

PERLINDUNGAN HUKUM TERHADAP KECELAKAAN KERJA DITINJAU DARI SOSIOLOGI HUKUM

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Abstract

The Riau Province Manpower and Transmigration Office receives approximately 10 to 15 complaints related to employment cases every day, originating from various business entities, large companies, medium enterprises and Small and Medium Enterprises. The increase in the number of incoming cases occurs due to the increasing number of Companies in Riau Province and the fact that many Companies have not fully implemented the implementation of Occupational Safety and Health. Among the incoming complaints are those related to the non-registration of workers in the Workers' Social Security Program. Many complications and problems occur, including differences of opinion between each party, both workers, Companies and BPJS, which require the Determination of the Labor Inspectorate, especially related to Work Accidents and Occupational Diseases. In Law No. 4 of 2004 concerning SJSN, Companies that do not comply are subject to Administrative Sanctions, whereas previously through Law No. 3 of 1992 concerning Jamsostek, the sanctions for such violations were criminal sanctions and fines. The main problem is how is the protection of work accident insurance against the Change in sanctions for the implementation of labor social security from Criminal to Administrative Sanctions viewed from the sociology of law? The changes in sanctions place workers in a vulnerable position, as implementing these administrative sanctions requires a complicated process, requires significant time and financial resources, and does not provide significant legal impact to employers. Consequently, workers and their families lack legal certainty. Keywords: Law; Accident; Work; Protection

Abstrak

Dinas Tenaga Kerja dan Transmigrasi Provinsi Riau menerima laporan pengaduan terkait kasus ketenagakerjaan sekitar 10 sampai dengan 15 kasus setiap harinya, yang berasal dari bermacam badan usaha, perusahaan besar, sedang dan Usaha Kecil Menengah. peningkatan jumlah kasus yang masuk ini terjadi karena meningkatnya jumlah Perusahaan di Provinsi Riau dan masih banyak Perusahaan yang belum sepenuhnya menerapkan secara penuh terkait penerapan Keselamatan dan Kesehatan Kerja. Diantara pengaduan yang masuk itu ada yang terkait dengan tidak didaftarkannya pekerja dalam Program Jaminan Sosial Tenaga Kerja. Banyak komplikasi dan permasalahan yang terjadi termasuk perbedaan pendapat di masing-masing pihak, baik pihak pekerja, Perusahaan maupun BPJS sehingga memerlukan Penetapan Pengawas Ketenagakerjaan terutama terkait dengan Kecelakaan Kerja dan Penyakit Akibat Kerja. Didalam UU No. 4 Tahun 2004 tentang SJSN Perusahaan yang tidak mematuhi maka dikenakan Sanksi Administrasi, sedangkan sebelumnya melalui UU No. 3 Tahun 1992 tentang Jamsostek, sanksi terhadap pelanggaran tersebut adalah sanksi pidana dan denda. Pokok Permasalahannya adalah Bagaimana perlindungan jaminan kecelakaan kerja terhadap Perubahan sanksi pelaksanaan jaminan sosial tenaga kerja dari Pidana menjadi menjadi Sanksi Administrasi

ditinjau dari sosiologi hukum? Terhadap perubahan sanksi memposisikan tenaga kerja keposisi yang lemah, karena pelaksanaan sanksi administrasi tersebut memerlukan proses yang berbelit belit dan membutuhkan waktu dan kemampuan material yang cukup banyak dan tidak memberikan dampak hukum yang signifikan kepada pengusaha. Dengan demikian pekerja dan keluarganya tidak mendapatkan kepastian hukum.

Kata Kunci: Kata Kunci : Hukum; Kecelakaan; Kerja; Perlindungan

INTRODUCTION

Protection for workers is paramount in occupational health and safety. Workers are a key component of the labor sector. Workers play a strategic role in national development. However, challenges and risks in the field are becoming increasingly complex. Therefore, workers need to be provided with protection while performing their jobs.

