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Principles Company Responsibility in the Event of a Work Accident That Causes Physical Disabilities

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Abstract: This study aims to find out about employment problems at CV Sidu Utama. CV Sidu Utama is a printing company located in the city of Klaten. In this study the authors will help to uphold workers' rights, such as the right to legal protection and rights in the event of a work accident. The author of this article decided to find out how the company's responsibility in the event of a work accident that results in physical disability according to labor law occurs. And aims to find out the legal protection of workers while working in the company. This study uses the empirical law method, where interviews and observations are important sources of data to describe facts and data in the field. Empirical research is research that takes place or interacts in the life of the community around the research location. This is an empirical legal study or legal study that uncovers empirical facts derived from human behavior, both verbally and in real activities. In this research, legal sociology methodology is adopted. This is an approach to investigating law in a social environment. Its aim is to explain, relate, investigate and critique how law works in society. The government has issued Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower.

Keywords: Legal Protection, Work Accident, Labor Law

1. Introduction

Article 27 (2) of the 1945 Constitution states: "Every citizen has the right to work and a life worthy of humanity." In addition, Indonesian law requires that everyone has the right to work and receive remuneration, as well as fair and proper treatment in their employment relationship. This is regulated in Article 28D(2) of the 1945 Law. The provisions stipulated in the 1945 Republic of Indonesia Law are detailed or further regulated by laws and regulations, including the Manpower Law No. 13 of 2003 (Labor Law).¹

Policies regarding public employment regulations in the Klaten City Government have little impact on protecting occupational health and safety for workers. According to Frank E. Bird Jr., a work accident is an unintentional event that can result in loss and damage to the company as well as physical or mental injuries to those who experience it. Work accidents are events that the company does not want the most because it can harm the company.

¹ Cristoforus Valentino Alexander Putra, "Urgensi Klausula Definisi Dalam Perjanjin", Kertha Patrika, Vol. 39 No. 1, (2017): 61-63

Occupational accidents are one of the most common problems for workers. Work accidents are often caused by behavior related to workers and the work environment, in this case the company is certainly obliged to be responsible for what happens to its workforce. This is also stated in Article 87 paragraph (1) of Law Number 13 of 2003 concerning Manpower, namely that every company is required to implement an occupational health and safety management system that is integrated with the company's management system.

As a result, work safety standards must be established to avoid and reduce work accidents. When someone has a work accident, it becomes difficult to meet the demands of work. To fulfill workers' rights, companies need to legally protect the rights of workers who have experienced work accidents. Protection of workers is the fulfillment of basic rights inherent in and protected by the Constitution, as stated in Article 27 (2) of the 1945 Constitution which states "Every citizen has the right to work and a decent living." Therefore if there is a violation of the rights guaranteed by the Constitution then this is a violation of human rights. Employee protection aims to protect basic rights, and non-discriminatory actions against workers for any reason, to achieve the welfare of workers and their families, while monitoring the development of the business world and the priorities of employers.

According to Mangkunegara, occupational health and safety seeks to assist the company's manufacturing process because, occupational health and safety also strives to increase the productivity of individual workers and, responds to them to participate in the work they will be doing. According to Mangkunegara, work safety seeks to avoid the company's manufacturing process.² Occupational health and safety also aims to increase the productivity of individual workers and their willingness to participate in employment activities. Defined by the International Labor Organization (ILO) and the World Health Organization (WHO) in 1998, occupational health and safety protects and promotes the highest level of health for all workers, including physical, mental and social health. In addition, workers' health is managed by Law Number 24 of 2011.

Discipline and maintaining health are the basis for taking corrective action. For example prevention of things that can have an impact on work accidents. In such a situation, other workers around the company may have to be aware of operational hazards, which can interfere with their health level. Occupational health and safety has a significant impact on the success of the company. The company will receive positive feedback from the community and other companies, with the aim of enabling it to compete fairly. One of the company's maintenance efforts is occupational health and safety. The implementation of an occupational health and safety program for workers is necessary because it seeks to prevent work accidents by incorporating integrated aspects of management, labor, worker conditions and work environment. Occupational health

² Mangkunegara. *Manajemen Sumber Daya Manusia* (Bandung, PT. Remaja Rosdakarya Offset, 2011): 1-20

and safety issues are not only the responsibility of the government, but everyone who deserves to be responsible, including employers, workers and the public. CV Sidu Utama itself is a company in the city of Klaten which has existed since 2008, and is a company in the fields of Printing, Paper Cutting, Copying, Office Stationery Trading, and even serving Public Transportation. The formulation of the study problem to be discussed is as follows: What is the responsibility of the company in responding to work accidents that result in physical disability in the event of a work accident to its workforce? And what is the insurance guarantee provided by CV. Is Sidu Utama in carrying out its responsibilities in accordance with labor laws?

