

Criticism of The Implementation Of K3 Culture in The Workplace According to The Law in Indonesia

Andi Lala¹

andidoshukum@gmail.com

Balongan Institute of Petroleum Technology, Indramayu, Indonesia

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Abstract

Occupational safety and health for workers are paramount, as workers are a means of production that must be fulfilled for their K3 rights. One of them is how the K3 culture that companies must implement and socialize with all workers. In writing this journal, the author uses a qualitative methodology with a normative approach and literature study, which can then be called doctrinal research. A literature study identified literature in laws and regulations, books, papers, journals, and other sources related to this research. The study results in this journal show that the author can conclude that implementing K3 culture in the workplace at this time, especially in Indonesia, still needs to be considered fully implemented. Even in all the rules that discuss K3, the principles of implementing K3 culture have yet to be emphasized, even though K3 culture is essential in carrying out every job in every work sector.

I. Introduction

Indonesian employment growth is multifaceted, encompassing employer, government, and societal interests in addition to the pre-, during-, and post-work interests of workers (Charda, 2015). According to the function and status of workers, employment development is necessary to raise worker quality, increase worker engagement in development, and strengthen worker and family protection via respect for human dignity(Wijayanti, 2009).

Occupational safety and health must be implemented if workplace accidents are to be avoided. This can lower the amount of work-related illnesses and accidents while also fostering a safe, comfortable, and healthy work environment. Only when occupational safety and health are ingrained in the workplace culture can a safe, comfortable, and healthy work environment be achieved(Prasetyo & Budiati, 2016).

The portrait of occupational safety in Indonesia is still often ignored, and this can be seen from the high number of work accidents. According to data from the Social Security Administering Agency (BPJS), work accidents are increasing. In 2017, there were 123,041 cases of work accidents. Then, in 2018, it reached 157,105 cases (Sulaiman, *The Number of Work Accidents in Indonesia is Still High (Lampasto. Co.Id; 2013) Accessed March 9, 2018, at 13:20*). Meanwhile, cases of work accidents in 2019 only decreased by around 26.40 percent of cases of work accidents, which was around 130,923 cases. From some of the case data above, the range between 2017 and 2019 reminds us that work accidents not only cause death, material losses, morale, and environmental pollution. However, it can also affect the productivity and welfare of society (*Liputan 6.com, Work Accident Cases Throughout 2019. Accessed January 12, 2020*).

As stated in the K3 laws and regulations, the process of implementing K3 culture is important and should be applied at all levels to individuals, communities, and governments as well as businesses and non-governmental organizations that seek to improve safety. This should be done well in order to raise workforce awareness of the value of K3 culture. The government has started initiatives to enhance workplace safety and health in anticipation of this, such as mandating the adoption of the K3 Management System (SMK3). But there are still issues with safety and health in Indonesia. (Soehatman, 2010).In our country's constitution, later called the 1945 Constitution, as a form of interpretation of the opening of the 1945 Constitution, it is stated in Article 27 paragraph (2) of the 1945 Constitution that "every citizen has the right to decent work and a decent living." This means that the government must be aware that people as workers must have guaranteed rights related to decent security for themselves and their families (AINI, 2021). Even more specific regulations have been enacted, such as Law Number 1 of 1970 concerning Occupational Safety, Law Number 13 of 2003 concerning Manpower, and Government Regulation Number 50 of 2012 concerning the Implementation of SMK3.

The government should provide protection to the community, in this case the workforce, through all legal bases, one of which is the implementation of K3 culture, which each company must implement. However, none of these regulations adequately address the significance of implementing K3 culture within the company.

2. Research Method

Using a qualitative methodology, normative approach, and literature study, the author's work for this publication can be classified as doctrinal research. Collecting primary, secondary, and tertiary study resources is the method used in doctrinal research, which takes the shape of library research. A literature review was the method of material collection used in this investigation (Soekanto, 2006). Finding literature in books, papers, journals, laws and regulations, and other sources pertaining to this subject is how literature studies are conducted. Knowing how the author references, footnotes, and bibliographies is particularly important in relation to this library study because it will be used in the examination of library materials and writing tasks. Every item that has been gathered is processed and examined by the author (Marzuki, 2017).

