



## Enhancing Legal Protections for Workers in Industrial Accidents: Towards Better Occupational Safety in Indonesia

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### Abstract

This article examines the current legal protections available to workers involved in industrial accidents in Indonesia, with a focus on improving occupational safety standards. Despite various regulations, workplace accidents remain a significant issue, causing physical, economic, and social consequences for employees and their families. This study employs a normative-legal approach, analyzing Indonesian labor laws, regulations on occupational safety, and international legal frameworks. The findings reveal gaps in enforcement and inconsistencies in workers' compensation mechanisms, suggesting the need for comprehensive legal reform and stronger institutional oversight. Recommendations include adopting clearer liability provisions, enhancing employer accountability, and improving access to justice for affected workers. This research contributes to both academic discourse and policymaking by offering practical legal strategies aimed at protecting workers and promoting safer industrial environments.

### Keywords:

Occupational Safety; Workers' Rights; Industrial Accidents; Legal Protection; Indonesia

### 1. Introduction

Occupational safety and health (OSH) remain crucial challenges in industrial labor sectors across Indonesia, particularly in regional areas such as Kota Banjar, West Java. Industrial accidents not only harm individual workers but also impact overall productivity, community welfare, and economic stability. Against this backdrop, recent labor activism and legal discussions in Kota Banjar highlight the pressing need for stronger legal protections and enforcement mechanisms to safeguard workers' rights and improve workplace safety standards. On June 8, 2025, Awwal Muzzaki, a prominent labor activist in Kota Banjar, voiced support for labor demonstrations organized by Sarbumusi and POSNU advocating for the establishment of a Regional Regulation (Peraturan Daerah or Perda) on labor protection. The activism reflects growing demands from workers and civil society groups for clear legal certainty regarding occupational safety and health protections, particularly concerning compensation and social



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security guarantees for work-related accidents through BPJS Ketenagakerjaan (Indonesia's national workers' social security agency). These calls come amid recent industrial accidents involving employees of PT. Albasi Priangan Lestari, a major factory in Kota Banjar, highlighting significant vulnerabilities and gaps in existing protections. The legal basis for workers' OSH rights is enshrined in several national laws and regulations. The Law on Occupational Safety and Health (UU No. 1/1970, amended by later laws) and the Manpower Law (UU No. 13/2003) specifically provide that every worker has the right to protection related to workplace safety, health, moral dignity, and humane treatment. Articles 86 and 87 of the Manpower Law explicitly guarantee workers' entitlement to safety and health protection, as well as the requirement for companies to implement integrated OSH management systems aligned with overall corporate management, as further regulated by government regulations. These laws aim to prevent workplace hazards and ensure optimal productivity by maintaining safe working conditions.

Despite these national provisions, enforcement challenges persist, especially at the regional level. The proposed Perda on labor protection in Kota Banjar is therefore seen as a vital legal instrument to complement national laws by establishing local-level mechanisms for better oversight, accountability, and direct intervention in workplace safety issues. Such regional regulations are expected to formalize the obligations of local employers, government agencies, and labor organizations, thereby enhancing protections for workers vulnerable to industrial accidents. The urgency of this regulatory intervention is underscored by recent incidents at PT. Albasi Priangan Lestari, where work accidents have exposed workers to significant risks without adequate compensation or support. Activists like Muzzaki urge the local government to act swiftly in providing guarantees for health insurance, occupational safety measures, and prompt resolution of work-related injury cases. The government's responsiveness to these issues will demonstrate its commitment to labor welfare and its recognition of workers as foundational contributors to Kota Banjar's economic and social development. In addition to local concerns, it is important to understand the broader regulatory environment governing labor protections in West Java Province in 2025. Currently, there is no official information on a specific Governor's Regulation (Peraturan Gubernur or Pergub) on labor protection for the year 2025.

