

Legal Protection for Employees of PT Indonesia Tsingshan Stainless Steel for Occupational Safety Negligence and Work Accidents

M Akmal Effendi^{*}, Sri Poedjiastoeti

Prodi Ilmu Hukum, Fakultas Hukum, Universitas Islam Bandung, Indonesia.

akmaleffendi2004@gmail.com, sipoed11@gmail.com

Abstract. Occupational Safety and Health (OSH) is a fundamental right of workers that must be fulfilled by companies as an integral part of labor law protection. Repeated workplace accidents, particularly the smelter furnace explosion at PT Indonesia Tsingshan Stainless Steel (ITSS) Morowali, indicate serious weaknesses in the implementation of the Occupational Safety and Health Management System (OSHMS) as well as inadequate government supervision in the labor sector. This situation has resulted in significant losses for workers and reflects the company's negligence in complying with occupational safety and health standards. This research aims to analyze the forms of legal protection provided to workers who are victims of workplace accidents at PT ITSS Morowali and to assess the effectiveness of OSHMS implementation based on the prevailing laws and regulations. The research employs a normative legal research method using a statutory approach and a case approach, supported by secondary data in the form of legislation, legal literature, and media reports. The findings reveal that legal protection for victims of workplace accidents has not been optimally implemented, both in terms of accident prevention and the fulfillment of workers' rights after workplace accidents. Furthermore, the study identifies negligence by the company in applying OSH standards and weak law enforcement by labor inspection authorities. Therefore, this research recommends strengthening law enforcement, improving supervision, and ensuring the company's commitment to consistently implementing the OSHMS in order to guarantee the safety and welfare of workers.

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

Abstrak. Keselamatan dan Kesehatan Kerja (K3) merupakan hak fundamental pekerja yang wajib dipenuhi oleh perusahaan sebagai bagian dari perlindungan hukum ketenagakerjaan. Terjadinya kecelakaan kerja secara berulang, khususnya insiden ledakan tungku smelter di PT Indonesia Tsingshan Stainless Steel (ITSS) Morowali, menunjukkan lemahnya penerapan Sistem Manajemen Keselamatan dan Kesehatan Kerja (SMK3) serta kurang optimalnya pengawasan pemerintah di bidang ketenagakerjaan. Kondisi tersebut menimbulkan kerugian serius bagi pekerja dan mencerminkan adanya kelalaian perusahaan dalam memenuhi standar K3. Penelitian ini bertujuan untuk menganalisis bentuk perlindungan hukum bagi pekerja yang menjadi korban kecelakaan kerja di PT ITSS Morowali serta menilai efektivitas penerapan SMK3 berdasarkan peraturan perundang-undangan yang berlaku. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus, yang didukung oleh data sekunder berupa peraturan hukum, literatur hukum, dan pemberitaan media. Hasil penelitian menunjukkan bahwa perlindungan hukum terhadap korban kecelakaan kerja belum dilaksanakan secara optimal, baik dalam aspek pencegahan kecelakaan maupun pemenuhan hak pekerja pasca kecelakaan kerja. Selain itu, ditemukan adanya kelalaian perusahaan dalam penerapan standar K3 serta lemahnya penegakan hukum oleh aparat pengawas ketenagakerjaan. Oleh karena itu, diperlukan penguatan penegakan hukum, peningkatan pengawasan, serta komitmen perusahaan dalam menerapkan SMK3 secara konsisten guna menjamin keselamatan dan kesejahteraan pekerja.

Kata Kunci: *Keselamatan dan Kesehatan Kerja, Perlindungan Hukum Pekerja, Sistem Manajemen Keselamatan dan Kesehatan Kerja.*

A. Pendahuluan

According to Government Regulation No. 50 of 2012 concerning the Implementation of Occupational Safety and Health Management Systems (OSHM), Occupational Safety and Health (OSH) is defined as an effort to protect the safety and health of the workforce by preventing workplace accidents and occupational diseases. Implementing these regulations is crucial for establishing a safe and healthy work environment, as it not only safeguards the physical well-being of employees but also directly influences their productivity, the quality of their work, and the overall reputation of the company.

