

# Application of Labor Law Aspects on Occupational Health and Safety at Hotel Kartika Chandra Jakarta

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## ABSTRAK

Penelitian ini dilakukan untuk mengetahui penerapan aspek hukum tenaga kerja terhadap karyawan Hotel Kartika Chandra Jakarta salah satu pelaku bisnis yang cukup lama eksis dalam industri jasa perhotelan bintang 4 (empat) di Indonesia yang tidak luput dan rentan terhadap kecelakaan kerja. Keselamatan dan kesehatan kerja bertujuan untuk menciptakan kondisi yang mendukung kenyamanan kerja bagi tenaga kerja, sehingga dapat memperkecil angka kecelakaan kerja (*Zero Accident*) pada Hotel Kartika Chandra Jakarta. Pemerintah telah mengeluarkan Undang-Undang dan berbagai peraturan menyangkut keselamatan dan kesehatan kerja (K3). Namun semua usaha Pemerintah tidak akan berhasil tanpa adanya peran serta dari perusahaan/ Hotel Kartika Chandra Jakarta yang berlokasi di Jalan Jendral Gatot Subroto Kavling 18 -20 Jakarta Selatan apakah sudah menerapkan Sistem Manajemen Keselamatan dan Kesehatan Kerja (SMK3). Hasil penelitian menunjukkan bahwa penerapan aspek hukum terhadap K3 pada Hotel Kartika Chandra Jakarta sudah baik karena setiap elemen K3 telah dilaksanakan sesuai dengan peraturan perundang-undangan yang dikeluarkan pemerintah maupun peraturan dan sanksi yang dikeluarkan oleh Hotel Kartika Chandra Jakarta. Hal ini berpengaruh baik kepada tenaga kerja maupun Hotel Kartika Chandra Jakarta. Dengan adanya peraturan perundang-undangan tersebut maka telah lengkap landasan hukum untuk melaksanakan Keselamatan Dan Kesehatan Kerja (K3).

**Kata kunci: Aspek Hukum, Keselamatan, dan Kesehatan Kerja**

## ABSTRACT

*This research was conducted to determine the application of the legal aspects of labor to employees Hotel Kartika Chandra Jakarta, one of the business actors who has existed for a long time in the 4 (four) star hotel service industry in Indonesia, is not spared and is prone to work accidents. Occupational safety and health aims to create conditions that support work comfort for workers, so as to reduce the number of work accidents (Zero Accident) at Hotel Kartika Chandra Jakarta. The government has issued laws and various regulations regarding occupational safety and health (K3). However, all the Government's efforts will not succeed without the participation of the company/Hotel Kartika Chandra Jakarta, which is located at Jalan Jendral Gatot Subroto Kavling 18 -20 South Jakarta, whether or not the Occupational Health and Safety Management System (SMK3) has been implemented. The results of the study indicate that the application of legal aspects to K3 at Hotel Kartika Chandra Jakarta is good because every element of K3 has been implemented in accordance with the laws and regulations issued by the government as well as regulations and sanctions issued by Hotel Kartika Chandra Jakarta. This affects both the workforce and the Kartika Chandra Hotel in Jakarta. With these laws and regulations, the legal basis for implementing Occupational Safety and Health (K3) is complete.*

**Keywords: Legal Aspects, Occupational Safety, and Health**

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## **A. Research Background**

Hotel Kartika Chandra Jakarta, one of the business actors who has existed for a long time in the 4 (four) star hotel service industry in Indonesia, is not spared and is prone to work accidents. Occupational safety and health aims to create conditions that support work comfort for workers, so as to reduce the number of work accidents (Zero Accident) at Hotel Kartika Chandra Jakarta. The government has issued laws and various regulations regarding occupational safety and health (K3). However, all the Government's efforts will not succeed without the participation of the company/Hotel Kartika Chandra Jakarta, which is located at Jalan Jendral Gatot Subroto Kavling 18 -20 South Jakarta, whether or not the Occupational Health and Safety Management System (SMK3) has been implemented.

