

Criminal Liability Against Persons Capturing Protected Wildlife

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ABSTRAK

Petugas Pemadam Kebakaran, yang mempunyai tugas penting, maka perlu diketahui bentuk perlindungan keselamatan petugas pemadam kebakaran yang diberikan oleh pemerintah daerah. Tujuan dilakukannya penelitian ini, untuk mengetahui perlindungan hukum terhadap keselamatan kerja petugas pemadam kebakaran. Jenis penelitian ini *juridis empiris*, sumber data yang digunakan data primer berupa data lapangan serta menggunakan data sekunder. Cara pengumpulan data dilakukan dengan wawancara dan studi dokumen. Hasil penelitian menjelaskan, perlindungan hukum terhadap keselamatan kerja petugas pemadam kebakaran belum dilaksanakan sebagaimana mestinya, hal ini disebabkan karena belum adanya kesadaran pemerintah daerah untuk mendaftarkan sepenuhnya tenaga kerja atau petugas pemadam kebakaran yang berstatus tenaga kontrak. Hambatannya yaitu, rendahnya pendidikan dan pengetahuan petugas pemadam kebakaran terhadap hak-haknya terhadap keselamatan kerja, dan kurangnya pengawasan oleh dinas ketenagakerjaan serta kurangnya sarana dan prasarana alat pelindung diri untuk petugas dalam bekerja yang tidak sebanding dengan jumlah petugas pemadam kebakaran yang ada.

Kata Kunci: Perlindungan Hukum; Keselamatan Kerja; Petugas Pemadam Kebakaran.

ABSTRACT

Firefighters, who have important duties, need to know the form of firefighter safety protection provided by the local government. The purpose of this research is to determine legal protection for the work safety of firefighters. This type of research is juridical empirical, the data source used is primary data in the form of field data and uses secondary data. Data collection was carried out by interviews and document study. The results of the research explain that legal protection for the work safety of firefighters has not been implemented as it should be, this is due to the lack of local government awareness to fully register workers or firefighters who have contract worker status. The obstacles are, the lack of education and knowledge of firefighters regarding their rights regarding work safety, and the lack of supervision by the employment department as well as the lack of facilities and infrastructure for personal protective equipment for officers at work which is not commensurate with the number of existing firefighters.

Keywords: Legal Protection; Work Safety; Firefighters.



I. Introduction

In the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, it is stated that the state aims to realize social justice and general welfare for all Indonesian people. This objective was then set forth in the 1945 Constitution of the Republic of Indonesia in Article 27 paragraph (2) which states that "Every citizen has the right to work and a life worthy of humanity". Work cannot be separated from human life because by working humans get income to meet the needs of their lives and their families.

In living life every human being has diverse needs, to be able to meet these needs humans are required to work. Both self-employed work and work for others (Asikin, dkk, 2018). Juridically, in Article 5 of Law Number 13 of 2003 concerning Manpower, it provides protection that every worker has the right and has the same opportunity to obtain a decent job and livelihood regardless of gender, ethnicity, race, religion and political orientation according to with the interests and abilities of the workforce concerned, including equal treatment of persons with disabilities.

Work can also be used as a symbol of the welfare of a person and his family. Therefore, work is a human right that is inherent in human beings so that it needs to be protected and upheld. According to Soepomo, labor protection is divided into 3 (three) types, namely (Khakim, 2017):

1. Economic protection, namely protection of workers in the form of sufficient income, including when workers are unable to work against their will.
2. Social protection, namely protection of workers in the form of occupational health insurance, freedom of association and protection of the right to organize.
3. Technical protection, namely labor protection in the form of work security and safety.



Worker safety and health issues are one of the elements that must be given protection, where work productivity must always be realized optimally so that every worker can work healthily and safely without endangering himself and others. Occupational safety and health (K3) is an important factor that protects workers, companies, the environment and the surrounding community from hazards due to work accidents. This protection is a human right that must be fulfilled by a company or related institution. The application of Occupational Health and Safety (K3) should not be considered as an effort to prevent work accidents and work-related diseases which need to cost a related agency a lot, but must be considered as a form of long-term investment that will provide abundant profits in the future. Come (Ismara, 2014).

There are not a few risks that will be faced in their work, these risks can result in physical or mental disabilities. The physical disability in question is like an injury to a part of their body so that the quality of work provided is not as expected. Therefore, in order to create protection or social security to improve welfare and work protection, one of the agencies in Central Aceh District, namely in this case the Firefighters, who have important tasks in matters of disaster prevention and management as well as relief and or rescue against a fire disaster, which is a tough task that must be carried out by its workers, it is necessary to know how the form of protection for the safety of firefighters provided by the agency.