Through compliance with Occupational Safety and Health (OSH) regulations, companies can mitigate the risk of workplace accidents and occupational diseases while optimizing working conditions that support employee well-being. According to the International Labour Organization (ILO), Occupational Safety and Health (OSH) is defined as the effort to promote and maintain the highest degree of physical, mental, and social well-being of workers across all occupations. The primary objectives of Occupational Safety and Health (OSH) involve the prevention of work-related health complications, the protection of the workforce from potential hazards, and the placement of employees in a work environment that aligns with their physiological and psychological requirements. Consequently, OSH functions to facilitate a harmonious integration between the nature of the work and the worker, ensuring that each individual is appropriately adapted to their respective professional responsibilities. The protection of the workforce is an imperative necessity to ensure the fulfillment of their respective rights and obligations. Every individual who works is entitled to feel safe and protected. This principle constitutes the essence of the Labor Law. The Occupational Safety and Health (OSH) program exists not merely for regulatory compliance, but as a form of safety guarantee and a concrete effort to continuously improve the health status of every worker. This fundamental right is guaranteed by the constitution, specifically in Article 27 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that every citizen has the right to work and to a living befitting a human being.

Article 86, Paragraph (2) of Law No. 1 of 1970 concerning Occupational Safety stipulates that the primary objective of Occupational Safety and Health (OSH) efforts is to safeguard the safety and enhance the health of workers. This protection is administered through five primary approaches: preventing workplace accidents and occupational diseases, controlling various hazards present in the workplace, promoting healthy lifestyles, and providing access to medical treatment and rehabilitation when required.

Article 86 Paragraph (1) of Law No. 13 of 2003 concerning Manpower stipulates that every worker or laborer possesses the right to occupational safety and health, morality and decency, as well as treatment that accords with human dignity and religious values. Employers are mandated to implement the Occupational Safety and Health Management System (OSHM) to ensure the safety of their workforce. Based on the Manpower Law, OSH serves as a technical regulation requiring every company to maintain safety standards, a requirement further reinforced by Government Regulation No. 50 of 2012 concerning the Implementation of the Occupational Safety and Health Management System (SMOSH) in Article 2, Paragraph (1). Furthermore, employers are required to establish a healthy, safe, and comfortable work environment, as mandated by the Regulation of the Minister of Manpower No. 5 of 2018 concerning the Work Environment in Article 2, Paragraph (1). In an effort to strengthen the supervision and coordination of occupational safety standards at both the corporate and national levels, the government has established institutional provisions responsible for the cultivation and oversight of OSH. This is regulated under Regulation No. 18 of 2016 of the Minister of Manpower, concerning the Occupational Safety and Health Council, which governs the establishment, duties, and functions of OSH councils at the national, provincial, regency/municipal, and corporate levels.

Furthermore, in the context of occupational safety protection, provisions regarding risk management within the work environment are reinforced through various regulations of the Minister of Manpower. One such regulation is the Regulation of the Minister of Manpower No. 11 of 2023 concerning Occupational Safety and Health in Confined Spaces, which emphasizes that every activity conducted within a confined space must adhere to procedures that guarantee and protect the safety and health of the workforce through the prevention of workplace accidents and occupational diseases. In addition, occupational safety aspects are regulated with greater technical specificity for the

workforce, such as in the Regulation of the Minister of Manpower No. 8 of 2020 concerning the Occupational Safety and Health of Lifting and Transporting Equipment. This regulation governs safety standards in the operation of lifting and transporting apparatus, including similar equipment utilized within industrial environments. It emphasizes the importance of operator competence, technical qualifications, and regular inspection and maintenance of equipment to prevent workplace accidents resulting from mechanical failure or negligence. As is the case with PT Indonesia Tsingshan Stainless Steel (ITSS) located in Morowali, Central Sulawesi, the company has remained under public scrutiny from 2023 to 2025 due to a series of workplace accidents resulting in fatalities and serious injuries. These events are not only human tragedies but also raise significant questions regarding the extent to which the company has implemented Occupational Safety and Health (OSH) standards as mandated by law.