Work accidents and occupational diseases caused by workers must be prevented, avoided, and even eliminated. In overcoming these problems the government has issued laws and various regulations concerning occupational safety and health (K3). However, all the government's efforts will not succeed with the participation of companies engaged in the goods and service industries, such as the Hotel Kartika Chandra Jakarta. To prevent this, a response from the company is also needed to overcome problems that occur in a hotel by giving sanctions to workers/employees who violate regulations or ignore procedures in implementing occupational safety and health (K3) which can cause work accidents.

Implementing occupational safety and health management (MK3) is very important. because it aims to provide an atmosphere of work environment, and good, comfortable, and safe working conditions and can avoid work accidents. With the laws and regulations issued by the government, the legal basis for implementing occupational safety and health at Hotel Kartika Chandra Jakarta is complete.

## **B. Focus of Problem**

The formulation of the problem is:

1. How to Apply Legal Aspects to Occupational Health and Safety (K3) at Kartika Chandra Hotel, Jakarta.
2. Implementation of Occupational Health and Safety Management (MK3) implemented by Hotel Kartika Chandra Jakarta

## **C. Literacy.**

### **1. Safety of Work**

In Article 86 paragraph 1 of Law No. 13 of 2003 it is stated that every worker/ laborer has the right to obtain protection for:

- a. Occupational Health and Safety
- b. Morals and decency
- c. Treatment in accordance with human dignity and values as well as religious values

## **2. Purpose of Work Safety**

- a. Protecting workers for their safety in doing work
- b. Ensuring the safety of everyone in the workplace
- c. Production sources are maintained and used safely and efficiently

## **3. Provision of Work Safety.**

In order to meet the work safety target, it must meet the work safety requirements as regulated in Law Number 1 of 1970 Article 3 paragraph 1, are :

- a. Prevent and reduce accidents
- b. Prevent, reduce and extinguish fires
- c. Prevent and reduce the danger of explosion
- d. Provide an opportunity or a way to save yourself in the event of a fire or other dangerous events
- e. Provide assistance in accidents
- f. Provide personal protective equipment to workers
- g. Prevent and control the emergence or spread of temperature, humidity, dust, dirt, smoke, steam, gas, wind gusts, weather, light or radiation, sound and vibration
- h. Control and prevent the incidence of occupational diseases, both physical and psychological, poisoning, infection and transmission
- i. Obtain sufficient and appropriate information
- j. Host a good air refresh
- k. Maintain cleanliness, health, and order
- l. Gain harmony between the workforce, work tools, work environment, work methods and processes
- m. Securing and facilitating the transportation of people, animals, plants or goods
- n. Securing and maintaining all types of buildings

- o. Securing and expediting the work of loading and unloading, handling and storing goods
- p. Prevents exposure to dangerous electric current

#### 4. Healthy of Work

Occupational health is a part of health science which aims to ensure that the workforce obtains a perfect state of health both physically, mentally and socially so that they can work optimally..

Occupational health goals :

- a. Improving and maintaining the highest level of health of the workforce, both physically, mentally and socially
- b. Prevent and protect workers from health problems caused by working environment conditions
- c. Matching the workforce with work or work with workers
- d. Increase work productivity

The sources of hazards for the Health of Workers, are:

##### 4.1. Physical factors that can be:

- a. The sound is too loud
- b. The temperature is too high/hot, or too low
- c. Insufficient lighting
- d. Insufficient ventilation
- e. Radiation
- f. Mechanical vibration
- g. Air pressure that is too high/or too low
- b. h.Smell at works
- c. i.Humidity

##### 4.2. Chemical factors, which can be:

- a. Gas/or steam
- b. . Fluid
- c. Dust
- d. Crystal granules and other shapes
- e. Chemicals that are toxic

##### 4.3. Biological factors that can be:

- a. viral bacteria

- b. Mushrooms, worms and insects
- b. Plants and other living in the work environment

4.4. Physiological factors that can be:

- a. Bad posture at work
- b. Inappropriate equipment
- c. Motion that is always standing / or sitting
- d. Monotonous processes, attitudes, and ways of working
- e. Workload that exceeds the limit

4.5. Psychological factors which can be:

- a. Forced/forced work that is not in accordance with ability;
- b. Unpleasant work atmosphere;
- c. Thoughts that are always depressed, especially because of the inappropriate attitude of superiors / or coworkers;
- d. Jobs that tend to cause accidents more easily.