Pancasila and the 1945 Constitution regulate all aspects of life in our country. Workers are given protection through joint efforts and a spirit of mutual cooperation. This is implemented in the form of a Labor Social Security Program based on joint efforts, kinship, and mutual cooperation. In fact, this labor social security program prioritizes the protection of workers, who tend to be vulnerable in developing countries such as Indonesia. Therefore, employers are required to provide protection to workers.

K3 is an agenda designed to protect workers and companies through the prevention of accidents and illnesses resulting from work activities. This effort is carried out by identifying risks in the work environment and preparing anticipatory measures. The implementation of K3 also aims to reduce costs arising from accidents or health problems. However, many companies still do not understand the importance of K3 or how to implement it properly.

Occupational safety and health (OSH) is a fundamental aspect for workers, especially in the manufacturing sector. It not only protects workers, but also helps companies prevent operational disruptions and losses. Although the concept of OSH has been around for a long time, some workers and companies are still unaware of the relationship between OSH implementation and improving company performance, and some are unaware of the existing regulations. As a result, safety tools and procedures are often considered expensive and a hindrance to the work process.

Law No. 3 of 1992 concerning Social Security provides the legal basis for worker protection, including guaranteed income continuity in the event of an accident or occupational illness. This regulation aims to meet the basic needs of workers and their families, as well as to reward their contributions to the company.

The risk of accidents and occupational diseases poses a real threat to workers, making work accident insurance essential to anticipate loss of income due to death, injury, or physical or mental disability. Throughout 2024, there were 31,866 cases of work accidents in Riau, a significant increase from 11,200 cases in 2023. This data comes from reports from companies that have registered their workers with the Social Security Administration Agency for Employment.

Despite the increase in reports, many companies in Riau have not registered their employees with BPJS. The

Riau Provincial Manpower Office receives an average of 5-10 complaints per day from various types of businesses, ranging from large companies to MSMEs. The increase in complaints is largely triggered by workers' awareness to obtain legal certainty regarding their rights, especially when companies have not registered them or there are disagreements regarding the determination of work accidents.

This situation prompted the author to conduct an in-depth analysis of legal protection for workers, particularly in relation to the determination of family card status carried out by labor inspectors.

During the period when Law No. 3 of 1992 was in force, social security was accompanied by legal certainty with the imposition of imprisonment and fines for parties who did not comply with the determination of work accidents. However, after amendments through Law No. 40 of 2004 concerning the National Social Security System (SJSN) and Law No. 24 of 2011 concerning the Social Security Agency (BPJS), the form of sanctions changed to administrative sanctions. These provisions are further explained in Government Regulation No. 44 of 2015 concerning Work Accident Insurance and Death Insurance.

The change from criminal sanctions to administrative sanctions raises serious questions about the position of workers in the current occupational accident insurance system. This change is considered to weaken the position of workers because the imposition of sanctions no longer has a strong deterrent effect on companies, thus creating an imbalance of power between workers and employers.

Several journals and articles related to this paper do not specifically examine the legal protection of work accident insurance, including:

1. Rahul Ardian Fikri in his journal John Rawls' Concept of Justice As Fairness and Its Relevance to the Meaning of Pancasila Social Justice, This journal discusses justice and social issues in Pancasila.
2. Barbara Estudillo, Francisco J. Forteza, Jos'e M. Carretero-G'omez in their journal Effectiveness of training in reducing accidents in construction companies, This journal discusses the need for training workers in construction to prevent workplace accidents.
3. Johan M. Sanne and Colin J. Pilbeam in their journal article How an institutional setting shapes and limits the mitigation of accidents in complex work settings, this journal discusses how regulations can prevent workplace accidents.
4. Inmaculada García-Mainar and Víctor M. Montuenga in their journal article Risk self-perception and occupational accidents, discuss how workers perceive the risk of workplace accidents.