Method

The research uses empirical research methods. In empirical legal research, interviews and observations are important data sources to describe facts and data in the field. Empirical research is research that takes place or interacts in the life of the community around the research location. This is an empirical legal study or legal study that reveals empirical facts derived from human behavior, both verbally and in real activities. Empirical studies are used to study the consequences of human actions as real artefacts and archives. In this research, legal sociology methodology is adopted. It is an approach to investigate law in a social setting. Its purpose is to explain, relate, investigate and critique how law works in society.

The type of research used by the author is descriptive research. Descriptive research is research that describes correctly the characteristics of an individual, symptoms, circumstances, and certain groups as well as to determine whether or not there is a relationship between a symptom that is related to other symptoms in society. The legal materials in this study will be compiled and reviewed which will then be drawn conclusions. Descriptive research aims to describe the data collected in order to solve research problems.⁴

This research relies on primary and secondary data types. Primary data is information collected directly from primary sources in the field, such as behavior/attitudes and responses of community members involved during the research. Secondary data, on the other hand, is information where researchers "view, read, research, and relate" data related to their research to derive literature search results. In this research, books, scientific journals, scientific articles, regulations and legislation, as well as other materials related to the research theme "Legal Protection of Workers Through Social Security Programs" are needed as secondary data for this research.⁵

³ Endro Wibowo, "Pengaruh Keselamatan Kerja dan Kesehatan Kerja terhadap Kinerja dengan Kepuasan Kerja sebagai Variabel Intervening (Studi Kasus pada Karyawan Bagian Produksi Unit Serbuk Effervescent PT Sido Muncul Semarang)", *Among Makarti*, Vol. 9 No. 17 (2016): 38-40

⁴ Siti Nurhayati, 2012, *Metodologi Penelitian Praktis Edisi Dua*, Pekalongan: Fakultas Ekonomi Universitas Pekalongan, Hlm.8.

⁵ Muhamad Azhar, 2020, *Metodologi penelitian hukum sebagai instrumen mengurai permasalahan hukum kontemporer*, Gema Keadilan, Vol. 7 Edisi. 1, hlm.20-33

The type of data analysis used by the author to carry out this research object is qualitative data. Qualitative data analysis is an approach to data analysis that emphasizes data analysis on the in-depth knowledge component of an issue rather than examining the problem for general study. This research will be located on Jl. Merapi, Hamlet 1, Tegalyoso, South Klaten District, Klaten Regency, Central Java. The type of data collection in this study uses the literature study method by focusing on various materials that have been collected. Literature study is a way of collecting legal materials through written legal materials in the form of secondary data. ⁶In addition, this research uses field studies which are carried out through direct procedures from the research location, using interview techniques with informants.

3. Discussion

3.1. Corporate Responsibility (CV. Sidu Utama) in Responding to Work Accidents Causing Physical Disabilities in the Event of Work Accidents Against Their Workers.

Every entrepreneur is obliged to be responsible for all of his workforce. Occupational accidents can occur when a worker is accidentally injured physically or mentally while doing work. Occupational accidents can occur anywhere, either in the company environment or where the workforce is carrying out their duties. Work accidents can occur due to:

- 1. In a hurry when finishing work;
- 2. Less than optimal work preparation;
- 3. Inefficient workplace; And
- 4. The factor of not focusing when working.

Employers are also required by law to bear the medical expenses of workers who experience work accidents, and are willing to bear work safety medical expenses if a worker is injured as a result of carrying out his work. Meanwhile, many large companies are able to provide compensation to their workers directly, both in terms of material and their own finances. Most small employers have workers' compensation insurance. The insurance is usually in the form of general and professional liability insurance. Regardless of whether the employee is at fault or not, workers' compensation benefits often continue to apply. To protect workers from work accidents, employers are required to take out compensation insurance for workers.

