

# LEGAL PROTECTION IMPLEMENTATION FOR WORKERS IN THE ASPECT OF OCCUPATIONAL HEALTH AND SAFETY IN THE CONSTRUCTION SECTOR ACCORDING TO LAW NUMBER 6 OF 2023 ON THE JOB CREATION ACT

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**Abstract.** *The implementation of legal protection for construction workers through the aspect of Occupational Safety and Health (K3) has become an important issue in the era of national infrastructure development. This research aims to analyze the effectiveness of implementing Law Number 6 of 2023 on the Job Creation Act in providing legal protection for construction workers and to identify challenges in the application of the Occupational Safety and Health system in the field. The research method uses a normative-juridical approach by analyzing legislation, policy documents, and practical implementation in the field. The results show that although Law Number 6 of 2023 on the Job Creation Act has provided a comprehensive legal foundation, its implementation still faces obstacles in the form of a gap between national and regional regulations, limitations in supervision, and low compliance among construction business actors. The high number of construction work accidents, averaging 20 cases per year, indicates the need for more effective regulatory harmonization. Research recommendations include strengthening integrated supervision mechanisms, increasing socialization of Occupational Safety and Health regulations, and developing a mandatory Occupational Safety and Health certification system for all construction workers.*

**Keywords:** *Legal Protection, Workers, Occupational Safety and Health.*

## I. INTRODUCTION

The construction sector is one of the main pillars of national economic development, contributing significantly to Indonesia's Gross Domestic Product (GDP). However, this sector is also known as an industry with a high risk of work accidents. According to data from the Social Security Administering Body for Employment (BPJS Ketenagakerjaan), the construction sector ranks second in work accident cases in Indonesia after the manufacturing sector (BPJS Ketenagakerjaan, 2023).

The enactment of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on the Job Creation Act into Law (Job Creation Law) has brought a new paradigm in the protection of construction workers, especially in the aspect of Occupational Safety and Health (K3). This law comprehensively regulates Occupational Safety and Health standards, risk-based licensing systems, certification obligations, and supervision mechanisms integrated between central and regional governments.

The implementation of legal protection for construction workers in the context of Occupational Safety and Health faces complex challenges including regulatory, technical, and socio-economic aspects. From the regulatory aspect, there is a gap between national provisions and implementation at the regional level, requiring further harmonization. Technical aspects include the availability of Occupational Safety and Health infrastructure, workforce competence, and safety equipment standards. Meanwhile, from the socio-economic aspect, there is resistance to the implementation of Occupational Safety and Health as it is considered to increase operational costs, especially in small and medium-scale construction projects.

Previous research conducted by Bachtiar (2024) showed that the harmonization of Occupational Safety and Health regulations requires alignment between levels of government to create an effective protection system. Another study by Faisal and Ilham (2023) emphasized the importance of integrating technology-based supervision systems in increasing the effectiveness of Occupational Safety and Health law enforcement in construction. However, these studies have not specifically analyzed the implementation of Law Number 6 of 2023 on the Job Creation Act in the context of legal protection for construction workers.

The phenomenon of the high number of construction work accidents indicates that the implementation of the Occupational Safety and Health system is not yet optimal. Data shows that 70% of construction work accidents are caused by human error factors related to a lack of awareness and compliance with Occupational Safety and Health procedures (Ministry of Public Works and Public Housing, 2024). This condition is exacerbated by weak supervision and law enforcement systems at the field level and minimal socialization of Occupational Safety and Health regulations to construction business actors.

The urgency of this research is based on the need for a comprehensive evaluation of the effectiveness of Law Number 6 of 2023 on the Job Creation Act in providing legal protection for construction workers. This research will provide an academic contribution in the form of a normative-juridical analysis of the implementation of construction Occupational Safety and Health regulations, as well as provide practical recommendations to increase the effectiveness of worker protection.

