See, Zaeni Asyhadie, *Op. cit.*, p. 118.

17 See, Adrian Sutedi, *Op. cit.*, p. 172.

18 See, Hadi Setia Tunggal, *Collection of Manpower Legislation*, Harvarino, 2010, p. 200.

19 See, H. R. Abdussalam, *Revised Manpower Law (Labor Law)*, cet. 3, (Jakarta: Restu Agung, 2009), p. 192.

20 See, Zaeni Asyhadie, *Loc. cit.*, p. 99.

Technical Instructions for Participation Registration, Payment of Fees, Compensation Payments, and Social Security Services for Workers;²¹ Regulation of the Minister of Work and Transmigration No. KER.I.8/MEN/XI/2008 concerning Implementation of Occupational Health and Safety Management System Audits.²²

b) Secondary Legal Materials are legal materials that describe primary legal materials, which are closely related to the focus of this research problem, including:

- Books on Labor Law or Labor Law
- Articles on Employment
- Articles on Occupational Health and Safety
- Books on Normative Legal Research
- Websites about Employment.
- Websites on Occupational Health and Safety.

c) Tertiary Legal Materials are materials that provide instructions or explanations for legal and secondary materials, which are closely related to the focus of this research problem, including:

a. Law dictionary

b. Language Dictionary (Indonesian, English, Dutch).

21 See, Adrian Sutedi, *Loc. cit.*, p. 173; See juga, Zaeni Asyhadie, *Loc. cit.*, p. 128.

22 See, Hadi Setia Tunggal, *Collection of Manpower Legislation*, Harvarino, 2010, p. 2002.

D. Research Steps

1. Data Collection ²³

Data collection is carried out through library research activities, document studies, and legal records studies.²⁴ The literature in question consists of statutory regulations, legal writing books.

Literature study activities are carried out in the following stages:

- a. Determination of secondary data sources (primary legal sources, secondary legal sources, and tertiary sources), in the form of legislation, literature in the field of legal science, literature in the field of labor law, and dictionaries.
- b. Identification of secondary data (primary legal sources, secondary legal sources and tertiary sources) required, namely the process of seeking and finding legal materials in the form of provisions in the articles of legislation; book title, author's name, print, city of publisher, publisher, year of publication and page number of papers in the field of law in general and labor law in particular.
- c. Inventory of data relevant to the formulation of the problem (subject or sub-topic), by quoting or recording.
- d. Assessment of the data that has been collected in order to determine its relevance to the needs and formulation of the problem.²⁵

²³ Abdulkadir Muhammad, Loc. cit, p. 125; See also, Sunggono, Loc. cit., p. 184.

²⁴ Bambang Sunggono, Loc. cit., p. 184; See also, Muhammad, Loc. cit., p. 125.

²⁵ Abdulkadir Muhammad, Loc. cit, p. 125.

2. Data Processing

The data that has been collected is then processed. Data processing is done by:

- a. Data checking (editing), which is to correct whether the data collected is complete enough, correct, and appropriate/relevant to the research problem/variable.
- b. Data marking (coding), namely providing notes or marks stating the type of data source (literature books, legislation, or documents); copyright holder (author, year of publication); or the formulation of the research problem/variable.
- c. Reconstructing data (reconstructing), namely rearranging data in an orderly, sequential, logical manner so that it is easy to understand and interpret.
- d. Systematizing data (systematizing), namely placing data according to a systematic framework of discussion based on the sequence of research problems.²⁶

3. Data Presentation and Analysis

Starting from "the type of research used in this study, namely normative legal research or library research,"²⁷ the research data that will be presented are data in the form of 'essays' with statement sentences. ²⁹

²⁶ Abdulkadir Muhammad, Loc. cit, p. 125.

²⁷ Soerjono Soekanto and Sri Mamudji, Loc. cit., p. 13-14; See juga, Bambang Sunggono, Loc. cit., p. 184.

²⁸ See, Hilman Hadikumsuma, Loc. cit., p. 99.

In another part, Abdulkadir Muhammad said: "if the research uses an analytical normative approach to legal content (approach of legal content analysis), there are 3 (three) gradations of normative analytical approaches that can be used, namely: (a) legal exploration; (b) Legal review (legal review), and (c) Legal analysis or juridical analysis (legal analysis) Legal analysis or juridical analysis is the highest level and is more comprehensive in the study of legal substance.

Thus, data analysis was carried out qualitatively, comprehensively, and complete. Qualitative analysis means to describe quality data in the form of regular, coherent, logical, non-overlapping sentences. effective Comprehensive means that data analysis is carried out in depth and in various aspects according to the scope of research. Complete means that no part is missed or forgotten, everything is included in the analysis. 33

According to Bambang Sunggono, the activities carried out in data analysis are:

- a. Choose articles that contain legal rules governing ... (which are in line with the research problem/variable);
- b. Make a systematic of the articles so as to produce a certain classification (which is in line with the problem/variable research);
- c. Data in the form of laws and regulations are analyzed qualitatively inductively.³⁴

32 Abdulkadir Muhammad, Loc. cit., p. 113-116. See juga, Soedono Soekanto and Sri Mamudji, Loc. cit., p. 61-100.

33 Abdulkadir Muhammad, Loc. cit., p. 127. Compare with Bambang Sunggono, Loc. cit., p. 186. See also, Soer ono Soekanto and Sri Mamudji, Loc. cit., p. 61-100.

34 Bambang Sunggono, Loc. cit., p. 186.

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33 Abdulkadir Muhammad, Loc. cit., p. 127. Compare with Bambang Sunggono, Loc. cit., p. 186. See also, Soer ono Soekanto and Sri Mamudji, Loc. cit., p. 61-100.

34 Bambang Sunggono, Loc. cit., p. 186.

CHAPTER IV RESEARCH RESULTS AND DISCUSSION

As has been stated in the previous sections that the formulation of the problem in the research is guided by Lalu Husni's opinion on the development of norms, because according to Lalu Husni: 1

"To realize the protection of work safety, the government has made efforts to foster norms in the field of manpower. In the sense of fostering these norms, it includes the notion of establishing, implementing, and supervising the norms themselves."

Based on the opinion of Lalu Husni, the problems in this research are focused on; (1) The extent to which the establishment of regulations that guarantee occupational safety and health in Indonesia; and (2) The extent to which the safety of the implementation and supervision of regulations that guarantee occupational safety and health in Indonesia.

The study of these problems will mainly be based on Stufentheorie from Hans Kelsen who says:

Legal norms are tiered and layered in a hierarchical structure, where a lower norm applies, originates, and is based on a higher norm, a higher norm applies, originates, and is based on a higher norm. higher again, and so on until a norm that cannot be explored further and is hypothetical, fictitious, axiom, namely the Basic Norm (Grundnorm)." 2

' Then Husni, Introduction to Indonesian Manpower Law, Revised Edition, cet. 4, (Jakarta: RajaGrafindo Persada, 2003), p. 131-132.