Law No. 13 of 2003 concerning employment is more stringent in regulating the company's obligation to provide work protection to workers which includes the welfare, safety and mental and physical health of employees. Occupational safety and health are workers' rights that must be protected. Every company is required to implement an integrated Occupational Health and Safety system in the company's management

⁶ Peter Mahmud Marzuki, 2016, *Penelitian Hukum*, Jakarta: Kencana, Hlm.21.

⁷ Asih Eka Putri, *Paham Jaminan Kecelakaan Kerja dan Jaminan Kematian*, (Jakarta, Kantor Perrwakilan Indonesia, 2020): 11

system. Every entrepreneur is obliged to be responsible in the event of a work accident against his workforce. The company must bear all the incidents experienced by workers, both those who have been registered with BPJS Ketenagakerjaan and those who have not registered as BPJS Ketenagakerjaan participants. Therefore, every worker who carries out the orders of the director of the company to carry out his work duties, in the event of a work accident which later results in physical disability or death, then the party who gave the order (company director) will be responsible for the incident.

- 1. Preventive Legal Protection, is protection provided by the government with the aim of preventing it before an incident occurs. are contained in laws and regulations with the aim of preventing an incident from occurring and giving a warning or warning in carrying out a job.⁸
- 2. Repressive Legal Protection, is legal protection given after an incident has occurred. Repressive law works to be able to resolve an event that has already occurred.

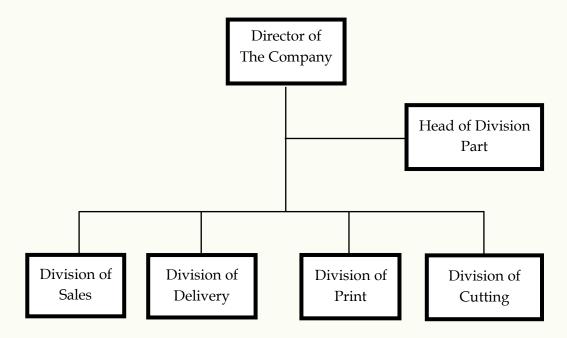
According to Klaten Regent Regulation Number 9 of 2014 concerning Corporate Social and Environmental Responsibility in Article 1 paragraph (5) which says that "Company is any form of business that is a legal entity or not, owned by an individual, owned by an association, or owned by a legal entity, whether private as well as a state that employs workers by paying them wages or other forms of remuneration". CV Sidu Utama itself is an individual company in the form of a private sector with around 40 workers working in the company. The types of workers working at CV Sidu Utama, Klaten Regency are all permanent daily workers where workers have work agreements with companies or employers for a period that cannot be determined in the near future. As for CV Sidu Utama, it only has a permanent workforce because it is more efficient to fight for labor rights, such as:

- 1. Responsible for wages that have been determined by the Labor Law,
- 2. Responsible for social security and security, health and safety of workers,
- 3. Responsible for workers who are on maternity leave, or giving birth, and
- 4. Responsible for the workers who experience work accidents either physically disabled, or died.⁹

In each division of CV Sidu Utama there is a management structure that looks after and/or is responsible for its workforce. The management structure of the company can be seen in the table below.

⁸ Dyah Permata Budi Asri, "Perlindungan Hukum Preventif Terhadap Ekspresi Budaya Tradisional Di Daerah Istimewa Yogyakarta Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta", Jurnal Of Intellectual Property, Vol.1 No.1, (2018): 18

⁹ Sodexo, 2023, Lakukan Cara Ini Agar Diangkat Menjadi Karyawan Tetap, in https://www.sodexo.co.id/karyawan-tetap adalah/#:~:text=Salah%20satu%20kelebihan%20menjadi%20karyawan,tetap%20sebelum%20mengincar%20posisi%20tersebut



