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**LEGAL PROTECTION FOR WORKERS CASE STUDY OF THE MATCH FACTORY OWNED BY PT. KIAT UNGGUL IN BINJAI**

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**ABSTRACT**

In Article 86 of Law no. 13/2003 concerning Manpower states that every worker / laborer has the right to obtain protection for occupational safety and health, morals and treatment that is in accordance with human dignity and religious values. In reality, the application of legal protection to workers and social security has not been fully implemented or is still low. The formulation of the problem in the research is how the implementation of safety and health legal protection for workers in the match factory owned by PT. Kiat Unggul in Binjai The method in this research is juridical normative with secondary data collection and the data obtained were analyzed qualitatively. Based on the research results indicate that the violations committed by the match factory owned by PT. Kiat Unggul causes the death of its workers. The heirs of the victims have been given accident compensation provided by the Ministry of Social Affairs (Kemensos), the District Government (Pemkab) Langkat, and the Social Security Administration (BPJS). Forms of compensation include the Secretary of the Directorate General of Poor Parking Management, Nurul Farijati and the Regent of Langkat Issued a PA Plan, amounting to IDR 525 million, of which IDR 450 million comes from the Ministry of Social Affairs and IDR 75 million from the Langkat Regency Government. The compensation given by BPJS TK is Rp. 150.4 million to the dead victims who were registered in the BPJS.

**Keywords:** legal protection, labor.

**INTRODUCTION**

In Indonesia, in the era of reform, information and globalization as it is today, there have been many companies operating in various fields, types of businesses and industries. So the competition between companies becomes very tight. Entrepreneurs in responding to this, they do several things that can support in producing better and quality production goods, so that the company's goals are achieved. One of the things that are implemented to achieve this goal, employers are more optimizing workers in increasing work productivity(1)(2). Realizing the importance of workers for companies, government and society, it is necessary to provide legal protection for workers. Legal protection can be realized in the form of material (workers' welfare) but also in the form of preventing accidents, because this is very important so that workers can maintain their health and safety in carrying out their work. The idea is a worker protection program, which in the end can not only benefit workers but it also ultimately benefits the company because sustainability in production and productivity can be guaranteed. The rights and obligations stipulated in the agreement must be carried out as well as possible. In Law no. 13 of 2003 concerning Manpower, stipulates this employment relationship, in which the working relationship formed between Workers/Labourers and Employers/Companies must be realized in the form of, Work Agreements, Work Agreements for Indefinite Time (PKWTT), Work Agreements for Specified Time (PKWT), Company Regulations, Collective Labor Agreements, Contracting Agreements.

Wage is one of the most important aspects in the protection of workers or laborers. This is explicitly explained in Article 88 paragraph (1) of Law Number 13 of 2003 that every worker or laborer is entitled to an income that fulfills a decent living for humanity. According to Article 1 number 30 of Law Number 13 of 2003,

what is meant by wages is the rights of workers or workers who are received and expressed in the form of money as compensation from the entrepreneur or employer to the worker or laborer determined and paid according to a work agreement, agreement, or laws and regulations, including allowances for workers or laborers and their families for a job and or service that has been or will be performed. Labor social security which is a form of protection given to workers and their families against various risks experienced by workers.(3)

The form of Workers' Social Security Protection is embodied in Law no. 40 of 2004 concerning the National Social Security System and Law no. 24 of 2011 concerning BPJS, which consists of BPJS Health and BPJS Employment. So Now The form of protection, maintenance and improvement of welfare in the present is organized by the Social Security Administering Body (BPJS). In reality, employers have a tendency to give low wages to workers because wages are seen as a reduction in profits(4). The greater the wages given, the greater the costs that must be incurred by the entrepreneur, this also means that the profits to be obtained will be reduced. In reality, there are still many who have not included workers in the BPJS Employment program(5). In the event of a work accident, it seems that there has not been specifically provided legal protection for its workers, this is an obstacle to the implementation of occupational safety and health protection for workers. A balanced situation in which employers and workers/laborers need each other is very rare in Indonesia. Many workers are also not aware of this, which workers should be more aware of the importance of occupational safety and health by following the rules made by the company in order to create a work environment that is safe and avoids work accidents.

Based on the background above, the purpose of this study is to find out the legal protection efforts for workers at the match factory owned by PT. Kiat Unggul

## METHODS

The method used in this research is qualitative research(6). With a normative juridical approach with secondary data collection. Secondary data obtained from several sources including RI, Law No. 23 of 2002 on Child Protection, RI, Law no. 13 of 2003 concerning Manpower, RI, Law no. 40 of 2004 concerning the National Social Security System, RI, Law no. 24 of 2011 concerning BPJS. Journal of Legal Assistance on Workers' Rights (Productive Age) Based on Labor Law, Legal Protection for Workers in the National Labor Law System. Books on Pancasila Scientifically Popular Earth Literacy, Introduction to Indonesian Manpower Law, Labor Law and Settlement of Industrial Relations Disputes. The type of design in this study is descriptive design(7), namely by describing an incident at a match factory owned by PT. Kiat Unggul that do not get legal protection and work safety guarantees. Referring to Article 86 of Law no. 13 of 2003 concerning Manpower states that every worker/ laborer has the right to obtain protection for occupational safety and health. To describe in full all the problems related to the problem under study

## RESULTS AND DISCUSSION

Law is part of social system work tools. System function This social is to integrate interests of community members, so that an orderly situation is created. This matter result in that the legal duty is achieve justice, namely harmony between values legal interests(8).