The objectives of this research are to analyze the implementation of legal protection for construction workers in the context of Occupational Safety and Health based on Law Number 6 of 2023 on the Job Creation Act, to identify the gap between regulations and practical implementation in the field, and to formulate recommendations to increase the effectiveness of the legal protection system for construction workers. This research is expected to provide input for policymakers, legal practitioners, and

construction industry players in developing a more effective and comprehensive Occupational Safety and Health system.

## II. RESEARCH METHOD

This research uses a normative legal study known as a normative-judicial approach. Normative legal research (*das sollen*) is used to analyze applicable legal norms related to the protection of construction workers in the aspect of Occupational Safety and Health through primary, secondary, and tertiary legal sources. Primary legal sources include Law Number 6 of 2023 concerning the Stipulation of the Job Creation Government Regulation in Lieu of Law into Law, Law Number 13 of 2003 concerning Manpower, Law Number 1 of 1970 concerning Occupational Safety, Government Regulation Number 50 of 2012 concerning the Implementation of Occupational Safety and Health Management Systems, and Regulation of the Minister of Public Works and Public Housing Number 10 of 2021 concerning Guidelines for Construction Safety Management Systems. Secondary legal sources include legal textbooks, scientific journals, previous research results, and reports and official publications from related agencies. Tertiary legal sources include legal dictionaries, encyclopedias, and relevant mass media articles.

This research method is qualitative-descriptive-analytical with the aim of obtaining a comprehensive, analytical, and in-depth study regarding the implementation of Occupational Safety and Health regulations for construction workers. This approach was chosen to provide a holistic understanding of the phenomenon of the application of legal norms and the identification of gaps between regulations and practices in the field. The researcher uses high sensitivity to descriptive information while maintaining the integrity of the object under study, so as to reveal the dynamics of construction worker protection objectively.

To collect data, the researcher used library research techniques which include inventorying, classifying, and systematizing legal materials. Data analysis was carried out through the stages of description, interpretation, evaluation, comparison, and synthesis of applicable legal provisions. Data validity was ensured through the use of official and trusted data sources, source triangulation to verify information, and the use of the latest data relevant to regulatory developments. All data were directed to analyze the effectiveness of the implementation of construction Occupational Safety and Health regulations and to formulate recommendations for improving worker protection.

## III. RESULTS AND DISCUSSION

### Legal Framework for Construction Worker Protection

#### Constitutional Foundation

The protection of construction workers in the aspect of Occupational Safety and Health has a strong constitutional foundation in the 1945 Constitution of the Republic of Indonesia. Article 27 paragraph (2) mandates that "every citizen has the right to work and a decent living for humanity." Article 28D paragraph (2) guarantees that "everyone has the right to work and to receive fair and decent remuneration and treatment in employment." These provisions provide a constitutional basis that every worker,

including construction workers, has the right to protection and safety in carrying out their work.

### **National Regulations**

The Job Creation Law Number 6 of 2023 is the main regulation governing the protection of construction workers. This law presents a new paradigm in the construction Occupational Safety and Health system through several key provisions:

1. Risk-Based Licensing System. The Job Creation Law Number 6 of 2023 introduces a risk-based business licensing system that integrates Occupational Safety and Health aspects into the construction licensing process. This ensures that every construction activity has met Occupational Safety and Health standards from the planning stage.
2. National Occupational Safety and Health Standardization. The establishment of nationally applicable Occupational Safety and Health standards to guarantee consistency of implementation throughout Indonesia. This standardization includes technical requirements, workforce competency, and operational procedures.
3. Certification Obligation. All construction workers are required to have an Occupational Safety and Health competency certificate according to their field and level of work. This certification is a prerequisite for being able to work on construction projects.
4. Integrated Supervision Mechanism. Clear division of supervisory authority between the central government, regional governments, and professional certification institutions to ensure effective implementation of Occupational Safety and Health.