Based on the description above, the problems that will be examined and discussed in this study can be formulated as follows:

1. What is the legal protection for the work safety of firefighters?
2. What are the obstacles in legal protection of the work safety of firefighters

II. Metode

This type of research is empirical juridical, that is, the legal research studied is initially secondary data, then it is continued with research on



primary data in the field or on the community. The data source used in this study was primary data obtained from the field through direct interviews with respondents and informants related to the object of this research. Secondary data is conducted to obtain library data sourced from primary legal materials, secondary legal materials, and tertiary legal materials. The method of data collection is done by interviews and document studies. How to analyze the data that has been collected both from primary and secondary data will be analyzed qualitatively, so that facts are found as symptoms of primary data that are connected with theories from secondary data. Data is presented descriptively, namely by explaining and collecting problems related to this research.

III. Discussion and Analysis

Legal Protection for the Work Safety of Firefighters

Legal protection means discussing rights and obligations. Relating to workers means talking about the rights of workers after carrying out their obligations. Workforce protection covers quite broad aspects, namely protection of safety, health, maintenance of work morale and treatment in accordance with human dignity and religious morals. This protection is intended so that workers can safely carry out their daily work to increase production and productivity. Job protection aims to guarantee the continuity of the working relationship system without pressure from the strong to the weak. For this reason, entrepreneurs or government agencies are obliged to implement the protection provisions in accordance with applicable laws and regulations.

Juridically, in Article 5 of Law Number 13 of 2003 concerning Manpower, it provides protection that every worker has the right and has the same opportunity to obtain a decent job and livelihood regardless of gender, ethnicity, race, religion and political orientation according to with the



interests and abilities of the workforce concerned, including equal treatment of persons with disabilities.

According to Zaeni Asyhadie, the types of protection for workers are divided into 3 (three) types, namely: Economic protection, namely protection of workers in the form of sufficient income, including when workers are unable to work against their will, social protection, namely protection of workers in the form of occupational health insurance, freedom of association and protection of the right to organize, technical protection, namely labor protection in the form of occupational security and safety (Asyhadie, 2008).

The existence of firefighters is very much needed in daily tasks at the Central Aceh District Fire Service, which is carried out by employees consisting of civil servants and non-PNS/honorary employees who are members of fire rescue teams and other disasters. For this reason, in carrying out their duties, skills and physical / physical strength are needed, considering the very dangerous risks of the work they are doing. It is very important for everyone who works in a corporate environment, especially those specifically engaged in the production sector, to be able to understand the importance of occupational health and safety in their daily work. This has great urgency both for its own sake and because of company rules that require it to take care of these things in order to improve performance and prevent potential losses for the company.

The provision of self-protection equipment is the obligation of companies and the government, as stipulated in Article 14 sub c of the Work Safety Act and Regulation of the Minister of Manpower and Transmigration Number Per. 08/Men/VII/2010 concerning Protective Equipment, namely employers are required to provide personal protective equipment for workers/laborers in the workplace, such as head protection, eye and face protection, ear protection, respiratory protection and its equipment, hand protection, and/or protective equipment. foot. Personal protective equipment



for firefighters is listed in the module of the Ministry of Home Affairs on the Development of Human Resources (HR) for Firefighters in Fire Prevention and Management Efforts that work as a firefighter is a tough job and requires the use of personal protective equipment in every extinguishing operation or rescue. Personal protective equipment required by firefighters must include helmets, heat-resistant clothing and heat-resistant pants, long boots, gloves, Self Containing Breathing Apparatus (SCBA), and other fittings (self safety signal system and carbon monoxide detector).

According to Lahat, work safety protection for contract or honorary firefighters at the Central Aceh District Regional Disaster Management Agency in general regarding the technical equipment and completeness of work safety equipment currently available consists of: 1). Operational technical equipment consists of: a) Breaking equipment, among others, axes, saws, jacks, crowbars. b) Extinguishing equipment, among others, portable pumps and accessories. c) Ventilation equipment, among others, portable blowers. d) Rescue equipment, among others, sliding roll, davy escape, and fire blanket. 2) Equipment for individual work safety equipment: a) 1 set of heat-resistant clothes. b) Fire-resistant helmet. c) Face and eye protection. d) Gloves. e) Boots.

The same thing was said by Eka Yansah, I worked as a firefighter with honorary status for almost 4 years, while I was working and on duty I was required to use personal protective equipment such as masks, fire helmets and boots. Tool Officers began to use personal protective equipment when they heard the sound of a fire bell or when they were in a fire engine while heading to the location of the fire.