In Article 86 paragraph 1 of Law No. 13 of 2003 it is stated that every worker/ laborer has the right to obtain protection:

- a. Occupational Health and Safety;
- b. Morals and decency;
- c. Treatment in accordance with human dignity and values as well as religious values.

To protect occupational safety and health in order to realize optimal work productivity, work safety and health efforts are carried out. This protection is carried out in accordance with the applicable laws and regulations.

To realize the protection of occupational safety and health, the government has made efforts to foster norms in the field of manpower. In the sense of fostering this norm, it includes the notion of forming, implementing, and supervising the norm itself. according to Silalahi N. B. Bennett and Silalahi Rumondang (1985), there are two categories of illness suffered by workers, namely:

1. General diseases

Common diseases are all diseases that can be suffered by everyone. Prevention of this disease is the responsibility of all members of society.

2. Diseases due to work (man made diseases)

Occupational diseases can be started by controlling work disturbances and work safety as carefully as possible. These disorders consist of:

- a. Workload (light, moderate, heavy, physical, mental, social)
- b. Additional burden by the work environment such as physical, chemical, biological, and psychological
- c. Work capacity, or the quality of the work itself which includes skills, age, endurance, and work motivation.

## **5. Causes of occupational diseases at Hotel Kartika Chandra Jakarta**

According to the Work Accident Act No. 1 of 1970 concerning Occupational Safety, although the name is a law on work safety, the scope of the material includes occupational health issues, because the two cannot be separated, if work safety has been implemented properly then occupational health will be achieved.

From a scientific point of view, occupational safety and health can be interpreted as knowledge and its application in an effort to prevent the possibility of accidents and occupational diseases in the workplace. Occupational safety and health must be implemented and implemented in every workplace (Company). Workplace is any place in which there are 3 (three) elements, namely:

1. The existence of a business, whether it is an economic business or a social business
2. There is a source of danger
3. There is a workforce that works in it, either continuously or only from time to time

### **1.1. Work Accident**

A work accident is the result of an unexpected and unexpected event. Accidents due to work are accidents that are related to work, that the accident occurs due to work or while carrying out work, including accidents that occur on the way from home to work or vice versa. So in this case there are two important problems, namely:

- a. Accidents are a direct result of work
- b. Accidents occur while work is being carried out

Accidents cause 5 (five) types of losses, including:

1. Damage
2. Organizational chaos

3. Complaints and sorrow
4. Abnormalities and defects
5. Death

Work safety is related to work accidents, namely accidents that occur in the workplace or known as industrial accidents. This industrial accident in general can be interpreted: "an unexpected and unwanted event that disrupts the regulated process of an activity". A certain event or event is the cause, as well as this industrial/work accident, where 4 (four) factors are the cause, among others:

a. Human factor

For example, due to lack of skills or lack of knowledge, misplacement, for example, workers who graduate from the High School of Engineering (STM) are placed in the kitchen (kitchen), which should be placed in the engineering section, both civil and electrical.

b. The material factor / materials / equipment

For example, a material that should be made of iron or steel (steels) but to make it cheaper is made of other materials so that it can easily cause accidents. Hazard factors/ sources of danger, there are 2 (two) causes

1. : Dangerous acts, for example due to wrong work methods. Fatigue / lethargy, imperfect work attitudes and so on
2. Hazardous conditions/conditions, namely unsafe conditions of machinery/equipment, work environment, nature of work

Factors encountered, for example, lack of maintenance of other machines/equipment so that they cannot work perfectly. Apart from having a cause, an event will also have an effect.

