

# ENSURING A HEALTHY AND SAFE WORKING ENVIRONMENT: A LEGAL ANALYSIS OF LABOUR LAWS IN THE PROTECTION OF WORKERS' RIGHTS IN INDONESIA

## *GARANTINDO UM AMBIENTE DE TRABALHO SAUDÁVEL E SEGURO: UMA ANÁLISE JURÍDICA DAS LEIS TRABALHISTAS NA PROTEÇÃO DOS DIREITOS DOS TRABALHADORES NA INDONÉSIA*

Article received on: 9/3/2025

Article accepted on: 11/3/2025

**Henny Juliani\***

\*Faculty of Law, Universitas Diponegoro, Semarang, Jawa Tengah, Indonesia

[hennyjuliani@lecturer.undip.ac.id](mailto:hennyjuliani@lecturer.undip.ac.id)

**Sonhaji\***

\*Faculty of Law, Universitas Diponegoro, Semarang, Jawa Tengah, Indonesia

[sonhaji@lecturer.undip.ac.id](mailto:sonhaji@lecturer.undip.ac.id)

The authors declare that there is no conflict of interest

### **Abstract**

This study examines workers' rights to a conducive environment under Indonesian labour law. Workers play a crucial role in the economy and are entitled to an environment that fosters their physical and psychological well-being. The 1945 Constitution of the Republic of Indonesia stipulates that every citizen is entitled to work and to a decent life, which encompasses the right to a healthy, safe, and comfortable working environment. This study's findings demonstrate that multiple regulations govern the safeguarding of workers' rights to a favorable working environment, notably Law No. 13 of 2003 on Manpower, which addresses various employment facets, including occupational safety, health, and social security. Nonetheless, the execution and oversight of these regulations continue to encounter challenges. The disparity in power dynamics between employers and employees, coupled with insufficient legal knowledge among both parties, constitutes the primary obstacle to establishing an ideal working environment. Consequently, additional initiatives are required from the government to enhance oversight and enforcement of laws, as well as to elevate legal awareness among both workers and employers. Understanding rights and obligations in labor relations is crucial for fostering a productive, safe, and equitable working environment, thereby contributing to sustainable social and economic development in Indonesia.

### **Resumo**

*Este estudo examina o direito dos trabalhadores a um ambiente de trabalho favorável sob a legislação trabalhista indonésia. Os trabalhadores desempenham um papel crucial na economia e têm direito a um ambiente que promova seu bem-estar físico e psicológico. A Constituição de 1945 da República da Indonésia estipula que todo cidadão tem direito ao trabalho e a uma vida digna, o que engloba o direito a um ambiente de trabalho saudável, seguro e confortável. Os resultados deste estudo demonstram que diversas regulamentações regem a proteção do direito dos trabalhadores a um ambiente de trabalho favorável, notadamente a Lei nº 13 de 2003 sobre Mão de Obra, que aborda várias facetas do emprego, incluindo segurança ocupacional, saúde e previdência social. No entanto, a execução e a fiscalização dessas regulamentações continuam a enfrentar desafios. A disparidade na dinâmica de poder entre empregadores e empregados, aliada ao conhecimento jurídico insuficiente entre ambas as partes, constitui o principal obstáculo para o estabelecimento de um ambiente de trabalho ideal. Consequentemente, são necessárias iniciativas adicionais do governo para aprimorar a fiscalização e a aplicação das leis, bem como para aumentar a conscientização jurídica entre trabalhadores e empregadores. Compreender os direitos e obrigações nas relações de trabalho é crucial para promover um ambiente de trabalho produtivo, seguro e equitativo, contribuindo assim para o desenvolvimento socioeconômico sustentável na Indonésia.*



**Keywords:** Workers' Rights. Work Environment. Labour Law. Worker Protection. Occupational Safety.

**Palavras-chave:** Direitos dos Trabalhadores. Ambiente de Trabalho. Legislação Trabalhista. Proteção do Trabalhador. Segurança no Trabalho.

## 1 INTRODUCTION

Indonesia is defined by its adherence to the rule of law, as articulated in Article 1, Paragraph (3), of the 1945 Constitution of the Republic of Indonesia, which states that “The State of Indonesia is a State based on the rule of law” (Butt & Lindsey, 2012; Crouch, 2011; Roux, 2018). The State is required to operate within the law, rather than relying solely on its power. All citizens are required to adhere to the law, maintaining equal standing as outlined in Article 27 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which embodies the principle of equality before the law (Korompot *et al.*, 2021; Rozah & Asga, 2022).

National development seeks to enhance the Indonesian populace and society comprehensively, to foster a prosperous, just, and equitable community in both material and spiritual dimensions. According to Pancasila and the 1945 Constitution of the Republic of Indonesia, the implementation of national development highlights the significant role of labor, serving both as an agent and a goal of development (Amer *et al.*, 2024; Thontowi *et al.*, 2024). Consequently, labor serves as the primary engine of the Indonesian economy. The role of labour is crucial for achieving successful development.