2 Maria Farida Indrati Soeprapto, Legislation: Basics and Its Formation, cet 5, (Yogyakarta: Kanisius, 2002), p. 25, 29. Hypothesis means something that is

So in an effort to overcome the problem of occupational safety and health, first the establishment of regulations intended to guarantee occupational safety and health, then the application of regulations intended to ensure occupational safety and health, and finally supervision of the regulations intended To ensure occupational safety and health:

A. Establishment of Regulations that Guarantee Occupational Health and Safety in Indonesia

Based on the Stufentheorie (stairs theory) from Hans Kelsen mentioned above, it can be stated that with the stipulation of Pancasila as the source of all sources of state law,³ all applicable and enforceable laws and regulations must be sourced and based on Pancasila. Legislation governing manpower must also apply, originate, and be based on Pancasila, thus efforts to foster norms in the labor sector in general and foster legal norms 4 for occupational safety and health in particular are an elaboration of the values contained in Pancasila as the Indonesian Grundnorm or Staatsfundamentalnorm.

* is considered correct; fictitious means only imaginary ads; Axiom means a truth that can be accepted without proof.

3 Indonesia, Law on the Establishment of Legislation, Law no. 10 of 2004, LN No. 53 of 2004, TLN No. 4389, Ps. 2.

4 According to Lalu Husni, this effort to foster norms includes the notion of forming, implementing, and supervising the norms themselves. See, Lalu Husni, Op. cit., 131-132.

In the theory of Hans Kelsen's level of legal norms, it is necessary to reiterate the opinion of Lalu Husni which states:

"To realize the protection of work safety, the government has made efforts to foster norms in the field of manpower. In the sense of fostering these norms, it includes the notion of the formation, application, and supervision of the norms themselves."⁵

So in an effort to overcome the problems of occupational safety and health, it is first necessary to establish norms regarding occupational safety and health. The establishment of occupational safety and health norms starts with high levels of legislation, for example the 1945 Constitution of the Republic of Indonesia, Laws, Government Regulations, Presidential Regulations, and Regional Regulations.⁶

1. Types of Legislations That Guarantee Safety and Occupational Health in Indonesia

Efforts to establish regulations intended to ensure occupational safety and health in Indonesia have existed since the days of the Dutch East Indies. Especially for regulations that are intended to guarantee work safety, this is evidenced by the existence of regulations containing workers' safety; These regulations include:

- Veiligheids Reglement, Staatsblad (Stbl.) No. 406 of 1910, which has been amended several times, most recently with Stbl. No. 168 of 1931 which then after Indonesia's independence was enforced by

⁵ Then Husni, Loc. cit. 131-132.

⁶ This is in accordance with the type and hierarchy of laws and regulations according to Article 7 of Law no. 10 of 2004. See, Indonesia, Law on the Establishment of Legislation, Law no. 10 of 2004, LN No. 53 of 2004, TLN No. 4389, Ps. 7.

Government Regulation No. 208 of 1947 This regulation regulates safety and security in factories and workplaces. ⁷ Stoom Ordonantie, Stbl. No. 225 of 1930 is better known as the 1930 Steam Rule.

Mijn Politie Reglement Staatsblad (Stbl.) No. 341 of 1930, Mine Safety Regulations.⁸

Loodwit Ordonantie, Stbl. No. 509 of 1931, namely the regulation on preventing the use of dry white lead.⁹

Meanwhile, specifically for regulations intended to ensure occupational health, this is evidenced by the existence of regulations, including:

-Matregelen ter Beperking van de Kindearbeid en de Nachtarbeid van de Vroewen, which is usually abbreviated as Matregelen, namely regulations concerning restrictions on children's and women's work at night, issued with Ordonantie No. 647 of 1925 came into force on March 1, 1926.

⁷ Veiligheids Reglement means Safety Regulations for Factory Workers, See, Then Husni Introduction to Indonesian Manpower Law, Revised Edition, cet. 4, (Jakarta: RajaGrafindo Persada, 2003), p. 132; See also, Zaeni Asyhadie, Employment Law: Employment Law in the Field of Employment Relations, Revised Edition, cet. 2, (Jakarta:

RajaGrafindo Persada, 2008), p. 105-106; see also, S. Wojowasito, General Dictionary of the Dutch-Indonesian, (Jakarta: Ichtiar Baru Van Hoeve, 1997), p. 714, 537.

8 See, H. R. Abdussalam, Revised Manpower Law (Labor Law), cet. cet. 3, (Jakarta: Restu Agung, 2009), p. 27; See also, Zaeni Asyhadie, Employment Law: Employment Law in the Field of Employment Relations, Revised Edition, cet. 2, (Jakarta: RajaGrafindo Persada, 2008), p. 90.

9 See, Zaeni Asyhadie, Employment Law: Employment Law in the Field of Employment Relations, Revised Edition, cet. 2, (Jakarta: RajaGrafindo Persada, 2008), p. 106.

-Bepalingen Betreffende de Arbeit van Kinderen en Jeugdige Personen ann Boord van Scepe, usually abbreviated as Bepalingen Betreffende, is a regulation on the work of children and young people on ships which is enforced by Ordonantie No. 87 of 1926 dated May 1, 1926. Voorschriften omtrent de dienst en rusttijden van bestuur der van motorrijtuigen (Regulation on working hours and rest time for drivers of motorized vehicles), promulgated in Bijblad 14136. (Bijblad = Supplementary Sheet).

-Riau Panglongreglement (Regulation on Panglong in Riau).

-Panglongkeur Soematra Oostkunst (Regulation on Panglong in Sumatra Timor).

-Aanvullende Plantersregeling (Labor Regulations in Plantation Companies).

-Arbeidsregeling nijverheidsbedrijvn (Labor and Industry Regulations).¹⁰

Occupational health which is regulated based on the regulations mentioned above is not comprehensive in nature, meaning that it only applies in a few places or regions and groups, which gives rise to legal pluralism.

In addition to independent Indonesia, the government's attention to occupational safety and health in Indonesia appears in efforts to establish regulations relating to safety; the regulations referred to include:

¹⁰ See, Zaeni Asyhadie, *Ibid*, p. 89-90.

a. The 1945 Constitution of the Republic of Indonesia.

The provisions in the Constitution which can be said to be basic provisions that guarantee occupational safety and health are:

-Article 27 paragraph (2) "Every citizen has the right to work and a decent living for humanity."¹¹

-Article 28H paragraph (1) "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment and have the right to obtain health services."

-Article 28H paragraph (3) "Everyone has the right to social security that allows his full development as a dignified human being."

