

Understanding and Ability to Apply Occupational Safety and Health Principles at Construction Workshops in Tabanan

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ABSTRACT

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In general, this program is designed by Warmadewa University to make a real contribution to the nation by carrying out various forms of activities that can be carried out in groups or individually. In terms of community service activities, there is a sense of caring from campus elements who know directly to the community. One of the things that caught our attention directly from the campus element in the field of Law, was to provide socialization and Legal Counseling on Occupational Safety and Health or known as K3. Where in the Manpower Act, the Preamble considers the letters c and d of Law No. 13 of 2003, it is stated that, in the implementation of National Development, the workforce has a very important role and position as actors and development goals. For this reason, labor protection is intended to guarantee the basic rights of workers/laborers and ensure equality, opportunity and treatment without discrimination on any basis to realize the welfare of workers, in this case occupational safety and health, to realize the welfare of workers/laborers and their families with due regard to development of the business world. The formulation of the problems that arise: 1) There is no in-depth understanding of occupational safety and health regulations which are the operational standards of work implementation for workers. 2) Workers feel uncomfortable using personal protective equipment for occupational safety and health. In the end, this program can provide the basis for changes in the implementation of the laws that apply to the Assoka Wijaya workshop company located in Tabanan district so that the safety and health of workers can be guaranteed.

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1. INTRODUCTION

1.1 Analysis of Situation

Normatively, Article 27 paragraph 2 of the 1945 Constitution of the Republic of Indonesia states that every Indonesian citizen has the right to work and a decent living for humanity.

This is reaffirmed in the Constitution of the Republic of Indonesia (second amendment), Article 28D states that:

Everyone has the right to work and receive fair and proper remuneration and treatment in an employment relationship.

Furthermore, Article 28i paragraph 4 states that:

Protection, promotion, enforcement and fulfillment of human rights are the responsibility of the state, especially the government.

From the legal basis above, it is clear that one of the constitutional obligations of the State/Government is to provide jobs for its citizens. Because work is part of the human rights of citizens in order to maintain the existence of life (Lalu Husni, 2014:14).

Theoretical Foundations of Government Intervention in the field of labor or employment, as contained in the Preamble of the 1945 Constitution in the fourth paragraph, there are at least four state objectives, namely:

1. Protection function, the State protects all of Indonesia's bloodshed
2. Welfare function, the state is obliged to realize welfare for all people
3. Educational function, the state has the obligation to educate the life of the nation.
4. Peaceful function, the State is obliged to create peace in the life of the nation and society, both internally and externally.

By looking at the mandate of the Preamble to the 1945 Constitution, especially the second point mentioned above, that the State is obliged to realize welfare for all the people. Here the PKM Team observes and observes that the Government is obliged to create jobs for its citizens. This means that the Government

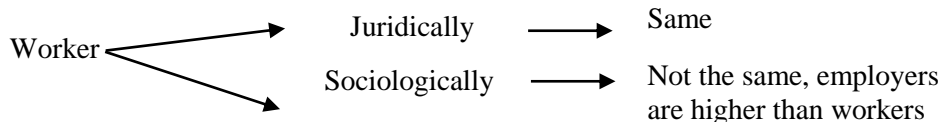
provides space and opportunities for the community to open businesses, for example, regarding licensing and capital.

Legislation - Invitations related to labor is the issuance of Law no. 13 of 2003 concerning Manpower.

According to Hadi Setia Tunggal, in the book Outsourcing Law the author, I Nyoman Putu Budiarta, stated that with the enactment of Law no. 13 of 2003 is intended to improve the quality of the workforce and their participation in development, as well as to increase the protection of workers and their families in accordance with their dignity. (I Nyoman Putu Budiarta, 2017:4). This is intended to realize the welfare of Workers/Labourers and their Families while still taking into account the development of the Business World. (I Nyoman Putu Budiarta, 2017:4).

Employment Law is a law that regulates labor. The position between employers and workers is not the same. Juridically the position of workers is free, but socially and economically the position of workers is not free.

In essence, the legal position of workers based on the provisions of Article 27 of the 1945 Constitution is the same as that of the employer, but in fact, socially and economically the position between workers and employers is not the same, in this case it can be illustrated in the following picture:



This unequal position remembers that workers only rely on the energy inherent in themselves to carry out their work. Here work is an external factor in the production process and some even think that the employer is Herr in Lous (this is my house, any authority is in my hands). This situation creates a tendency for employers to act arbitrarily to workers/labourers. (Abdul Khakim, 2003:6)

Looking at the relationship between workers and employers mentioned above, it can be seen that the application of this worker relationship to agricultural equipment companies, production of animal feed processing machines and organic and non-organic waste processing machines at the

ASSOKA WIJAYA workshop located in Tabanan Regency.