The 1945 Constitution of the Republic of Indonesia, specifically Articles 27, paragraph (2), and 28, ensures that every citizen has the right to work and to a decent standard of living (Anggriana *et al.*, 2025). The State holds a responsibility to ensure access to dignified employment opportunities. The fulfillment of basic needs is essential to human life, and work is the primary means of achieving them. Employment agreements govern the working relationship between employers and employees, establishing reciprocal rights and obligations. Establishing a balanced relationship between the two parties necessitates considerable effort, utilizing both formal and informal channels. The consistent enforcement of rights and obligations is designed to establish a safe, comfortable, and productive work environment, ultimately enhancing workers' welfare. The Law of the Republic of Indonesia Number 13 of 2003 regarding Manpower provides a thorough framework for all facets of employment (Tomayahu & Sumanto, 2024). This

includes regulations about the pre-employment phase, such as apprenticeships and recruitment, the employment phase, which covers wages, social security, occupational health and safety, and supervision, as well as the post-employment phase, addressing issues like severance pay and pensions. This regulation establishes extensive legal safeguards for workers and labourers.

Work is a fundamental obligation for individuals, essential to sustaining their daily lives (Hirsch, 2007). Work serves as a responsibility for both married individuals and those who are single. There are numerous factors influencing individuals' career choices, their professional development, and the industries they engage with; the ability to select one's occupation is fundamentally a human right. Organizations will undoubtedly allocate positions based on their employees' competencies. Field skills present significant challenges for workers, necessitating both energy and precision to execute tasks effectively and accurately. Field workers, frequently subjected to the elements of sun and rain, exemplify a readiness to withstand physical challenges for their own well-being and that of their families. Consequently, it is a constitutional duty of the State or government to ensure the provision of employment opportunities and safeguard its citizens. As articulated by Lalu Husni, the right to work is integral to citizens' fundamental rights and essential for sustaining their livelihoods.

The State establishes a framework through labour legislation to safeguard workers' rights against workplace discrimination. Work is recognized as a fundamental human right that requires respect and protection, and its execution must be ensured in alignment with the stipulations of the 1945 Constitution of the Republic of Indonesia (Natalis & Ispriyarso, 2018). This legislation promotes an equitable and inclusive workplace and establishes a legal framework to address violations. The State provides its citizens with the rights, opportunities, and protections necessary to secure decent employment and fair wages that align with their abilities, skills, and talents.

A working environment is deemed effective when it promotes employee health, comfort, safety, and overall satisfaction as they perform their tasks (Zhenjing *et al.*, 2022). The design of the working environment can be structured to foster a connection between workers and their surroundings. An effective work environment contributes to employee comfort, which, in turn, facilitates task completion and enhances overall performance. On the other hand, an inadequate working environment can adversely affect employee productivity. An effective working environment is defined by sufficient air circulation,

ample lighting, and minimal noise that disrupts focus. Additionally, a well-organized layout, appealing colors, and a clean atmosphere contribute to employees' comfort while working.

## **2 RIGHTS AND OBLIGATIONS IN THE WORK ENVIRONMENT: CREATING BALANCE FOR THE WELFARE OF WORKERS IN INDONESIA**

Every legal relationship established by law inherently consists of two components: rights and obligations (Dongoran & Aminah, 2024). Rights and obligations are inherently linked; one cannot exist without the other. Rights are interests safeguarded by legal frameworks (Raz, 1984; Sen, 2017). Rights provide individuals with the ability to experience pleasure and the autonomy to exercise them (Darwall, 2006; Richards, 1981). Obligations are established legal norms that guide individual conduct by imposing penalties for actions that deviate from them. The notion of legal obligations is intrinsically connected to the idea of sanctions. A legal obligation pertains to an individual whose actions may result in sanctions. The law holds little significance when it fails to apply to specific occurrences.

Human rights include the essential rights that belong to every person, such as the right to life, liberty, and well-being (Nowak, 2022; Nussbaum, 1997; Talbott, 2010). The practical implementation of corporate responsibility within the business sector is crucial for safeguarding these rights. Organizations must recognize their obligation to seek profits while simultaneously ensuring that their operations uphold human rights. This responsibility extends to their workplace practices, community interactions, and production methodologies.

Within an organisation or agency, there is a specific work environment where employees perform their tasks and responsibilities. Establishing a workforce competent in fulfilling its responsibilities requires a conducive working environment for employees. This aligns with Saydam's assertion that the work environment encompasses "all the work facilities and infrastructure around employees who are carrying out work that can affect the work itself." When employees find satisfaction in their work environment, they are likely to feel a sense of belonging, which can enhance their productivity and lead to improved performance outcomes. An effective work environment is anticipated to enhance employee productivity. An organization will inevitably encounter shifts in its

environment. To enhance employee productivity, it is essential to establish a pleasant working environment that includes all factors that can impact employees' work.

To ensure the quality of employee performance, it is essential to evaluate multiple factors, including the work environment. The relationship between the environment and humans is intricately interconnected. Humans consistently seek to adjust to varying environmental conditions. Consequently, the work environment is a critical factor that organizations must carefully consider. The work environment is a crucial factor that can enhance productivity. The work environment encompasses the social, physical, and psychological aspects of an institution, all of which can significantly influence employee performance. The work environment significantly influences employee performance outcomes, determining whether they are favorable or unfavorable.