PROBLEM STATEMENT

With the description of the background of the problem as explained above, two issues are formulated:

1. How is JKK (work accident insurance) protection viewed from Law No. 13 of 2003 concerning labor?
2. How is JKK (work accident insurance) protection viewed in relation to changes in sanctions for social security violations from criminal penalties (Law No. 3 of 1992 concerning Social Security) to administrative and civil penalties (Law No. 24 of 2011 concerning BPJS) from a sociological perspective?

RESEARCH METHODOLOGY

1. Type of Research

In this study, the author uses normative research, also known as library research. In this normative approach, law is understood as written regulations in legislation (law in books) or as rules that regulate human behavior, describing what is reasonable and appropriate. The normative legal research method was carried out through the examination of library materials, including books, articles, journals, and samples of labor cases, particularly those related to Jamsostek and JKK protection.

2. Research Object

The research object is a description of the protection and legal clarity for workers who experience work accidents, as seen from existing laws and regulations.

3. Research Variables

a. Primary Legal Sources

The author uses primary legal sources as the main source in this study, namely existing laws and regulations related to the focus of the research.

b. Secondary Legal Sources

The author uses secondary legal sources from research papers, theses, dissertations, scientific journals/magazines, newspapers, and contributions from legal experts who provide guidance and explanations of primary legal sources related to labor and, of course, work accident protection.

c. Tertiary Legal Sources

Tertiary legal sources were obtained from encyclopedias, dictionaries, and other sources.

4. Data Analysis and Conclusion Drawing Methods

Analisis kualitatif yang digunakan
Qualitative analysis was used in this study by describing and comparing the data obtained in accordance with the provisions of relevant laws and regulations.

The research approach used in this study is the statute approach, which involves examining all regulations, laws, and other rules related to the issue being studied.

RESULTS AND DISCUSSION

1. Work accident protection as stipulated in Law No. 13 of 2003 concerning Manpower

Preventive measures and handling of work accidents include examination, treatment, care, and compensation for workers who suffer disabilities due to work. The existence of JKK is very important because it provides clear protection for workers and their families, while also supporting productivity by reducing concerns about occupational risks.

The costs of occupational accidents can be very high and recovery can take a long time. Occupational accident insurance serves as financial support for workers and their families. Risks in the work environment stem from management policies, individual worker conditions, and environmental factors, including biological, physical, chemical, ergonomic, and other hazards.

As the complexity of risks increases, protection through JKK becomes increasingly important to maintain safety, preserve well-being, and create a sense of security for workers in carrying out their duties.

The following discusses three forms of employment protection from a theoretical perspective, namely:¹

1. Technical protection, also known as occupational safety protection.

¹ Zaeni Asyhadie, *Hukum Kerja (Hukum Ketenagakerjaan Bidang Hubungan Kerja)*, Jakarta, Raja Grafindo Persada, 2007, Hlm.78.

Technical protection, often understood as occupational safety, refers to various measures to ensure that workers are protected from the risk of accidents arising from the use of work tools and materials they handle. This form of protection includes comprehensive measures to protect workers from potential hazards arising from equipment and work materials. In practice, technical protection is not only intended for worker safety, but also provides benefits for workers' families, employers, and the government. With this protection in place, all interested parties are assured that work activities are carried out safely and the risk of accidents is minimized.

The interests of these parties can be described as follows:

- a. Interests for workers and their families.

The existence of work safety guarantees creates comfort and protection for workers, so that they can focus and concentrate fully on their work without worrying about the possibility of accidents. This protection also brings peace of mind to workers' families, because they feel confident about the safety of their family members who are breadwinners.

- b. For employers or business owners

With regulations and laws regarding workplace safety that require employers to implement them. In fact, the Theory of Work Accidents, known as the Iceberg Theory, states that if a work accident occurs, the costs that must be borne by the employer are very high. Therefore, with this Work Accident Insurance, employers reduce the risks and large losses they would face in the event of a work accident.

- c. For the Government

The existence of the JKK program reduces the risk of losses to the state and also ensures the achievement of the government's plan to improve the welfare of its people. The broader impact is to improve the welfare of society as a whole

and protect them from major hazards that occur due to work accidents such as explosions, chemical spills, fires, and so on, which, if they occur, can damage the natural environment in the community.