The first tragedy occurred on December 24, 2023, when a smelter furnace owned by PT Indonesia Tsingshan Stainless Steel (ITSS) in Morowali, Central Sulawesi, exploded during maintenance. The incident transpired while a number of workers were repairing the smelter by welding the furnace walls, while others were observed supervising the repairs. This incident resulted in 13 fatalities and 46 injuries. The explosion occurred at 05:30 WITA at smelter furnace 41 within the ITSS area in Bahodopi District on Sunday morning, December 24, 2023, followed by a fire on the second and third floors of the plant. The event ultimately claimed the lives of at least 18 workers, consisting of 14 Indonesian migrant workers (TKI) and 4 foreign workers (TKA), and injured more than 40 others.

The significant scale of casualties makes this incident one of the most severe workplace accidents within Indonesia's nickel smelter industry. Six months later, specifically on June 13, 2024, another workplace accident occurred in the smelter furnace area. At that time, several employees were cleaning steel slag from the factory floor. The incident began when workers were cutting the steel slag; however, after the cutting process, they poured water onto the newly cut slag to accelerate the cooling process. This action resulted in a burst of hot steam that struck two employees, causing them to suffer serious burns that required intensive medical treatment. Although there were no fatalities, this event indicates that the company had not fully implemented the post-explosion improvement recommendations from 2023. The Ministry of Industry dispatched a special team to conduct an evaluation. At the same time, the Ministry of Manpower emphasized the importance of implementing the Occupational Safety and Health Management System (SMOSH) as regulated by Government Regulation No. 50 of 2012. Implementation of the occupational safety and health Management system (SMOSH).

On February 5, 2025, another workplace accident occurred at PT. ITSS. A worker named Eko Julisnain passed away after being crushed by a 94x4 meter steel strip coil while performing welding tasks. At the time of the incident, the victim was working alone after his colleague left the site to retrieve tools. An unstable third steel coil suddenly fell and directly struck the victim, resulting in his immediate death at the scene. This accident once again reveals the weaknesses in the implementation of safe work procedures and the lack of supervision of workers in the field. Consequently, the author is interested in examining these cases as a thesis titled: *'Legal Protection for Employees of PT Indonesia Tsingshan Stainless Steel Regarding Negligence in the Implementation of the Occupational Safety and Health Management System (OSHM) and Liability for Workplace Accidents under Government Regulation No. 50 of 2012.'*

B. Metode

Tuliskan metode ilmiah yang dipergunakan pada penelitian. Mulai dari metode pengumpulan data, metode pengolahan data, maupun metode analisis data dan pembahasan. Jelaskan cara atau langkah-langkah dalam mengumpulkan data maupun fakta yang akan digunakan dalam proses pengolahan dan pembuatan analisis. Misalnya jika cara mengumpulkan data dengan kuesioner atau wawancara, maka tuliskan sampel yang digunakan. Jika pengumpulan data diperoleh dari data sekunder, tuliskan sumber data dan jumlah variabel atau instrumen yang dipergunakan. Waktu pengumpulan data juga dapat dituliskan pada bagian ini.

Metode Research methodology serves as a reference or procedural standard containing a structured sequence, stages, processes, and methods to achieve specific objectives. Through

appropriate and systematic procedures, a problem can be solved effectively. In this study, the methods used are as follows.

Research Approach

This study utilizes the juridical-normative research method. According to Soerjono Soekanto, a juridical approach is a series of legal research conducted through the study of library materials or secondary data as the basis for analysis, by tracing statutory regulations and literature relevant to the issue being studied. Based on the research focus, the author employs the juridical-normative method to analyze the phenomenon of workplace accidents at PT. ITSS through a legal study that emphasizes statutory regulations, norms, and legal theories. This approach allows the researcher to examine not only the normative side of existing legal regulations but also the social factors that influence their implementation within society.