The work environment encompasses the social, psychological, and physical aspects within a company, significantly impacting employees' performance in their roles. The interconnection between human life and the surrounding environment is undeniable. The work environment has a significant impact on employee performance. The work environment's conditions are significant, as they can influence both the physical and non-physical aspects of employees' well-being. A conducive work environment enables employees to feel secure and at ease, allowing them to perform their tasks effectively and achieve optimal outcomes. Conversely, an inadequate work environment can lead to a decline in employees' well-being. If this situation persists, employees will likely experience dissatisfaction, ultimately resulting in decreased efficiency and productivity. Consequently, establishing a high-quality work environment is essential for a company to effectively enhance employee performance.

The work environment can be categorized into two primary types: physical and non-physical. The physical work environment encompasses the conditions in the workplace that can influence employees, whether directly or indirectly. This environment consists of two distinct components. The initial focus is on the environment that directly impacts workers, including the work center, chairs, tables, and similar components. Secondly, the intermediate environment influences human conditions through factors such as unpleasant odours, temperature, air circulation, humidity, lighting, noise, and mechanical vibrations. Conversely, the non-physical work environment encompasses factors related to interpersonal dynamics within the workplace, including interactions with superiors, colleagues, or subordinates. This factor is significant, as it can influence

collaboration within the organization. Consequently, organizations should foster an environment that promotes effective communication, self-regulation, and camaraderie among all stakeholders.

The heightened consciousness among employees regarding their entitlements, such as the right to a secure workplace, health considerations, and equitable compensation, has significantly impacted the formulation of regulations. Trade unions and labour organisations are increasingly engaged in advocating for workers' rights and pressing for stronger legal frameworks to safeguard human rights. This recognition has created a demand for the government and corporations to implement policies that favor workers.

The safeguarding of workers' rights continues to face multiple unresolved challenges. Initially, regulatory factors present a significant challenge. Despite numerous regulations governing labour relations, certain loopholes persist that facilitate violations. Additionally, the cultural dynamics among workers, employers, and law enforcement play a significant role in shaping outcomes. Employers frequently underestimate the importance of safeguarding workers' rights, and workers, in turn, lack a comprehensive understanding of employers' roles in labor relations. The level of workers' awareness regarding their obligations remains insufficient, and law enforcement officials have faced challenges in executing their responsibilities effectively. Third, while the theoretical framework suggests an equality between employers and workers, practical observations frequently reveal a disparity in their positions. Employers hold a more advantageous position, whereas workers, in need of employment, are frequently compelled to accept the terms set by employers, which may ultimately lead to labor disputes. Fourth, companies frequently struggle to meet workers' rights, particularly regarding participation in the Employment Social Security (Jamsostek) or BPJS programmes, primarily due to financial constraints.

Ultimately, safeguarding workers' rights transcends mere labour administration or policy modifications. This statement underscores the importance of the State and society in ensuring equitable treatment and respect for individuals. Worker protection should be viewed not as an act of charity, but as an acknowledgment of their contributions and entitlements as citizens and members of society. Consequently, a unified dedication is essential to establish an equitable, secure, and compassionate work system for everyone. It is essential to acknowledge that many workers continue to operate in fear,

uncertainty, and pressure. They face extended hours characterized by both physical labor and the gradual erosion of their aspirations, a consequence of an inequitable system. The moment has arrived for their perspectives to gain recognition, their efforts to receive acknowledgment, and their entitlements to be safeguarded concretely. Ensuring the safety and well-being of workers transcends mere economic considerations or policy frameworks; it fundamentally relates to our shared humanity.

### **3 LEGAL PROTECTION OF THE WORK ENVIRONMENT: REALISING SOCIAL JUSTICE AND WORKER WELFARE THROUGH LABOUR REGULATIONS IN INDONESIAAN ANALYSIS OF LABOUR LAW IN INDONESIA**

The law, serving as a framework for behavior, should embody a careful equilibrium among the interests of individuals, society, and the State. Furthermore, it is essential to foster order, ensure legal certainty, uphold equality before the law, and deliver justice. Labour law fundamentally serves to safeguard and foster a sense of security, tranquility, and prosperity by ensuring social justice for everyone. The labour law framework aimed at providing protection should be grounded in two fundamental principles. Initially, law, from an ideal standpoint, manifests itself in legislation (heterotom) and autonomous law. This legal domain should accurately represent legal products that align with the principles of justice and truth, provide certainty, and hold value for the parties engaged in the production process. Labour law encompasses more than the interests of business entities; it also addresses and safeguards the rights of workers who occupy a significantly disadvantaged social standing vis-à-vis established employers.

The law establishes advantages concerning social disparities and economic statuses for underprivileged workers, encompassing welfare provisions, wage benchmarks, and working conditions, as stipulated in legislation and aligned with the principles of justice as articulated in Article 27, paragraph 2 of the 1945 Constitution, which asserts: “Every citizen has the right to work and to a decent livelihood for humanity”. Article 28 D, paragraph (2), of the 1945 Constitution provides that every individual is entitled to work and to receive equitable and appropriate remuneration and treatment within employment relationships. Furthermore, normative law at the

implementation level plays a crucial role in supervision through law enforcement agencies, which enforce legal provisions and take action against those who fail to comply.