Structure 1. Company Structure CV Sidu Utama

Based on the company structure of CV Sidu Utama, it can be interpreted that the role of the director of the company is to be responsible for the workforce assisted by the Head of the Section Division. The CV Sidu Utama company has 4 (four) workers who are the heads of the most important divisions, namely the first is Mrs. Sri Suratmi who is the head of the division in the sales department, the second is Mr. Tenno Arli Sutopo who is the head of the division in the shipping department, the third is Mr. Sigit Bawa Trilaksana who is the head of the division in the printing section, and the fourth is Mr. Margono Slamet Widodo who is the head of the cutting division. The Director of CV Sidu Utama has also coordinated with division heads to record data on its members so they can be registered as members of BPJS Ketenagakerjaan. This company has started working with BPJS Ketenagakerjaan in 2017 with company registration number 17172911. Which at this time means that CV Sidu Utama has been registered as a participant in BPJS Ketenagakerjaan in accordance with the provisions in Law Number 24 of 2011. CV Sidu Utama itself cannot avoid responsibility from the company for work accidents that result in physical disability and/or death in the company environment.

At Present CV Sidu Utama itself has implemented 4 systems in addressing responsibility in the event of a work accident against its workforce. The 4 systems include:

- 1. Protection from the dangers that befall the workforce.
- 2. Comply with the regulations and requirements that apply in the company for labor safety.
- 3. Using the performance system to implement information about OHS and OSH.
- 4. Building an accountability system regarding occupational health and safety policies.

One of CV Sidu Utama's workers stated that occupational safety and health in their company always implements SOPs that regulate activities in the production sector, this is a method to guarantee workers by warning in advance if work accidents can occur. CV Sidu Utama also requires the use of personal protective equipment (PPE) for its workforce and requires its users to do it according to procedures, and each division head is required to remind about the work to be carried out by colleagues in their field. ¹⁰ CV Sidu Utama has also compiled some data on the occurrence of work accidents from 2016 to 2022, for the last seven years.

Year of Occurrence Work accident	Number of Work Accidents
2016	1
2017	0
2018	2
2019	1
2020	3
2021	4
2022	2

Table 1. Data of the Number of Work Accidents

CV Sidu Utama

The data provided by CV Sidu Utama to address work accidents has significant implications. Occupational accidents are also a serious problem and it is not certain that this will happen. Occupational accidents can also cause financial and psychological injuries to victims who experience them. Several other factors have influenced the increasing volume of work accidents in Indonesia. In 2017 CV Sidu Utama received an award which is known as a company that is free from work accidents, because there was no work accident that year. Work accidents at CV Sidu Utama occurred again in 2018 and increased from 2020 to 2021, this was predicted by the director of CV Sidu Utama that the cause of work accidents that year was most likely one of the causes was the Covid 19 outbreak. -at that time the level of health at work decreased drastically so that it could give negative thoughts to the workforce which could cause a lack of focus at work so that it could trigger work accidents. However, in 2022 the number of work accidents at CV Sidu Utama has decreased to 2 workers, much less compared to 2021 where up to 4 workers occurred.

¹⁰ Saloni Waruwu, Analisis faktor kesehatan dan keselamatan Kerja (K3) yang signifikan mempengaruhi kecelakaan kerja pada proyek pembangunan apartement student castle, Yogyakarta: Jurnal Spektrum Industri, Vol. 14 No. 1, (2016): 63-78.

In April 2022 the work accident was first experienced by Mr. Suparman, one of the workers from CV Sidu Utama, the printing division, who at that time experienced an error in operating the machine, causing injuries to his fingers. So you have to get treatment at the nearest hospital to get first aid. The second incident was experienced by Mr. Adhyatma Rasyid Indrajaya in July 2022, one of the workers at CV Sidu Utama from the shipping division who at that time had a single accident while preparing to go to work causing a fracture in the leg which required him to rest for 3 months in the hospital to complete the recovery period. The two workers who experienced work accidents in 2022 are not subject to medical expenses, because they have been borne by the company using the BPJS Ketenagakerjaan card.

Employment BPJS is used to cover expenses paid by the company. CV Sidu Utama will provide BPJS Ketenagakerjaan card to each of its workers who have worked for 2 years. Occupational accidents that result in physical disabilities usually occur due to 2 factors, namely environmental factors and human factors. The causes of work accidents are caused by the environment, such as the dangerous working environment of heavy equipment and machinery, and falling building debris. And from the human factor, there is an element of negligence which is a dangerous act committed by workers while at work, this can occur due to a lack of understanding and lack of competence on the part of the workforce. Therefore it can be emphasized that every company is certainly obliged to be responsible for what happens to its workforce. This is also stated in Article 87 paragraph (1) of Law Number 13 of 2003 concerning Manpower, namely that every company is required to implement an occupational health and safety management system that is integrated with the company's management system.