Understanding Occupational Safety and Health

Safety is a state of being free from danger while doing work. Occupational safety is one of the factors that must be done while working. No one in this world wants an accident to happen. Occupational safety depends on the type, form, and environment in which the work is carried out (Buntarto, 2015). Safety is an essential aspect of work. Occupational safety is always a significant concern when doing work because occupational safety makes an essential contribution to improving worker performance and productivity. According to Moenir, AS that:

Work safety is a condition in a work environment or workplace that can guarantee the maximum safety of people in that area or place, whether the person is a team member or not a team member of the work organization (PRASATYA, 2020). Then, according to Suma'mur, who stated that the understanding of work safety places more emphasis on technological tools, this opinion is that occupational safety is safety related to machines, aircraft, work tools, materials from processing processes, workplace foundations, and their environment as well as methods of carrying out work (Suma'mur, 1996). Yani and Dewi Hanggaraeni (Hanggraeni, 2012) think that occupational health is a specialization in health/medical science and its practices which aim to ensure that workers/society attain the highest degree of physical, mental, and social well-being, with preventive and curative efforts, against diseases or health disorders caused by work factors and the work environment and against common diseases. Another opinion by Widodo (Widodo Eko, 2015) states that occupational health is a health condition that aims to ensure that employees obtain the highest level of health, both physically, mentally, and socially, through prevention and treatment efforts for diseases or health disorders caused by work and the work environment or general diseases.

Culture Occupational Health and Safety

OHS culture is a set of values and norms of OHS behavior patterns that most members of an organization/company hold together. However, these OHS values and norms will be seen in the form of the organization's or company members' behavior, namely what members of the organization do, especially in the workplace (Waluyo, 2015). Cooper (2001) stated that OHS culture is an interrelation of three elements: organization, workers, and work. This shows that OHS culture must be implemented by all existing resources, from management to the workforce. Reason (James Reason, 2016) stated that a good OHS culture can shape worker behavior towards work safety, which is manifested through safe behavior in carrying out work. This can reduce the

number of work accidents that occur both inside and outside the work environment; a good OHS culture in a company can be assessed from what the workforce does rather than what they say (Tarwaka, 2008).

Occupational Health and Safety Laws in Indonesia

The government provided guarantees to employees by drafting the 1947 Accident Law Number 33, which was declared effective on January 6, 1951, then followed by the Government Regulation on the Statement of the Effectiveness of the 1947 Accident Regulation (PP No. 2 of 1948), which is evidence of the awareness of the importance of occupational safety in the company (Ranupandojo & Husnan, 2002). Then, according to the explanation of the Republic of Indonesia Law Number 3 of 1992, it states that it is only natural that workers also play an active role and are jointly responsible for the implementation of welfare maintenance and improvement programs in order to realize good protection for workers and their families. So, not only is the company responsible for this problem, but employees must also play an active role in this matter to achieve shared prosperity.

The government's objective in creating K3 laws is to ensure occupational safety, which is based on Law No. 1 of 1970, Article 3, Paragraph 1. These requirements are as follows:

- a. Preventing and minimizing accidents
- b. Keeping fires from starting, growing, and ending.
- c. Prevent and lessen the likelihood of explosions.
- d. Offer a route or opportunity for escape in the event of a fire or other perilous situation.
- e. Provide assistance in case of an accident
- f. Give employees personal protective equipment.
- g. Stop and manage the emergence or spread of airborne particles, radiation, sound waves, vibration, wind gusts, dust, smoke, steam, gas, and other environmental factors.
- h. Prevent and manage the onset of poisoning, infection, transmission, and physical and psychological occupational disorders.
- i. Obtain adequate illumination that fits the space.
- j. Set up an appropriate humidity and temperature.
- k. Make sure you have enough air fresheners.
- l. Preserve order, hygiene, and health.
- m. Achieve harmony between the workforce, equipment, surroundings, procedures, and work processes.
- n. Provide for the safe and easy movement of people, products, animals, and plants.
- o. Guard and preserve all kinds of structures.
- p. Protect and ease the process of loading, unloading, handling, and storing items.
- q. Avoid coming into contact with hazardous electric currents.
- r. Make improvements to safety in jobs where there is a growing danger of accidents.