Employment represents a domain characterized by concepts of protection, which can be anticipated as a realization for workers. This expectation arises from the hierarchical relationship between employers and employees, particularly when viewed through the lens of applicable legal frameworks. In the context of labour law, employers and workers possess equivalent legal standing. In specific sociological contexts, the relationship between workers and employers can be characterized by an imbalance in status. This situation arises from the often vulnerable position of workers and labourers. Consequently, to address the community's needs, it is essential to consider the labor factor, particularly among lower-income groups, including workers and laborers. This encompasses guidance, direction, protection, and assurances for the realization of labor rights. The objective is to establish a systematic approach to growth and success.

The matter of labour rights encompasses a range of historical, social, economic, and political dimensions. The historical context of oppression and discrimination faced by workers, alongside the injustices related to wage distribution and working conditions, as well as economic factors like unemployment and efforts to reduce labor costs, significantly shape the landscape of labor rights issues. Consequently, the legal safeguarding of labor rights is essential to guarantee that employees are afforded equitable and humane treatment within their employment relationships. The principles of labour law function as mechanisms to ensure the realization of human rights, especially within the context of employment. The safeguarding of workers embodies the tangible application of fundamental human rights, encompassing the right to employment, fair compensation, safeguarding against humiliating treatment, and the liberty of collective association. The rights in question fall within the framework of economic and social rights, as stipulated by both national legislation and international legal instruments.

Human life encompasses a multitude of uncertainties, including risks that can inflict harm. Risks can be classified into two main categories: fundamental risks, which exert broad influence and include political or economic factors, and specific risks, which affect individual entities, such as business failures or accidents. Employees encounter distinct hazards, including workplace accidents and job-related illnesses, which can jeopardize their well-being. Consequently, social security serves as a crucial mechanism for mitigating and addressing these risks. Social security represents a fundamental

entitlement for workers, while simultaneously imposing a responsibility on employers to ensure adequate protection.

It is essential to consider labour factors in order to address societal needs effectively. This encompasses training, instruction, and labor protection measures. The objective of legal protection for workers is to eradicate slavery and ensure that workers are treated with greater humanity, enabling them to lead improved lives and experience a dignified existence as individuals. The government, as the entity in authority, is responsible for safeguarding labor regulations, particularly in the employment sector. There are three categories of legal protection for workers: (1) Technical Protection, which safeguards workers from accidents related to aircraft, work tools, or materials being processed or handled within the company. This category of protection is referred to as Occupational Safety and Health (OSH). Additionally, there is Social Protection, which pertains to societal measures designed to empower workers to thrive as individuals and community members, particularly concerning occupational health. Lastly, Economic Protection focuses on initiatives to ensure that workers receive adequate income to meet their daily needs and those of their families, especially when they are unable to work due to unforeseen circumstances.

Legal protection for workers encompasses more than material welfare; it also includes proactive strategies to mitigate workplace accidents and health risks. This is essential to ensuring that workers possess not only material rights but also the sustainability needed to preserve their health and safety in the workplace. In this context, workers or labourers are individuals who engage in active employment and receive remuneration, which may take the form of cash, goods, or other forms of compensation. This definition encompasses a range of work types, whether performed autonomously or in partnership with corporations, legal entities, or other organizations. Consequently, this legal protection encompasses the full range of employment. It is essential to recognize that workers' compensation encompasses more than just monetary value. Goods or alternative forms of compensation are acknowledged as integral components of a mutually advantageous working relationship between employees and employers. Therefore, acknowledging these rights encompasses not just financial elements but also incorporates value dimensions that can enhance the overall work experience. Legal protections for workers emphasize preventing accidents and mitigating workplace health risks. The focus is on the adoption and implementation of safety policies, protective

equipment, and procedures designed to establish a safe and healthy work environment. Legal protection for workers encompasses both responses to potential situations and proactive measures to mitigate risks that could jeopardize workers' overall welfare.

Worker protection guarantees the fulfillment of their rights within the employment relationship with employers. Labour law serves to establish equilibrium in the employer-employee dynamic, ensure social justice, and safeguard workers against possible exploitation by employers. This law safeguards various workers' rights, notably the right to work. Article 27, paragraph 2 of the 1945 Constitution of the Republic of Indonesia articulates that every citizen is entitled to work and earn a decent livelihood, framing this entitlement as a fundamental human right. Secondly, the principle of fair wages holds that workers should receive compensation proportional to the effort they invest in their work. Third, the right to assemble and form unions ensures that workers can establish labor unions to advocate for their rights and interests, including fair wages. Fourth, the entitlement to occupational safety and health protection encompasses safeguarding workers' safety and health as an integral component of the right to a decent life. The legal safeguards for these rights are crucial for preventing worker exploitation and ensuring equitable treatment in the workplace.

The safeguarding of workers' rights within employment relationships encompasses various critical aspects, including fair wages, regulated working hours, adequate working conditions, and measures to prevent discrimination and exploitation. The legal framework for labor rights is designed to guarantee that employees are treated fairly and humanely in their employment relationships, thereby fostering both worker welfare and national progress. The foundation of this protection is rooted in the constitution and international conventions that acknowledge workers' rights as integral to human rights.