1.2. The consequences of this industrial accident can be grouped into 2 (two), including:

**1. Economic losses, namely:**

- a. Damage/destruction of machinery, equipment, materials, and buildings
- b. Cost of care and treatment of victims
- c. Accident allowance
- d. Loss of work time

e. Decrease in the quantity or quality of production

## 2. Non-economic losses

In general, human suffering is the workforce concerned, whether it is death, minor injury/injury or serious injury. According to the International Labor Organization (ILO) there are several ways or steps that need to be taken to deal with accidents that occur in the workplace, including through:

- a. Laws and regulations
- b. Standardization
- c. Inspection
- d. Technical research
- e. Medical research
- f. Psychological research
- g. Statistical research
- h. Education
- i. Exercise
- j. Persuasion
- k. Insurance

To prevent these things from happening in Law No. 1 of 1970 concerning Occupational Safety, it is stated that work safety requirements are:

- a. Prevent and reduce work accidents
- b. Prevent, reduce and extinguish fires
- c. Reduce and prevent explosion hazards
  - i. Provide an opportunity or a way to save yourself in the event of a fire or other dangerous events
- d. Provide assistance in accidents
- e. Provide personal protective equipment to workers
- f. Prevent and control the emergence or spread of temperature, humidity, dust, dirt, smoke, steam, gas, wind gusts, weather, radiation, sound, and vibration.
- g. Prevent and control the incidence of occupational diseases, both physical and psychological, poisoning, infection, and transmission
- h. Get sufficient and appropriate information
- i. Maintain good air temperature and humidity



- j. Organizing sufficient air refresh
- k. Maintain cleanliness, health, and order
- l. Gain harmony between the workforce, work tools, environment, work methods and processes
- m. Securing and facilitating the transportation of people, plants, animals, and or goods
- n. Securing and maintaining all types of buildings
- o. Securing and expediting the work of loading and unloading, treatment and storage of goods
- p. Prevents exposure to dangerous electric current
- q. Adjusting and perfecting security in jobs where the danger of accidents is increasing

### 1.3.Labor Protection

The protection of workers covers quite broad aspects, namely physical protection which includes safety from work accidents and occupational health as well as the maintenance of work morale and treatment in accordance with human dignity and religious morals, as has been confirmed in Article 86 of the Law. Number 13 of 2003 concerning Occupational Health and Safety. Every worker has the right to obtain protection for:

- a. Occupational health and safety
- b. Morals and decency
- c. Treatment in accordance with the dignity and values of religion

This protection is so that workers can safely carry out their daily work so as to increase their production and work productivity. Workers must obtain protection from various events around them and on themselves that can override and interfere with the implementation of work.

### 1.4.Personal Protective Equipment (PPE)

In the operation of Hotel Kartika Chandra Jakarta, there are sections that always use personal protective equipment when carrying out their duties, especially in the engineering section that is directly related to machines. Types of personal protective equipment (PPE) include:

- a. Safety glasses

Safety glasses are used to protect the eyes from flying wood dust, stone, metal chips. Not all types of work require work glasses. But the job that absolutely requires eye protection is welding

b. Gloves

The main purpose of using gloves is to protect hands from hard and sharp objects during work. The types of activities that require gloves are iron work, wood work, and work that requires gloves Safety shoes. Work Shoes (Safety Shoes) is a protection for the feet. Every engineering worker, both civil and firefighters, needs to wear shoes with thick soles so that they can freely walk everywhere without being injured by sharp objects, the front of the shoe must be hard (or coated with iron) so that the feet are not injured if hit by hard objects from above.

c. Helm (*Helmet*)

Helm (*helmet*) very important to use as head protection. Helmets are used to protect the head from dangers that come from above, for example goods, building materials that fall from above

d. EarProtector.

This tools is used to protect ear and noisy which produced by michines which have voice volume strong and noisy.

e. Masker

This tool is used to protect the ears from the sounds emitted by machines that have a loud and noisy sound volume. Seat Belts Safety belts are used for carrying out work on high parts of buildings and on high-risk jobs where no footholds are found.

f. Work cothes

Work clothes aim to protect the human body against unhealthy effects or those that can injure the body.

g. First Aid (First Aid in Accidents)

In the event of a work accident, whether light or heavy at work at the Kartika Chandra Jaakarta hotel, first aid should be given to accidents that occur in the Kartika Chandra Hotel Jakarta.



