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## Legal Protection Against Occupational Safety and Health (K3) at PT. Geo Dipa Energi Wonosobo Based on the Law of the Republic of Indonesia Number 1 of 1970 on Occupational Safety

Allan Ardi Riyayan  
Universitas Muhammadiyah Purwokerto

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### ABSTRACT

*Legal protection is to provide protection for human rights (HAM) that are harmed by others and the protection is given to the community in order to enjoy all the rights granted by law, legal protection of occupational safety and health is regulated in Law No. 1 of 1970 concerning Occupational Safety. The normative-empirical research method is legal research based on legal research that not only examines the system of norms in legislation, the method of analysis used in this research is to use qualitative data. The protection provided to workers of PT Geo Dipa Energi Wonosobo is in accordance with applicable laws and regulations such as matters related to employment relationships, long contract agreements are returned to the agreement mechanism for the parties, namely the worker and the employer through an agreement called a work agreement, collective labor agreement or company regulation.*

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**Corresponding Author:****Allan Ardi Riyayan**

Faculty of Law, Universitas Muhammadiyah Purwokerto

Jl. KH. Ahmad Dahlan, Kembaran, Banyumas, Jawa Tengah 53182, Indonesia

Email: [sagrath.allan@yahoo.com](mailto:sagrath.allan@yahoo.com)

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## I. INTRODUCTION

The situation of the world of labor at this time is still experiencing unfavorable conditions, the nature of workers as human beings who have dignity is still far from the reality of their lives. With the many demands of workers to employers from time to time, starting from demands for basic salary increases, transportation, overtime pay, meal money, bonuses, holiday allowances, and labor welfare guarantees to mass strikes and termination of employment (PHK) are increasing. This is due to employers lack of understanding and attention to the rights and welfare of workers.<sup>2</sup> Therefore, employers are needed to provide jobs for workers. Employers need labor to help run their companies. Thus, between workers and companies have a mutually beneficial bond with each other.<sup>3</sup>

Indonesia is a State of law that has the principle contained in Article 1 paragraph 3 of the 1945 Constitution, which Article protects individual life and group life both in the life of society and the state. The protection contained in this Law is generally emphasized in the 1945 Constitution in Article 27 paragraph 2 jo. Occupational safety and health is one aspect of labor protection by applying technology to control all aspects that have the potential to endanger workers. Control is aimed at sources that have the potential to cause occupational diseases, prevention of accidents and harmonization of work equipment both machines and human characteristics that carry out the work. By applying occupational safety and health control technology, it is

expected that labor will achieve physical endurance, work power and a high level of health.<sup>4</sup>

Work safety refers to the safety of work machinery and work equipment and the workplace that becomes the work during the implementation of the process, the concept of work safety refers to the relationship between workers and work equipment and the relationship between workers and the work environment. Occupational health is a state in which an employee is free from physical, mental, emotional or pain caused by work and the work environment. The risk of occupational diseases and accidents can occur at any time, so occupational safety and occupational health awareness are very important in this regard.

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Work accidents cause damage, organizational chaos, abnormalities, defects and environmental damage and reduce the quality of production. Therefore, occupational safety and health, which is an obligation of the company, must be implemented in various ways, including providing personal protective equipment when working, counseling on occupational safety and occupational health and including workers in the social security program.<sup>6</sup>

Related to this, theoretically there are three types of work protection, namely as follows:

1. Social protection, which is a protection related to community efforts, whose purpose is to enable workers/laborers to enjoy and develop their lives as human beings in general, and especially as members of the community and family members.
2. Technical protection, which is a type of protection related to efforts to keep workers/laborers from the danger of accidents caused by work tools or materials being worked on. This protection is more commonly referred to as work safety.
3. Economic protection, which is a type of protection related to efforts to provide workers/laborers with an income sufficient to meet the daily needs of him/her and his/her family, including in the event that the worker/laborer is unable to work due to something outside his/her will. This type of protection is usually referred to as social security.

## II. RESEARCH PROBLEM

1. How and what are the forms of protection provided to workers of PT Geo Dipa Energi Wonosobo?
2. Is the protection provided to workers of PT Geo Dipa Energi Wonosobo in accordance with the applicable laws and regulations?

## III. RESEARCH

Normative-empirical legal research is legal research based on legal research that not only examines the norm system in laws and regulations, but observes the reactions and interactions that occur when the norm system works or is applied in society as the object of study. The normative-empirical legal research method is basically a combination of normative legal research with empirical legal research. Normative-empirical legal research is related to the normative legal provisions of laws and regulations (norms or rules) and their implementation in every legal event that occurs in a society.<sup>7</sup>

### 1. Primary Legal Materials

Namely legal materials consisting of laws and regulations, official minutes, court decisions and official State documents.<sup>7</sup> The legal materials from the laws and regulations used in this research are:

- a. Law Number 1 of 1970 concerning Occupational Safety.
- b. Law Number 13 Year 2003 on Manpower.
- c. Law Number 11 of 2020 concerning Job Creation.
- d. Government Regulation No. 50/2012 on the Implementation of Occupational Safety and Health Management System.

### 2. Secondary Legal Materials Legal materials consisting of:

- a. The views of legal experts (doctrine)
- b. Law book
- c. Legal dictionary
- d. Encyclopedia of law
- e. A legal journal that contains basic principles (legal principles)
- f. Legal research results

Interviews with legal expert sources to provide legal opinions on a legal event or phenomenon can be interpreted as secondary legal material, however, it is necessary to see the scientific capacity and should not be involved with the event so that the comments provided are objective.