The regulation governing legal protection for workers in Indonesia is set out in Law of the Republic of Indonesia Number 13 of 2003 regarding Manpower. The fundamental principle in Manpower Law is to safeguard the interests of the weaker party, specifically workers or laborers, against potential arbitrariness from employers or business owners that may occur within employment relationships. This aims to ensure legal protection and promote social justice. The Manpower Law categorizes employment agreements into two distinct types: fixed-term employment agreements (PKWT) and indefinite-term employment agreements (PKWTT). The Decree of the Minister of

Manpower and Transmigration Number KEP/100/MEN/VI/2004, specifically article 1 paragraph 1, defines PKWT as an employment agreement that creates a relationship between workers/labourers and employers for a specified duration or for a particular task. Article 1, paragraph 2, states that PKWTT serves as a formal employment agreement between workers and employers, intended to establish a permanent employment relationship.

While the legal framework governing employment protection in Indonesia is established through various laws and regulations, implementation remains a significant challenge. An essential measure is to enhance the quality of supervision and law enforcement in the employment sector. This is crucial for ensuring that workers achieve their rights in both formal and substantive ways. Furthermore, informing both workers and employers of their rights and responsibilities can enhance overall legal awareness in society. Additionally, it is essential to emphasize the beneficial effects of legal protection in the labor sector, including enhanced worker welfare, social and economic stability, and contributions to productivity and sustainable economic development. Employment law protections can foster a more conducive, favorable, and safe working environment, thereby enhancing worker satisfaction and loyalty. A deeper understanding of the role of employment law in promoting social and economic welfare enables a greater appreciation of the necessity of upholding and enhancing a sustainable employment system.

Recent years have seen substantial modifications to labour laws in Indonesia. The government has enacted multiple reforms aimed at enhancing worker protection, notably through revisions to the Labour Law in 2020. The modifications encompass various aspects of workers' rights, including compensation, leave entitlements, and workplace safety measures. Furthermore, labor regulations have been revised to align with evolving market dynamics and technological advancements. Nonetheless, obstacles persist, especially regarding the execution of policies and the monitoring of diverse industrial sectors. Alongside the revision of the law, initiatives have been implemented to enhance communication between workers and employers, including the creation of a National Wage Council and the regulation of mechanisms for resolving labor disputes. The enhancement of labour unions presents a significant challenge, underscoring the need to raise awareness of workers' rights and to strengthen unions' role as collaborative partners in developing labour policies. While these measures are beneficial, it remains essential to conduct thorough evaluations and make necessary policy adjustments to effectively

respond to the changing economic landscape and the growing complexities of worker demands.

Furthermore, initiatives are underway to enhance migrant workers' safeguarding by revising Law No. 18 of 2017, which governs the Protection of Indonesian Migrant Workers. This step demonstrates recognition of the complexities faced by migrant workers and of the initiatives aimed at safeguarding their rights, both domestically and internationally. In the reform process, it is essential to address several issues that demand further scrutiny. These include the need for consistent policy implementation across Indonesia to ensure equitable protection, as well as enhancing public understanding and awareness of labor rights. Such measures are crucial for the sustainability and effectiveness of worker protection.

The objective of worker protection is to secure fundamental rights and promote equal opportunities, ensuring non-discriminatory treatment across all bases. This approach seeks to enhance the welfare of workers and their families while remaining mindful of business advancements. The law establishes that the community's interests may be recognized as legal rights enforceable in court. Rights are conferred upon rights holders, commonly referred to as legal identities, which encompass both natural persons and non-natural legal entities, specifically those arising from legal fiction.

Therefore, to address the community's labour needs, particularly for individuals in lower socioeconomic classes such as workers and labourers, it is essential to focus on training, guidance, protection, and ensuring the fulfillment of labour rights. The objective is to establish a systematic approach to growth and success. The position of workers and labourers is not only unbalanced but also lacks freedom from a sociological perspective. Due to the lack of alternative sources of income, these individuals are compelled to seek employment with others. The company or employer fundamentally establishes the terms of employment. Given the hierarchical dynamics between workers and employers, the government must intervene to establish legal safeguards.

The principles of labour law in Indonesia play a crucial role in safeguarding workers' rights, making it essential to examine their implementation closely. This protection seeks to guarantee the fundamental rights of workers and laborers, ensuring equal opportunities and treatment devoid of discrimination. The objective is to foster prosperity for workers and their communities while also considering the evolving business landscape. One of the principles governing labor, as outlined in the Labour Law,

concerns occupational safety and health. All employees have the right to this protection, which is essential to their well-being and contributes to the nation's overall productivity. The protection offered by labour law is intricately linked to the function of law as a regulator and guardian of public interests, particularly workers' welfare. The law serves to protect, govern social interactions, and address conflicts within society. The government should prioritize not only the protection of workers and labourers but also the advancement of employment opportunities as a crucial component of the comprehensive development of the Indonesian populace. This approach encompasses the welfare, justice, and prosperity of Indonesian society as a whole. Employment development encompasses various dimensions and requires collaboration among the government, employers, and workers/labourers to ensure effective, cohesive implementation. Soepomo categorizes the protection of workers into three distinct types: (1) Economic protection, which encompasses sufficient income for workers, including provisions for those unable to work voluntarily; (2) Social protection, which includes occupational health insurance, the right to associate, and the ability to organize; and (3) Technical protection, which is centered on ensuring occupational health and safety.