3.2. Insurance Guarantee Provided By CV. Sidu Utama in Carrying out Responsibilities in Accordance with the Labor Law.

Occupational Health and Safety is an activity that guarantees the creation of conditions for working safely in protection from physical and mental disabilities by guiding, directing and managing employee duties and providing assistance through applicable government regulations. Agencies and companies, According to Government Regulation Number 50 of 2012 concerning the implementation of an occupational health and safety management system, Occupational Health and Safety is now part of the overall company management system in order to manage risks related to work activities to create a safe, efficient and productive environment. Labor standards apply and serve as guidelines to keep the workforce safe while on the job. Occupational safety is a type of protection related to the prevention of work accidents. Occupational safety is an inherent need and indirectly felt by all workers and employers. The application of Occupational Health and Safety in the workplace will always be associated with a legal basis. Because the legal basis is the main pillar for determining how the Occupational Health and Safety

program should be implemented. It was explained that there was a warning sign or information on the implementation of occupational safety and health at CV Sidu Utama. It provides solutions or initiatives that make it possible for the company's workforce to prepare multiple procedures in the form of precautions and instructions, easily providing good understanding to reduce the number of work accidents.

According to Law Number 13 of 2003 concerning Manpower, this is a legal protection for workers in Indonesia and guidelines with broad and comprehensive values. It also requires developing human capital, increasing mental productivity, as well as healthy workforce competitiveness. Labor standards apply and serve as guidelines to keep workers safe while on the job. Occupational safety is a type of protection related to preventing work accidents, maintaining the work environment and paying attention to labor behavior. CV Sidu Utama provides a fair employment policy for each of its workforce through Law Number 13 of 2003 concerning employment. Where every female worker can take maternity leave for 1.5 months after giving birth. CV Sidu Utama also pays 100% of salary to each sick worker in full for the first 4 months, and provides 2x severance pay in the event of a work accident that results in physical disability. In addition, occupational health is also the responsibility of CV Sidu Utama. The results of the managed paper waste management can be recycled or resold so that the company does not cause environmental pollution that disturbs the health of the workforce.

"CV Sidu Utama has also warned that if there are workers who cause damage to the company, they will be given a warning sanction of 3x if the mistake is repeated, the company will be forced to dismiss the worker," said Sumarti as director of CV Sidu Utama. 11 However, if the performance of the worker is good, the company will give a bonus when he receives a salary according to company rules. This can increase motivation and productivity for the workforce. The company has also created an occupational health and safety program to increase employee awareness of the need to apply occupational health and safety procedures to reduce the possibility of work accidents. Safety (security) involves protecting workers from injury caused by work-related accidents, and it is well understood that health refers to physical health as well as mental illness. Occupational accident insurance is a guarantee received by workers against the risk of accidents that occur during their work period. Work Accident Insurance is a benefit that provides cash and health services to workers who experience work-related injuries or illnesses. Occupational accidents refer to accidents caused by the employment relationship, including diseases caused by the employment relationship, as well as accidents that occur on the normal route when commuting to work or returning from work. Or it makes sense to pass. If there are aspects that are somewhat obligatory, such as physical injury due to childbirth, it is considered a work accident. Workers have the right to social security,

¹¹ Sumarti, Director Of Cv Sidu Utama, Intervew in Klaten, January 22, 2023

which the company must provide. However, many workers have not received workers' rights as a result of its implementation.

According to the explanation above, insurance coverage is the right of workers to receive guarantees against all risks they face, as a type of worker protection. Every worker should be entitled to social security. Workers' social security is an ongoing program that aims to help workers with certain conditions in order to obtain a more decent life. Social security for workers is provided by PT. JAMSOSTEK is involved in the implementation of social security programs, but with the passing of Law no. 24 of 2011 concerning social security administering bodies, the social security organizers are carried out by PT.BPJS. The implementation of workers' social security is also carried out by the Employment BPJS. CV Sidu Utama cooperates with BPJS (Social Security Organizing Agency) in the BPJS Ketenagakerjaan and BPJS Kesehatan programs to protect all workers. BPJS aims to ensure that every worker and their family have a decent life. In accordance with Law Number 24 of 2011, CV Sidu Utama has been registered and has a work certificate for Employment BPJS. The insurance provided by CV Sidu Utama to its employees is in accordance with the procedures of the provisions of corporate social security, including:

- a. Health Insurance;
- b. Work accident insurance;
- c. Pension insurance; And
- d. Death insurance.