The law was then updated to Article 86, paragraph 1 of Law No. 13 of 2003, which states that every worker/laborer has the right to receive protection for:

- a. Occupational safety and health

- b. Morals and morality
- c. Treatment by human dignity and religious values(Husni, 2010).

3. Results and Discussion

Implementation of K3 Culture in the Workplace

In addition to taking lives and causing financial losses for both employers and employees, occupational accidents, illnesses linked to the workplace, and work-related illnesses can also impede total output, harm the environment, and negatively impact the community at large. For this reason, an occupational safety and health (K3) program needs to be implemented at every workplace. The application of K3 is one way to try to reduce and eliminate work accidents (zero accidents) by making the workplace safe, healthy, and free from pollutants. There are no health issues affecting the environment, communities, families, or laborers. Furthermore, K3 deployment can boost productivity and efficiency at work.

Achieving these goals requires goodwill, commitment, and cooperation from three essential elements in the K3 program, namely, the government. The government, in this case, the Department of Manpower and Transmigration (Depnakertrans) and the Department of Health (Depkes), as the institutions responsible for the implementation of K3, must provide optimal protection for workers through transparent and integrated laws, government regulations (PP), and guidelines and technical instructions. **Second**, company management/managers. Company management or managers have a central role in implementing the K3 program in order to realize a conducive, healthy, comfortable work environment and ensure the safety of workers and company assets. **Third**, workers /employees who are the targets of the K3 program. Workers/employees must participate actively, not only as objects but also as subjects of the K3 program. Many work accidents occur due to the negligence of workers themselves. They often underestimate the risk of accidents by not using work safety equipment. Workers often do not comply with work safety procedures, mainly when operating equipment, which can cause work accidents.

Implementing K3 culture in the workplace is a component of the maintenance/protection service activities for the safety and health of workers that is inseparable from the overall management concept. Unfortunately, many entrepreneurs still need to realize the importance of K3 or deliberately ignore the K3 aspect to save production costs and company operational costs. In practice, implementing this culture is also a form of promotion of K3 culture for workers to improve control over their safety and health. Implementing K3 culture in the workplace can also be seen, in a broader sense, as a series of activities that involve early management and prevention of potential work accidents and diseases related to the workplace (both common diseases and work-related diseases), as well as optimizing worker health. This allows the author to draw the conceptual conclusion that K3 culture implementation in the workplace is a planned activity program with the goal of enhancing worker and family health and safety as well as increasing the productivity and efficiency of the business, as stated in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia.

Factors that shape the workforce's K3 culture behavior can influence the implementation of K3 culture (Suyono & Nawawinetu, 2013). Thus, three elements affect each person's conduct when K3 culture is applied. The first factor is the major factor

(predisposing factors), which includes societal norms, worker involvement, communication, knowledge, attitudes, and other characteristics of persons in society that show up as motivation. The availability of work safety facilities or methods, the physical environment, the work environment, and community resources or potential, expressed in training, constitute the second factor, also known as enabling factors or supporting factors. The third component is the reinforcing factor (reinforcing factors), which comprises other people's behaviors and attitudes that show up as social support. Laws, rules, K3 procedures, managerial commitment, supervision, and other elements are examples of reinforcing influences (Green, 2000).