All organizations that hire employees are required to ensure the safeguarding of their rights, especially regarding the enhancement and maintenance of their well-being. This protection aligns with the principles of kinship and cooperation as articulated in Pancasila and the 1945 Constitution of the Republic of Indonesia. The Manpower Act contains various articles regulating worker welfare, including: Article 4(c), which states that the objective of manpower development is to provide protection for workers to achieve welfare; Article 5, which grants every worker the right to equal opportunities without discrimination; Article 6, which guarantees equal treatment without discrimination from employers; Article 11, which grants workers the right to acquire or improve their work skills through training; Article 12 paragraph 3, which provides equal opportunities for workers to participate in job training in accordance with their field of work; Article 31, which guarantees workers the right to choose or change jobs and earn a decent income; Article 86 paragraph 1, which provides protection for the safety, occupational health, morals, and decency of workers; Article 88 paragraph 1, which regulates the right of workers to earn a decent income; Article 99 paragraph 1, which provides social security rights for workers and their families; and Article 104 paragraph 1, which regulates the right of workers to form and become members of labour unions.

The Law of the Republic of Indonesia Number 13 of 2003 regarding Manpower establishes a framework for social security protection for workers. This framework encompasses financial assistance and safeguards in various circumstances, including illness, disability, retirement, or death. In Indonesia, workers benefit from various forms of social security. These include the Social Security for Workers (Jamsostek), which offers financial support to those who are ill, disabled, or deceased. Additionally, there is the Fixed Allowance (THT), designed to assist terminated workers. Furthermore, there are protections in place for workers who face unfair termination or whose dismissal does not comply with legal requirements.

According to Article 1, paragraph 2 of Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower, Manpower is defined as any individual capable of engaging in work to produce goods and/or services, whether for personal consumption or for the needs of the community. Organizations that hire employees need to prioritize workplace safety. Companies must ensure the protection of the right to occupational safety and health, as mandated by Law No. 13 of 2003 concerning Manpower and Law No. 11 of 2020 concerning Job Creation. Organizations must ensure safe and healthy working conditions and provide a safe and adequate working environment for their employees.

Law Number 13 of 2003 on Manpower demonstrates the Indonesian government's commitment to safeguarding workers' rights and improving the working environment. The successful execution and rigorous oversight of this law are essential for realizing these objectives, ensuring that workers can operate in a safe, healthy, and productive environment while fully receiving their entitlements. Job safety is defined by optimal work environment conditions, the quality of work tools, and the suitability of work materials, all of which are governed by an effective management system. Alongside workplace safety, it is essential to implement occupational safety and health in every workplace (company).

Occupational Safety and Health (OSH) procedures consist of a set of activities that every worker must follow to ensure their safety and health, thereby facilitating the successful completion of work tasks. To ensure the effective implementation of Occupational Safety and Health (OSH) procedures, organizations designate an individual to oversee them. Occupational Safety and Health (OSH) procedures are essential for companies, as they help minimize losses from workplace accidents while enhancing

overall productivity. Companies can achieve increased productivity by establishing a safe, comfortable, and effective working environment. Proper implementation of occupational safety and health measures can significantly reduce workplace accidents and eliminate unnecessary costs. Consequently, an environment that prioritizes safety, comfort, health, and productivity will be established. All parties must take an active role in implementing OSH, which necessitates engagement from the government, local authorities, institutions, and the industrial community. The rights and obligations inherent in employment relationships within a company must take into account each party's role in fulfilling their respective duties and responsibilities.

It is essential to provide workers with protection to ensure they receive equal treatment and opportunities free from discrimination, while also safeguarding their fundamental rights. Occupational health is a systematic approach that enables the community to engage in work safely, minimizing risks to their well-being. This involves a thorough examination of the interplay among work capacity, the work environment, and the associated workloads. Companies need to ensure occupational safety and health protection for their workers, as outlined in Article 86 paragraph (1) of Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower. This law asserts that every worker or laborer is entitled to protection regarding occupational safety and health, as well as morals, decency, and treatment that aligns with human dignity and religious values.

Additionally, Article 87, paragraph (1), of Law Number 13 of 2003 regarding Manpower mandates that all companies establish an occupational safety and health management system integrated with their overall management system. Labour protection exists to ensure workers' safety during employment. In the event of an accident, workers can rely on established regulations governing workplace safety and outlining compensation procedures, alleviating concerns about potential incidents.

Each worker is entitled to safeguards for occupational safety and health while performing their responsibilities, which contribute to overall well-being and enhance national production and productivity. The Law of the Republic of Indonesia Number 1 of 1970 regarding Occupational Safety establishes that the primary objectives of occupational safety and health (OSH) initiatives are to ensure the safety and health of workers and all individuals in the workplace. Additionally, it emphasizes the importance

of efficiently utilizing production resources and maintaining the uninterrupted flow of the production process.

The Republic of Indonesia Law No. 13 of 2003 on Manpower establishes provisions that guarantee adequate social security for workers and protect both workers and their families under specific circumstances. Social security is governed by Law No. 3 of 1992, which pertains to Social Security for Workers. This framework is currently managed by the Social Security Administration Agency (BPJS) under the provisions of Law No. 24 of 2011, which establishes the BPJS.

