

Legal Protection for Workers Who Experience Work Accidents in an Employment Law Perspective

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Abstract. The freedom of Indonesian migrant workers as stated in the constitution must of course become a replacement rule for Regulation Number 39 of 2004 concerning the Position and Security of Indonesian Migrant Workers Traveling Abroad. The methodology used is a legal methodology and a calculated methodology. The data source used is secondary data. Data analysis was carried out descriptively qualitatively. Drawing conclusions is carried out in a deductive manner, namely concluding from general to specific matters, especially those related to the research topic, namely Legal Protection for Workers Who Experience Work Accidents from an Employment Law Perspective. This research produces findings that workers have rights by providing guarantees to workers, one of which is job security. In accordance with the provisions of Article 4 Number (1) of the Unofficial Law of the Republic of Indonesia Number 44 of 2015 concerning Provision of Work Accident Protection and Death Protection.

Keywords: Legal Protection; Work Accidents; Employment Law

1 Background

Work is every person who can do what needs to be done to make work and items to resolve their own issues and the necessities of the neighborhood (1 point 2 of Guideline Number 13 of 2003 concerning Business). The concept of labor in Law Number 13 of 2003 focuses more on workers who work within the country, while Indonesian workers abroad who are Indonesian citizens can carry out work to fulfill their own needs and those of the community, who are involved in work activities with remuneration (receiving salary, wages, etc.) in a country, where he is not a citizen of that country⁶ and has fulfilled the requirements to be able to work abroad in an employment relationship for a certain span that has been agreed by both parties between the Indonesian worker and user. In the social context and international labor concept, Indonesian workers are closely related to their families, where the definition of family here refers to people who are married to Indonesian workers or who have a legal relationship with Indonesian workers by applicable regulations.[1].

Every one of the one of the targets of the State as communicated in the Preface to the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia) is to shield the entire Indonesian nation and Indonesia's gore. Common liberties should be protected by the state as a result of law and order (HAM). The Republic of Indonesia's 1945 Constitution,

section 2 of Article 27, controls the option to work and a respectable living for each resident which should be satisfied by the State. Indonesian Specialists' Freedoms are likewise contained in Article 28C which manages everybody's more right than wrong to get schooling and advantage from information to work on their personal satisfaction. Moreover, Article 28D of the 1945 Constitution of the Republic of Indonesia expresses that each individual has the privilege to acknowledgment, ensures, security, and fair legitimate sureness as well as equivalent treatment under the steady gaze of the law and has the option to get fair and suitable remuneration and treatment in work connections. Opportunity to embrace religion and love as per religion is likewise controlled in Article 28E alongside the opportunity to relate, gather, and offer viewpoints [2].

The freedoms of Indonesian laborers contained in the constitution must obviously be a rule in supplanting Regulation Number 39 of 2004 concerning the Position and Security of Indonesian Traveler Laborers Abroad. Legitimate security is a particular piece of the more extensive importance of insurance. What is implied by legitimate assurance is: 1. Security of pride, as well as acknowledgment of common liberties moved by lawful subjects in view of legitimate arrangements against discretion. 2. Different legitimate measures should be given by policing to give a conviction that all is good, both intellectually and genuinely from provocation and different dangers from any party. 3. An assortment of decides or decides that can safeguard one thing from another. The state is obliged to safeguard each resident any place they are and anything they do [3].

In Article 18 of Regulation Number 37 of 1999 concerning Unfamiliar Relations, the Public authority of the Republic of Indonesia safeguards the interests of Indonesian residents or legitimate elements who deal with lawful issues with agents of far off nations in Indonesia. Article 19b states that the Indonesian Representative is obliged to provide guidance, protection, and legal assistance to Indonesian citizens and legal entities abroad. If you look at Law Number 37 of 1999, the State is obliged to protect all its citizens without exception. The protection referred to here is given generally to all citizens who are abroad. So, Indonesian workers abroad have equal rights to protection and recognition, regardless of their status and work sector [4].

Understanding the significance of laborers for organizations, government, and society, it is important to think so laborers can keep up with their security while doing their work. In a similar vein, it is essential to guarantee the health and tranquility of workers so that they can pay as much attention as possible to what they encounter at work and ensure vigilance in their work. These ideas make up a worker protection program that can be used on a daily basis to keep the productivity and stability of a business up. Worker security should be possible, either by provide guidance or by extending affirmation of fundamental freedoms, physical and specific along with amicable and monetary protection through norms that apply in the work environment [4].