In addition to standard equipment, the company/Hotel Kartina Chandra Jakarta provides signs in the hotel environment, these signs provide information on areas that contain a high risk of accidents, this sign is an obligation for hotel manager

#### 1.5. Legislation relating to Occupational Safety and Health (K3)

Various laws and regulations are the legal basis to be used as guidelines in the implementation of Occupational Safety and Health (K3). Some descriptions

- a. from laws and regulations in the field of labor protection
- b. The 1945 Constitution
- c. Law No. 14/1969 concerning Basic Provisions Regarding Employment
- d. Law No. 3 of 1992 concerning Labor Social Security
- e. Joint Decree of the Minister of Public Works and the Minister of Manpower No. Skep.174/MEN/1986 and 104/KPTS/1986 concerning Guidelines for Occupational Safety and Health

- f. Law of the Republic of Indonesia No. 13 of 2003 concerning Manpower which specifically discusses equal opportunities and treatment for workers, labor training, development and supervision of workers, as well as protection of workers
- g. Law No. 1 of 1970 concerning Occupational Safety. This law is the implementing rule of Law No. 14 of 1969 concerning the norms of labor protection, especially in the field of work safety
- h. Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Per-01/MEN/1980 concerning Occupational Safety and Health in Building Construction
- i. Regulation of the Minister of Manpower of the Republic of Indonesia No. Per05/MEN/1996 concerning Occupational Health and Safety Management System
- j. Regulation of the Minister of Manpower of the Republic of Indonesia No. Per04/MEN/1995 concerning Occupational Safety and Health Service Companies
- k. Regulation of the Minister of Manpower and Transmigration No.Pe.02/MEN/1980, concerning Health Checks for Workers in the Implementation of Occupational Safety
- l. Regulation of the Minister of Manpower and Transmigration No.Per.01/MEN/1981, concerning the Obligation to Report Occupational Diseases, while its implementation is regulated in the Decree of the Minister of Manpower No.KEPTS/333/MEN/1989
- m. Regulation of the Minister of Manpower and Transmigration No. Per.03/MEN/1982, concerning Occupational Health Services
- n. Regulation of the Minister of Manpower of the Republic of Indonesia No.Per.03/MEN/1998 concerning Procedures for Accident Reporting and Examination
- o. Regulation of the Minister of Labor (PMP) No. 7 of 1964 concerning Health Requirements for Success and Lighting in the Workplace

#### **D. Research Methodology**

##### **1. Place and Time of Research Tempat**

The research was conducted at Hotel Kartika Chandra Jakarta, which is located at Jalan Jendral Gatot Subroto Kav 18 – 20 South Jakarta. This consideration is based on various factors that will facilitate data collection in research, such as the process of data collection, the use of funds that are not too large as well as saving time and energy to be used.

## **2. Time**

The time of the research was carried out in January 2020 – April 2020

- a. Research series Research preparation
- b. Research implementation
- c. End of research

## **3. Research Method**

The research method is a scientific way to get data with certain goals and uses (Sugiyono 2018: 2), the method carried out is as follows:

### **1. Field Study**

Conducting direct visits by conducting observations, interviews with OHS workers and supervisors at Hotel Kartika Chandra Jakarta

### **2. Literature Study**

Studying Occupational Safety and Health (K3) studies in the literature and supporting reference books

## **4. The method used is as follows:**

- a. Literature study related to this research as a study from a theoretical point of view
- b. Observation of data from Hotel Kartika Chandra Jakarta
- c. Direct research at Hotel Kartika Chandra Jakarta
- d. Interview with Hotel Kartika Chandra Jakarta
- e. Data collection at Hotel Kartika Chandra Jakarta

## **E. Finding & Discussion**

### **1. Overview of Research Objects**

#### **A Brief History of Hotel Kartika Chandra Jakarta**

PT. Hotel Kartika Chandra Jakarta was established based on Notarial Deed No. 7 on Notary Raden Moeljatmo on December 31, 1968, which was established by the Kartika Chandra Foundation. Initially it was a non-star hotel, then the owner of the

hotel felt the need to take the hospitality industry more seriously, then the Kartika Chandra Hotel Jakarta was born. A mini hotel and theater building located at Jalan Jendral Gatot Subroto Kav 18 – 20 South Jakarta, which was inaugurated by Mr. General Suharto on January 20, 1971