The Law of the Republic of Indonesia Number 24 of 2011 addresses companies' responsibilities to ensure social security for their employees through the Social Security Administration Agency (BPJS). Organizations must establish social security programs for their employees to safeguard against social risks, especially regarding employment and health, via BPJS Employment and BPJS Health. The implementation of the Law on BPJS requires companies to ensure sufficient social protection for their employees. This social security system safeguards workers against employment and health risks while also fostering a sense of security and welfare for all workers in Indonesia.

The government aims to enhance worker protection by reforming regulations under the Job Creation Law. Nevertheless, there has been an observable decline in the rights workers are entitled to. The reforms focus on optimizing overlapping or inconsistent regulations, promoting investment to generate employment, particularly addressing over-regulation at both central and regional levels. The implementation of an integrated legal system, or Omnibus Law, requires the involvement of numerous professional legal control experts and the development of an electronic legal control system tailored to the national legislative framework.

Legislative formulation must meet several essential criteria to ensure proper acceptance and implementation. The initial principle is the clarity of purpose, which asserts that each regulation must possess a distinct objective to ensure effective implementation and attainment. Secondly, the principle asserts that regulations should be established by designated authorities or officials, indicating that any regulation must be defined by public entities or officials who possess the requisite authority, such as the President and the House of Representatives. The regulation may be revoked if it is established that an unauthorized party created it. Third, the principle of alignment among type, hierarchy, and content requires that each regulation be consistent with the relevant

type and hierarchy. Fourth, the principle of application asserts that every institution responsible for issuing regulations must take into account the social, philosophical, and physical legal implications of these regulations. Fifth, the principles of effectiveness and usefulness ensure that each regulation is both necessary and advantageous to society, the nation, and the State. Sixth, the principle of precise construction mandates that legal provisions adhere to explicit, systematic technical construction standards and use straightforward language, thereby minimizing the potential for varied interpretations during application. Seventh, the principle of openness underscores the need for transparency throughout the regulatory formulation process. This includes all stages, from planning and drafting to discussion, ratification, and promulgation, ensuring that every segment of society has the chance to engage in the development of legal regulations.

On 2 November 2020, President Joko Widodo enacted the Omnibus Law, subsequently recorded as Law of the Republic of Indonesia Number 11 of 2020 related to Job Creation. The signing occurred after the Omnibus Law Ciptaker Bill was approved by the House of Representatives of the Republic of Indonesia (DPR RI) and the government on 5 October 2020. This event marked the initial phase in a series of regulatory reforms initiated by the government. The Law of the Republic of Indonesia regarding Job Creation was officially enacted and became legally binding on 2 November 2020. The Job Creation Law is a significant element of a broader legislative package that has indeed generated numerous conflicts within its structure. The process from discussion to ratification and eventual enactment of this law presents a range of advantages and disadvantages that merit careful consideration. At its peak, 4,444 sectors of society organized a significant wave of protests, even though there were also 4,444 sectors during the COVID-19 pandemic.

The principles of general law are expected to diverge significantly when assessed from the perspective of practical application. The Job Creation Law, viewed as a preliminary effort at comprehensive legislation, is regarded by multiple societal groups as deficient, particularly in its treatment of due process and the legal process, which are essential regulatory standards in the development of laws and regulations within a nation that adheres to the rule of law. 25 General law serves as a legal instrument that encompasses multiple subject matters, materials, and topics, primarily aimed at revoking and/or amending existing regulations to consolidate them into a unified regulation.

## 4 CONCLUSION

Labour law in Indonesia is crucial for safeguarding workers' rights and fostering equitable and efficient employment relationships. Worker protection encompasses not only economic factors, including fair wages, but also addresses physical and psychological dimensions, such as safety, health, and an appropriate working environment. The Labour Law, as outlined in Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower, establishes a legal framework to safeguard workers' rights. This includes the right to work, the right to equal treatment, and the right to protection regarding occupational safety and health. Furthermore, social security programs like Jamsostek provide workers with financial safeguards during specific circumstances, including work-related accidents, health issues, or job termination.

Nonetheless, even with these regulations in place, ongoing challenges remain in their implementation and oversight. The imbalance between employers and workers, the lack of legal awareness among workers, and the failure of certain companies to meet their protection obligations represent significant challenges. Consequently, there is a need for improvements in supervision and law enforcement, as well as greater awareness among both workers and employers.

Furthermore, establishing a healthy, safe, and comfortable working environment for employees is an important consideration. An effective working environment significantly influences worker productivity and well-being; therefore, companies should prioritize factors such as lighting, ventilation, cleanliness, and noise control. Employees who feel comfortable in their work environment tend to exhibit higher productivity, whereas an unfavorable workplace can lead to diminished morale and a decline in overall performance.

Alongside the physical aspects, the relationship between workers and employers should be based on mutual understanding and fairness. In employment relationships, both parties must adhere to their rights and obligations. Robust legal safeguards can protect workers' rights while allowing employers to operate their businesses efficiently.

The evolution of Indonesian labour laws is evident in the recent amendments introduced by the Job Creation Law, which seeks to streamline regulations and enhance the investment environment. Nonetheless, these changes provoke significant debate, particularly regarding workers' rights, which are sometimes overlooked. Consequently,

the government needs to continue assessing and improving current regulations to maximize worker protection while also considering the interests of the business sector. The safeguarding of workers' rights extends beyond the State's obligations; it necessitates a collaborative effort among the government, employers, and the workers to foster a fair, safe, and productive work environment.