Based on the explanation of the firefighters above, the author asked about the personal protective equipment while on duty provided by the Central Aceh District Regional Disaster Management Agency (BPBD) which



had supported their work while on duty in the field, but according to another source, the shoes provided did not support performance in the field. .

According to Samsu, the shoes provided by the BPBD of Central Aceh Regency were black leather shoes with laces. This type of shoe is used by officers when on duty to extinguish fires. However, in this case the shoes used by firefighters were not in accordance with the standard shoes for firefighters, so the officers could still be stabbed by nails (sharp objects) found at the location.

In general, firefighters at the Central Aceh District Regional Disaster Management Agency (BPBD) realize that using personal protective equipment is important when working to avoid unwanted risks. Personal protective equipment that is no less important to protect the health of firefighters is respiratory protection such as masks and to prevent dust from entering the lungs of workers or officers. Even though this mask aims to protect breathing so that firefighters do not inhale dust while working, which is certainly very dangerous for the health of workers.

Based on the results of the author's interview with Samsu, one of the firefighters said that Personal Protective Equipment (PPE) such as masks did not support their performance at the location of the fire, so it was not uncommon for us to inhale smoke at the location of the fire.

The importance of personal protective equipment for workers which aims to maintain security and safety in a risky work environment. This is because there are many potential hazards for firefighters in the work environment, but in practice the author often encounters firefighters in Central Aceh district who do not pay attention to and obey instructions or instructions such as using personal protective equipment in carrying out tasks or work without using personal protective equipment.

Workers' Social Security is a protection for workers in the form of compensation in the form of money as a substitute for a portion of lost or



reduced income as a result of events or conditions experienced by workers. Workers' Social Security is regulated in Article 99 paragraph (1) of Law Number 13 of 2003 concerning Manpower, which states that every worker and their family has the right to receive Social Security. The Jamsostek program is mandatory for all state-owned companies, foundations, cooperatives and individual companies, where the company has a workforce of at least 10 (ten) people or pays a total of at least IDR 1,000,000 (one million rupiah) or more per month.

According to Lahat for occupational health, in this case the firefighters will bear all forms of health care themselves, the Central Aceh District Government usually only provides financial assistance for maintenance costs to medical treatment for non-PNS or honorary firefighters. if during the performance of his duties exposed to disease in the work environment. The same thing was stated by Iqbal, a firefighter who works in the Central Aceh District Government was not included in the BPJS Employment Social Security program, due to limited funds and the nature of his work depending on coffee yields, in other words the production process depends on the amount of coffee as an ingredient. main raw.

Based on the explanation above, it is very unfortunate that until now firefighters have not been included in the workers' social security program. Even though seeing the large number of workers working at the Regional Disaster Management Agency (BPBD) of Central Aceh District, it is necessary to be included in the Social Security Program as a concern of the local government to protect workers in the event of a work accident. Labor social security is the right of every worker which is also the obligation of employers for workers. Besides that, the social security program for workers can provide basic protection to meet the minimum living needs for workers and their families and is a tribute to the workforce to educate workers' independence so that workers do not have to ask for mercy from others if



risks such as work accidents occur in the work relationship. , sickness, old age and others. Firefighters are not included in the Labor Social Security Program due to the officers' ignorance of the importance of Labor Social Security for workers.

According Eka Yansah, I don't know the Workers' Social Security (Jamsostek) clearly, my friends who work as firefighters here don't participate because there was no notification from the local government to take part in Labor Social Security.

Lack of knowledge of workers on workers' rights, causes workers not to understand the importance of protecting themselves in the event of an event that workers may experience such as illness and work accidents. The implementation of health insurance for firefighters is still far from justice even though in essence justice is the main goal of the formulation of regulations regarding Workers' Social Security. The implementation of health insurance by companies is still just fulfilling the law, not yet to realize justice, both proper justice and legal justice.

In other words, legal protection for guaranteeing the safety of firefighters at the Central Aceh Regency Regional Disaster Management Agency (BPBD) has not been properly implemented. This is due to the lack of awareness by local government entrepreneurs to fully register workers or firefighters with the status of contract workers and the lack of knowledge that workers have about workforce health insurance.