Legal protection is divided into two, namely: repressive and preventive legal protection. Legal protection repressive, namely legal protection that carried out by applying sanctions against perpetrators in order to restore the law to the actual circumstances. This type of protection usually done in court. Protection preventive law, namely legal protection that aims to prevent the occurrence of a dispute.

Match factory owned by PT. Kiat Unggul in the city of Binjai, is a factory engaged in industry. This factory is located in Sambu Rejo Village, Binjai District, Langkat Regency, North Sumatra. PT. Kiat Unggul became the parent lighter factory, then two other subsidiaries under the auspices of PT. Kiat Unggul This factory is called a home factory that produces assembling matches or gas (mancis)(9). This mancis is only made when an order or orders come in. In a day this factory is able to produce 80,000 units of matchstick assemblies. For one unit of the match is sold for Rp. 1,000 which can be found in the Kendal area to the provinces of Aceh and Jambi. That is, the results of the production the company can reap an income of Rp. 80,000,000 per day. It is known that this factory has employed underage children, part-time workers, paid lower minimum wages, has not included social security for workers, and has not reported the company's permit which causes it to not be recorded by the Prov. Manpower Office. North Sumatra. With these several violations, the joint labor inspectorate team categorizes that the match factory belongs to PT. Kiat Unggul is an illegal factory. Several types of violations were found including:

1. The company does not provide protection to workers related to welfare, safety and health, both mental and physical.
2. The company employs child workers on behalf of Rina who is 15 (fifteen) years old.
3. The company has not made a mandatory employment report for the location of the incident. It is known that the factory is a branch of PT Kiat Unggul which is located on Jalan Medan-Binjai KM 15.7, Deliserdang Regency. The company did not report the existence of the company's branch to the Manpower Office, so its existence was not recorded by the North Sumatra Province Manpower Office. The company is categorized as illegal.
4. The company pays labor wages lower than the minimum wage for Langkat Regency.
5. The company has not included its workers in the social security program organized by BPJS Employment and BPJS Health.
6. The company has not fully implemented the Occupational Health and Safety (K3) requirements which include no evacuation route.

The author concludes that in terms of employment the match factory owned by PT. Kiat Unggul has violated Article 359 of the Criminal Code and Article 188 of the Criminal Code due to his negligence resulting in the loss of another person's life. Related to criminal sanctions of 5-10 years (jail). Match factory owned by PT. Kiat Unggul does not provide guarantees to workers (10) Article 4 of the Manpower Law stipulates that every company owner is required to empower, create equity, provide protection, and improve the welfare of their workforce. As for the consequences of the match factory owned by PT. Kiat Unggul is the death of as many as 30 workers .(11)

Only one worker has been registered with BPJS namely Gusliana. Legal protection obtained in terms of prevention or prevention, namely PT. Kiat Unggul does not take any precautions. From a repressive perspective, the match factory owned by PT. Kiat Unggul does not provide social security for workers, only one person does. So workers do not get legal protection. Employment social security provides a sense of security, comfort and peace for workers and employers against social risks that may occur at any time. In accordance with the rules of Government Regulation no. 44 of 2015 Article 27, employers other than state officials who have not registered their workers into the BPJS program, then if there is a risk to their workers, employers other than state officials are obliged to provide workers' rights in accordance with applicable regulations.

On September 19, 2019, the President Director of PT. Kiat Unggul Indramawan together with his two managers, Burhan and Lismawarni, had their first trial. The trial begins with the reading of the indictment.

1. Burhan was charged with Article 188 Subsidiary Article 359 of the Criminal Code and or Article 74 letter d Juncto Article 18 Law Number 13 of 2003 concerning Manpower and or Article 76i Juncto Article 88 of Law Number 35/2014 concerning amendments to Law No. 23/2002 on Child Protection .
2. Lismawarni was charged with Article 188 or Article 359 of the Criminal Code and or Article 74 letter d in conjunction with Article 183 of Law No. 13/2003 concerning Manpower and or Article 76i in conjunction with Article 88 of Law No. 35/2014 concerning Amendments to Law No. 23 of 2002 on Child Protection.
3. Indramawan was charged with Article 188 Subsidiary Article 359 of the Criminal Code and/or Article 183 of Law No. 13/2003 concerning Manpower and/or Article 76i Juncto Article 88 of Law No. 35/2014 concerning Amendments to Law No. 23/2002 on Child Protection and/or Article 62 paragraph (1 ) Law No. 8/1999 concerning Consumer Protection and/or Article 120 paragraph (1) of Law No. 3/2014 concerning Industry.

In this case, the three defendants were arrested by the police. Then the National Police Headquarters mentioned the possibility of freezing and closing the match factory.

## CONCLUSION

From the description above, it can be concluded that the legal protection provided by the match factory workers belonging to PT. Kiat Unggul is a repressive protection, namely through the hands of judges from the Binjai City District Attorney's Office, the manager or owner, and the two managers of the match factory owned by PT. Kiat Unggul is threatened with a prison sentence of  $\pm$  5-10 years. The accident compensation provided by the Ministry of Social Affairs (Kemensos) and the Langkat Regency Government (Pemkab) handed over social assistance to 22 heirs of the victims of the fire at the match factory owned by PT Kiat Unggul, Binjai. Secretary of the Directorate General for Handling Poor Parking, Nurul Farijati together with the Regent of Langkat Published a PA Plan, directly provided social assistance of Rp. 525 million, of which Rp. 450 million came from the Ministry of Social Affairs and Rp. 75 million from the Langkat Regency Government. The accident compensation provided by the Employment Social Security Organizing Agency or BPJS TK is Rp. 150.4 million to the deceased named

Gusliana. Which includes work accident benefits, death insurance, old age insurance, and pension benefits which will be paid in lump sum

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