Law Number 1 of 1970 concerning Occupational Safety remains a fundamental foundation regulating the basic principles of occupational safety. This law establishes the employer's obligation to guarantee worker safety and imposes sanctions for occupational safety violations. Law Number 13 of 2003 concerning Manpower comprehensively regulates the protection of workers, including aspects of Occupational Safety and Health. This law sets minimum protection standards that must be provided to every worker.

### **Implementing Regulations**

Government Regulation Number 50 of 2012 concerning the Implementation of Occupational Safety and Health Management Systems (SMK3) provides detailed guidelines on the implementation of Occupational Safety and Health management systems in the workplace, including the construction sector. This Government Regulation regulates the company's obligation to implement an Occupational Safety and Health Management System, audit procedures, and certification mechanisms.

Regulation of the Minister of Public Works and Public Housing Number 10 of 2021 concerning Guidelines for Construction Safety Management Systems specifically regulates the implementation of Occupational Safety and Health in the construction sector. This regulation replaces the previous one and provides more comprehensive guidance on construction safety management.

## Implementation of Legal Protection for Construction Workers

From a normative aspect review, Law Number 6 of 2023 on the Job Creation Act has provided a comprehensive legal framework for the protection of construction workers. This regulation integrates various aspects of protection into a unified system that includes:

1. Preventive Protection. This system emphasizes the prevention of work accidents through risk identification, implementation of safety procedures, and the use of personal protective equipment. This preventive approach is more effective than a reactive approach that only deals with the impact after an accident occurs.
2. Repressive Protection. Sanction mechanisms and law enforcement for violations of Occupational Safety and Health provisions. The sanctions imposed are progressive, ranging from warnings, fines, to revocation of business licenses for serious violations.
3. Restorative Protection. Social security and compensation systems for workers who experience work accidents. This includes health insurance, work accident benefits, and rehabilitation.

## Implementation Mechanisms

### 1. Risk-Based Licensing System

The Job Creation Law introduces an Online Single Submission (OSS) system that integrates business licensing with commitments to implement Occupational Safety and Health. Every construction business actor is required to make a commitment to implement Occupational Safety and Health as part of business licensing. This commitment then becomes the basis for supervision and evaluation of Occupational Safety and Health implementation in the field.

The risk-based licensing system categorizes construction activities based on risk level:

- 1) Low Risk: Simple construction projects with standard Occupational Safety and Health requirements.
- 2) Medium Risk: Projects with moderate complexity requiring a basic Occupational Safety and Health Management System.
- 3) High Risk: Complex projects that are required to implement a complete Occupational Safety and Health Management System with international certification.

### 2. Occupational Safety and Health Certification Obligation

The implementation of the Occupational Safety and Health certification obligation is carried out gradually based on worker categories (Akhmad Yani, 2025).

- 1) Construction Occupational Safety and Health Expert: Must have a construction Occupational Safety and Health expert certificate issued by an accredited certification body.
- 2) Occupational Safety and Health Officer: Workers tasked with supervising the implementation of Occupational Safety and Health in the field.
- 3) Skilled Workers: Heavy equipment operators and high-risk workers are required to have an Occupational Safety and Health competency certificate.

- 4) General Workers: Required to attend basic construction Occupational Safety and Health training.
3. Integrated Supervision System  
Supervision of the implementation of construction Occupational Safety and Health is carried out through an integrated system involving the following aspects (Anita, 2024):
    - 1) Internal Supervision: Carried out by the company through an internal audit of the Occupational Safety and Health Management System.
    - 2) External Supervision: Carried out by the authorized authorities (Ministry of Manpower, Ministry of PUPR, and Regional Governments) through periodic inspections.
    - 3) Community Supervision: The role of the community in reporting Occupational Safety and Health violations through an online reporting system.