To further refine the analysis, this study specifically applies a statutory approach (*pendekatan perundang-undangan*) and a conceptual approach (*pendekatan konseptual*). The statutory approach is used to examine the consistency and synchronization of various laws, such as Law No. 1 of 1970 concerning Occupational Safety and Government Regulation No. 50 of 2012, in addressing the industrial complexities at PT ITSS. Meanwhile, the conceptual approach is utilized to depart from the views and doctrines of legal experts to build a logical legal argument regarding the nature of corporate responsibility and the state's duty to provide legal protection. By combining these approaches, the research provides a comprehensive critical evaluation of the gap between the prescriptive legal framework and the empirical reality of workplace safety enforcement.

Research Specification

The research specification used in this study is descriptive-analytical. Descriptive research aims to describe phenomena occurring in society specifically, acts of negligence in the implementation of the OSH management system based on applicable legal regulation. Consequently, the descriptive-analytical method in this study is utilized to perform an analysis aimed at assessing the effectiveness of legal enforcement, as well as understanding the implementation of the Occupational Safety and Health (OSH) management system and the legal liability of PT Indonesia Tsingshan Stainless Steel regarding the occurrence of workplace accidents.

Data Collection Methods and Techniques

This type of research utilizes secondary data sources obtained through document studies (library research). Secondary data is utilized as the basis for conducting assessments of the research results. This secondary data is derived from library materials, which include: Primary Legal Materials

Primary legal materials consist of authoritative legal instruments in the form of legislation. The statutory regulations utilized in this study are those relevant to the research at hand, namely: The 1945 Constitution of the Republic of Indonesia; Law Number 1 of 1970 concerning Occupational Safety; Law Number 13 of 2003 concerning Manpower; Government Regulation Number 50 of 2012 concerning the Occupational Safety and Health Management System; Regulation of the Minister of Manpower.

Secondary legal materials are materials closely related to primary legal materials that can assist in the research process, including all literature and legal publications that are not official documents. In writing this thesis, the author will utilize several secondary legal materials, namely: Literature or scientific books related to this research; Legal dictionaries; Legal journals related to this research; Research results related to this research; Doctrines or opinions and testimonies from experts, both written and unwritten.

Tertiary legal materials are legal materials that contain information on primary and secondary legal materials by providing insights and definitions of other legal terminology. The following are the tertiary legal materials used in this study: Great Dictionary of the Indonesian Language (KBBI); Legal Dictionaries; Encyclopedias; Data regarding OSH in Indonesia

The analytical method applied in this research is the qualitative analysis method, which involves collecting data to be analyzed without using numbers, but rather through explanations or descriptions in the form of words based on the findings. This approach emphasizes the quality of the data obtained rather than its amount or quantity.

C. Hasil Penelitian dan Pembahasan

This section presents the main findings of the research and discusses them based on the applicable legal framework and relevant theories. The research employs a normative legal research method using a statutory approach and a case approach. The data analyzed consist of primary, secondary, and tertiary legal materials, which were examined qualitatively to assess the implementation of the Occupational Safety and Health Management System (OSHMS) and the forms of legal protection provided to workers. The results of the study indicate that the implementation of Occupational Safety and Health (OSH) at PT Indonesia Tsingshan Stainless Steel Morowali has not been carried out effectively. This is evidenced by the recurrence of workplace accidents between 2023 and 2025, including smelter furnace explosions, exposure to extreme heat, and accidents involving heavy materials. These incidents demonstrate deficiencies in hazard identification, risk assessment, and risk control, as mandated by Government Regulation Number 50 of 2012 on the Implementation of the Occupational Safety and Health Management System.

From the perspective of legal protection, the research finds that the fulfillment of workers' rights following workplace accidents has not been optimal. Although the company claims to have provided medical treatment and compensation, in practice there have been delays, a lack of transparency, and uncertainty regarding the realization of workers' rights. This condition reflects weaknesses in repressive legal protection, which should guarantee compensation and recovery for accident victims in accordance with Law Number 13 of 2003 on Manpower. Furthermore, the findings reveal that labor supervision by government authorities has not functioned effectively. Weak law enforcement and the absence of strict sanctions for OSH violations reduce the deterrent effect on companies that fail to comply with safety standards. As a result, the implementation of OSHMS tends to be merely administrative and procedural, rather than being internalized as a workplace safety culture.