2. Economic Protection

Protection in economic aspects is intended to ensure that workers receive adequate income to meet their personal and family needs, including when they are unable to work due to accidents or conditions beyond their control. The state provides funded social security, which now covers both formal and informal workers. This program provides financial compensation to replace income lost due to work accidents, illness, pregnancy, childbirth, old age, retirement, or death, including the rights of heirs.

Based on the above description, it can be concluded that there are five types of social security programs for workers in our country, namely: JKK, JKM, JHT, JP, and JPK.

These five social security programs are implemented by two institutions, namely BPJS Kesehatan and BPJS Ketenagakerjaan.

3. Social Protection

Social protection is a form of protection related to the efforts of all communities to provide opportunities for workers to live and improve their lives as individuals, family members, and part of society. This includes occupational health protection, which regulates provisions regarding workers' health conditions and limits the authority of employers so that they do not treat workers arbitrarily and continue to respect their human rights.

Social protection regulations as stipulated in Law Number 13 of 2003, specifically Article 68 and above, must be complied with and are considered public law with criminal sanctions. This is important because these regulations not only guarantee the rights of individual

workers but also the public interest, while most Indonesian workers are not yet able to assert their rights themselves.

Occupational health is designed to protect workers from conditions that threaten their health and morals, and applies to workers who have an employment relationship with an employer. All workers—whether full-time, part-time, permanent, temporary, or contract-based—must be registered in a social security program, although violations still occur frequently, meaning there is no guarantee that companies will bear the full risk in the event of an accident.

Labor protection should be realized by creating a safe and healthy work environment, as well as through the fulfillment of human rights and comprehensive protection covering physical, technical, social, and economic aspects. A healthy, hygienic, and comfortable work environment will increase productivity, reduce the risk of accidents, and create harmonious industrial relations. These efforts include the development of occupational safety and HIPERKES as the foundation for health protection in companies.

In modern industry, the implementation of K3 is very important because every industrial activity has the potential for hazards that can cause accidents, with widespread impacts ranging from loss of company assets, injury or death of workers, to environmental pollution. The objectives of K3 are to create a safe and healthy work environment to prevent injury, illness, or death, reduce material and non-material losses, and balance the demands of work with the physical and psychological capabilities of workers.

Overall, K3 aims to create workers who are in good physical, psychological, social, and spiritual health, free from work-related disabilities or illnesses, have a high life expectancy, are able to work productively until retirement, and maintain a good quality of life after their working years.

National development requires the participation of workers with an increasing awareness of the dangers and responsibilities as well as the obstacles they face. Considering the above, it is very necessary to provide legal protection for workers. Improving welfare and its ultimate impact will increase the productivity or work ethic of workers. Given the importance of the role of workers, both companies and the government, it is very necessary to consider how workers can always prioritize their safety while working and how workers can avoid the risks that occur in their work. One of the objectives of worker protection is to ensure the continuity of harmonious relations, while eliminating the practice of oppression by the powerful over the weak. Therefore, it is mandatory for the government and employers to comply with regulations and provisions in the effort to protect workers in accordance with applicable laws. Legal protection for workers is stipulated in regulations and laws, particularly the Law on Manpower, which contains several articles in Law Number 13 of 2003 that regulate worker safety and welfare, namely: providing protection for workers in realizing their welfare. As a goal of employment development, every worker should have equal opportunities without discrimination to obtain employment, receive equal treatment at work, and be entitled to protection in terms of occupational safety, morals, and decency. Equally important is receiving equal treatment that upholds human dignity and the right to practice one's religion. The state issued Law No. 13 of 2003 concerning Labor as a special regulation in the field of labor. Prior to the enactment of this regulation, labor relations were still governed by Law No. 14 of 1969 concerning Basic Provisions on Labor, which was deemed no longer in line with

the developments and dynamics of labor issues.