### **Challenges in Implementing Legal Protection for Workers Based on Occupational Safety and Health Aspects in the Construction Sector**

1. Regulatory Gap  
Although Law Number 6 of 2023 on the Job Creation Act has provided a comprehensive national framework, there are still gaps in implementing regulations at the regional level. Many regions do not yet have Regional Regulations (Perda) that specifically regulate the implementation of construction Occupational Safety and Health in accordance with the Job Creation Law.
2. Limitations of Supervision Resources  
The implementation of Occupational Safety and Health supervision faces obstacles in the form of limitations in human resources, both in terms of the quantity and quality of supervisors. The ratio of Occupational Safety and Health supervisors to the number of construction projects is still not ideal, so supervision cannot yet be carried out optimally.
3. Resistance from Business Actors  
Some construction business actors, especially small and medium scale, still show resistance to the implementation of Occupational Safety and Health because it is considered to increase operational costs. This is due to a lack of understanding that investment in Occupational Safety and Health in the long term will reduce costs due to work accidents.

### **Analysis of the Effectiveness of Legal Protection**

The effectiveness of legal protection for construction workers can be measured through several indicators including:

1. Quantitative Indicators:  
In quantitative indicators, there are several aspects of assessment, namely a decrease in the number of construction work accidents, an increase in the percentage of projects implementing the Occupational Safety and Health Management System, the number of workers who have been certified in

Occupational Safety and Health, and the level of compliance with the use of Personal Protective Equipment.

2. Qualitative Indicators:

Qualitative indicators can be assessed based on an increase in awareness of the importance of Occupational Safety and Health among business actors, a strengthening safety work culture (Ardiansyah, et al. 2022), the quality of implementation of the Occupational Safety and Health Management System in the field, and a rapid response to hazard reports.

### Implementation Evaluation

Based on available data, the implementation of Law Number 6 of 2023 on the Job Creation Act in protecting construction workers shows varied results, such as:

Positive Aspects:

1. Increased Legal Awareness: Socialization of Law Number 6 of 2023 on the Job Creation Act has increased business actors' awareness of the importance of construction Occupational Safety and Health.
2. More Efficient Licensing System: OSS has simplified the licensing process while still ensuring Occupational Safety and Health commitments.
3. National Standardization: The establishment of national Occupational Safety and Health standards has increased the consistency of implementation in various regions.

Aspects Needing Improvement:

1. Field Supervision: There is still a gap between Occupational Safety and Health commitments in licensing and implementation in the field.
2. Worker Certification: The Occupational Safety and Health certification process has not been able to keep up with the increasing need for construction workers.
3. Harmonization of Regional Regulations: Not all regions have derivative regulations that are in line with Law Number 6 of 2023 on the Job Creation Act.

### Challenges and Obstacles

1. Juridical Challenges

The juridical challenges faced in the implementation of worker protection include the existence of several regulations that have the potential to cause overlapping authority in the supervision of construction Occupational Safety and Health (Bachtiar, et al. 2024). This requires better synchronization between various existing regulations. In addition, other challenges such as existing sanction mechanisms are not yet fully effective in providing a deterrent effect for Occupational Safety and Health violators. Therefore, there is a need for more stringent and proportional sanction levels according to the level of violation.

2. Practical Challenges

Practical challenges include the institutional capacity for implementing construction Occupational Safety and Health still needs to be strengthened, both in terms of human resources, infrastructure, and information systems (Wardhani, 2024). Furthermore,

there is still a gap in Occupational Safety and Health competence among construction workers, especially for small-scale projects and remote areas.

### 3. Socio-Economic Challenges

Socio-economic challenges are faced with the issues of Occupational Safety and Health implementation costs and work culture. The perception that implementing Occupational Safety and Health requires high costs is still an obstacle, especially for small-scale construction businesses. Education on the cost-benefit analysis of Occupational Safety and Health implementation is needed. Changing the work culture from one that neglects safety aspects to one that cultivates safety requires time and consistency in implementation (Cahyo, 2024).

## **Recommendations for Increasing the Effectiveness of Legal Protection for Construction Workers**

To address the challenges in protecting construction workers, a comprehensive approach is needed that includes strengthening regulations, institutions, stakeholder participation, and technological innovation.