-Article 28D paragraph (2) "Everyone has the right to work and receive fair and proper remuneration and treatment in an employment relationship."

b. Law No. 12 of 1948 concerning Work.

c. Law No. 2 of 1951 concerning Work, dated January 1, 1951.

The Work Law mentioned above, as stated in the General Elucidation, is intended as a Basic Law which contains basic rules regarding: (a) Child labour; (b) Employment of young people; (c) Women's work; (d) Time for work, rest and relaxation; (e) Workplace and housing for workers; for all jobs do not discriminate the place.

11 See, Adrian Sutedi, Labor Law, cf. 1, (Jakarta: Sinar Graphic, 2009), p. 198-1999.

d. Government Regulation No. 3 of 1950 which enforces the rules for working hours, resting and relaxing, as well as regulating company procedures for deviations from working hours;

e. Government Regulation No. 21 of 1954 which regulates the enactment of the provisions for annual leave for workers/ laborers.¹²

Currently, the legal basis for implementing occupational safety and health in Indonesia is:

a. Law No. 1 of 1970 concerning Occupational Safety;

b. Law No. 13 of 2003 concerning Manpower, Article 86, and Article 87.

c. Other laws and regulations relating to occupational safety and health in Indonesia include:

1) Government Regulation No. 13 of 1950 concerning Working Time and Rest Time.¹³

2) Government Regulation No. 21 of 1954 concerning the Annual Rest for Workers. 14

3) Law No. 3 of 1992 concerning Social Workers Janu-nan. Work, LN No. 14 of 1992, TLN No. 3468,¹⁵

12 See, Zaeni Asyhadie, Loc. cit., p. 91-92.

13 Abdul Khakim, Introduction to Indonesian Manpower Law: Based on Law No. 13 of 2003, cet. 1, (Jakarta: Citra Aditya Bakti, 2003), p. 61.

14 Abdul Khakim, Ibid., p. 61.

15 See, H. R. Abdussalam, Loc. cit., p. 262; See also, Adrian Sutedi, Labor Law, cet. 1, (Jakarta: Sinar Graphic, 2009), 173, 184, 202; See also, Zaeni Asyhadie, Employment Law: Employment Law in the Field of Employment Relations, Revised Edition, cet. 2, (Jakarta: RajaGrafindo Persada, 2008); Thing. 115.

4) Government Regulation No. 28 of 2002 concerning the Third Amendment to Government Regulation no. 14 of 1993 concerning the Implementation of the Workers' Social Security Program.¹⁶

In the LTLJ concerning the Social Security for Workers, four Jamsostek programs are stipulated, namely: (a) Old age insurance; (b) Work accident insurance; (c) Death insurance; (d) Health care insurance.

5) Government Regulation No. 79 of 1998 concerning Amendments to Government Regulation no. 14 of 1989 concerning the Implementation of Labor Social Security. 17

6) Government Regulation No. 28 of 2002 concerning the Amount of Work Accident Insurance 18

7) Presidential Decree No. 22 of 1993 concerning Diseases That Arise Due to Work Relationships.

Diseases arising from work relations are considered as accidents (as many as 31 types) as stated in Presidential Decree No. 22 of 1993.¹⁹

8) Regulation of the Minister of Manpower, No. PER-02/MEN/1983 Regarding Automatic Fire Alarm Installation.²⁰

16 See, Collection of Labor Laws & Regulations, Compiled by Hadi Setia Tunggal, Harvarindo, 2010, Part II Supplementary, p. 1; See also, H. R. Abdussalam, Loc. cit., p. 231. See also, Lalu Husni, Loc. cit., p. 152.

17 See, Adrian Sutedi, Loc. cit., p. 172. 'a See, Zaeni Asyhadie, Loc. cit., p. 118.

19 See, Adrian Sutedi, Loc. cit., p. 172, 190.

20 Abdul Khakim, Loc. cit., p. 68.

9) Regulation of the Minister of Manpower, No. PER.04/MEN/1993 concerning Work Accident Insurance;²¹

10) Regulation of the Minister of Manpower No. PER.04/MEN/1995 October 12, 1996 concerning Supervision and Development of Occupational Safety and Health in Building Construction Activities.²²

11) Regulation of the Minister of Manpower No. Per.05/MEN/1996 dated 12-12 1996 concerning Occupational Health and Safety Management System;²³

12) Decree of the Minister of Manpower No. KEP.96/MEN/1997 March 31, 1997 Concerning Safety and Health Inspection; ²⁴

13) Decree of the Minister of Manpower No. KEEP. 19/MEN/BW/1997 dated February 26, 1997 concerning Implementation of Occupational Health and Safety Management System Audit;

14) Decree of the Minister of Health No. 1405/Menkes/SK/XI/2002 concerning Health Requirements for Office and Industrial Work Environments.²⁵

15) Decree of the Minister of Manpower and Transmigration No.KEP-234/MEN/2013 concerning Working and Rest Time in the Energy and Mineral Resources Business Sector in Certain Regions.²⁶

21 See, H. R. Abdussalam, Loc. cit., p. 222.

22 See, 'H. R. Abdussalam, Loc. cit., p. 192.

23 See, H. R. Abdussalam, Loc. cit., p. 192, 213.

24 See, H. R. Abdussalam, Loc. cit., p. 192.

25 Ragil Setiyabudi, Occupational Health and Safety in the Industrial Environment, Working Paper, Friday 07 December 2007, p. 4.

26 See, Adrian Sutedi, Loc. cit., p. 165.

16) Decree of the Minister of Manpower and Transmigration No.KEP-51/MEN/IV/2004 concerning Long Rest in Certain Companies.²⁷

17) Decree of the Minister of Manpower and Transmigration No. KEP-102/MENNI/2004 Regarding Overtime Work and Overtime Wages.²⁸

18) Regulation of the Minister of Manpower and Transmigration No. Per-12/MENNI/2007 concerning Technical Guidelines for Participation Registration, Payment of Contributions, Payment of Compensation, and Implementation of Workers' Social Security. ²⁹

19) Joint Decree of the Minister of Energy and Mineral Resources of the Republic of Indonesia and the Head of Police of the Republic of Indonesia No. KEP-275/MEN/1989 and No. POL.04N/1989 concerning Regulation of Working Hours, Shifts and Rest Work, as well as Development of Manpower in Security Units .³⁰

As has been stated above regarding Stfentheorie, that legal norms are tiered and layered in a hierarchical structure, where a lower norm applies, originates, and is based on a

higher norm, a lower norm. high values apply, originate, and are based on even higher norms, and so on until a norm that cannot be explored further and is hypothetical, fictitious, axiom, namely the Basic Norm (Grundnorm); make of the whole rule

27 See, Adrian Sutedi, *Loc. cit.*, p. 165.

28 Adrian Sutedi, *Loc. cit.*, p. 155, 165; See juga, Zaeni Asyhadie, *Loc. cit.*, p. 99.

29 See, Adrian Sutedi, *Loc. cit.*, p. 173. '0

Abdul Khakini, *Loc. cit.*, hal. 61.