Based on Article 86 paragraph (1) of Law No. 13 of 2003 concerning Manpower, every worker/laborer has the right to protection of their morals and decency, treatment in accordance with human dignity, and religious values. This is further emphasized in a study on the implementation of labor laws: research on UD Sari Karya in Belantih Village, Kintamani, Bali concluded that although Article 86 mandates these rights, their implementation has not been optimal due to a lack of supervision and low legal awareness on the part of both employers and workers. Thus, the protection stipulated in Article 86 is not merely symbolic, but rather an obligation of the state and employers to protect the dignity of workers in both professional and spiritual contexts.

To increase awareness and social responsibility, development related to welfare is aimed at neutralizing the possibility of instability, striving to increase the capabilities of certain community groups as subjects in determining emerging social issues. These community groups are private sector workers and government sector workers. Workers, as part of society, take part in the stages of development, especially in places that produce everything. One form of worker welfare is social protection, which is a determining factor for the progress or decline of a company in achieving the highest possible productivity. Furthermore, labor protection rights are also stipulated in Article 6 of Law No. 13 of 2003, which states that workers/laborers have the right to be treated equally without discrimination by employers. According to the definition of workers in labor regulations, workers are those who receive wages in the form of money or other forms from the company where they work. The Labor Law explicitly regulates the protection of workers in Articles 35 and 86 of Law No. 13 of 2003

concerning Labor. These provisions emphasize that workers/laborers are entitled to protection of occupational safety and health, protection of morals and decency, as well as treatment that respects human dignity and religious values. Articles 35(2) and 35(3) of Law No. 13 of 2003 stipulate the employer's obligation to provide protection to workers, which includes welfare protection, safety protection, and mental and physical health protection for workers.

The author considers that the provisions of Article 35 paragraph (2) are not fully in line with Law No. 40 of 2004 because the rights of workers/laborers are not yet optimally protected. Law No. 40 of 2004 does not stipulate criminal provisions in the event of violations or non-compliance by employers or business owners. Meanwhile, the previous law, Law No. 3 of 1992, stipulated criminal provisions. The enactment of the new law is detrimental to the interests of workers/laborers. When protection against accidents and occupational health is not provided by companies or the state, workers/laborers become the most disadvantaged party. Article 86 paragraph (1) guarantees that workers have the right to occupational safety and health protection, moral and decency, as well as treatment that is in line with human dignity. The purpose of this regulation is to ensure that every worker is guaranteed safety in carrying out their work and is protected from all forms of risk that could endanger their safety and health, whether caused by the work itself or by the actions of the employer. In the context of protecting workers' rights, every individual must be treated in accordance with their dignity as a human being so that arbitrary actions by superiors or employers cannot be justified. Thus, workers must be treated as human beings with value and dignity.

The fulfillment of workers' rights must also take into account human physical limitations, including through the provision of adequate rest time. Therefore, the

existence of protection against work accidents is important. The high number of work accident cases shows that occupational safety and health protection is a fundamental policy that must be implemented comprehensively in various sectors.

Furthermore, the implementation of labor protection by companies or authorized parties must be carried out comprehensively and must not contain inhumane practices.

2. The change in JKK sanctions from criminal (Law No. 3 of 1992 concerning Jamsostek) to administrative and civil sanctions (Law No. 40 of 2004 concerning the National Social Security System) reviewed from the perspective of legal sociology

In the Indonesian legal system, changes and replacements of regulations are common occurrences. However, these changes do not always have a positive impact on all interested parties. A similar situation occurred with the enactment of Law No. 3 of 1992, which was a special regulation governing the basic provisions on work accident insurance, death insurance, old age insurance, and health insurance for workers.

It was subsequently replaced by Law No. 40 of 2004, which is general in nature, as it regulates the social security system for all Indonesian citizens. The change from a specific regulation to a general regulation has created its own dynamics, particularly in relation to the effectiveness of social security protection for workers in the field.