Law Number 13 of 2003 concerning Employment has justified handing over part of the work implementation to other companies or companies providing worker/labor services, which is popularly called outsourcing. Outsourcing is an employment relationship in which workers/laborers are employed in a company using a contract system, but the contract is not given by the employing company but by the company employing the workforce. The outsourcing system includes employment relationships based on employee sending/borrowing agreements (*uitzendverhouding*). In this employment relationship, three parties are found, namely the company providing or sending the workforce/staffers (provider), the company using the workforce/hirelings (users), and the workforce/employees. Even though outsourcing is an entrepreneur's right, those who exercise this right certainly have certain requirements and must not conflict with applicable laws and regulations. This means that outsourcing must meet the

material and formal requirements that have been determined and must not substantially reduce the normative rights of workers/laborers.[2].

The legal subjects in industrial relations are the parties involved in industrial relations, namely workers/laborers, entrepreneurs (employers), and the government. The position of workers/laborers and entrepreneurs (employers) is about the employment relationship which is the core of industrial relations. The government's position as a related party is very important in carrying out its function of regulating, fostering, and supervising industrial relations. Apart from these three parties, other parties are no less important in industrial relations, namely trade unions and society in general. The subject of law is the supporter of rights and obligations. In industrial relations, the first legal subject is the entrepreneur. In view of the arrangements of Article 1 point 3 of Regulation Number 13 of 2003 concerning work, it is a) An individual, organization, or legitimate element that runs its very own organization. b) An individual, organization, or lawful element that freely runs an organization that doesn't have a place with them. c) People, organizations, or legitimate substances situated in Indonesia address organizations as expected in letters an and b which are a domiciled external the area of Indonesia [5].

Security of workers is supposed to guarantee the fundamental honors of workers and assurance value of possibility and treatment without detachment on any reason to comprehend the public authority help of workers and their families while at this point zeroing in on upgrades in the business world. 11 Degree of confirmation for workers/laborers as shown by Guideline Number 13 of the Year 2003 concerning Business, including 1) protection as for compensation, government help, and administrative retirement assistant for workers; 2) protection of word related prosperity and prosperity; 3) genuine protection for molding and becoming people from workers/laborer's organizations; 4) protection of the fundamental opportunities of workers/laborers to wrangle with administrators. Work regulation (Regulation No. 13 of 2003) is laid out as a legitimate umbrella for the field of modern relations and is designed to keep everything under control, as well as friendly control, essentially giving a premise to freedoms for creation entertainers (labor and products), aside from being a legitimate umbrella for projected work regulation. for apparatuses in building associations [6].

This legal protection for workers occurs because of the existence of a working relationship between workers and employers. This functioning relationship emerges due to the presence of a work understanding. The work understanding contains guidelines in regards to work conditions, freedoms and commitments of laborers and bosses, and wages and government managed retirement for laborers. Article 1 number 15 of Regulation No. 13 of 2003 concerning Business expresses that "business relations are connections among business visionaries and laborers/workers in view of work arrangements, which have components of work, wages and orders". In the interim, Article 1 Number 14 of Regulation No. 13 of 2003 states that "a work understanding is an understanding between a specialist/worker and a business visionary or boss which contains work conditions, freedoms and commitments of the gatherings". As part of an agreement in general, a work agreement, whether written or verbal, must meet the requirements for the validity of an agreement both subjectively and objectively as stipulated: 1. The work understanding is made in view of a) Arrangement between the two players, b) Capacity or abilities to do lawful activities, c) There is fill in as concurred, and d. The work settled upon doesn't struggle with public request, profound quality, and pertinent regulations and guidelines.

2 Methodology

Regulating research is this kind of research. The strategies used are a legitimate philosophy and a determined technique. The information source utilized is auxiliary information. Information investigation was done distinctly subjectively [7]. Closing is completed utilizing an insightful technique, in particular finishing up from general to explicit, particularly those connected with the examination subject, specifically Legitimate Security for Laborers Who Experience Work Mishaps according to the Viewpoint of Business Regulation. Abstract data assessment is finished if the observational data got is as a collection of words, words and not there of psyche of a movement of numbers and can't be figured out into groupings. There are a variety of methods for gathering information, including recording tapes, interviews, and archive events. It is dealt with and subsequently used in abstract investigation, including the consequences of interview records, data decline, assessment, data interpretation, and triangulation [8].

3 Results and Discussion

3.1 Implications of Legal Protection for Workers Who Experience Work Accidents from the Perspective of Employment Law

The existence of workers' rights means providing guarantees to workers, one of which is employment guarantees. As indicated by the arrangements of Article 4 Number (1) of the Public authority Guideline of the Republic of Indonesia Number 44 of 2015 concerning Providers of Work Accident Insurance and Death Insurance which states that every employer other than state administrators is obliged to register themselves and their workers as participants in the JKK (Work Accident Insurance) program and JKM (Death Guarantee), as well as in Article 53 which states, employers other than state administrators in large, medium, small and micro scale businesses engaged in construction services that employ casual daily workers, contract workers and certain time work agreements are required to register their workers. in the JKK (Work Accident Insurance) and JKM (Death Insurance) programs according to the participation stages. As for workers' rights mentioned in Article 35 Number (1), if there is a risk to their workers, employers other than state officials are obliged to pay workers' rights by the provisions of government regulations. Therefore, it is true that labor law does not only regulate employment relations, but This also includes arrangements outside the employment relationship, and needs to be heeded by all parties and there needs to be protection from third parties, namely the authorities (government) if any party is harmed [1].