Regarding occupational safety and health as stated above, it can be said that the hierarchy and types of regulations concerning occupational safety and health can be stated as follows:

- The 1945 Constitution of the Republic of Indonesia;
- Constitution;
- Government regulations;
- Presidential decree;
- Regulation of the Minister of Manpower.
- Joint decision of the Minister of Manpower and the National Police Chief.³¹

In relation to the type and hierarchy of occupational safety and health regulations, it is necessary to confirm the opinion of Sunoto who said:

"In logic it is taught that the content and the area of an understanding have an inverse ratio. The smaller the content, the larger the area and the larger the content the smaller the area. An understanding whose content is small means that what is covered is large and vice versa.³²

So the content of the regulations on occupational safety and health in the 1945 Constitution of the Republic of Indonesia is small but the scope of the norms is very broad, compared to the contents of the regulations on occupational safety and health in the law which are already quite large while the scope of the norms in the law is rather narrow. , but the contents of the rules about safety

31 According to the Law on the Establishment of Legislations, that all Presidential Decrees, Ministerial Decrees ... or other official decisions as referred to in Article 59 which are regulatory in nature, which have been published before this Law comes into effect, must be read as regulations, as long as they do not conflict with this Act. See, Indonesia, Law on the Establishment of Legislation, Law no. 10 of 2004, LN No. 53 of 2004 TLN No. 4389, Ps. 56.

32 See, Sunoto, *Getting to Know the Philosophy of Pancasila: Approach Through Metaphysics, Logic, Ethics* cet. 5, (Yogyakarta: Hanindita, 1985), p. 60.

and occupational health in the Government Regulation, especially in the Ministerial Regulation, is already very large but has a very narrow scope. What's more, the Government Regulation in the Ministerial Regulation only regulates one particular thing,

for example: President's Decree on Diseases Arising from Employment Relationships; Ministerial Regulation on Working and Rest Time.

2. Scope 33 Content - Material for Occupational Safety and Health Regulations

a. Scope of Content or Material of Work Safety Regulations

As a basis for understanding the scope of work safety regulations, the definition of work safety itself will be reiterated. According to Sumakmur,

"Occupational safety is safety related to machines, work equipment, materials and processing processes, the workplace base and its environment, as well as ways to do work. The object of work safety is all workplaces, whether on land, in the ground, in the surface of the water, in the water, or in the air."³⁴

Meanwhile, according to Lalu Husni,

"Occupational safety is related to work accidents, namely accidents that occur in the workplace or known as industrial accidents. This industrial accident in general can be interpreted: an unexpected and unwanted event that disrupts the regulated process of an activity."³⁵

³³ The use of this Scope is based on Law no. 1 of 1970 Chapter II Scope.

³⁴ P. K. Sumakmur, Occupational Safety and Accident Prevention, cet. 5, (Jakarta: HajiMasagung, 1987), p. 1; See also, Abdul Khakim, Loc. cit., p. 64; See also, Ragil Setiyabudi, Occupational Health and Safety in the Industrial Environment, www.gatra.com and www.kompas.co.id

³⁵ Then Husni, Loc. cit., 136.

Work safety is included in what is called technical protection, namely the protection of workers/laborers in order to be safe from the dangers that can be caused by work tools or materials being worked on.³⁶

The scope of the content or material of the work safety regulations is well illustrated in Law no. 1 of 1970 concerning Occupational Safety (12 January 1970), in Law no. 13 of 2003 concerning Manpower, and other implementing regulations.

Based on the definitions stated above and the good description in Law no. 1 of 1970 concerning Occupational Safety (12 January 1970), in Law no. 13 of 2003 concerning Manpower, and other implementing regulations, it can be stated that the scope of the content or material of the work safety regulations regulates mainly about:

- The scope of the worker factor.
- The scope of the tool or means of work.
- The scope of the material factor or material works.
- The scope of the factors cars work.
- The scope of work environmental factors.
- The scope of the work type factor.
- The scope of the hazard type factor.
- The scope of work safety requirements.
- Scope of rights and obligations.
- The scope of work safety countermeasures.

³⁶ Zaeni Asyhadie, Loc. cit., p. 104.

In Article 2 of Law no. 1 of 1970 says:

(1) What is regulated by this Law is work safety in all places, whether on land, in the ground, on the surface of the water, in the water, or in the air, which are within the legal jurisdiction of the Republic of Indonesia.

(2) The provisions in paragraph (1) apply in workplaces where:

- a. Manufactured, tested, used or used machines, aircraft, tools, tools, equipment or installations that are dangerous or can cause accidents, fires or explosions.
- b. Manufactured, processed, used, used, traded, removed or stored materials or goods that can explode, flammable, explosive, toxic, cause infection, high temperature.
- c. Construction, repair, maintenance, cleaning or demolition of houses, buildings or other structures, including water structures, underground canals and tunnels, etc., is carried out or where preparatory work is carried out.
- d. Businesses are carried out in agriculture, plantations, forest clearing, woodworking or other forest products, animal husbandry, fishery, and health fields.
- e. Mining and processing of gold, silver, metal and other metal ores, rocks, gas, oil or other minerals is carried out either on the surface or in the fuel, as well as at the bottom of the waters.
- f. Transportation of goods, animals, or humans is carried out on land through tunnels, on the water surface, in water or in the air.
- g. The work of loading and unloading cargo on ships, boats at docks, at shipyards , stations, or warehousing
- h. Diving, taking objects, and other workers in the water.
- i. Procurement is carried out at a height above the surface of the land or water.
- j. Procurement is carried out under high/low air pressure or temperature
- k. Work is carried out that involves the danger of being buried in the ground, falling, being hit by objects, falling or falling, drifting or being thrown.
- l. Work is carried out in tanks, wells or holes.
- m. Procurement is carried out in places where temperature, humidity, dust contamination, fumigation and fireplaces are being spread, vapors and gases are being spread, weather phenomena, and wind gusts, radiation, vibration, and shrill sound are being carried out.
- n. Provision of pads for the disposal or destruction of canoes or industrial waste.
- o. Procurement is carried out at places where radio, radar, television, or telephone transmissions, broadcasts or receptions are carried out.
- p. Work is carried out in places that carry out education, fostering experiments, investigations or research using technical tools.
- q. Work is carried out to generate, change, collect, store, distribute or distribute electricity, gas, oil or water.
- r. Provision is made at film screenings, plays or other recreation using electrical or mechanical equipment.³⁷

³⁷ Indonesia, Law on Work Safety, Law no. 1 of 1970, Article 2; See Jugs, H. R. Abdussalam, Loc. cit., p. 220-221; See Jugs, Zaeni Asyhadi, Loc. cit., p. 106-108.