Nevertheless, several relevant regulations shape labor conditions in the province: West Java Governor's Decree on Minimum Wage (UMK) 2025: The acting Governor of West Java issued Decree Number 561.7/Kep.798-Kesra/2024 establishing the Minimum Wage for 2025. This UMK applies to workers with less than one year of service, while employers must develop wage structures and scales for workers with more than one year tenure. The wage regulation directly affects labor welfare and indirectly relates to occupational safety by influencing workers' economic security. Government Regulations (Peraturan Pemerintah or PP) Related to Labor: Several government regulations govern general labor matters, including the protection of Indonesian migrant workers. These regulations provide a legal framework for various labor rights, safety standards, and employer responsibilities at the national level. Law No. 13 of 2003 on Manpower: This fundamental labor law covers multiple aspects such as employment terms,



worker rights, OSH standards, social security, dispute resolution, and workforce development. It remains the primary legislative basis for labor governance in Indonesia.

Other Governor Regulations on Labor: Additional Pergub may exist concerning technical appointments and supervision of business activities affecting labor. These local regulations contribute to shaping the labor ecosystem but may require updates or supplements to address emerging OSH challenges effectively. Due to the evolving nature of labor laws and regional regulations, it is recommended for stakeholders to regularly consult the official West Java Provincial Government website and the Department of Manpower and Transmigration of West Java for the latest updates. Legal provisions may undergo revisions or new enactments that impact labor protections and regional policy initiatives.

Given this complex regulatory landscape, the enactment of a dedicated Perda on labor protection in Kota Banjar would be a strategic and necessary advancement. It would not only enhance the local government's ability to implement OSH laws but also empower labor organizations and employers with clear guidelines and responsibilities tailored to regional conditions. This aligns with Indonesia's broader decentralization policy, which entrusts local governments with critical roles in adapting national policies to meet local needs effectively. This study seeks to examine the current legal frameworks, assess the necessity of the proposed Perda, and provide actionable recommendations for stakeholders. The central research question is: How can legal protections for workers involved in industrial accidents in Kota Banjar be strengthened through regional regulations to ensure better occupational safety and health outcomes?.

The significance of this research lies in bridging the gap between national legislation and local enforcement, offering a model for improving labor protections through regional regulatory innovations. This research will contribute to academic discourse and provide practical insights for policymakers, labor activists, employers, and the wider community. In conclusion, the occupational safety challenges faced by workers at PT. Albasi Priangan Lestari and other industrial workplaces in Kota Banjar illustrate the urgent need for enhanced legal protections. The proposed Perda on labor protection represents a critical instrument to provide this security. The forthcoming sections will review pertinent literature and laws, explain the research methodology, analyze findings, and propose recommendations aimed at fostering a safer, more just working environment in Indonesia's industrial sectors.

## 2. Literature Review

Occupational safety and the legal protection of workers in industrial settings have long been subjects of scholarly attention within labor law and public policy discourse. Numerous studies highlight the intersection between state responsibility, corporate compliance, and individual worker rights in preventing workplace accidents and ensuring appropriate post-accident remedies.



## **2.1 International Frameworks on Labor Protection**

Globally, the International Labour Organization (ILO) has established key conventions that form the backbone of occupational safety standards, including ILO Convention No. 155 on Occupational Safety and Health (1981) and Convention No. 187 on the Promotional Framework for Occupational Safety and Health (2006). These instruments emphasize the responsibility of states and employers to provide a safe and healthy working environment. Scholars such as Quinlan and Bohle (2009) argue that adherence to international labor standards significantly reduces work-related injuries and fatalities, particularly in developing economies.

## **2.2 Indonesian Legal Framework and Gaps**

In Indonesia, the principal legislative instrument governing labor rights is Law No. 13 of 2003 on Manpower, which has been partially revised through Law No. 11 of 2020 on Job Creation (Omnibus Law). Article 86 and Article 87 of the Manpower Law guarantee workers' rights to occupational safety and obligate companies to implement a Safety and Health Management System (SMK3). However, several studies—including work by Subiantoro (2021) and Yustika (2022)—highlight a critical implementation gap between regulation and practice, particularly among small and medium enterprises (SMEs) and in non-urban industrial zones.