Overall, the findings demonstrate a gap between legal norms and their implementation in practice. Therefore, strengthening law enforcement, improving labor inspection mechanisms, and ensuring the company's commitment to consistently implementing OSHMS are essential to provide effective legal protection and to guarantee the safety and welfare of workers.

Analysis of Legal Liability and Policy Recommendations

The persistent failure to minimize workplace fatalities suggests a critical gap in the application of the *Ultimum Remedium* principle within Indonesian manpower law. While administrative sanctions are the primary recourse under Law Number 13 of 2003, the recurring nature of these "accidents" at PT ITSS implies a level of corporate negligence that may cross into the realm of criminal liability. From a normative perspective, if a company consistently fails to adhere to the safety standards mandated by Government Regulation Number 50 of 2012, the state must transition from mere supervision to rigorous law enforcement. This includes the potential application of Article 359 and 360 of the Indonesian Penal Code (KUHP) regarding negligence resulting in death or serious injury, ensuring that corporate entities are held accountable not just through fines, but through operational restrictions that prioritize human life over production targets.

To bridge the gap between statutory expectations and field reality, a fundamental restructuring of the labor inspection system is required. The findings suggest that "procedural compliance" has become a shield for substantive failure; therefore, the Ministry of Manpower should implement an independent third-party audit mechanism specifically for high-risk smelting industries. This would mitigate the current weaknesses in government supervision and ensure that risk assessments are not merely paper-based exercises. Furthermore, establishing a transparent, digitalized "Accident Compensation Dashboard" could resolve the issues of delayed rights fulfillment and lack of transparency identified in this study. By integrating real-time reporting with the social security administrator (BPJS Ketenagakerjaan), the legal protection of workers can shift from a reactive, repressive model to a proactive, guaranteed system of social justice.

First Research Finding

The findings of this research show that the Occupational Safety and Health Management System (OSHMS) at PT Indonesia Tsingshan Stainless Steel (ITSS) Morowali has not been implemented effectively. This conclusion is drawn from an examination of relevant laws and regulations, reports of workplace accidents, and media coverage of repeated accidents at the company's facilities over the past

few years. These findings indicate that OSHMS has not been applied in a consistent and continuous manner as required under Government Regulation Number 50 of 2012.

Most workplace accidents at PT ITSS Morowali occurred in high-risk areas, particularly in the smelter facilities. Several incidents, including furnace explosions, exposure to extreme heat, and accidents involving heavy materials, suggest that hazard identification and risk control measures were inadequate. This condition indicates that preventive efforts to reduce workplace accidents were not properly prioritized by the company. The research also reveals that the company did not carry out effective evaluations or improvements after previous accidents. Similar accidents occurred in the same work areas, which suggests that corrective actions were either insufficient or not properly implemented. As a result, safety management at PT ITSS Morowali appears to focus more on formal compliance rather than on building a genuine culture of workplace safety. Based on these findings, it can be concluded that weaknesses in the implementation of OSHMS at PT ITSS Morowali have contributed significantly to the continued occurrence of workplace accidents. This situation reflects a gap between the legal requirements governing occupational safety and health and their actual implementation in practice.

Analysis and Discussion

This section discusses the research findings in a systematic manner to ensure clarity and coherence for the reader. The analysis is conducted by linking empirical findings with the applicable legal framework and relevant theories of labor law, particularly those concerning occupational safety and health and legal protection for workers. As this section constitutes the core of the study, it provides a comprehensive examination of the issues identified in the research. The analysis begins with an assessment of the implementation of occupational safety and health regulations at PT Indonesia Tsingshan Stainless Steel (ITSS) Morowali.