The assurance that organizations should furnish while utilizing laborers with incapacity status depends fair and square of inability they have (Article 67 passage 1 of Regulation No. 13 of 2003). The type of security gave can be as offices, for example, giving availability, giving assistive work apparatuses, and individual defensive gear. This guideline is available as a work by the public authority to guarantee conviction for laborers to have the option to get work and a nice living by mankind, as ordered by the 1945 Constitution of the Republic of Indonesia (Article 27 passage 2 and 28 D section 2). People with handicaps in labor regulation are legitimate subjects and this is directed

in Regulation No. 4 of 1997 concerning People with Handicaps (inabilities). The following is a more in-depth explanation in Government Regulation No. 43 of 1998 concerning Endeavors to Work on the Social Government assistance of People with Handicaps. This regulation mandates that people with disabilities will be entitled to 1% of the number of workers in each company as employment opportunities for them [9].

To shield the security of workers/laborers to recognize ideal work proficiency, word related prosperity and it are finished to prosperity tries. This security is finished by significant guidelines and rules. To acknowledge work wellbeing assurance, the public authority has put forth attempts to foster standards in the field of business. As far as standard turn of events, this incorporates the significance of laying out, executing, and observing the actual standards. Work regulation in giving security should be founded on legitimate viewpoints according to an optimal point of view acknowledged in independent regulations and guidelines. As indicated by Article 102 section 2 of Regulation no. 13 of 2003, generally, laborers completing modern relations are obliged to do work for proceeding with creation, propelling the organization, and then again, get freedoms as appreciation for completing their obligations [10].

Juridically, in view of Article 27 of the 1945 Constitution, the place of laborers is equivalent to business people, yet socio-financially, the place of the two isn't the equivalent in light of the fact that the place of business visionaries is higher than laborers. Legitimate affirmation is continually associated with power. Two powers are reliably a concern, to be explicit government power and monetary power [2]. Concerning the authority of the government, legitimate insurance for individuals (who are represented), and public authority There are a couple of objects of work security coordinated in Guideline Number 13 of 2003 concerning Business, for this present circumstance, what is being perused up is extraordinary protection for female experts with respect to leave and wages. Genuine affirmation for female trained professionals, especially with respect to leave, is controlled in Article 76 to Article 83 of Guideline Number 13 of 2003 concerning Business, and pay security is overseen in Article 88 to Article 98 of Guideline Number 13 of 2003 concerning Work of Subject matter expert/Laborer Prosperity to recognize ideal work productivity, word related prosperity, and it are finished to prosperity attempts [11].

In Article 5 and Article 6 of Regulation No. 13 of 2003 concerning Business, it is underscored that each specialist and specialist or worker has the option to have open doors and acquire equivalent treatment without segregation in getting work from managers. With only a portion of workers working at PT. For Duren Mandiri Fortuna, which is registered with BPJS, employers should continue to register their workers without distinguishing between the validity period of work, because during work training in factories, there are very high work risks. Considering the contents of this article, employers should provide the opportunity to register for employment guarantees to receive equal treatment without discrimination to their workers by Article 5 and Article 6 of Law No. 13 of 2013 concerning Employment.

3.2 Forms of Legal Protection for Workers Who Experience Work Accidents from the Perspective of Employment Law

An unfortunate and unanticipated occurrence at work that may result in injuries to people or property (PERMENAKER No. 03/MEN/1998). As indicated by Suma'mur, the meaning of a mishap is an unforeseen and startling occasion. It is supposed to be startling

in light of the fact that, behind the occurrence that happened, there was no component of expectation or arranging, while it was unforeseen. All things considered, the mishap was joined by material misfortune or caused experiencing the lightest to the most extreme scale. The event of work mishaps is an issue for the congruity of an organization on the grounds that the misfortunes endured are as material misfortunes as well as beyond what that can cause death toll. This loss of human resources is huge because humans are the only resource that cannot be replaced by any technology

Word related security and wellbeing is one of the privileges of laborers or workers (Article 86 section 1 letter a Regulation No. 13 of 2003). So organizations are expected to execute it deliberately and incorporate it with the organization the board framework [2]. Work safety, is safeness related to the operation of machines, work tools, materials, and their management processes, the basis of the workplace and its environment, as well as ways of carrying out work. Work productivity can be realized if efforts to maintain the safety and health of the workforce can be properly protected. This can be done by technically preventing accidents and illnesses that may occur during work, controlling dangers in the work environment, and handling when workers experience these preventable things. Apart from that, there are facilities for workers to continue to receive health protection, treatment, and recovery through rehabilitation at health institutions [12].

