

Labor Protection for Occupational Safety in Construction Companies

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Abstract: Currently, many people work in the construction sector, whether they work independently or collaboratively, regarding protection in employment relationships, or working for others for their services. This research uses a normative legal approach coupled with a phenomenon-based approach. Obstacles and efforts include a lack of awareness of the importance of worker health and safety in the workplace, and a lack of compliance with company-provided safety regulations. Efforts must be made by construction companies that handle high-rise buildings, which have high risk factors, requiring maximum occupational safety and health protection and ensuring worker safety. The company's good faith in providing occupational safety and health facilities is crucial in the work activities of a construction project. Provision of safety facilities and infrastructure is necessary to prevent workplace accidents. Furthermore, training and knowledge of occupational accidents and risks must be frequently addressed to reduce the rate of workplace accidents in the construction sector.

Keywords: Protection, Labor, Construction Company, Occupational Safety and Health

INTRODUCTION

Workers are human beings with social needs. In this case, workers are considered the weaker party compared to employers, who hold a more powerful position. Therefore, workers need to receive protection for their rights. (G Kartasapoetra and Rience Indraningsih: 1982) Workers are part of the workforce, who have performed work, whether working for themselves or working in an employment relationship, under the orders of an employer, or working for another person for their services. In carrying out their work, the person concerned has the right to receive wages or other forms of compensation. Those involved in an employment relationship are usually referred to as laborers/employees (in the broadest sense) and employers/employers.

The definition of worker/laborer is actually very broad, namely any person who works for wages or other forms of compensation, as stipulated in Article 1 number 3 of Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower. However, some jobs are performed independently for their own benefit, such as a doctor who runs a private practice, a lawyer, a satay seller who runs his own cart, or a farmer who works his own rice fields. These are often referred to as freelancers. We also know the term "employee," which refers to people who perform work or jobs. Therefore, we recognize the terms "employee-laborer," "employee-entrepreneur," and so on. During the colonial era, the term "laborer" was equated with people who performed manual labor or manual labor, such as coolies, foremen, artisans, and so on.

In the West, it was often called "blue-collar workers," as opposed to those who performed "soft" work, such as clerks, commissioners, and so on, who were often referred to as employees and "white-collar workers." In Western countries, "employees" referred to people employed by others (employees,

werknemer/werkgever, or arbeidnehmer/arbeidgeber). In all laws, only those classified as blue-collar workers (workers with blue collars/uniforms) were regulated, while those classified as white-collar workers were only included in labor law. For example, Chapter 6, Section 4 of the Civil Code III only regulates servants (dienstboden) and artisans (werklieden). It wasn't until January 1, 1927, that the Civil Code, in Book III, Chapter 7A, regulated matters for all laborers, both manual and non-labor.

The term workforce is also very broad, namely including everyone who is able to do work to produce goods and/or services both forWhat is meant by workforce is everyone who is able to do work to produce goods and/or services both to meet their own needs and the needs of society. What is meant by workforce basically includes workers or laborers, civil servants, soldiers, people who are looking for work, people who are freelance professionals, such as lawyers, doctors, architects, traders, and tailors. Each of these professions is different from one another even though they are all included in the category of workforce. This is because of the legal and regulatory relationships thatThe legal framework governs this differently. For workers or laborers, the legal relationship with their employers is civil, meaning it is established between parties with civil status.

The legal relationship between the two parties is regulated not only by the employment agreement they sign (autonomous law), but also by laws and regulations established by authorized agencies or institutions (heteronomous law). For civil servants and the military, the legal relationship with the government is based on heteronomous public law. Workers must also prioritize safety and health in carrying out their work. Therefore, occupational safety and health (K3) is still often neglected in Indonesia. This is demonstrated by the high number of workplace accidents. Occupational safety and health (K3) protection in Indonesia is generally estimated to be low, even though the workforce is a crucial factor in company activities, as companies cannot be separated from their workforce.

Workplace accidents are mostly caused by human factors, reflecting the still very low level of competitiveness of Indonesian companies internationally. Indonesia will find it difficult to face the global market because it is experiencing inefficient utilization of its workforce (low work productivity). Yet, a company's progress is crucially determined by the quality of its workforce. Therefore, in addition to companies, the government also needs to facilitate regulations and rules for protecting Occupational Safety and Health. Workplace accidents were initially a risk to workers and did not receive attention or assistance, such as work accident compensation. Abroad, compensation for workers was initially only provided if it could be proven that the accident was not the worker's fault. However, with demands for welfare from labor associations, this is no longer the case.