b. Scope of Contents or Materials of Occupational Health Regulations

As a basis for understanding the scope of the content or material of occupational health regulations, the definition of occupational health will be reiterated. In the Law on Health it is stated, "Health is a state of health, physically, mentally, spiritually, and socially that enables everyone to live a socially and economically productive life."³⁸ In 1995 the ILO

and WHO Cooperation Committee (Join ILO WHO) Committee on Occupational Health 1995), defines:

Occupational health aims at the promotion and maintenance of the highest degree of physical, mental and social health of workers in all occupations, prevention of health problems in workers caused by their working conditions, protection of workers from risks due to factors that impair health, placement and maintenance of work in a work environment in accordance with their physical and psychological abilities

Meanwhile, according to Sumakmur:

"Occupational health is a specialization in health science/medical science and its practices with the aim of enabling workers/worker communities to obtain the highest degree of health, either physically or mentally, as well as socially, with preventive and curative efforts, against diseases/ health problems caused by work and work environment factors, as well as to common diseases.'⁴⁰

38 Indonesia, Law on Health, Law no. 36 Tabun 2009, LN No. 144 Tabun 2009, TLN No. 5063, Ps. I number 1.

39 See, Soedar adi, Guide for Employers, Workers, and Prospective Workers, cf. 1, (Yogyakarta: Pustaka Yustisia, 2008), p. 89-90; See also, Adrian Sutedi, Labor Law, cet. 1, (Jakarta: Sinar Graphic, 2009), p. 198.

40 See, Sumakmur, Corporate Hygiene and Occupational Health, (Jakarta: Haji Masagung, 1988), p. 5; See also, Ragil Setiyabudi, Occupational Health and Safety in the Industrial Environment www.gatra.com dan www.kompas.co.id

According to Sujudi based on Law no. 23 of 1992 concerning Health stated:

"The definition of occupational health is a state of physical, mental and social well-being that allows every worker/laborer to work in a healthy manner with optimal productivity, without endangering himself, his family, the community, and the surrounding work environment."⁴¹

If you pay attention to the labor laws and regulations that have been in effect in the past up to the current Manpower Law, namely Law no. 13 of 2003, it can be stated that the scope of the content or material of the occupational health regulation mainly regulates:

- The scope of worker health factors;
- The scope of occupational health factors;
- The scope of social health factors.
- The scope of factors that cause health problems or diseases.
- The scope of the working time factor.
- The scope of factors of types of diseases that arise due to work relationships
- The scope of the labor food quality factor.⁴²

3. Scope of Regulation of Each Occupational Safety and Health Factor

a. Scope of worker factor

Occupational safety and health efforts aim to protect the safety of workers in order to achieve optimal work productivity, by preventing occupational safety and disease, controlling hazards in the workplace, promoting health, treatment, and rehabilitation.

41 See, Adrian Sutedi, Loc. cit., p. 197.

42 See, Zaeni Asyhadie, Loc. cit., p. 99.

the objectives of the safety and health regulations are: (1) to protect workers from the risk of accidents at work (2) to improve the health status of workers; (3) So that workers and the people around them are guaranteed safety.⁴³ So the main focus of occupational safety and health regulations is the workers themselves.

Protection of women workers; (1) Entrepreneurs are prohibited from discriminating between 23.00 and 07.00 hours on female workers who are less than 18 (eighteen) years old; (2) Employers are prohibited from employing pregnant women workers who, according to a doctor's statement, are dangerous for the health and safety of their wombs and themselves if they work between 23.00 and 07.00.⁴⁴

Employers are prohibited from employing children; ⁴⁵ of these provisions can be excluded for children aged between 13 (thirteen) years to 15 (five) years to do light work as long as it does not interfere with physical, mental and social development and health.⁴⁶ Employers who employ workers with disabilities are obliged to provide protection according to the type and degree of disability. Provision of work tools and personal protective equipment tailored to the type and degree of disability.⁴⁷

43 Abdul Khakhn, Loc. cit., p. 65.

44 See, Indonesia, Law on Manpower, Law no. 13 of 2003, LN No. 39 of 2003, TLN No. 4279, Ps. 76 paragraphs (1) and (2).

45 See, Indonesia, Law no. 13 of 2003, Ibid., Ps. 68.

46 See, Indonesia, Law no. 13 of 2003, Ibid., Ps. 69 paragraph (1).

47 See, Indonesia, Law no. 13 of 2003, Ibid., Ps. 67 and Explanation of Ps. 67

b. Scope of rights and obligations

Occupational safety and health is one of the rights of workers.⁴⁸ For this reason, employers are obliged to implement it systematically and integrated with the company's management system.

Every worker has the right to get social security for workers, work and is the obligation of the employer or company.⁴⁹

In the regulation on social security for workers, four social security programs for workers, work, are stipulated, namely: (a) Old age insurance; (b) Work accident insurance; (c) Death insurance; (d) Health care insurance.

Every worker who is affected by a work accident is entitled to receive work accident insurance.⁵⁰

Labor social security is intended to provide protection for workers against socio-economic risks that befall workers in carrying out their work in the form of work accidents, illness, old age, or death. Thus, it is hoped that work peace for workers will be realized, so that productivity will continue to increase.⁵¹ The employer and the worker/labourer will pay the employer and the worker/labourer the employer's responsibility for old-age contributions.

48 See, Indonesia, Law no. 13 of 2003, Ibid., Ps. 86 paragraph (1).

49 See, Indonesia, Law on Social Security, Law no. 3 of 1992, Ps. 3 paragraph (2), Ps. 4 paragraph (1), Ps. 17.

50 Lihat, Indonesia, UU No. 3 Tahun 1992, *Ibid.*, Ps. 8 ayat (1).

51 See, Lalu Husni, Loc. cit., p. 152.

52 See, Adrian Sutedi, Loc. cit., p. 153.

c. The scope of the labor food quality factor.

Santa's calorie consumption varies depending on the type of work. The heavier the activity, the greater the calories needed. In addition, male workers also need different calories than women. In this case, it is also necessary to pay attention to the timing and frequency of giving calories to pek0a. 1) Male workers, (a) Light work 2400 cal/day; (b) moderate intensity 2600 cal/day; (c) Heavy work 3000 cal4mfi. 2) Female workers, (a) Light work of 2000 calfiari; (b) Medium work 2400 kRmfi; (c) Work weight 2600 cal/day.⁵³

In overtime work, the company provides food and beverages of at least 1,400 (one thousand and four rates) calories when working overtime for three hours or more. The provision of food may not be replaced with money, this is intended so that the health of the pekeda/labor can be maintained.⁵⁴

Employers who employ female workers between 23.00 and 07.00 are required to provide food in rotation.⁵⁵

d. The scope of the working time factor.

