

LEGAL PROTECTION FOR EMPLOYEES OF PT. INDONESIA TSINGSHAN STAINLESS STEEL FOR NEGLIGENCE IN THE IMPLEMENTATION OF THE OCCUPATIONAL SAFETY AND HEALTH MANAGEMENT SYSTEM (OSHM) AND LIABILITY FOR WORK ACCIDENTS UNDER GOVERNMENT REGULATION NO. 50 OF 2012 ON THE IMPLEMENTATION OF THE OCCUPATIONAL SAFETY AND HEALTH MANAGEMENT SYSTEM

M Akmal Effendi*, Sri Poedjiastoeti

Study Program of Law, Faculty of Law, Bandung Islamic University, 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, Workplace Accidents.*

A. Introduction

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.

Beyond its protective function, OSHMS represents a structured and systematic approach that integrates safety principles into every aspect of corporate management. The regulation emphasizes that occupational safety is not merely a technical requirement but a managerial responsibility that must be planned, implemented, monitored, and continuously improved. In this regard, OSHMS serves as a preventive legal instrument designed to minimize risks before accidents occur, thereby shifting the paradigm from reactive responses to proactive risk management.

Moreover, compliance with OSH regulations reflects the company's adherence to the broader framework of labor law and human rights protection. A safe working environment constitutes a fundamental right of workers, and employers bear a legal obligation to ensure that this right is fulfilled. Failure to implement adequate safety measures may result not only in administrative sanctions but also in civil liability and, in certain circumstances, criminal accountability. Therefore, OSH implementation functions both as a legal duty and as a manifestation of corporate responsibility.

From an economic perspective, effective implementation of OSHMS reduces operational losses arising from workplace accidents, such as medical expenses, compensation costs, production delays, and reputational damage. Companies that consistently apply safety standards tend to experience higher levels of employee morale and engagement, which ultimately contribute to sustainable business performance. Conversely, neglecting safety measures can lead to long-term financial and legal consequences that undermine organizational stability.

(Sarbiah.A, 2022). 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. (Indonesia, 1945).

(hasibuan, 2020) rency/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.

(nuhidayari, 2021)). 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. Method

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:

1. Reasearch 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. (Soekantoe, 1986)

2. 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. (mamudji, 2005)

3. Data Collection Methods and Techniques

This type of research utilizes secondary data sources obtained through document studies (library research). (mamudji, 2005) Secondary data is utilized as the basis for conducting assessments of the research results. This secondary data is derived from library materials, which include:

1. 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:

- a. The 1945 Constitution of the Republic of Indonesia.
- b. Law Number 1 of 1970 concerning Occupational Safety
- c. Law Number 13 of 2003 concerning Manpower
- d. Government Regulation Number 50 of 2012 concerning the Occupational Safety and Health Management System
- e. Regulation of the Minister of Manpower.

2. Secondary Legal Materials

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 (fajar, 2015):

- a. Literature or scientific books related to this research
- b. Legal dictionaries
- c. Legal journals related to this research.
- d. Research results related to this research

- e. Doctrines or opinions and testimonies from experts, both written and unwritten.
- 3. Tertiary legal materials
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:
 - a. Great Dictionary of the Indonesian Language (KBBI)
 - b. Legal Dictionaries
 - c. Encyclopedias
 - d. Data regarding OSH in Indonesia
- 4. Analytical Method
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 (muhaimin, 2020).

C. Result and Discussion

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. (Indonesia, 2012).

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 (Indonesia, 2003). 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.

(fabian, 2023) Furthermore, transparency and accountability mechanisms within companies must be strengthened. Employers should be required to publish periodic reports on OSH implementation, accident statistics, and corrective measures taken. Such transparency would not only foster public trust but also create external pressure for companies to comply with established safety standards.

It is also important to emphasize that the fulfillment of workers' rights after workplace accidents is not solely a matter of financial compensation. Comprehensive legal protection must encompass medical rehabilitation, psychological support, social security guarantees, and, where applicable, reintegration into the workforce. In this context, the realization of substantive justice becomes crucial, ensuring that workers are restored not only economically but also physically and socially. Ultimately, effective implementation of OSHMS should transcend formal compliance and evolve into a genuine safety culture embedded within corporate governance. A culture of safety requires leadership commitment, continuous monitoring, and shared responsibility between employers, workers, and the state. Only through such a holistic approach can occupational health and safety function not merely as a regulatory obligation, but as a fundamental human right that safeguards dignity, security, and long-term welfare for every worker.

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.

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. This reflects a failure in the continuous improvement principle that forms the core of OSHMS. Under a properly functioning system, every workplace accident should trigger a thorough investigation, root cause analysis, and the formulation of corrective and preventive measures to ensure that comparable incidents do not reoccur. The persistence of similar hazards indicates structural weaknesses in safety management, including possible deficiencies in supervision, training, and enforcement of standard operating procedures.