The principles underlying the SJSN include mutual assistance, non-profit, openness, portability, mandatory participation, trust funds, and management of insurance proceeds. All of these principles form the basis for the implementation of social security programs, which include JPK, KK

insurance, pension insurance, JHT, and JKM for all Indonesian citizens. Contributions are mandatory, so every worker must essentially be a participant. The implementation of the above-mentioned social security programs is carried out by two BPJS.

The principles contained in Law No. 24 of 2011 are essentially aimed at realizing the welfare of the community in general and the welfare of workers in particular. However, based on the developing reality and analysis of various labor cases, the implementation of this law has actually caused a number of problems for workers. The change in the regulation of sanctions in Law No. 3 of 1992 from criminal sanctions to administrative sanctions is considered to not provide comprehensive protection to workers, thus creating injustice.

Article 29 of Law No. 3 of 1992 stipulates a potential criminal penalty of up to six months' imprisonment or a maximum fine of Rp50,000,000.00. The criminal sanctions serve to ensure that the rights of workers and their families are fulfilled, while also providing a deterrent effect on non-compliant employers. In contrast, Law No. 24 of 2011 only regulates administrative sanctions in the form of written warnings, fines, and/or termination of access to certain public services. The types of public services that can be restricted include business licenses, permits to participate in project tenders, licenses for companies providing worker/labor services, and building permits.

The implementation of administrative sanctions is not simple, as it requires inter-agency coordination. In addition, the agencies that issue these various permits are under the authority of provincial and district/city governments. This situation poses a challenge in ensuring the effective application of administrative sanctions against non-compliant businesses.

Based on the above description, the differences between the two laws can be compared as follows:

1. Criminal sanctions are regulated in Law No. 3 of 1992
2. Civil dispute resolution and administrative sanctions are regulated in Government Regulations which are implementing guidelines of Law No. 24 of 2011.
3. There is a weakening of sanctions for the implementation of social security from sanctions regulated in the law to sanctions introduced in a Government Regulation.
4. Workers feel that there is no legal certainty regarding their claims, because the sanctions in the Government Regulation require a very long and complicated process, especially regarding the right to compensation for work accidents and death benefits, including participation.

In resolving work accident cases, the Work Accident Determination mechanism is very important because it serves to resolve differences of opinion between employers, workers or their families, and the Employment Social Security Agency (BPJS Ketenagakerjaan) regarding whether an incident constitutes a work accident (KK) or a non-work accident (PAK). As stipulated in Law Number 3 of 1992, Labor Supervisors have the authority to provisionally determine the status of a work accident if the Minister has not yet made a decision, after consulting with a medical advisor and then determining the amount of compensation. This mechanism provides legal certainty regarding the status of the work incident and the amount of compensation that must be paid.

This regulation is also supported by technical guidelines in the Minister of Manpower Regulation, such as Minister of Manpower Regulation Number 26 of 2015 (which was later updated), which regulates the procedures for labor inspectors to make

determinations related to work accidents, including forms for determining disability and the percentage of compensation. Thus, the determination by labor inspectors is not merely an administrative formality, but a real legal instrument to ensure the protection of workers in the event of a work accident and to avoid disputes over social security rights.

The sanctions in Law No. 3 of 1992 are criminal in nature, so their existence provides legal certainty to workers and their families. As long as this law is in force, the settlement of work accident cases generally runs more effectively because the threat of criminal punishment has a deterrent effect on parties who neglect their labor social security obligations.

This is in contrast to the regime of Law No. 40 of 2004 and Government Regulation No. 44 of 2015 concerning the Implementation of the KK and JKM Insurance Programs. Under this new regulatory framework, workers and their families do not have adequate security and legal certainty in fulfilling their rights. When the labor inspectorate's decision regarding work accidents or occupational diseases has been issued, but the company does not implement it, workers and their families must file a civil lawsuit to obtain their rights. Civil court proceedings require a long time, as well as considerable costs and energy. This situation raises fundamental questions about how workers who are in a weak economic position can go through this process, especially since the majority of workers do not have adequate financial resources.