After workers have worked continuously for four hours, they are given a break between working hours of at least half an hour, the rest time is not working hours. Rest time is given because the human body cannot be forced to work continuously for four hours.

" Ragil Setiyabudi, Occupational Health and Safety in the Industrial Environment, Working Paper, Friday 07 December 2007, p. 13.

See, Adrian Sutedi, Loc. cit., p. 156.

55 See, Indonesia, Law no. 13 of 2003, Loc. cit., Ps. 76 paragraph (3).

Menstrual leave, maternity leave, maternity leave, and abortion are regulated in Article 81, Article 83 of Law no. 13 of 2003.

During overtime, the company provides adequate rest opportunities. Rest time refers to Article 79 paragraph (2) letter a of Law no. 13 of 2003 which stipulates that the break between working hours is at least half an hour after working for four hours continuously and rest time does not include working hours.

No rest time will endanger the workers themselves, because of the fatigue factor, boredom that can result in work accidents. ⁵⁷

In essence, the provision of rest and leave to workers aims to restore the freshness and health of workers physically, mentally and socially. Workers, like humans in general, in addition to being workers in companies, but in society and families have social functions and obligations. During this period of rest and leave, they have more opportunities to carry out their social obligations and functions.

Bringing families for recreation, interacting with family, friends, and others which in turn brings workers into better health both physically, mentally, and socially and this greatly affects productivity and fosters harmonious relationships with fellow workers and

management. Starting from this goal, in principle, the provision of rest and leave cannot be compensated in the form of money.

56 See, Adrian Sutedi, Loc. cit., p. 156.

57 See, Indonesia, Law no. 13 of 2003, Loc. cit., Ps. 79 paragraph (2) a.

e. The scope of the tool or means of work.

Manufactured, tested, used or used machines, aircraft, tools, tools, equipment or installations that are dangerous or can cause accidents, fires or explosions."

Work is carried out in places where education, experimental development, investigation or research is carried out using technical tools.⁵⁹ Workers wear the required personal protective equipment.⁶⁰

f. The scope of the material factor or work material.

Manufactured, processed, used, used, traded, removed or stored in explosive, flammable, biting, poisonous, infectious, high-temperature materials or goods.

According to Lalu Husni, "The problem is that the material should be made of iron, but in order to make it cheaper it is made of other materials so that it can easily cause accidents."

g. The scope of the care factor works.

Carrying out loading and unloading of cargo on ships, boats at docks, at shipyards (dok), stations, or warehousing. ⁶²

58 Indonesia, Law on Work Safety, Law no. 1 of 1970, Ps. 2.

59 See, Indonesia, Law no. 1 of 1970, Ibid., Ps. 13.

60 Ibid., Ps. 12 letter b; Abdul Khakirn, Loc. cit., p. 67.

61 Ibid.

62 Ibid.

Diving, picking up objects, and other work in the water.⁶³

Work is carried out on the generation, conversion, collection, storage, distribution or distribution of electricity, gas, oil or water.⁶⁴

Provision is made at film screenings, plays shows or other recreational activities using electrical or mechanical equipment

h. The scope of work environmental factors.

Undertaking the construction, repair, maintenance, cleaning or demolition of houses, buildings or other structures including water structures, underground canals and tunnels and so on or where preparatory work is carried out.

Mining and processing of gold, silver, metal and other metal ores, rocks, gas, oil or other minerals are carried out either on the surface or in the fuel, as well as at the bottom of the waters.

Drying is carried out at a height above the ground or water level. ⁶⁸

It is carried out in tanks, siunur or holes. ⁶⁹

63 Ibid.

64 Ibid.

65 Ibid.

66 Ibid.

67 Ibid.

68 Ibid.

69 Ibid.

Worked under high or low air pressure or temperature.

Drying is carried out in places where temperature, humidity, dust contamination, fumigation and fireplaces are occurring, the spread of steam, gases, weather phenomena, and wind gusts, radiation, vibration, or high-pitched sounds.

Work is carried out in places of disposal or destruction of canoes or industrial waste.

Work is carried out at places where broadcasting, broadcasting is carried out. or radio, radar, television, or telephone reception.⁷⁰

i. The scope of the type of work factor.

Businesses are carried out in agriculture, plantations, forest clearing, woodworking or other forest products, animal husbandry, fisheries, and health fields.⁷¹ Occupational safety and health in logging and transporting timber. ⁷²

j. The scope of the hazard type factor.

Carry out work that contains the danger of being buried in the ground, falling, being hit by objects, falling or falling, drifting or being thrown,⁷³ fires;

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Minister of Manpower Regulation No. PER-01/MEN/1978 concerning Safety and Health of Apes in Logging and Transporting Timber.

⁷³ Indonesia, Law no. 1 of 1970, Op. cit.

⁷⁴ Regulation of the Minister of Manpower Kei* No. PER-02/MEN/1983 Regarding Automatic Fire Alarm Installation.

k. The scope of work safety requirements.

Article 3 LJU No. 1 of 1970 concerning Occupational Safety stipulates that, by legislation, the requirements for work safety are stipulated for:

-Prevent and reduce accidents;

-Prevent, reduce and extinguish fires;

-Prevent or reduce hazards, explosions;

- Obtaining adequate and appropriate lighting, maintaining good air temperature, maintaining order and cleanliness, securing and maintaining buildings;

-Prevents exposure to hazardous electric currents. Adjusting by improving safety for workers whose accident hazard becomes higher.⁷⁴

The above work safety requirements contain scientific technical principles which are a collection of regulations that are arranged systematically, clearly, and practically concerning the fields of construction, materials management and manufacture, protective equipment, and others.

1. The scope of health factors.

Occupational health is part of occupational safety. Workers who experience health problems or illness can threaten their safety at work. Health in question is physical, mental, and environmental health (place of work or company).

75 Indonesia, LJU No. 1 of 1970, Loc. cit., Ps. 3 paragraph (1); Look, Then Husn Loc. cit., p. 138-139; See also, Zaeni Asyhadie, Loc. cit., p. 109-111.

m. The scope of factors causing health problems or diseases.

Company or workplace environment, lighting, temperature/humidity, dust, dirt, smoke, steam, gas, liquid, bacteria, viruses, fungi, worms/insects, wind gusts, weather, light or radiation, sound or vibration, processes and /or hours worked, workload.76

n. The scope of factors to overcome the causes of health problems.

Examination of the health condition of workers before being accepted as workers, after being accepted as workers on a regular basis. Prevention of disease, prevention of the occurrence or growth of fungi, bacteria, viruses, treatment of sick workers.

o. The scope of the factors of types of diseases that arise due to work relationships.