Obstacles to the Implementation of Legal Protection for the Work Safety of Firefighters

Protection of workers is intended to guarantee the basic rights of workers/laborers and guarantee equality of opportunity and treatment without discrimination on any basis to realize the welfare of workers and their families. Therefore a clear norm is needed for legal protection for workers to protect their basic rights as workers. Recognizing the importance of workers



for companies, government and society, it is necessary to think about how workers can maintain their safety in carrying out their work. Likewise, it is necessary to strive for the calm and health of workers so that what they face at work can be paid attention to as much as possible so that vigilance in carrying out the work is guaranteed. These thoughts are a worker protection program, which in daily practice is useful to be able to maintain the productivity and stability of the company.

Workers' protection can be carried out either by providing guidance, or by increasing the recognition of human rights, physical and technical protection as well as social and economic through the norms that apply in the work environment. However, the implementation of a regulation cannot be separated from the obstacles in its application, as well as in the implementation of legal protection for the protection of occupational safety and health for workers or firefighters in Central Aceh District, namely:

1. Low education of firefighters

The low level of knowledge possessed by workers or firefighters makes workers not understand the importance of legal protection for workers' health insurance when carrying out their work. As a result of this difference in educational level greatly affects the level of knowledge of workers about health insurance. In addition, the workers or firefighters themselves do not understand the existence of rules regarding occupational safety and health protection which they should be entitled to receive.

Abdan Syakura as the Head of the Development of Industrial Relations and Social Security for Workers at the Central Aceh District Employment Office, stated that many workers or firefighters at the Regional Disaster Management Agency (BPBD) of Central Aceh District are dominated by high school (SMA) education levels. The low knowledge and understanding of firefighters means that there are no



lawsuits filed by workers against the authorities. Despite the fact that the firefighters are very disadvantaged.

2. Lack of supervision from the Department of Manpower

Labor inspection is an important element in the protection of workers, as well as an effort to uphold labor law as a whole. In addition, through supervision it is hoped that the implementation of labor regulations can run as it should. Thus, through the supervision carried out, it is hoped that it can eliminate or minimize violations of the Labor Law, so that the industrial relations process can run well and harmoniously. The supervisory task in the field of manpower is carried out by the Manpower and Transmigration Office by appointing a supervisory officer who has the full responsibility and authority to carry out the supervisory function properly, as stipulated in Article 178 paragraph (1) of Law Number 13 of 2003 concerning Manpower.

According to Abdan Syakura, the lack of clarity on the contract system carried out by the local government through the Regional Disaster Management Agency (BPBD) with workers or firefighters, whether the work is completed once or is continuous work, makes it difficult for us to monitor the work carried out by workers or officers. firefighter.

3. Lack of facilities and infrastructure

Means are anything that can be used as a tool in achieving a predetermined goal. The intended facilities and infrastructure are more directed at supporting objects for firefighters in carrying out their duties in the field with regard to work safety guarantees such as adequate personal protective equipment (PPE) for officers at work. Good facilities and infrastructure are very beneficial for the organization in carrying out its activities, as well as facilities and infrastructure with good quality can facilitate the organization in achieving its goals. The lack of infrastructure to support the performance of firefighters is one of the obstacles to maximizing legal protection for the safety of firefighters in Central Aceh District.



According to Lahat as the Head of the Prevention and Preparedness Division of the Central Aceh BPBD, the Central Aceh District BPBD is aware that every firefighter must be equipped with personal protective equipment when on duty, however the BPBD in practice has limited advice and infrastructure such as the number of heat-resistant clothes and pants available namely only 9 pairs, 1 pair of fire-resistant shirts and pants, 20 units of helmets, 9 units of strainer masks and full masks and 9 units of self-contained breathing apparatus. This number is very small compared to the number of firefighters who number around 35 people.

Based on the description above, the obstacles for firefighters in fulfilling legal protection for the safety of officers in working in the field are: 1). Low education and knowledge of firefighters regarding their rights to work safety so that there are no lawsuits filed by officers against the authorities; 2). Lack of supervision by the manpower office, lack of facilities and infrastructure for personal protective equipment for officers at work which is not proportional to the number of existing firefighters.

IV. Conclusion

Legal protection for the work safety of firefighters has not been properly implemented. this is due to the lack of awareness by the local government to fully register the workforce or firefighters with the status of contract workers, the lack of knowledge of firefighters regarding labor safety guarantees. The implementation of health and safety guarantees for workers by the local government is still just fulfilling the law, not yet to realize justice, both proper justice and legal justice. Obstacles in legal protection of the work safety of firefighters, namely: 1). Low education and knowledge of firefighters regarding their rights to work safety so that there are no lawsuits filed by officers against the authorities; 2). Lack of supervision by the manpower service, lack of facilities and infrastructure for personal protective equipment for officers at work which is not proportional to the number of existing firefighters.

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