## **2.3 Legal Scholarship on Workplace Accidents**

Academic legal commentary has also addressed the inconsistencies in compensation mechanisms following workplace accidents. Simanjuntak (2021) critiques the application of BPJS Ketenagakerjaan (the national social insurance agency) for failing to ensure equal access and responsiveness in accident claims, particularly for informal and contract-based workers. Likewise, research by Azizah and Widodo (2020) notes that many victims of workplace accidents lack the legal literacy or institutional support to seek appropriate redress, resulting in underreporting and limited accountability for employers.

## **2.4 Recent Legal and Policy Developments**

At the regional level, Governor's Decree No. 561.7/Kep.798-Kesra/2024 has set minimum wage standards for 2025, indicating a policy shift toward protecting vulnerable labor segments. However, no specific Regional Regulation (Perda) currently exists in Banjar City to address local labor conditions, which has led to public calls—such as those by activist Awwal Muzzaki (2025)—for the DPRD to legislate a local ordinance on labor protection. The legal vacuum at the municipal level reflects a broader issue of decentralization and regulatory inconsistency in Indonesia's labor governance.

## **2.5 Theoretical Perspectives**

From a theoretical standpoint, this study draws on Legal Realism and Regulatory Compliance Theory, which argue that the effectiveness of legal protections depends not merely on formal statutes, but on institutional enforcement, cultural acceptance, and worker empowerment. The disconnect between legal theory and lived labor realities in Indonesia underscores the importance of reform not only in law, but in practice and awareness.



## 2.6 Research Gap and Contribution

While substantial legal research has examined labor law, few studies specifically focus on the legal pathways for enhancing protection post-accident in Indonesian industrial contexts. This article contributes to closing that gap by integrating statutory analysis, regulatory evaluation, and practical reform suggestions tailored to the Indonesian labor environment, with a special focus on local dynamics in West Java.

## 3. Methodology / Legal Approach

This study employs a normative-juridical research approach, focusing on the analysis of legal norms, statutory provisions, and relevant doctrinal interpretations pertaining to occupational safety and worker protection in Indonesia. The normative method is chosen due to the legal nature of the research problem, which involves evaluating existing legislation, legal principles, and policy frameworks in relation to workplace accidents and the obligations of employers and the state.

The legal materials used in this research consist of:

- **Primary Legal Sources:** These include national regulations such as Law No. 13 of 2003 on Manpower, Law No. 24 of 2011 on the Social Security Organizing Body (BPJS), Law No. 11 of 2020 on Job Creation, and related Government Regulations (PP) and Ministerial Decrees. Specific attention is also given to Article 86 and Article 87 of the Manpower Law, which directly address the right to occupational safety and the mandatory implementation of a safety management system by employers.
- **Regional Instruments:** Although there is no dedicated *Peraturan Daerah* (Regional Regulation) on labor protection in Banjar City as of this writing, this study considers local developments, such as advocacy movements urging the establishment of such a regulation, and the implications of Governor Decree No. 561.7/Kep.798-Kesra/2024 on regional wage policy.
- **International Legal Instruments:** This study references international labor law standards, particularly ILO Convention No. 155 on Occupational Safety and Health and ILO Convention No. 187, to contextualize Indonesian obligations within global best practices.
- **Secondary Legal Materials:** Scholarly journal articles, commentaries, and policy analyses are used to provide interpretive context and assess the effectiveness of existing regulations. These materials help identify legal gaps, inconsistencies, and practical enforcement challenges in the current occupational safety system.