Currently, the prevailing law requires every worker to receive occupational safety guarantees from the company. In Indonesia, the 1947-1951 Accident Law, which governs compensation, was enacted. In 1970, regulations were issued to govern the rights and obligations of both employers and workers. Then, along with technological advances, pollution levels and hazards in industrial activities, and of course, considerations of human rights and human rights in work environments, such as the regulation of threshold limits in the workplace, social and labor security, and regulations regarding hazardous and toxic materials (B3) and the Occupational Health and Safety Management System (SMK3), began to be regulated and implemented in Indonesia.

Occupational health and safety (OHS) is essential in industrial activities because every activity in the industry often contains hazards and poses health and safety risks. These hazards and risks will have consequences. If OHS is not managed properly, it will result in losses. Accidents were previously considered unintentional, unplanned, and coincidental events. Accidents are undesirable and perceived as detrimental. Because accidents are undesirable and unplanned, they are often perceived as events without a cause and as if they cannot be prevented. However, In industrial activities, these accidents are more likely to occur and have a greater impact than accidents in public places. The construction process of high-rise building projects generally involves many hazards.

The conditions at project sites are harsh, and the activities appear complex and difficult to implement, requiring high levels of stamina from the workers involved. However, it cannot be denied that this construction work contributes to a significant number of accidents. The high number of workplace accidents and occupational diseases is detrimental to many parties, especially the workers themselves. (Ervianto, 2005) Workplace accidents occur due to inadequate implementation requirements. In this regard, the government, as the implementing agency, has an obligation to provide protection to workers.

This is realized by issuing regulations such as: Law of the Republic of Indonesia No. 1 of 1970 concerning Occupational Safety, Law No. 3 of 1992 concerning Social Security for Workers (JAMSOSTEK), and Minister of Manpower Regulation No.

Per.05/Men/1996 concerning the Occupational Health and Safety Management System. However, in reality, project implementers often ignore OHS requirements and regulations. This is due to a lack of awareness of the significant risks borne by their workforce and their companies. As is customary in project implementation, efforts are made to minimize economic costs. Furthermore, OHS regulations are not accompanied by strict legal measures and severe sanctions, resulting in many project implementers neglecting the safety and health of their workforce. Occupational safety is safety related to machines, aircraft, work tools, materials and their processing, the workplace foundation and its environment, and methods of performing work. Occupational safety can also be defined as an effort or activity to create a safe work environment and prevent all forms of accidents that may occur.

Occupational safety applies to all workplaces, whether on land, at sea, on the surface of the water, underwater, or in the air. Such workplaces are spread across economic activities, agriculture, the mining industry, public works transportation, services, and others. One important aspect of occupational safety targets considering the risk of danger is the application of technology, especially sophisticated and cutting-edge technology. This will encourage workers to increase their motivation and productivity.

RESEARCH METHOD

This paper employs a normative juridical research method, meaning a literature review with an approach to phenomena that arise in everyday activities. This paper also utilizes primary and secondary legal materials to enhance the scope and quality of this paper.

RESULTS AND DISCUSSION

Every worker has the right to receive safety protection while performing their work for the well-being of life and increasing national productivity. Everyone else in the workplace also needs to be assured of their safety. Likewise, every source of production must be used and utilized safely and efficiently. Therefore, every effort must be made to foster occupational protection norms. In Indonesia, health regulations include Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower, specifically Article 86, which states that every worker or laborer has the right to receive protection regarding: a. Occupational safety and health; Morals and morality; b. Treatment that is in accordance with human dignity and religious values.

(Purbadi Hardjoprajitno, 2019) Of the 190,000 companies registered with the central Ministry of Manpower and Transmigration, only 91,000 companies have enrolled their employees in the Jamsostek program. This means that only 8 million workers out of 28.5 million formal workers are covered by Jamsostek's occupational accident insurance, death insurance, old-age security, and health care. ⁷ Given these accident figures, the state of occupational safety and health (K3) in Indonesia is considered very poor and even among the worst in the ASEAN region. K3 plays a crucial role in ensuring a project runs smoothly and smoothly. Occupational Safety and Health (K3) is regulated in Law Number 6 of 2023 concerning the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, which revises Law Number 13 of 2003 concerning Manpower.

The main point of K3 in the Job Creation Law emphasizes the obligation to implement an integrated K3 Management System (SMK3). From research conducted by the ILO (International Labor Organization) regarding work accident standards, Indonesia is ranked 125th out of 153 countries studied, this means that the work accident problem in this country is very bad. Therefore, he hopes that by 2010, Indonesia will be ranked at least 100th or above. (Therefore, considering the importance of the workforce to the country, occupational health and safety protection must be implemented or enforced in all companies to ensure worker welfare and safety. According to Simanjuntak, the workforce includes residents who are already or currently working, those seeking work, and those engaged in other activities such as attending school and taking care of the household.