Although Indonesian labor law clearly requires employers to ensure safe working conditions, the findings indicate that the company has not fully complied with these obligations. The repeated occurrence of workplace accidents, especially in high-risk areas such as smelter facilities, demonstrates that preventive safety measures were insufficient. This condition suggests that the Occupational Safety and Health Management System (OSHMS) was not implemented as an integrated and continuous system, but rather as a formal requirement without effective supervision and evaluation.

From a legal protection perspective, the research shows that workers who became victims of workplace accidents did not receive optimal protection. In principle, labor law guarantees workers the right to safety, health, and compensation in the event of workplace accidents. However, in practice, the fulfillment of these rights was often delayed or unclear. This situation reflects weaknesses in repressive legal protection, where the law should function to restore the rights of workers after a violation has occurred. The lack of transparency in the handling of accident cases further undermines workers' legal certainty. The analysis also highlights the role of government supervision in ensuring compliance with occupational safety and health regulations. Effective labor inspection is essential to prevent violations and to enforce legal standards. Nevertheless, the findings suggest that labor inspections at PT ITSS Morowali were not conducted optimally. The absence of strict sanctions against repeated violations reduced the deterrent effect of the law and allowed unsafe practices to continue. As a result, legal norms governing occupational safety and health were not translated into concrete protection for workers.

In addition, this research reveals a significant gap between legal norms and their implementation in practice. While the regulatory framework governing occupational safety and health in Indonesia is relatively comprehensive, weak enforcement and limited accountability have hindered its effectiveness. This gap illustrates the discrepancy between what the law prescribes and what occurs in reality, particularly in industrial sectors with high occupational risks.

Based on the overall analysis, it can be argued that improving occupational safety and health at PT ITSS Morowali requires more than formal compliance with regulations. Stronger law enforcement, more effective labor inspections, and a genuine commitment from the company to prioritize worker safety are essential. Only through consistent implementation of OSHMS and strict enforcement of labor laws can workers' rights to safety and health be adequately protected.

Second Research Finding: Peran Pengawasan Ketenagakerjaan dan Penegakan Sanksi Administratif

The research findings indicate that the weakness of labor supervision by the competent authorities is a crucial factor perpetuating the failure of OSHMS implementation at PT ITSS. Based on field data, inspections tend to be reactive—conducted only after fatal incidents occur rather than preventive. This suggests that the labor inspection function mandated by Law Number 3 of 1951 on the Entry into Force of the Labor Inspection Law of 1948 is not functioning optimally within this strategic industrial zone.

Furthermore, the research reveals an inconsistency in the application of administrative sanctions against PT ITSS despite recurrent violations. The sanctions imposed thus far have failed to achieve a sufficient deterrent effect; consequently, the company tends to calculate fines or administrative penalties as mere operational costs rather than serious legal warnings to overhaul their safety systems. The absence of firm actions, such as the suspension of business licenses or the temporary closure of high-risk operational units, reinforces the existence of neglect toward worker protection norms.

In addition to the lack of preventive inspections, the research identifies a significant shortage of specialized labor inspectors relative to the scale of operations at the Morowali industrial complex. This quantitative and qualitative imbalance results in a supervisory vacuum where high-risk technical processes, such as smelter furnace maintenance and heavy machinery operation, are left without external oversight for extended periods. Consequently, the government's ability to detect early warning signs of safety breaches is severely compromised, allowing minor technical flaws to escalate into fatal disasters.

The findings also highlight a systemic lack of transparency in the reporting and follow-up of labor inspection results. While inspections may occur post-accident, the recommendations issued by the authorities are often not made accessible to the workers or their representatives. This lack of public and institutional accountability means that the company faces little social or legal pressure to implement the required corrective actions. Without a transparent tracking system for compliance, the state's supervisory role becomes a mere formality that fails to ensure a safer working environment.

Finally, the research observes a tendency toward "negotiated compliance," where the enforcement of OSH standards is often compromised by the prioritization of industrial productivity and investment targets. This pragmatic approach by regulatory bodies weakens the supremacy of labor law, as economic interests appear to take precedence over the safety of human lives. This situation reinforces a dangerous precedent in the extractive and smelting industry, where the cost of non-compliance is perceived as lower than the cost of implementing comprehensive, high-standard safety infrastructures.