Minister of Manpower and Transmigration Regulation No. PER-01/MEN/1981 lists 30 types of diseases, while Presidential Decree No. 22/1993 concerning Diseases Caused by Employment Relationships contains the same types of diseases, plus: "diseases caused by other chemicals, including medicinal substances". The types of occupational diseases are:

- Pneumoconiosis caused by mineral dust of scar tissue formation (silicosis, anthracosilicosis, abestosis, and silicotuberculosis) where silicosis is a major factor causing disability or death;

Diseases of the lungs and respiratory tract (bronchopulmonary) caused by hard metal dust; 76 See, Then HusnL, Loc. cit., p. 140-141.

-Lung and respiratory tract diseases (bronchopulmonary) caused by cotton dust, vlas, henep, and sisal (bissinosis);

- Asthma due to asthma caused by known sensitizing and stimulant zest causes, which are in the process Allergic alveolitis caused by external factors as a result of inhalation of organic dusts;

-Diseases caused by beryllium or its toxic compounds;

-Diseases caused by cadmium or its toxic compounds;

-Diseases caused by phosphorus or its toxic compounds Diseases caused by chromium or its toxic compounds;

-Diseases caused by manganese or its toxic compounds;

- Diseases caused by arsenic or its toxic compounds;

- Diseases caused by mercury or its toxic compounds;

-Diseases caused by lead or its toxic compounds Diseases caused by fluorine or its toxic compounds;

-Diseases caused by carbon disulfide;

-Diseases caused by halogenated derivatives of toxic aliphatic or aromatic hydrocarbon compounds;

-Diseases caused by benzene or its toxic homologues;

-Diseases caused by nitro and amino derivatives of benzene or its toxic homologues;

-Illnesses caused by nitroglycerin or other esternitrates;

-Illness caused by alcohol, glycol, or ketones;

-Diseases caused by asphyxiating or poisoning gases or vapors such as carbon monoxide, hydrogen cyanide, hydrogen sulfate or its toxic derivatives, ammonia, zinc, brass, and nickel; Hearing loss caused by noise;

-Diseases caused by mechanical vibrations (disorders of muscles, tendons, joints, peripheral blood vessels or peripheral nerves);

-Diseases caused by working in compressed air Diseases caused by electromagnetic radiation and ionizing radiation

-Skin disease (dermatosis) caused by physical, chemical or biological causes;

-Lung cancer or mesothelioma caused by asbestos;

- Primary epithelial skin cancer caused by tar, pic, bitumen, mineral oil, anthracene, or compounds, products or residues of these substances;

-Infectious diseases caused by viruses, bacteria or parasites acquired in a job that has a special risk of contamination;

-Diseases caused by high or low temperatures or radiant heat or high humidity;

-Diseases caused by other chemical balms including Drugs;⁷⁷

77 Indonesia, Presidential Decree Concerning Diseases Occurring Due to Employment. Presidential Decree No. 22 of 1993, Appendix; See also, Minister of Manpower and Transmigration Regulation No. PER-01/MEN/1981.

The safety and health insurance program is not only important for pekada. itself but also make a very meaningful contribution to entrepreneurs and the state government.

The existence of occupational safety and health guarantees will create a peaceful working atmosphere so that workers will focus their attention on their work as much as possible without worrying that an accident will happen at any time.

The existence of safety and health guarantees in the company will be able to reduce the occurrence of accidents and health problems or illness that can result in entrepreneurs having to provide social security.

The existence of adherence to the occupational safety and health guarantee program is an effort to realize the goals of the state government, namely "the development of the Indonesian people as a whole and the development of the Indonesian people as a whole to increase the dignity, worth and self-esteem of the workforce and to create a prosperous, just, prosperous, and equitable society." material and spiritual in the form of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia."⁷⁸

B. Implementation and Monitoring of Occupational Safety and Health Regulations in Indonesia

According to Lili Rasjidi and I. B. Wyasa Petra, "talking about the application of law includes three main components, namely the legal component that will

78 Indonesia, Law no. 13 Tabun 2003, Loc. cit., General Description. implemented, the institution that will implement it, and personnel from the implementing institution."⁷⁹

1. Implementation of Occupational Health and Safety Regulations

With reference to the Belangtheorie (interest theory) which states that "rights as something important for those concerned are protected by law.⁸⁰ Interests are individual or group demands that are expected to be fulfilled. Interests essentially contain powers that are guaranteed and protected by law. What what is called a right is legal because it is protected by law, then this understanding can be used in relation to interests in the scope of occupational safety and health, especially the personal interests of workers. person or individuals include:

- soul (leven);
- body (I j);
- honor (eer);
- independence (vrijheid); and
- property (vermogen).

79 Lili Rasjidi and I. B. Wyasa Putra, *Law as a System*, cet. 2, (Bandung: Mandar Maju, 2003), p.165.

80 E. Utrecht, 1989, *Loc. cit.*, p. 252-254. See also, R. Soeroso, *Introduction to Law*, cet. 5, (Jakarta: Sinar Graphic, 2002), p. 247-248.

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2. Oversight of Occupational Safety and Health Regulations

Supervision of the implementation of labor regulations in general can be divided into two, namely: (1) Supervision of occupational safety and health regulations in particular; and (2) Supervision of labor regulations in general.

a. Supervision of Occupational Safety and Health Regulations Supervision of the implementation of occupational safety and health is carried out by officials/officers appointed by the Minister of Manpower, namely:

1. Occupational Safety and Health Supervisory Officer as a technical employee with special expertise from the Ministry of Manpower;

2. Occupational Safety and Health Expert as a technical expert with special expertise from outside the Ministry of Manpower.

The organization of occupational safety and health in Indonesia is handled by 2 (two) ministries, namely: a) the Ministry of Manpower; b) Ministry of Health. At the Ministry of Manpower, it is handled by the Directorate General of Manpower Development and Supervision, of which there are 4 directors, namely 1) Director of Supervision. Employment; 2) Director of Supervision. Working Norms of Women and Children; 3) Director of Supervision. Work Safety, which consists of the Head of Sub-Directorate of: (a) Head of Sub-Directorate of Mechanical, Steam and Pressure Vessels; (b) Head of Sub-Directorate of Building Construction, Electrical Installation and Lightning Protection; (c) Head of Sub-Directorate for Development, labor safety institutions and expertise; 4) Director of Occupational Health Supervision, consisting of the Head of Sub-Directorate of: (a) Head of Sub-Directorate of Labor Health

b) Head of Sub-Directorate for Control of the Ape Environment; (c) Head of Sub-Directorate for Institutional Development and Occupational Health.

At the Ministry of Health itself is handled by the Occupational Health Center of the Ministry of Health. In the main efforts of the Puskesmas there are Occupational Health Efforts whose work is more targeted at the informal sector (farmers, fishermen, craftsmen, and others).⁹¹

b. Supervision of Labor Regulations in General

According to the Occupational Safety Law, "Supervisory employees are technically skilled employees of the Ministry of Manpower appointed by the Minister of Manpower."⁹²

Manpower inspectors are carried out by competent and independent labor inspectors to ensure the implementation of labor laws and regulations. Manpower supervisory officers are appointed by the Minister or an appointed official.