### 3. Tertiary Legal Materials

Materials that provide instructions or explanations for primary legal materials and secondary legal materials, such as legal dictionaries, language dictionaries, encyclopedias, and legal encyclopedias.

The method of analysis used in this research is to use qualitative data, meaning that researchers look at the laws that apply at this time. Furthermore, this research will be analyzed based on qualitative methods, meaning that it does not use numbers or formulas at all.

## IV. RESULT AND DISCUSSION

### 1. How and what are the forms of protection provided to workers of PT Geo Dipa Energi Wonosobo?

Legal protection is to provide protection for human rights (HAM) that are harmed by others and the protection is given to the community so that they can enjoy all the rights granted by law. Law can be functioned to realize protection that is not only adaptive and flexible, but also predictive and anticipatory. Law is needed for those who are weak and not yet socially, economically and politically strong to obtain social justice.<sup>8</sup>

Article 12 of Law Number 1 Year 1970 explains the obligations and rights of workers, namely: 1. Provide correct information when requested by supervisory employees or work safety experts 2. Fulfill and obey all required safety and health requirements 4. Request the Management to implement all required safety and health requirements 5. Declare objections to work on jobs where occupational safety and health requirements and required personal protective equipment are doubted by him except in special cases determined otherwise by supervisory employees within the limits that can still be accounted for. Based on articles 8, 9, 11 and 14 of Law No. 1 of 1970 concerning Occupational Safety and Health, managers are obliged to: 1. Checking the health, mental condition and physical ability of workers who will be accepted or will be transferred in accordance with the nature of the work given to them. 2. Examine all workers under his/her supervision, periodically to a doctor appointed by the Employer and authorized by the Director 3. Show and explain to each new worker about: a. Conditions and hazards and what can arise in his/her workplace b. All security and protective equipment required in all workplaces c. Personal protective equipment for the workers concerned d. Safe ways and attitudes in carrying out the work of the workers. Safe ways and attitudes in carrying out their work 4. Responsible for the prevention of accidents and the eradication of fires and the improvement of occupational safety and health, as well as for providing first aid in accidents. 5. Report every accident occurring in the workplace under his/her supervision to an official appointed by the Minister of Manpower. 6. To place in writing in the workplace under his/her supervision, all required safety requirements, a copy of this Law and all its implementing regulations applicable to the workplace concerned, in places that are easily visible and legible and according to the instructions of the supervisory employee or occupational health expert.

Based on the results of interviews with X, it is stated that to prevent accidents due to work and get protection for work safety by means of, medical examinations at the time of acceptance for prospective workers to find out whether the prospective workforce is suitable for the job, both physically and mentally, the company will improve existing company facilities to reduce the risk of work accidents. There must be interference from supervisory employees from the government, in this case the Manpower Office, hereinafter referred to as the Manpower Office, in creating a sense of justice for employees and the government guarantees the rights and obligations of the parties concerned in order to implement harmonious working ties.

Supervision is one example of government intervention. Efforts to prevent the possibility of accidents in order to create occupational safety and health are more important than overcoming accidents. Accidents can be prevented by avoiding the causes that can lead to accidents. Preventive measures can be taken by being careful in doing work and also with a sense of responsibility. Based on information from X as manager of PT Geo Dipa Energi Wonosobo, efforts that can be made by the company to avoid accidents are: 1. Proper handling and storage of goods 2. Use of rollers or wheeled equipment to move heavy objects 3. Provision of a special place for each work equipment 5. Storage of flammable materials away from heat/fire sources 6. Keeping emergency numbers for important and urgent matters K3 is very important because every time workers are in direct contact with hazards and work risks. If there is an accident, workers will have their work disrupted or be unable to work, and risk losing their income or jobs. As for the company, accidents in the workplace will cause considerable losses such as fire, equipment damage and other losses.

### 2. Is the protection provided to workers of PT Geo Dipa Energi Wonosobo in accordance with the applicable laws and regulations

Legal protection for workers is the goal of manpower development in an effort to provide protection to workers in order to be able to realize welfare. Labor is the backbone of the company because labor has a very

important role in the production process, without labor the company will not be able to take part in the national development process. Realizing how valuable the position of workers is for companies, governments and society, it is necessary to carry out a comprehensive policy to protect the safety and security of workers in carrying out their work.

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## V. CONCLUSION

Based on the description of the discussion that has been carried out above, it can be concluded that the implementation of legal protection of occupational safety and health is regulated in Law No. 1 of 1970 concerning Occupational Safety. explains the Obligations and Rights of Labor, namely: 1. Provide correct information when requested by supervisory employees or work safety experts 2. Fulfill and obey all the required safety and health requirements 4. Request the Management to implement all the required safety and health requirements 5. Declare objections to work on jobs where occupational safety and health requirements and the required personal protective equipment are doubted by him except in special cases determined otherwise by supervisory employees within the limits that can still be accounted for. PT Geo Dipa Energi Wonosobo applies efforts that can be made by the company to avoid accidents are: 1. Proper handling and storage of goods 2. Use of rollers or wheeled equipment to move heavy objects 3. Provision of a special place for each work equipment 5. Storage of flammable materials away from heat/fire sources 6. Keeping emergency numbers for important and urgent matters K3 is very important because at any time workers are in direct contact with work hazards and risks. The protection provided to workers of PT Geo Dipa Energi Wonosobo is in accordance with applicable laws and regulations such as matters related to employment relationships, long contract agreements are returned to the agreement mechanism for the parties, namely the worker and the employer through an agreement called a work agreement, collective labor agreement or company regulation.

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