Based on observations and analysis of labor policies in Indonesia, the enactment of Law No. 40 of 2004 shows the influence of various interests, especially from employers. From a sociological perspective, this condition reflects a conflict of interests that is in line with conflict theory, whereby regulations that should be instruments of protection for workers actually accommodate the interests

of capital owners. This can be seen in the change in sanctions against business actors who are negligent in carrying out their obligations from criminal sanctions in Law No. 3 of 1992 to administrative sanctions, which have a relatively weaker deterrent effect and legal certainty.

In practical terms, this regulation places workers in a vulnerable position. Many workers do not have the financial capacity or adequate legal access to claim their rights through civil channels when companies fail to fulfill their obligations. This situation indicates that the SJSN Law is more formal in nature, while substantive protection for workers, particularly in relation to KK, PAK, and JKM, is less guaranteed.

Sociologically, this phenomenon can be examined through structural conflict, where the interests of employers who want to minimize operational costs often clash with the interests of workers who need adequate social security and legal protection. This conflict creates inequality in industrial relations, especially in the context of informal labor or workers with temporary contracts, who do not have the same legal leverage as formal workers or large employers.

The impact of this unbalanced regulation is also closely related to the implementation of OSH. An effective OSH system requires strong legal support and company compliance with safety standards. However, when sanctions for violations are administrative and procedurally complex, legal certainty for workers in obtaining their rights in the event of a work accident becomes weak. As a result, the potential for accidents, health problems, and losses for both workers and companies increases.

Furthermore, this inequality also affects labor productivity and welfare. Social legal theory states that effective legal protection involves not only formal compliance by companies, but also the recognition of workers' fundamental rights in practice, including physical, technical, social, and economic protection. With

regulations that tend to favor employers, workers become less motivated to actively participate in OSH and social security programs, creating a cycle of recurring risks.

Therefore, to ensure the overall welfare of the workforce, it is necessary to strengthen regulations, simplify sanction mechanisms, and provide workers with broader access to their rights. This approach not only increases companies' compliance with their social obligations, but also creates harmonious industrial relations, a safe working environment, and higher productivity. In other words, adequate legal protection is an absolute prerequisite for achieving a balance between the interests of workers, employers, and society as a whole.

Therefore, the enactment of the SJSN Law (Law 40/2004) is not only interpreted as an instrument of collective social protection, but also as a space for negotiation of interests between the state, employers, and workers. In practice, employers often have greater leverage than workers, so that regulations that are supposed to guarantee the welfare of workers are relatively ineffective in balancing rights and obligations. This phenomenon raises ethical and normative questions regarding social justice, particularly regarding the extent to which the state is truly capable of protecting workers' interests in an inclusive manner, as well as how the state's responsibilities are translated into the implementation of social security, occupational health and safety protection, and legal certainty for workers who are in a weak position.

A sociological approach to law indicates that this inequality stems from a structural conflict between the economic interests of employers and the social rights of workers. This situation emphasizes the need for regulatory reform that is not only administrative in nature, but also provides substantive legal certainty and physical, social, and economic protection for all workers, including those working in the informal sector or on temporary contracts.

In other words, the success of the JSN System Law can be seen from the extent to which the protection provided is truly inclusive and capable of creating a balance between industrial productivity and worker welfare.

CONCLUSION

Through analysis and research related to Legal Protection against Work Accidents from a Legal Sociology perspective, it can be concluded that:

1. Work accident protection is generally regulated in Law No. 13 of 2003. However, the regulations are not detailed because when the law came into effect, Law No. 3 of 1993 already existed, which regulated work accident insurance more comprehensively.
2. Work accident insurance protection after Law No. 3 of 1992 was repealed was then regulated in Law No. 24 of 2011. This situation weakens the position of workers in employment relationships because the sanctions, which were previously criminal in nature, have been changed to administrative and civil sanctions. Not all workers have the economic means or energy to pursue civil proceedings when companies do not fulfill their obligations, so the imbalance in the position of workers is clear from a sociological perspective.

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