Manpower supervision is carried out by a separate work unit in the agency whose scope of duties and responsibilities is in the manpower sector at the central government, provincial government, and district/city government.

The manpower inspection work unit as referred to in the provincial government, district/city government is obliged to submit a report on the implementation of manpower supervision to the Minister.⁹³

⁹¹ Ragil Setiyabudi, Loc. cit., p. 34.

⁹² Indonesia, Law no. 1 of 1970, Loc. cit., Ps. 1 number 5.

⁹³ Indonesia, Law NO. 13 of 2003, Loc. cit., Ps. 176-182.

Based on the Decree of the Minister of Justice No. 4-18.PWA.07.03/1983 that the position of the Supervisory Employee is as a Civil Servant Investigator (PPNS). The legal status of manpower employees is further strengthened by Article 182 paragraph (1) of Law no. 13 of 2003 which states: "Employee supervisory officers may be given special authority as civil servant investigators in accordance with applicable laws and regulations."

In such capacity, labor inspectors may receive complaints from workers, trade unions or employers regarding employment. Furthermore, processing the complaint in accordance with applicable legal procedures, by delegating the case to the local prosecutor for prosecution to the Court.

Efforts to implement and supervise occupational safety and health regulations that can achieve the complaint process by delegating cases to the local prosecutor for prosecution are an aspect that can help realize the goal of the Indonesian state government, namely a just and prosperous society that is evenly distributed both materially and spiritually, in the unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.⁹⁴

⁹⁴ Indonesia, Law No., 13 of 2003, Loc. cit., General Description.

CHAPTER V CLOSING

A. Conclusion

1. The establishment of regulations that guarantee occupational safety and health in Indonesia can be concluded in two parts, namely:

a. In terms of the type and hierarchy of statutory regulations, that the regulations that guarantee occupational safety and health in Indonesia are formulated in: 1) the 1945 Constitution of the Republic of Indonesia; 2) Act; 3) Government Regulations; 4) Presidential regulations;

b. 5) Regulations. the Minister of Manpower; 6) Decree of the Minister of Manpower; 2) Law; 3) Government Regulation; 4) Presidential regulations;

c. In terms of the scope of content or material of occupational safety and health regulations in Indonesia, it covers mainly: 1) Scope of worker factors; 2) Scope of rights and obligations; 3) The scope of labor food quality factors; 4) The scope of the time factor. work; 5) The scope of the tool or means, working factor; 6) The scope of the material factor or work material; 7) The scope of the different cars factor; 8) The scope of environmental factors is different; 9) Scope, type of work factor; 10) The scope of the hazard type factor; 11) The scope of work safety requirements; 12) The scope of health factors; 13) The scope of the causal factors, health problems or diseases; 14) Scope of countermeasures causes of health problems; 15) The scope of the factors of types of diseases that arise due to work relationships.

2. Regarding the implementation and supervision of occupational safety and health regulations in Indonesia, it can be concluded that:

a. The person in charge of occupational safety and health in the workplace is the entrepreneur or the leader or management of the workplace, so the most important parties in the implementation of the occupational safety and health program in the workplace are carried out by the leadership or management of the company and all workers.

1) Implementation of occupational safety and health by the leadership or management of the company in the main form; a) Checking the physical health, mental condition, and physical abilities of the workers who will be accepted, or will be transferred according to the nature of the work assigned to them; b) Checking all workers under his/her leadership periodically to the Doctor appointed by the Employer and justified by the Director; c) Demonstrate and explain to workers about: (1) Conditions and hazards and those that may arise in the workplace; (2) All safeguards and protective equipment required in the workplace; (3) Personal protective equipment for the worker concerned; (4) Safe ways

and attitudes in carrying out work; (4) In writing placing in the workplace he leads all the mandatory safety requirements; (5) Installing in the workplace he leads all safety drawings and all other construction materials, in an easily visible and/or legible place; (6) Providing free of charge all the personal protective equipment required for workers under the leadership of the entrepreneur

2) One of the components that greatly determines the quality of the implementation of the occupational safety and health program is the worker himself, for this reason the worker has obligations in the implementation of occupational safety and health, among others: (a) Provide correct information when requested by the supervisory employee or occupational safety and health experts; (b) Wear the required personal protective equipment; (c) comply with and comply with the applicable occupational safety and health requirements at the place/company concerned.

b. Supervision of the implementation of manpower regulations in general can be divided into two, namely: 1) Supervision of occupational safety and health regulations in particular; and 2) Supervision of general employment regulations.

1) Supervision of the implementation of occupational safety and health is carried out by officials/officers appointed by the Minister of Manpower, namely: a) Work safety and health supervisors as technical employees with special expertise from the Ministry of Manpower; b) Occupational safety and health experts as technical experts with special expertise from outside the Ministry of Manpower.

2. Manpower inspectors are carried out by competent and independent labor inspectors to ensure the implementation of labor laws and regulations. Labor inspection is carried out by a separate work unit at the agency whose scope of duties and responsibilities is in the manpower sector at the central government, provincial government, and district/city government. Based on the Decree of the Minister of Justice No.4-18.PWA.07.03/1983 that the position of the Supervisory Officer is as a Civil Servant Investigator (PPNS). The legal status of labor inspectors is further strengthened by Article 182 paragraph (1) of Law No. 13 of 2013 which states "Employees of the Labor Inspectorate may be given special powers as investigators for civil servants in accordance with the applicable laws and regulations."

B. Suggestion

1. For the safety and health of workers, every company should provide the protective equipment needed by workers in carrying out their work.
2. For the sake of occupational safety and health, workers should use safety or protective equipment while carrying out work in the workplace.
3. The community, government and private sector as OSH implementers should realize the importance of changing the current situation to an ideal state, so that good results can be obtained in the future.
4. The management should pay more attention to the management and maintenance of production halls so that the safety and health of workers are guaranteed.
5. The occupational safety and health program must continue to be considered, even improved, because this will significantly affect productivity.
6. Disseminate occupational safety and health hazards to all workers, people who enter the workplace in order to prevent and overcome the risks of accidents in the workplace.
7. Optimizing supervision both on the implementation of occupational safety and health regulations in particular and on the implementation of manpower regulations in general

in order to improve the quality of the workers themselves and the working environment as one of the efforts to increase work productivity which is a very decisive factor in efforts to realize the goals of the state government, namely development of Indonesian people as a whole and development of Indonesian society as a whole to increase the dignity, dignity and self-esteem of the workforce and to create a prosperous, just, prosperous society that is evenly distributed both materially and spiritually within the unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. .

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