To fulfill employee rights through Employment Social Security, every company is required to register its employees as BPJS participants in Social Security, as referred to in Article 15 (1) of Law no. BPJS law. Thus the protection, maintenance and improvement of welfare in the form of an employment social security program is determined by the government and must be carried out by companies if the implementation meets the specified requirements, namely a minimum of 10 (ten) workers or more. CV Sidu Utama is required to pay its workforce a minimum of Rp.1,200,000 per month. In essence, this employment social security policy prioritizes protection for workers who are in a more vulnerable situation. As a result, employers have a primary responsibility and companies have a moral obligation to promote the protection and well-being of workers. Every permanent worker with a contract of more than three months has been registered with government programs including BPJS Kesehatan and BPJS Ketenagakerjaan, but the implementation at CV Sidu Utama is different, the company will only provide a BPJS Employment card if the worker has worked for 2 years. This is also stated in the Wage and Benefits Agreement between CV Sidu Utama and its workforce, which states that workers are entitled to be accepted into the BPJS program by CV Sidu Utama. Workers who work at CV Sidu Utama for a certain period are not registered in the BPJS program. CV Sidu Utama does not register daily workers in the BPJS program because CV Sidu

Utama believes that the labor risks faced by workers at certain times are so low that no registration is required, but CV Sidu Utama still bears all the risks that arise.

An approach that makes the company fully responsible for all incidents at work experienced by its workforce is used in labor law to lighten the burden on the workforce. This system is based on the concept that every employer who employs labor must be fully responsible for what happens to them. ¹² Currently, the basis of compensation for workers who experience work accidents is the obligation of CV Sidu Utama to workers who experience physical disabilities while working. CV Sidu Utama must bear the care of workers during the recovery period according to existing recommendations. This obligation is a form of reflexive protection from CV Sidu Utama in the event of work accidents for employees who are not registered in the BPJS program.

4. Conclusion

CV Sidu Utama has adapted many important aspects of sustainability through the K3 system and several regulatory measures for implementing occupational health and safety. CV Sidu Utama has partnered with Employment BPJS (Social Security Administration Agency) to provide employment protection to each worker. CV Sidu Utama has established a number of procedures or codes to guide workers in carrying out their work, in addition to instructions from applicable state laws. One of them is providing appropriate shifts during working hours, as well as giving warnings to workers who cause losses to the company, and providing incentives to workers who can make a significant contribution to the company. Various accidents have had a significant impact on the company's reputation. One of the work accidents in 2021 prompted CV Sidu Utama to design activities and many work programs. As a result, CV Sidu Utama seeks to overcome and even minimize work accidents. The company has provided clear instructions and processes for workers who do not understand the regulations by implementing 4 systems in responding to their responsibilities in the event of a work accident against their workforce. The four systems include: Protecting workers from hazards, Complying with regulations and requirements that apply to worker safety, Using a performance system to apply information about OHS and K3, and Building an accountability system and advice on occupational health and safety policies.

The legal protection framework for Indonesian workers is drawn up by the Manpower Law no. 13 of 2003. Workers can be protected by instructions or compensation. CV Sidu Utama has complied with guaranteeing insurance for its workforce in accordance with the procedures of the company's social security provisions, including: Health Insurance; Work accident insurance; Pension insurance; and death insurance. Business actors have the right to look after their employees, one of which is by registering their workforce in the BPJS program. This is also arranged in Article 99 (1) of the Manpower Law and Government Regulation No. 84 of 2013 concerning the

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¹² Made Udiana, *Industrialisasi & Tanggung Jawab Pengusaha Terhadap Tenaga Kerja Terlibat Hukum*, (Bali, Udayana University Press, 2018): 24

Implementation of Social Insurance Programs for Workers. Companies must fulfill their obligations to register their workers as social security participants with the BPJS, subject to administrative sanctions based on Article 17 of Law Number 24 of 2011.

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