The research also adopts comparative legal analysis where appropriate, particularly in assessing how similar developing countries structure their occupational safety regulations and how Indonesia might adapt best practices in its legal reforms. Data from relevant government websites, such as the Ministry of Manpower, BPJS Ketenagakerjaan, and West Java Provincial Government, are utilized to validate the application and enforcement of the aforementioned laws and policies. Finally, this study takes into account the socio-legal dynamics in Banjar City, drawing from real cases such as recent industrial accidents and local demands for legal reform, to illustrate the practical impact of legal norms and the urgency for a responsive regional labor regulation.



## 4. Results and Discussion

### 4.1. Current State of Occupational Accidents in Indonesia

Occupational accidents remain a persistent issue in Indonesia's labor sector. According to BPJS Ketenagakerjaan (2024), over 300,000 workplace accidents were reported nationally, with manufacturing, construction, and plantation sectors accounting for the highest numbers. In West Java, the industrial province with the largest number of factories, incidents of workplace injuries and fatalities continue to rise, especially among contractual and informal workers. These figures highlight systemic weaknesses in the implementation and monitoring of occupational safety measures.

A recent case involving a worker at PT. Albasi Priangan Lestari, located in Banjar City, West Java, illustrates the urgency of this issue. A male factory employee reportedly suffered a severe injury while operating machinery without adequate safety training or protective equipment. Despite being registered under BPJS Ketenagakerjaan, delays in claim processing and ambiguity in employer liability left the worker and his family in a precarious financial and emotional situation. This incident sparked local advocacy efforts and renewed calls for regional labor legislation.

### 4.2. Legal Framework for Worker Protection in Indonesia

Indonesia's national legal framework for labor protection is primarily based on:

- Law No. 13 of 2003 on Manpower
- Law No. 1 of 1970 on Occupational Safety
- Government Regulation No. 50 of 2012 on the Implementation of Occupational Safety and Health Management Systems (SMK3)

Article 86(1) of Law No. 13 of 2003 states that every worker has the right to protection of occupational safety and health, moral and decency, and treatment in line with human dignity and religious values. Furthermore, Article 87(2) mandates that companies must integrate occupational safety and health systems into their corporate management structure.

Despite these clear regulations, local enforcement is inconsistent. The case in Banjar City demonstrates that even companies operating legally can fail to uphold safety standards, exposing workers to life-threatening risks. This dissonance between legal norms and practical implementation undermines workers' trust in the regulatory system.

### 4.3. Local Advocacy and Legislative Gaps

Following the PT. Albasi case, local activists—led by Awwal Muzzaki—urged the Banjar City DPRD to enact a Regional Regulation (Perda) on Labor Protection. Muzzaki emphasized the need for legally binding instruments that local governments can enforce autonomously, especially given the limitations of central oversight in smaller industrial zones. Currently, there is no specific regional labor protection law (Perda) in Banjar City. The absence of such a regulation has led to a legal vacuum where labor disputes and occupational accidents are addressed case-by-case without consistent standards. Furthermore, while Governor Regulation No. 561.7/Kep.798-Kesra/2024 set the provincial minimum wage (UMK) for 2025, it does not adequately address health and safety compliance or provide enforcement mechanisms beyond wage structure.



#### **4.4. Comparative Perspective: Pakistan and the Role of Regional Enforcement**

Co-author Muhammad Safdar Bhatti provides comparative insights from Pakistan, where similar labor safety issues occur, especially in the textile sector. However, certain provinces like Punjab have enacted region-specific labor safety laws under the Punjab Occupational Safety and Health Act, offering more localized enforcement. This comparative analysis suggests that Indonesia could benefit from a decentralized legal strategy. Granting provinces or cities the authority to draft and enforce labor protection laws aligned with national standards—but tailored to local industry—can improve responsiveness and accountability.

#### **4.5. Gaps in Legal Implementation and Institutional Oversight**

Despite the legal framework, enforcement agencies in Indonesia often face resource constraints. The Ministry of Manpower lacks sufficient field inspectors, and local Disnaker (Labor Offices) operate with limited budgets. This institutional weakness hampers regular audits, emergency response capacity, and the follow-up process in occupational injury cases. Data from the National Audit Board (BPK) in 2023 showed that only 18% of registered factories received occupational safety audits annually. This lack of oversight allows many companies to evade compliance, especially regarding training, safety gear, and emergency preparedness.