Job seekers, attending school, and taking care of the household, even if not working, are physically able to participate at any time.) Mulyadi stated that the workforce is the working-age population (aged 15-64) or the total population in a country that can produce goods and services if there is a demand for their labor

and if they are willing to participate in such activities. Imam Soepomo defined the law of labor as a set of regulations, both written and unwritten, concerning events where someone works for another person in exchange for wages. From the four expert opinions above, it can be concluded that the workforce is anyone who performs an activity that produces income. something.

Law of the Republic of Indonesia Number 13 of 2003 concerning employment in Article 1 Number 2 provides the understanding that labor is every person who is able to do work to produce goods and or services either to meet their own needs or for the community. What is meant by worker/laborer is every person who works by receiving wages or other forms of compensation. (Endah Pujiastuti, 2018) The compensation in other forms referred to is in the form of goods or objects whose value is determined based on an agreement between the employer and the worker/laborer. The implied elements in the understanding of worker/laborer are: (1) working for someone else, (2) under the orders of someone else, (3) receiving wages. Society often sees entrepreneurs in a narrow sense, namely those who own factories or large companies.

However, owners of foundations, social institutions, individuals, cooperatives, and others who employ others are not included in this category. Law of the Republic of Indonesia No. 13 of 2003 concerning Occupational Safety and Health (Law No. 13 of 2003) states that one important aspect of occupational safety targets, considering the risk of hazards, is the application of technology, especially more advanced and sophisticated technology. Occupational safety is the responsibility of everyone who works. Occupational safety comes from, by, and for every worker, other people, and the community at large. Occupational safety is the supporting elements that contribute to the creation of a safe environment, both in material and non-material forms. (Buntarto, 2015) To protect worker safety and achieve optimal work productivity, occupational safety and health efforts are implemented.

This protection is implemented in accordance with applicable laws and regulations. To achieve occupational safety protection, the government has undertaken efforts to develop norms in the labor sector. This definition of norm development includes the establishment, implementation, and supervision of these norms in accordance with progress and developments in labor issues. Although it's called the Occupational Safety Law, its scope also includes occupational health issues, as the two are inseparable. If occupational safety is implemented properly, occupational health will also be achieved or realized. Worker welfare is one of the goals sought by the business world, including employers, workers themselves, government agencies, and other parties within the private sector, whose primary responsibility is to manage human resources.

This aligns with current global thinking, which demands human comfort and safety at work. These ideas are based on a philosophy that places humans at the center of national development, aiming to achieve a better standard of living and well-being, both materially and spiritually (Indriasari, 2008). This will enable companies to better survive in the face of various challenges (Adhipamungkas, 2012). Workforce protection encompasses several aspects, one of which is safety protection. This protection aims to ensure workers safely perform their daily work to increase production and productivity. Workers must be protected from various issues surrounding them and themselves that could affect or disrupt them and their work performance. According to Budiono & George (2014), occupational safety is the protection of employees from injuries caused by work-related accidents.

Safety risks are aspects of the work environment that can cause fires, electrocution, cuts, bruises, sprains, fractures, loss of organs, vision, and hearing. Occupational health is freedom from physical violence. Health risks are factors in the work environment that exceed the specified time period, an environment that can cause emotional stress or physical impairment. In this regard, every company has a dual responsibility: in addition to generating profits, it also has a social responsibility towards the company's internal environment. The internal environment includes guarantees of workplace safety and decent wages. If this can be achieved, it will provide future business opportunities. Safety risks are aspects of the work environment that can lead to fires, bruises, sprains, fractures, vision and hearing impairments (Mangkunegara, 2010).

Meanwhile, (Budiono, 2014) argues that occupational safety is related to workplace accidents, namely accidents that occur in the workplace, also known as industrial accidents. An industrial accident is an unexpected and unwanted event that disrupts the processes that have been regulated in an activity. Occupational health is an important matter and needs to be considered by employers. A good health program will benefit employees materially, as they will be absent less often, work in a more pleasant

environment, and overall, employees will be more able to work longer. Health risks are factors in the work environment that work beyond the specified time period, an environment that can cause emotional stress or disturbance.

According to Mangkunegara (2010), occupational health is a branch of health science that aims to ensure workers achieve a state of perfect physical, mental, and social health (Ernawati, 2019). Furthermore, occupational health refers to the general physical, mental, and emotional stability of individuals, with the goal of maintaining overall individual well-being (Gravel & Jacque, 2011). A healthy individual is free from illness, injury, and mental and emotional problems that can disrupt normal human activities. Occupational health factors include: the medical work environment, which can be seen from the employee's attitude. Occupational safety is related to workplace accidents, namely accidents that occur in the workplace, also known as industrial accidents.