## REFERENCES

- Amer, N., Lubis, A. F., Muhtar, M. H., Saija, V. J. E., Putri, V. S., & Setiawan, B. (2024). Implications of the Constitution for Political Neutrality in the Dynamics of Law and Democracy. *Journal de Facto*, 10(2), 283–302. <https://doi.org/10.36277/jurnaldefacto.v10i2.189>
- Anggriana, A., Nurhidayati, S., & Fadhil, M. (2025). The Right to Work for Person with Disabilities In Indonesia: Legal Protection, Equality, And Social Ecology. *Widya Pranata Hukum: Jurnal Kajian Dan Penelitian Hukum*, 7(1), 115–134. <https://doi.org/10.37631/widyapranata.v7i1.1931>
- Butt, S., & Lindsey, T. (2012). *The Constitution of Indonesia: A Contextual Analysis*. Bloomsbury Publishing.
- Crouch, M. A. (2011). Law and Religion in Indonesia: The Constitutional Court and the Blasphemy Law. *Asian Journal of Comparative Law*, 7, 1–46. Cambridge Core. <https://doi.org/10.1017/S2194607800000582>
- Darwall, S. (2006). The Value of Autonomy and Autonomy of the Will. *Ethics*, 116(2), 263–284. <https://doi.org/10.1086/498461>
- Dongoran, H. M., & Aminah, A. (2024). Obligations Arising from Contracts and Laws and Their Relationship with Authentic Deeds. *Al-Ishlah: Jurnal Ilmiah Hukum*, 27(1), 31–43. <https://doi.org/10.56087/ajjih.v27i1.444>
- Hirsch, D. (2007). *Seven: Sustaining working lives: The challenge of retention* (pp. 103–120). Policy Press. <https://doi.org/10.51952/9781847422491.ch007>
- Korompot, M. I. S., Al-Fatih, S., & Pradhan, D. (2021). The Principle of Equality Before the Law in Indonesian Corruption Case: Is It Relevant? *Journal of Human Rights, Culture and Legal System*, 1(3), 135–146. <https://doi.org/10.53955/jhcls.v1i3.13>
- Natalis, A., & Ispriyarso, B. (2018). Politik Hukum Perlindungan Pekerja Migran Perempuan di Indonesia. *Pandecta Research Law Journal*, 13(2), 108–123.
- Nowak, M. (2022). What Are Human Rights? In *The Routledge Companion to Music and Human Rights* (pp. 13–27). Routledge.
- Nussbaum, M. C. (1997). Capabilities and Human Rights. *Fordham Law Review*, 66(2), 273–300. [https://chicagounbound.uchicago.edu/book\\_chapters/730/](https://chicagounbound.uchicago.edu/book_chapters/730/)

- Raz, J. (1984). Legal Rights. *Oxford Journal of Legal Studies*, 4(1), 1–21. JSTOR. <http://www.jstor.org/stable/764353>
- Richards, D. A. J. (1981). Rights and Autonomy. *Ethics*, 92(1), 3–20. <https://doi.org/10.1086/292294>
- Roux, T. (2018). Indonesia's Judicial Review Regime in Comparative Perspective. *Constitutional Review*, 4(2), 188–221. <https://doi.org/10.31078/consrev422>
- Rozah, U., & Asga, A. R. (2022). Problems of Law Enforcement in Realizing the Principle of Equality Before the Law in Indonesia. *Law Reform: Jurnal Pembaharuan Hukum*, 18(2), 222–237. <https://doi.org/10.14710/lr.v18i2.47477>
- Sen, A. (2017). Elements of a Theory of Human Rights. In *Justice and the Capabilities Approach* (pp. 221–262). Routledge.
- Talbott, W. J. (2010). *Human Rights and Human Well-Being*. Oxford University Press.
- Thontowi, J., Wati, E., Jamil, A., & Nurjihad, N. (2024). *Transformation of Pancasila and the Rule of Law: A Comparative Study and Analysis of National Development Before and After Government Reformation*. 204, 07011. <https://doi.org/10.1051/shsconf/202420407011>
- Tomayahu, N. S., & Sumanto, D. (2024). Legal Implications for Home-Based Workers Following the Judicial Review Decision of the Constitutional Court of the Republic of Indonesia. *The Indonesian Journal of International Clinical Legal Education*, 6(1), 49–80. <https://doi.org/10.15294/ijicle.v6i1.4717>
- Zhenjing, G., Chupradit, S., Ku, K. Y., Nassani, A. A., & Haffar, M. (2022). Impact of Employees' Workplace Environment on Employees' Performance: A Multi-Mediation Model. *Frontiers in Public Health*, 10, 890400. <https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2022.890400>

### Authors' Contribution

Both authors contributed equally to the development of this article.

### Data availability

All datasets relevant to this study's findings are fully available within the article.

### How to cite this article (APA)

Juliani, H., & Sonhaji. (2025). ENSURING A HEALTHY AND SAFE WORKING ENVIRONMENT: A LEGAL ANALYSIS OF LABOUR LAWS IN THE PROTECTION OF WORKERS' RIGHTS IN INDONESIA. *Veredas Do Direito*, 22(5), e223876. <https://doi.org/10.18623/rvd.v22.n5.3876>