The focus of this PKM is in terms of observing the implementation or application of Law no. 1 of 1970 concerning Occupational Safety and Law no. 23 of 1992 concerning Occupational Health. The PKM team sees that if the workers' safety is guaranteed, it can be ascertained that the health of the workers is also guaranteed.

Law No. 1 of 1970, Article 2 states work safety in all workplaces, whether on land, on the ground, on the surface of the water, in the water or in the air, which are within the jurisdiction of the Republic of Indonesia. So the risk of work accidents can occur at any time. For this reason, awareness about occupational safety and health

is very necessary. Because everyone knows that the risk of accidents can occur anytime and anywhere, including in the workplace environment. Therefore, occupational safety and health (K3) is a government regulation that guarantees safety and health at work, so there is nothing wrong with the owner of the company who employs workers to observe and learn more about K3.

By observing this, we from the PKM Team at Warmadewa University feel compelled to provide counseling and socialization of Law no. 1 of 1970 concerning Occupational Safety and Law no. 23 of 1992 concerning Occupational Health (K3).

The location for this year's PKM is the Assoka Wijaya Workshop, which is located on Jalan Pulau Batam No. 14 Tabanan – Bali. The Assoka Wijaya workshop was founded in 1980 and employs 11 face-to-face employees, 10 men and 1 woman. The production results are in the form of machines such as:

1. Corn Seed Mixer
2. Corn Cob Mixer
3. Elephant Grass Cutting Coper Machine
4. Garbage Shredder
5. Garbage Sifter Machine
6. Garbage Filter Machine
7. Brick Printing Machine

8. Rice Cutting Machine
9. Organic Fertilizer Making Machine
10. Steel Hood Maker for Warehouses and other buildings such as GOR

From initial observations in the field, the Warmadewa University PKM Team has seen the lack of implementation of work safety for workers so that work safety for workers will not be guaranteed.

This is the background for the PKM Team to carry out Community Service on K3 for the Assoka Wijaya Workshop company so that work accidents do not happen again.

Based on initial observations in the field and seeing firsthand how the workers operate and operate the equipment, it crossed our minds to provide the proper understanding for the owner of the company and the workers.

The problem identification is:

1. Not yet fully understood about the existence of Occupational Safety and Health (K3) regulations as the Implementation Operational Standards for workers in an Assoka Wijaya Construction Workshop.
2. Workers feel uncomfortable using personal protective equipment for Occupational Safety and Health (K3).

2. METHOD

2.1 Implementation Method

No	Program	Implementation Method
1	Customary Law Program	<ol style="list-style-type: none"> 1. Observing the relationship between the worker and the employer, in this case the social relationship to the extent to which the two have a working bond so that the working relationship goes well. 2. Providing legal counseling The laws governing K3 are: <ol style="list-style-type: none"> a. UU no. 1 of 1970 concerning Occupational Safety. This law clearly regulates the obligations of workplace leaders and workers in carrying out work safety b. UU no. 23 of 1992 concerning Health. This law states that in particular the company is obliged to check the health of the body, mental condition and physical ability of workers. In accordance with the nature of the work and the work carried out by workers, health checks must be carried out periodically, and on the other hand, workers are obliged to wear personal protective equipment (PPE) properly and correctly and to comply with all required occupational safety and health requirements.
2	Civil Law Program	The need for employees' understanding of the implementation of collective labor agreements in the implementation of K3. This is where many obstacles arise that are commonly faced by both parties, both workers and employers. The way to overcome this is the need for guidance or coordination and socialization between trade union officials and workers through deliberation.
3	Criminal Law	If there is a violation of the Occupational Safety and Health Law, for

	Program	example, the employer does not provide work safety equipment or the company does not check the health and physical abilities of workers, the Law provides a threat of imprisonment for a maximum of three months or a fine of Rp. 100,000. This is something that must be a concern for the employer/employer as an obligation that must be carried out, because workers also have the right for their own safety in carrying out their work.
4	Corporate Partnership (Assoka Wijaya Tabanan Workshop)	<ol style="list-style-type: none"> 1. Prepare a mentoring place 2. Prepare for consumption 3. Gathering workers and the administrative division at the time of socialization and legal counseling related to the implementation of K3

2.2 Partner's Contribution to Implementation

The contribution of partners in Community Service in the form of understanding and application of occupational safety and health (K3) is to do good cooperation to reduce the occurrence of work accidents in the company.