#### **4.6 Legal Recommendations**

Based on the findings of gaps and inconsistencies in current legal protections for workers experiencing industrial accidents in Indonesia, several legal recommendations are proposed to enhance occupational safety and workers' rights:

1. **Strengthening Regulatory Frameworks:** The existing laws, such as the Manpower Law (Law No. 13/2003) and the Occupational Safety and Health Law (Law No. 1/1970), provide a foundation but require modernization to address emerging industrial risks. It is recommended to amend these laws by incorporating clearer and more specific provisions on employer liability, mandatory workplace safety audits, and defined compensation procedures for accident victims.
2. **Enhancing Enforcement Mechanisms:** Legal provisions are only effective if enforced. The role of labor inspectors must be reinforced with greater authority, resources, and independence. Establishing an independent occupational safety regulatory body with power to impose sanctions and conduct unannounced inspections could improve compliance.
3. **Integrating Legal Aid and Workers' Access to Justice:** Many affected workers, especially informal sector employees, lack access to legal counsel or struggle to navigate compensation claims. It is essential to establish government-funded legal aid services specialized in labor and occupational safety law. Simplifying the claim and appeals process will also reduce barriers to justice.
4. **Formalizing Employer Accountability:** Current regulations sometimes allow employers to avoid responsibility for workplace accidents. It is recommended to introduce mandatory employer insurance schemes that cover accident liabilities and provide immediate financial support to victims and their families.
5. **Promoting Participation of Workers in Safety Management:** Legal frameworks should mandate the establishment of joint labor-management occupational safety committees



at company level, ensuring workers' involvement in identifying risks and developing preventive strategies.

6. **Harmonizing Local Regulations:** Given the push for regional regulations (such as Perda ketenagakerjaan in Kota Banjar), harmonization between national laws and regional regulations is crucial to avoid legal conflicts and ensure comprehensive coverage.

#### 4.7 Stakeholder Analysis

Understanding the perspectives, interests, and influence of key stakeholders is vital to formulating effective reforms and policies in occupational safety: **Workers and Labor Unions:** Workers are the primary beneficiaries of legal protection, and their active participation is necessary. Labor unions such as Sarbumusi and POSNU in Kota Banjar have been vocal advocates for stronger local regulations, emphasizing the need for legal certainty and effective protection. Workers demand clear rights regarding compensation, health benefits, and safe working conditions.

**Employers and Industry Associations:** Employers often balance between production efficiency and safety costs. While some large companies recognize the benefits of occupational safety to productivity and reputation, small and medium enterprises (SMEs) might resist costly safety implementations. Engaging employers through awareness campaigns and incentives for compliance can foster collaboration.

**Government Agencies:** The Ministry of Manpower, local government bodies like DPRD Kota Banjar, and labor inspectorates hold key roles in policy formulation, enforcement, and oversight. The effectiveness of their coordination determines the impact of labor protections. However, bureaucratic inefficiencies and limited budgets hinder optimal function.

**Legal and Judicial Institutions:** Courts and legal professionals interpret labor laws and adjudicate disputes. Their impartiality and expertise are critical to uphold workers' rights. Strengthening labor courts and training judges on occupational safety cases will improve justice delivery.

**Civil Society and Activists:** NGOs and activists such as Awwal Muzzaki provide critical monitoring and advocacy. Their involvement increases public awareness and pressures policymakers to act. Collaboration between civil society and government can improve policy transparency and accountability.

#### 4.8 Policy Reform Impact

The proposed reforms and stakeholder engagement will have multifaceted impacts on Indonesia's labor landscape: **Improved Worker Safety and Welfare:** With enhanced legal protections and enforcement, the frequency and severity of workplace accidents are expected to decline. Workers will gain confidence in their rights, leading to better job satisfaction and economic security.