Analysis and Discussion: Corporate Legal Liability in the Perspective of Legal Certainty

In the context of legal liability, the continuous failure to mitigate risks at the PT ITSS smelter can be categorized as a form of corporate negligence. Normatively, Article 86 of Law Number 13 of 2003 emphasizes that every worker has the right to protection concerning occupational safety and health. When a company fails to consistently provide a safe working environment (2023–2025), legal responsibility does not end with medical compensation; it also encompasses civil and criminal liability if there is proven intentionality in disregarding OSH standards.

An analysis of legal protection theories suggests that preventive protection for workers at PT ITSS has collapsed due to a lack of transparency in hazard identification. Without clear access to information regarding workplace risks, the bargaining position of workers becomes significantly weakened. This creates legal uncertainty for laborers, where their right to refuse life-threatening work—as regulated under Law Number 1 of 1970—is difficult to implement due to economic and structural pressures within the company management.

Lastly, the gap between *das Sollen* (what the law ought to be) and *das Sein* (what occurs in reality) in this case highlights the need to reposition OSH policies from mere document compliance to strict liability for high-risk industries. This discussion emphasizes that without synchronization between rigorous state supervision and a company's juridical commitment, the implementation of OSHMS under Government Regulation Number 50 of 2012 will remain a formal administrative procedure that fails to protect the most fundamental rights of workers: the right to life and the right to work safely.

D. Kesimpulan

Based on the results of the study, it can be concluded that the implementation of the Occupational Safety and Health Management System (OSHMS) at PT Indonesia Tsingshan Stainless Steel has not been carried out effectively and comprehensively in accordance with the provisions of Law No. 1 of 1970, Law No. 23 of 2003, Government Regulation No. 50 of 2012, and the regulations of the Ministry of Manpower. This is evidenced by the repeated occurrence of workplace accidents in 2023, 2024, and 2025, which indicates systemic failures in hazard identification, risk control, the implementation of standard operating procedures (SOPs), as well as the provision and use of personal protective equipment (PPE). These accidents were not merely the result of worker error, but rather stemmed from negligence on the part of company management in fulfilling its legal obligations regarding occupational safety and health implementation.

Legal protection for victims of workplace accidents at PT Indonesia Tsingshan Stainless Steel has not been implemented optimally. Although IMIP Media Relations claimed that compensation and medical expenses had been paid, factual evidence shows that the rights of victims and their heirs have not been fully realized in accordance with Minister of Manpower Number 5 of 2021 regulates the Procedures for the Implementation of the Work Accident Insurance Program (JKK), Death Insurance, and Old Age Insurance. This condition contradicts Iman Soepomo's theory of worker protection, which affirms that workers are entitled to economic, social, and technical protection, indicating that legal certainty and justice for the victims have not been adequately fulfilled.

Ucapan Terimakasih

The author would like to express sincere gratitude and appreciation to Dr. Sri Poedjiastoeti, Dra., M.Hum, for her invaluable guidance, academic insight, and continuous support throughout the completion of this research. Her constructive suggestions, thoughtful supervision, and dedication greatly contributed to the improvement and completion of this study. The author is deeply thankful for her patience, encouragement, and expertise, which have been instrumental in shaping the quality of this research.

Daftar Pustaka

- Abdurrozzaq Hasibuan, dkk. Teknik Keselamatan dan Kesehatan Kerja. Yogyakarta: Yayasan Kita Menulis, 2020.
- Amarudin dan Zainal Asikin. Pengantar Metode Penelitian Hukum. Jakarta: Rajawali Pers, 2010.
- Andi M. Arief. "Kronologi Insiden Smelter ITTS Morowali yang Diklaim Bukan Ledakan." Katadata, 14 Juni 2024. Diakses 3 September 2025.
- Andi Sarbiah. "Penerapan Pelaksanaan Keselamatan dan Kesehatan Kerja (OSH) pada Karyawan." Jurnal Manajemen dan Kewirausahaan, Vol. 3, No. 2, 2022, hlm. 45–53.
- Dedi Saputra, Yunus Ashari, & Aviasti. (2023). Penerapan Sistem Manajemen Keselamatan Pertambangan di Tambang Andesit PT. Gunung Kulalet Bandung. Jurnal Riset Teknik Pertambangan, 35–40. <https://doi.org/10.29313/jrtp.v3i1.2109>
- Hafis Hamdan. "Kronologi Tungku Smelter PT ITSS Meledak Saat Diperbaiki Tewaskan 13 Pekerja." DetikSulsel, 24 Desember 2023. Diakses 3 September 2025.