Weak Implementation of K3 Culture from the Perspective of Legal Regulations in Indonesia

From the historical and legal perspective described earlier, the concept and implementation of the national K3 culture program have a clear legal umbrella to be implemented in various business sectors or workplaces. This shows the political will *and* form of government effort in protecting the safety and health of workers as a mandate from the 1945 Constitution as a national development philosophy.

Even the government realizes, in the era of globalization and free trade era marked by tight competition in all aspects of life, the implementation of K3 culture as part of efforts to improve the quality of human resources/workforce is a very strategic step to anticipate the *trend* of change that continues to develop, especially in responding to global demands that link human rights issues (HAM) with products produced by a country. One indicator of the implementation of human rights in the workplace/business sector is how the K3 culture implementation program is in accordance with national and international standards.

Cooper (1998) declared that the three components of organization, workers, and work interact to establish K3 culture. This demonstrates that K3 culture applies to all levels and requires the application of all available resources, not just employees. The organization's vision and objectives determine the indicators of a K3 culture implementation. Due to the abstract nature of culture and the fact that every organization has a unique culture, these indications cannot be identified through patents. Worker perceptions reveal that the social context of workers, worker involvement, competency, rules and procedures, communication, and management commitment shape the implementation of K3 Culture (Suyono & Nawawinetu, 2013). Based on reason, it was discovered that a strong K3 culture can influence employees' attitudes toward workplace safety and health, which are demonstrated by safe work practices. (J Reason, 1997).

So, let us examine Cooper's opinion and Reason above. Implementing K3 culture must align with legal culture, which is also part of the culture born from social interactions that occur through interpreting and understanding each other's actions between individuals and groups. Anthropological terms interpret culture as a category of sides that encompasses all social values related to law as well as attitudes that influence law, but not as the outcome of deduction from substance and structure. This means that culture is not just a collection of mutually exclusive fragments of belief and behavior (Friedman, 1969).

Consequently, legal culture is the entire element that dictates how the legal system can be incorporated into society's legal culture, including how to use K3 culture in

businesses. The implementation of a law, in this case, government policy, does depend on society or its cultural factors. There are legal aspects that codify customs, and perhaps there is no effective law that does not utilize society's culture (Usman P.Tampubolon, 1986).

According to Friedman, legal culture refers to two things: (1) organic customary elements related to the culture as a whole and (2) elements of social values and attitudes (Friedman, 1975). According to Friedman's opinion, which is quoted above, law is not only discussed in terms of its structure and substance. Friedman further states that law must have social power—in this case, legal culture—but the author also notes that not all regulations and rules pertaining to occupational safety and health culture currently have this foundation (Friedman, 1969). No articles on the application of occupational safety and health culture, which is a component of the K3 principle, are found in the aforementioned explanation that the regulation is a more specific basis, namely in Law Number 1 of 1970 concerning Occupational Safety, Law Number 13 of 2003 concerning Manpower, and Government Regulation Number 50 of 2012 concerning the Implementation of the K3 Management System. The lack of central government supervision regarding the implementation of a good K3 culture in Indonesia means that this culture of occupational safety and health needs to be addressed in terms of its implementation by both employers and employees. This is because one way to improve legal culture and legal awareness related to the implementation of K3 culture is through education and socialization of various laws and regulations in order to uphold the supremacy of law and obey the law (Jawardi, 2016).

4. Conclusion

Occupational safety and health is a daily habit/culture of the workforce. Implementing K3 culture is critical to ensure the protection of workers from work accidents; even companies must promote, socialize, and provide K3 culture education to all their workers. Suppose K3 culture is prioritized in working by workers and the company itself. In that case, it can be used as a management concept and company commitment to maintaining the K3 principles. The lack of awareness among the workforce and the company itself contributes to the implementation of K3 culture being sorely lacking in Indonesian companies. This weakness is further reinforced by the absence of a clause in Government Regulation Number 50 of 2012 concerning the Implementation of the K3 Management System, Law Number 1 of 1970 concerning Occupational Safety, and Law Number 13 of 2003 concerning Manpower that addresses the company's obligation to implement K3 culture.

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