**Strengthened Legal Certainty:** Clearer laws and formalized compensation schemes reduce disputes and litigation costs. This creates a stable industrial environment favorable for investment and growth.

**Economic Productivity and Competitiveness:** Healthier, safer workers contribute to higher productivity, lower absenteeism, and reduced costs from accidents and insurance claims. Companies adopting robust safety standards may gain competitive advantages domestically and internationally.

**Challenges of Implementation:** Despite benefits, reforms face challenges such as resistance from employers, budget constraints for government enforcement, and limited awareness among workers, especially in informal sectors. Strategic communication and phased implementation plans are necessary.

**Regional Disparities:** Variations in local government capacities may result in uneven enforcement. Harmonizing regulations and providing technical support to regions like Kota Banjar will ensure equitable protection across provinces.

## 4.9 Case Studies

### **Case Study 1: Industrial Accident at PT Albasi Priangan Lestari, Kota Banjar**

In early 2025, a worker at PT Albasi Priangan Lestari suffered severe injuries due to machinery malfunction. The incident highlighted critical deficiencies in workplace safety protocols and inadequate immediate compensation mechanisms. The lack of formalized safety committees and insufficient employer accountability delayed medical support and compensation claims. Activists and labor unions campaigned for local government intervention, pushing for the establishment of Perda ketenagakerjaan. The case illustrates the urgent need for legal reforms including mandatory safety audits and employer liability insurance to protect workers effectively.

### **Case Study 2: Enforcement of UMK 2025 in West Java**

The Governor of West Java issued UMK 2025 (Minimum Wage) through Keputusan Gubernur Nomor 561.7/Kep.798-Kesra/2024, setting wage standards for workers with less than one year of service. However, enforcement remains inconsistent, with several employers neglecting to update wage structures or compensate fairly, especially for those with longer tenure. This situation complicates the implementation of occupational safety laws, as fair wages and safe working environments are interlinked.

## 4.10 Conclusions and Forward Outlook

The legal landscape protecting workers from industrial accidents in Indonesia requires urgent modernization and enforcement enhancement. By implementing the recommended legal reforms and fostering multisectoral stakeholder engagement, Indonesia can move toward safer workplaces and stronger workers' rights. Future policy development should focus on harmonizing national and local regulations, improving institutional capacity for enforcement, and increasing workers' access to justice and legal aid. Additionally, public awareness



campaigns and capacity-building initiatives for employers and workers alike are essential to cultivate a culture of occupational safety. This study emphasizes that legal reforms are not only regulatory necessities but foundational steps toward equitable economic development and social justice for Indonesia's workforce.

## 5. Conclusion

This study has examined the current state of legal protections for workers involved in industrial accidents in Indonesia, with a particular focus on occupational safety and health in the context of emerging industrial challenges. Despite the existence of foundational labor laws such as Law No. 13 of 2003 on Manpower and the Occupational Safety and Health Law, significant gaps remain in enforcement, employer accountability, and workers' access to justice. The case of PT Albasi Priangan Lestari and the activism in Kota Banjar underscore the urgent need for comprehensive legal reform and stronger institutional oversight to protect workers effectively. This includes the modernization of legal frameworks, enhanced regulatory enforcement, formalized employer liability through insurance schemes, and increased participation of workers in occupational safety management.

Moreover, stakeholder analysis revealed the importance of multi-sector collaboration among workers, employers, government bodies, legal institutions, and civil society to achieve sustainable improvements. Policy reforms aligned with these recommendations are expected to yield positive outcomes, including safer workplaces, increased productivity, and economic stability. Going forward, harmonization between national and local regulations, greater transparency, and empowerment of workers through legal aid and awareness programs are critical. This will ensure that Indonesia's workforce is adequately protected and that occupational safety becomes an integral part of industrial development. In conclusion, the legal protection of workers facing industrial accidents must be prioritized as a fundamental human right and an essential component of Indonesia's social and economic progress.

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