In this case, the contribution and cooperation received a very good response by the company's leadership by also bringing employees to the Construction Workshop to find out the need for occupational safety and health for employees in accordance with the mandate of the Act.

3. RESEARCH RESULTS

3.1 Results of Activity Implementation

The implementation of activities is carried out on partners, namely: the head of the Assoka Wijaya Construction Workshop company located on Batam Island No. 41 Tabanan. In addition to partners, also met with workshop employees who are directly involved in producing machines that are used by the community.

The company leaders as partners and employees are very enthusiastic about listening to and paying close attention to the socialization and recovery regarding occupational safety and health (K3) to ensure and protect occupational safety and health through efforts to prevent work accidents and occupational diseases.

The material for the concept of socialization and legal counseling is Law no. 1 of 1970 concerning Occupational Safety and Law no. 23 of 1992 concerning Occupational Health.

This legal counseling was very well responded by the company leaders and employees or workers. In this service, there is an agreement between the company through its leadership, workers and community service

team that K3 also protects co-workers, workers' families, consumers and other people who may also be affected by the work environment so that it is hoped that the company through the leadership can understand and apply the principles of safety and health. work.

3.2 DISCUSSION

3.2.1 Workers' Rights in Obtaining Occupational Safety and Health Protection

As stated in Article 1 number (2) of Law no. 13 of 2003 that everyone is able to do work to produce goods or services to meet their own needs (Lalu Husni, 2019:26). With the enactment of Law no. 13 of 2003 for workers is intended to improve the quality and participation in development (Nyoman Putu Budiarta, 2017:4).

From the concept above, it is clear that workers have a very important role in the economic progress of the nation. In addition, for the survival of himself and his family. Workers at the Asoka Wijaya Workshop in working on production machines, from the observations of the Community Service Team, workers have not used maximum personal protective equipment in accordance with the work being done, so that in accordance with the mandate of the Act, workers should be required to use PPE, and requires companies provide the PPE equipment free of charge and appropriately to provide the necessary training on the use of the PPE equipment.

Workers in this case are also obliged to fulfill and comply with all occupational health and safety requirements and use personal protective equipment provided by the employer. Workers can object and stop working if protective equipment is not provided.

3.2.2 Sanctions for Violations of the Occupational Health and Safety Law for Employers

UU NO. 1 of 1970 concerning Occupational Safety which clearly regulates the obligations of workplace leaders and workers in implementing work safety, while Law no. 23 of 1992 concerning Health, states that in particular the company is obliged to check the health of the body for newly hired workers. As for occupational safety and health (K3) in a construction workshop company, it is obligatory to provide:

1. Personal Protective Equipment (PPE) for Employees
2. Accident First Aid Box
3. Light Fire Extinguisher (APAR)
4. Physical Security of the Workplace

If this is not available to the company, especially the Construction Workshop, then the sanctions regulated by Law NO. 1 of 1970 Article 15 for parties committing K3 violations is in the form of imprisonment for a maximum of 3 months or a maximum fine of Rp. 100,000. In Law No. 13 of 2003 Article 90 which also regulates the need for K3, but there is no application of criminal sanctions for those who violate it.

The Manpower Law only contains administrative sanctions for companies that do not implement K3.

4. CONCLUSION

Based on the result and discussion of problem above, it can be concluded that:

1. The existence of occupational safety and health regulations which are the operational standards of implementation for the workshop company in Tabanan, after socialization and legal counseling were held, where the company leadership really understood and understood the existence of the law governing occupational safety and health (K3) and company leaders prepared the company's physical and non-physical facilities to maintain the safety of its employees. And in accordance with the mandate of the law, that if the company leadership does not prepare it will be subject to imprisonment or fines.
2. For workers who are not accustomed to using PPE after socialization and legal

counseling have been carried out, workers are very understanding and understand that work related to work safety is not only for themselves but also for their families and environment.

5. SUGGESTIONS

To the government of the Republic of Indonesia, the need for revision of Law no. 1 of 1970, especially in Article 15, because the fine is very small for entrepreneurs who violate occupational safety and health (K3). That Law no. 1 of 1970 is now 51 years old, and one of the weaknesses of the law is in providing protection for workers. With such light sanctions, it is not surprising that many companies ignore the application of K3 in their business.

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