Legislation and rules in effect ensure this protection. To acknowledge work wellbeing assurance, the public authority has put forth attempts to foster standards in the field of business. As far as standard turn of events, this incorporates the significance of laying out, executing, and observing the actual standards. On this premise, Regulation Number 1 of 1970 concerning Work Wellbeing was given, as a substitution for the beforehand existing guidelines in the field of work security, in particular Veilegheids Guideline Stbl Number 406 of 1910, which was considered presently not by the advancement and improvement of business issues. Understanding the significance of laborers for organizations, government, and society, it is important to think so laborers can keep up with their security while doing their work. In like manner, it is important to guarantee laborers' quiet and wellbeing so they can give however much consideration to what they experience at function as could reasonably be expected with the goal that cautiousness in doing the work is ensured [10]. These ideas make up a worker protection program that can be used on a daily basis to keep the productivity and stability of a business up. Worker security should be possible, either by provide guidance or by extending affirmation of fundamental freedoms, physical and specific along with amicable and monetary protection through norms that apply in the work environment.

Security of workers is wanted to guarantee the key honors of representatives/laborers and assurance equilibrium of possibility and treatment without isolation on any reason to figure out the public authority help of workers/laborers and their families while at this point zeroing in on upgrades in the business world. Article 4 of Guideline Number 13 of 2003 concerning Business states: Business improvement means to empower and utilize the workforce preferably and sympathetically; recognizing identical business open entryways and giving work by open and nearby improvement needs, giving confirmation to workers in recognizing prospering; dealing with the public authority help of workers and their families [1]. Varieties in the reasons for work strikes have grown essentially since the change time started. Open admittance to data and attention to privileges give open doors to endeavors to force their will on business people.

The meaning of work security is the security given in the actual workplace, by giving solicitations, as well as by growing affirmation of normal freedoms, physical and particular as well as cordial and financial protection through material guidelines. To support the success of employment development, efforts must also be made to improve a healthy, hygienic, safe, and comfortable work environment, to increase labor productivity, and to reduce the rate of work accidents, in helping to create harmonious industrial relations. This can be done by developing occupational safety (KK) and HIPERKES (company hygiene and occupational health). Occupational safety and health (K3) is very much needed in industrial activities, the foundation to this is that each modern action generally contains risks and dangers and word related wellbeing. The consequences of these risks and dangers [13].

In the event that K3 isn't overseen well, it will cause misfortunes. These misfortunes are as organization resources from the lightest to annihilation, from the laborer side from gentle handicap/disease to fatalities, and the climate from light contamination to calamity. Occupational safety and health aim to create safe and healthy working conditions to prevent injuries, illnesses, and accidents which can cause both material and non-material losses, and prevent decline in health or other disorders (defects, injuries) in workers as a result of the potential dangers and risks that exist in the workplace, as well as creating harmony between workers and their work and work environment both physiologically and psychologically to increase work capacity, performance, and productivity[2].

4 Conclusion

1. The definitin of labor protection is protection provided in the work environment itself, by giving requests, as well as by growing affirmation of normal freedoms, physical and particular as well as agreeable and money related protection through material norms.
2. The existence of workers' rights means providing guarantees to workers, one of which is employment guarantees. According to the provisions of Article 4 Number (1) of the Republic of Indonesia Government Regulation Number 44 of 2015 concerning Providers of Work Accident Insurance and Death Insurance.
3. Legal protection for workers occurs because of the existence of a working relationship between hirelings and employers. This working association arises because of the existence of a work agreement. The work agreement contains regulations regarding work conditions, privileges and commitments of laborers and managers, and wages and federal retirement aide for laborers. Article 1 number 15 of Regulation No. 13 of 2003 concerning Work.

5 Suggestion

1. It is expected that an institution will be designated with the task of supervising the world of independent labor, oriented towards economic development and human

- rights. This is necessary considering that there are still many human rights violations in the world of labor, ranging from violations of workers' rights to labor exploitation.
2. The public authority as a legitimate head should have the option to control each current modern action. Therefore, Regulation No. 13 concerning Work was authorized. The method of resolving contemporary relations issues, including the use of a conversation, is also governed by Labor Regulation 13 of 2003. Regardless, when the trade cycle crashes and burns and a comprehension isn't reached, workers can rehearse their qualification to strike.
 3. The social class ought to expect a working part in settling every dispute case Current Relations Discussions are differentiations of evaluation that result in battle between supervisors or blends of chiefs and representatives/laborers in view of inquiries as for honors, conflicts with respect to interests, contentions about finish of business relations and inquiries between workers/relationship in an association.

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