An industrial accident can generally be defined as "an unexpected and unwanted event that disrupts the regulated process of an activity." A specific incident or event is the root cause, and this is also true for industrial accidents/workplace accidents. There are four contributing factors: 1. Human factors For example, due to a lack of skills or knowledge, or misplacement, such as a High School of Technology (STM) graduate being placed in the administration department. 2. Material factors/materials/equipment For example, a material that should be made of iron is made from another material to make it cheaper, easily leading to accidents. 3. Hazard factors/sources of danger. There are two causes: a. Self-harm. Hazardous acts, for example, due to incorrect work methods, fatigue/fatigue, imperfect work posture, and so on. b.

Hazardous conditions/circumstances; namely unsafe conditions caused by machines/equipment, the environment, processes, and the nature of the work. 4. Factors encountered; for example, lack of maintenance/care for machines/equipment, resulting in their inability to function optimally. Occupational health and safety aims to ensure the perfection or physical and mental health of workers, as well as the results of their work and culture. Briefly, the scope of occupational health, safety, and security is as follows: a. Maintaining a healthy work environment. b. Preventing and treating work-related accidents. c. Preventing and treating work-related poisoning. d. Maintaining morale, preventing, and treating work-related poisoning. e. Adapting abilities to the job, and f. Rehabilitating workers who are injured or ill due to work.

Occupational safety encompasses the prevention of workplace accidents and the protection of workers from potential accidents resulting from unsafe and/or unhealthy working conditions. Occupational health, safety, and security requirements are established from the planning, manufacturing, transportation, distribution, trade, installation, use, maintenance, and storage stages of materials, goods, technical products, and technical production equipment, as well as production equipment that contains and can cause accident hazards. Physical and mental fitness are supporting factors for a person's work. A person's mental condition significantly influences work performance (Kalsum & Umami, 2010). Employee occupational health can be observed from the quality of periodic health care, which employees consider good due to the prevention of occupational diseases through regular check-ups.

Furthermore, health facilities are available and maintained clean. From these factors, it can be concluded that employee occupational health is very good, which influences employee performance. Therefore, it is found that there is a positive and significant influence between occupational health and work performance. These results were also found in research conducted by Ramli (2010), who stated that occupational health insurance has a positive impact on work performance, indicating that occupational health has a significant impact on work performance; and that if occupational health is well managed by the company, employee performance will improve. According to G. Bella & Ukhisia (2013), employee health problems are diverse and sometimes invisible. These illnesses can range from minor ailments like the flu to serious work-related illnesses.

Some employees experience emotional health issues, others have drug and alcohol problems. Some of these health issues are chronic, while others are temporary. However, all of these illnesses can impact company operations and individual employee productivity. Providing vitamins and stamina-boosting medications is sometimes necessary to support strenuous work. The company's attention and cooperation with its employees is essential to ensuring their employees remain in top condition in carrying out their duties. The objectives of occupational safety are as follows: a. Protecting workers' right to safety while performing their work for the well-being of life and increasing national production and productivity. b.

Ensuring the safety of everyone else in the workplace. c. Maintaining production resources and using them safely and efficiently. d.

The term occupational safety and health refers to the physical and psychological conditions of workers, which are a result of the environment provided by the company. If a company implements effective safety and health measures, fewer employees will experience short-term or long-term illnesses resulting from working at the company. e. Occupational health is defined as the provision of health insurance while performing work. According to WHO/ILO (1995), occupational health aims to promote and maintain the highest degree of physical, mental, and social health for workers in all types of employment, and to prevent health problems caused by working conditions. Protection for workers in their work from risks resulting from factors detrimental to health and the placement and maintenance of workers in a work environment adapted to their physiological and psychological conditions. In summary f.

Protection of workers is intended to guarantee the basic rights of workers/laborers and ensure equal opportunities and treatment without discrimination. Article 35 paragraph (3) of Law Number 13 of 2003 concerning Manpower states that "Employers as referred to in paragraph (1) in employing workers are required to provide protection that includes the welfare, safety, and health of both mental and physical workers." In paragraph (1) it is stated that "Employers who require workers can recruit the required workers themselves or through the implementation of worker placement." Article 86 paragraph (1) defines a Building Construction Project as a series of activities related to the construction of a building, including basic work in the field of Civil Engineering. In other words, a Building Construction Project is the process of adding or constructing infrastructure in a built environment.

CONCLUSION

Some of the obstacles workers commonly experience in implementing occupational health and safety (K3) protection include: factors within the workforce, such as a lack of knowledge about the importance of K3 protection for themselves and those around them, or workplace accidents resulting from negligence and errors by management regarding K3 worker health and safety, due to a lack of optimization of PPE provision and a lack of mutual reminders. It is necessary to raise awareness among workers and construction employers to jointly adhere to the provisions of laws and regulations regarding Occupational Health and Safety (K3).

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