Furthermore, the apparent emphasis on formal compliance rather than substantive implementation suggests that OSHMS may have been treated primarily as an administrative obligation. Documentation, certification, and reporting mechanisms may have been formally fulfilled; however, these measures did not translate into effective safety practices on the ground. Such a compliance-oriented approach undermines the fundamental objective of OSHMS, which is to embed safety awareness and risk prevention into the organizational culture. Without genuine commitment from management and active participation from workers, safety policies risk becoming symbolic rather than functional.

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. (hamdan, 2025)

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. (Indonesia, 2025) The analysis also highlights the role of government supervision in ensuring compliance with occupational safety and health regulations. Effective labor inspection is essential not only to detect violations but also to prevent potential risks before accidents occur. Preventive supervision, combined with strict enforcement measures, forms a crucial component of legal protection. Nevertheless, the findings suggest that labor inspections at PT ITSS Morowali were not conducted optimally. Inspections appeared to lack frequency, depth, or follow-up mechanisms capable of addressing recurring safety deficiencies.

Moreover, the absence of strict and proportional sanctions against repeated violations significantly reduced the deterrent effect of the law. When companies are not held accountable through administrative penalties, fines, suspension of operations, or other legal consequences, non-compliance may persist without meaningful repercussions. As a result, legal norms governing occupational safety and health were not translated into concrete and measurable protection for workers. This condition illustrates a broader structural issue in labor law enforcement, where regulatory frameworks exist but lack effective implementation mechanisms. 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, limited transparency, and insufficient 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 such as smelting and heavy manufacturing. In such sectors, the consequences of regulatory failure are not merely administrative but directly impact human lives and worker welfare.

From a broader legal perspective, the failure to ensure adequate occupational safety may also implicate the state's obligation to protect fundamental rights. The right to work in safe and healthy conditions is closely linked to the right to life, dignity, and social security. Therefore, ensuring effective occupational safety and health protection is not only a matter of regulatory compliance but also a constitutional and human rights concern.

D. Conclusion

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. (Indonesia, 1970).

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 (Indonesia, 2021).

Acknowledgement

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.

References

- Arifah Hidayat, Diana Wiyanti, & Makmur. (2023). Perlindungan Hukum Terhadap Anggota Koperasi BMT Rindu Alam yang Dananya Disalahgunakan Pengurus. *Jurnal Riset Ilmu Hukum*, 21–24. <https://doi.org/10.29313/jrih.v3i1.2113>
- Dhea Shabrina 'Ishmah, Eka An Aqimuddin, & Fariz Farrih Izadi. (2023). Perlindungan Tenaga Kerja Wanita Indonesia dalam Kasus Perdagangan Manusia di Kamboja. *Jurnal Riset Ilmu Hukum*, 17–20. <https://doi.org/10.29313/jrih.v3i1.2112>
- fabian. (2023). Analisis pengaturan perlindungan hukum keselamatan dan kesehatan kerja pada pekerja kurir ekspedisi ditinjau dari asas keadilan Pancasila. *jurnal hukum lex scientia*, 77-89.
- fajar. (2015). *dualisme penelitian hukum normatif dan empiris*. yogyakarta: pustakabelajar.
- hamdan. (2025). tungku smelter PT ITSS saat meledak saat diperbaiki tewaskan 15 pekerja. *kata data*, 3.
- hasibuan, e. a. (2020). *teknik keselamatan dan kesehatan kerja*. yogyakarta: yayasan kita menulis.
- indonesia, k. k. (2025). pengertian dan definisi keselamatan dan kesehatan kerja. *teman osh*, 1.
- Indonesia, R. (1945). UUD 1945, 27.
- Indonesia, R. (1970). Undang Undang No 1 tahun 1970 tentang Keselamatan Kerja. 52.
- Indonesia, R. (2003). Undang Undang No 23 Tahun 2003 Tentang Ketenagakerjaan. 26.
- Indonesia, R. (2012). Peraturan Pemerintah No 50 Tahun 2012. 2.
- Indonesia, R. (2021). Peraturan Menteri Ketenagakerjaan No 5 Tahun 2021. 2.
- mamudji. (2005). *metode penelitian dan penulisan hukum*. jakarta: universitas indonesia.
- muhaimin. (2020). *metode penelitian hukum*. mataram: UPT Mataram University Press.
- nuhidayari. (2021). keselamatan dan kesehatan kerja di laboratorium farmasi. *farmasi yogyakarta*.

- Sarbiah.A. (2022). Penerapan Pelaksanaan Keselamatan kerja (OSH) pada karyawan. *manajemen dan kewirausahaan*, 45-53.
- Soekantoe, S. (1986). Metode penelitian hukum. *UI press*, 62