In 1972 PT. Hotel Kartika Chandra Jakarta opened a new business in the form of office space of 88 rooms called the Minor Operating Department (MOD). In 1974 before the PATA Conference (Pacific Asia Travel Association) was held, Hotel Kartika Chandra Jakarta succeeded in upgrading itself to become a 10-storey International Hotel with a total capacity of 174 rooms, a ballroom, Nusa Indah Restaurant, Supper Club, Bar, and building facilities in the form of Bowling. The center has a capacity of 24 lines, which was inaugurated by First Lady Tien Suharto.

**1.1. Vision and mission of Hotel Kartika Chandra Jakarta**

a. Vision of Hotel Kartika Chandra Jakarta

1. The establishment of a leading hotel company in its field
2. Serving quality products
3. Service by providing full service 4). Friendly to the environment, for the present and the future 5). Fulfillment of welfare for employees
4. Profits for shareholders
5. Provide comfort for the surrounding community in a sustainable manner

b. Kartika Chandra Hotel Mission Jakarta

1. Guests who come are treated as "Kings"
2. Implement "Panca K" in daily activities, namely: Cleanliness, Order, Hospitality, Skills, Honesty.
3. Upgrading employees in a planned manner in order to provide maximum results

Tabel 1. Results of observations and interviews as well as a list of questions

No.	Elements of Occupational Safety and Health	Legal Aspect	Yes	No
1	Companies implement K3	Regulation of the Minister of Manpower of the Republic of	v	

		Indonesia No. 05/MEN/1996		
2	The company provides social security for workers	Law No. 3 of 1992 and Government Regulation No. 14 of 1993	v	
3	Work safety requirements	Work safety requirements	V	
4	The company pays attention to the work environment	Law No. 1 of 1970 on Occupational Safety	V	
5	The company makes guidelines on K3	Decree of the Minister of the Ministry of Manpower and the Minister of Public Works No.Kep174/MEN/1986 and No.104/KPTS/1986 concerning Guidelines for Occupational Safety and Health	v	

Ssources : HRD Hotel Kartika Chandra Jakarta

Through the data above, observations can be made to see its application directly at the Kartika Chandra Hotel location in Jakarta. The observation results show that all elements of the Occupational Safety and Health System at Hotel Kartika Chandra Jakarta have been fully implemented. This can be seen from the completeness of the procedures provided by Hotel Kartika Chandra Jakarta to organize and organize work effectively and efficiently. To handle K3 the Company/ Hotel Kartika Chandra Jakarta has provided officers from each department representative in the work environment of Hotel Kartika Chandra Jakarta.

## F. Conclusion.

The conclusion of the research and discussion to answer the formulation of the problem, based on the results and discussion of the legal aspects of Occupational Health and Safety, it was found that Kartika Chandra Hotel Jakarta had implemented the Occupational Health and Safety Management System properly. This can be seen from the procedures and laws and regulations of K3 issued by the Government and the Company / Hotel Kartika Chandra Jakarta.

The application of legal aspects to Occupational Safety and Health affects both the company/Hotel Kartika Chandra Jakarta and the workforce because if the company and workforce ignore K3 in carrying out their work, they will be given legal sanctions because both the company and the workforce are legally bound. For example, if the workers are not wearing welding goggles when doing their job, the engineering manager can sanction the worker in accordance with company regulations. The application of K3 in accordance with the company's laws and regulations can prevent work accidents, occupational health, so that work can be completed effectively and efficiently.

#### **G. Suggestion**

Suggestions are given as material for consideration in improving K3 to improve and maintain the implementation of the existing and running OHS system at Hotel Kartika Chandra Jakarta, and giving awards to workers who have used PPE in carrying out their daily tasks. Than The government must step in to supervise and provide sanctions for companies that ignore OSH issues and raise awareness for implementing OHS management for the commongood.



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