First, strengthening the regulatory framework is absolutely necessary through vertical harmonization of regulations between central and regional governments and horizontal harmonization among sectoral regulations related to construction Occupational Safety and Health (Bachtiar, et al. 2024). Procedures need to be simplified without compromising safety standards, supported by enhanced sanction mechanisms. These mechanisms include more stringent and proportional sanction levels, a reward system for companies with good Occupational Safety and Health performance, and the implementation of a blacklist mechanism for serious violators.

Second, institutional supervision capacity must be improved by increasing the number and enhancing the competence of construction Occupational Safety and Health supervisors through continuous training and the utilization of technology (Pratiwi, 2024). Furthermore, the development of an integrated national construction Occupational Safety and Health information system is crucial. This system must be able to integrate licensing, certification, and supervision data, as well as provide a real-time work accident reporting platform to support quick and accurate decision-making.

Third, the active participation of all stakeholders needs to be encouraged. These efforts include continuous education and socialization regarding regulations, Occupational Safety and Health training for business actors, and awareness campaigns through various media. Multi-stakeholder partnerships must also be built through cooperation with professional associations, involving the active role of educational institutions in human resource preparation, and encouraging community participation in supervision.

Fourth, technological innovation must be utilized optimally (Faisal and Ilham, 2023). Digitalization of the Occupational Safety and Health system can be realized through mobile applications for real-time monitoring, early warning systems based on digital technology, and the use of Virtual Reality for more targeted training. Furthermore, the implementation of Big Data Analytics will enable the analysis of patterns and

prediction of work accident risks, which can be displayed in a national Occupational Safety and Health program monitoring dashboard for more effective prevention.

#### IV. CONCLUSION

This research shows that Law Number 6 of 2023 on the Job Creation Act has provided a comprehensive legal framework for the protection of construction workers in the aspect of Occupational Safety and Health. This regulation presents innovations through a risk-based licensing system, national Occupational Safety and Health standardization, certification obligations, and an integrated supervision mechanism. However, its implementation still faces various challenges that require systematic handling.

From a normative aspect, Law Number 6 of 2023 on the Job Creation Act has integrated preventive, repressive, and restorative protection into a coherent unified system. The risk-based licensing system is an effective instrument to ensure Occupational Safety and Health commitments from the project planning stage. The obligation of Occupational Safety and Health certification for all construction workers is a progressive step in increasing work competency and safety awareness.

Practical implementation shows varied results with several successes and challenges. Positive aspects include increased legal awareness, licensing system efficiency, and national standardization. However, there are still gaps in field supervision, worker certification processes, and harmonization of regional regulations. The main challenges include juridical aspects (regulatory overlap, limitation of sanctions), practical aspects (institutional capacity, competency gaps), and socio-economic aspects (implementation costs, work culture).

To increase the effectiveness of legal protection for construction workers, a comprehensive strategy is needed that includes strengthening the regulatory framework through vertical and horizontal harmonization and improving sanction mechanisms. Strengthening institutional capacity through increasing supervision resources and developing integrated information systems is key to successful implementation. Increasing stakeholder participation through continuous education and multi-stakeholder partnerships will strengthen implementation in the field.

Technological innovation through the digitalization of the Occupational Safety and Health system and the utilization of big data analytics can increase the efficiency and effectiveness of supervision. The implementation of these recommendations requires strong political commitment, adequate resource allocation, and good coordination among stakeholders. With optimal implementation, Law Number 6 of 2023 on the Job Creation Act can become an effective instrument in realizing comprehensive and sustainable legal protection for construction workers.

This research provides an academic contribution in the form of a normative-juridical analysis of the implementation of Law Number 6 of 2023 on the Job Creation Act in protecting construction workers, while also providing practical recommendations for increasing the effectiveness of the construction Occupational Safety and Health system in Indonesia. The findings of this research can be a reference for policymakers, legal practitioners, and construction industry players in developing a more effective worker protection system that is responsive to the dynamics of national development.

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