<https://katadata.co.id/berita/industri/666c01572cf8c/kronologi-insiden-smelter-itts-morowali-yang-diklaim-bukan-ledakan>

https://temanOSH.kemnaker.go.id/page/detail_news/5/62e5d2b779e51361bec18520e075af19

<https://www.detik.com/sulsel/berita/d-7107190/kronologi-tungku-smelter-pt-itss-meledak-saat-diperbaiki-tewaskan-13-pekerja>

Ilham Fabian, Lego Karjoko, dan Fatma Ulfathun Najicha. “Analisis Pengaturan Perlindungan Hukum Keselamatan dan Kesehatan Kerja pada Pekerja Kurir Ekspedisi Ditinjau dari Asas Keadilan Pancasila.” *Jurnal Hukum Lex Scientia*, Vol. 5, No. 3, 2023, hlm. 77–89.

Kementerian Ketenagakerjaan Republik Indonesia. “Pengertian (Definisi) OSH (Keselamatan dan Kesehatan Kerja).” *Teman OSH*. Diakses 26 September 2025.

Latifah Nurhidayati, dkk. *Keselamatan dan Kesehatan Kerja di Laboratorium Farmasi*. Yogyakarta: Universitas Islam Indonesia, 2021.

Muhaimin. *Metode Penelitian Hukum*. Mataram: UPT Mataram University Press, 2020.

Mukti Fajar ND dan Yulianto Achmad. *Dualisme Penelitian Hukum Normatif dan Empiris*. Yogyakarta: Pustaka Pelajar, 2015.

Nur, S., Putra, P., Garna, H., & Rizki Akbar, M. (2025). Hubungan Indeks Massa Tubuh, Kualitas Tidur, dan Tekanan Darah dengan Tingkat Stres Karyawan Pabrik PT Primastra Sandang Lestari Bandung Tahun 2022. <https://journals.sangkurianpublisher.com/pharmacomedic>

Peraturan Menteri Ketenagakerjaan Nomor 11 Tahun 2023 tentang Keselamatan dan Kesehatan Kerja Lingkungan Kerja.

Peraturan Menteri Ketenagakerjaan Nomor 18 Tahun 2016 tentang Keselamatan dan Kesehatan Kerja pada Pekerjaan Konstruksi.

Peraturan Menteri Ketenagakerjaan Nomor 38 Tahun 2020 tentang Keselamatan dan Kesehatan Kerja Pesawat Tenaga dan Produksi.

Peraturan Menteri Ketenagakerjaan Tahun 2018 tentang Keselamatan dan Kesehatan Kerja.

Peraturan Pemerintah Nomor 50 Tahun 2012 tentang Penerapan Sistem Manajemen Keselamatan dan Kesehatan Kerja.

Rosady, D. S., Juarsa, E., Heriyani, A. D., Ibnusantosa, R. R. G., & Zulfa, N. R. A. (2025). Peningkatan Pemahaman Kesehatan dan Keselamatan Kerja melalui Penguatan Kapasitas Kerja pada Relawan Pekerja Konstruksi Masjid. *Jurnal Integrasi Kesehatan & Sains*, 7(2), 135–138. <https://doi.org/10.29313/jiks.v7i2.6644>

Soerjono Soekanto. *Pengantar Penelitian Hukum*. Jakarta: UI Press, 1986.

Sri Mamudji. Metode Penelitian dan Penulisan Hukum. Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2005.

Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan.