

Legal Protection for Occupational Safety and Health for Workers in the Informal Sector in Indonesia

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ABSTRACT

Purpose: This study aims to analyze legal protections for occupational safety and health (OSH) for workers in the informal sector within the Indonesian legal system and to identify normative gaps in the relevant regulations.

Research Method: This study employs a normative legal approach (doctrinal legal research) through legislative and conceptual analyses. The analysis was conducted through grammatical, systematic, and teleological interpretations of the 1945 Constitution, Law No. 1 of 1970, Law No. 13 of 2003 as amended by Law No. 6 of 2023, Law No. 24 of 2011, as well as relevant legal doctrines.

Results and Discussion: The research findings indicate that occupational safety and health (OSH) protections have a strong constitutional and legal foundation, but harmonization among regulations is not yet optimal because the regulations remain focused on formal employment relationships. This situation has resulted in the ineffective implementation of protections for various categories of workers in the informal sector.

Implications: These findings serve as the basis for regulatory harmonization, strengthening legal protection mechanisms, and expanding access to social security for workers in the informal sector.

Originality: This study proposes a legal framework for occupational safety and health (OSH) protection based on the classification of informal-sector workers as a model for more inclusive regulatory harmonization.

Keywords: occupational safety and health; informal-sector workers; legal protection; regulatory harmonization; labor law.

1. Introduction

Occupational safety and health (OSH) is a fundamental pillar of labor relations, guaranteed by the Indonesian legal system as part of the protection of human rights and the principles of the welfare state. Article 27(2) of the 1945 Constitution of the Republic of Indonesia states that every citizen has the right to work and to a standard of living that is decent and humane. Furthermore, Article 28D, paragraph (2) of the 1945 Constitution guarantees every person's right to work and to receive fair and decent treatment in employment relationships. These two constitutional provisions establish the protection of occupational safety and health not merely as an administrative policy, but as a constitutional obligation of the state to ensure the fulfillment of the right to a safe work environment for every worker, regardless

of the nature of their employment relationship. This principle is further elaborated in Law No. 1 of 1970 on Occupational Safety, which stipulates the obligations of workplace management to prevent workplace accidents, provide safety equipment, and ensure compliance with occupational safety standards. Meanwhile, Law No. 13 of 2003, as amended by Law No. 6 of 2023, reaffirms workers' rights to protection regarding safety, health, moral well-being, and human dignity in the conduct of employment relationships.

In practice, OSH is more frequently implemented in the formal sector than in the informal sector. However, the informal sector is the largest provider of jobs in Indonesia and makes a significant contribution to the national economy. However, the term "informal sector workers" cannot be understood as a single, homogeneous legal category. Street vendors, micro-business workers, casual daily laborers, domestic workers, online transportation drivers, digital platform couriers, and the self-employed each have distinct characteristics regarding their legal relationships, levels of economic dependence, and forms of legal protection; consequently, they require different normative analyses from a labor law perspective. This situation has led many informal jobs to fail to fully implement occupational safety and health (OSH) standards (Wlary *et al.*, 2025). Various studies indicate that workers in the informal sector face a high risk of workplace accidents due to insufficient use of personal protective equipment, limited understanding of workplace risks, and inadequate government support. The findings of a literature review conducted by Wlary *et al.*, (2025) indicate that the implementation of OSH programs in Indonesia's informal sector remains very limited and has not yet been systematically integrated into national labor policies. These conditions indicate that the main issue is not merely the absence of legal norms, but rather the continued lack of clarity regarding the scope of legal subjects eligible for OSH protection and how these norms are applied to the various forms of work in the informal sector that have emerged within Indonesian labor practices.

Various studies over the past five years have shown that occupational safety and health (OSH) protection for informal sector workers has become a key focus in labor law research. However, the analytical focus remains dominated by evaluations of regulatory implementation rather than doctrinal interpretations of existing laws and regulations. Wicaksono *et al.*, (2023) and other studies have identified gaps in legal protection, as informal sector workers have not received adequate safeguards even though Law No. 13 of 2003 on Labor and Law No. 1 of 1970 on Occupational Safety have established general principles for worker protection. In line with this, Santoso (2023) asserts that the main issue does not lie in the absence of regulations, but rather in the weak implementation and effectiveness of law enforcement. These studies indicate that the existence of legal norms does not automatically result in effective legal protection, particularly for workers outside formal employment relationships. However, most research still treats informal workers as a homogeneous group without distinguishing the characteristics of their legal relationships; consequently, the scope of workers eligible for OSH protection has not been comprehensively analyzed from a labor law perspective.

From an implementation perspective, various empirical studies also show that OSH protection in the informal sector remains low; however, these findings are generally limited to specific sectors, regions, or groups of workers and therefore cannot be generalized to reflect national conditions. Satriawan *et al.*, (2021) reported that only 57.3% of informal-sector workers have health insurance, while Angellina (2023) found that the majority of informal workers have not yet received employment insurance or enrollment in the BPJS Ketenagakerjaan program. The results of a systematic literature review by Wlary *et al.*, (2025) also indicate that the implementation of occupational safety and health (OSH) in the informal sector still faces various challenges, including workers' limited understanding of

occupational risks, insufficient use of personal protective equipment, and weak government oversight. These findings are supported by research by Saputra *et al.*, (2026) on home-based textile workers in Bali, a study by Widowati *et al.*, (2024) on the risks of chemical exposure, as well as studies by Sahata Panjaitan & Raja (2024) and Hamid & Intan (2024) on the implementation of Law No. 13 of 2003 and Law No. 6 of 2023. Nevertheless, most of these studies have focused more on identifying barriers to OSH implementation rather than analyzing the normative significance, regulatory scope, and harmonization among regulations that form the basis of legal protection for various categories of informal-sector workers.

Although various studies have identified gaps in occupational safety and health (OSH) protection for informal sector workers, most previous research has remained focused on evaluating policy implementation, social security coverage rates, and factors influencing the application of OSH in the field. This approach provides an empirical picture of the low level of worker protection but has not adequately explained how the legal norms governing OSH protection for informal-sector workers are formulated, interpreted, and harmonized within Indonesia's labor law system. As a result, debates regarding the scope of legal protection remain dominated by implementation issues. In contrast, analysis of the substance of the norms, the protected legal subjects, enforcement mechanisms, and legal consequences remains relatively limited. Furthermore, previous research generally treats "informal sector workers" as a single, homogeneous category, even though, from a legal perspective, each group of workers has distinct characteristics regarding their legal relationships. Self-employed workers, micro-enterprise workers, casual daily workers, domestic workers, drivers for digital platform-based transportation services, and digital couriers have different levels of economic dependence, contractual relationships, and bases for legal protection. These differing characteristics imply differences in the rights and obligations of the parties involved, as well as in the application of occupational safety and health (OSH) provisions under applicable laws and regulations. Therefore, generalizing all informal workers into a single legal category has the potential to create ambiguity in determining who is entitled to legal protection, as well as the scope of liability for the state and employers.

This study seeks to address this gap through a normative legal approach by conducting a doctrinal analysis of the 1945 Constitution of the Republic of Indonesia, Law No. 1 of 1970 on Occupational Safety, Law No. 13 of 2003 on Manpower as amended by Law No. 6 of 2023, Law No. 24 of 2011 on the Social Security Administration Agency, and relevant implementing regulations. Unlike previous studies, this research not only assesses the effectiveness of regulatory implementation but also examines the normative meaning of each provision, the scope of legal protection, the harmonization of regulations, and the legal classification of informal-sector workers as a basis for determining a more consistent OSH protection model within the Indonesian legal system.

Based on these research gaps, this study aims to answer three main questions, namely: (1) how does the Indonesian legal system regulate occupational safety and health protection for various categories of informal-sector workers; (2) how these regulations are implemented based on developments in legal doctrine, regulations, and published research findings; and (3) how a regulatory harmonization model can strengthen OSH legal protection for informal sector workers within the framework of the welfare state. In line with these questions, this study aims to analyze the scope of OSH legal norms, identify consistency among legal regulations, and formulate a legal framework capable of providing more inclusive protection for informal sector workers in accordance with the evolution of labor relations in Indonesia.

The novelty of this study lies in the development of a doctrinal analysis that not only identifies gaps in legal protection but also offers a legal classification of informal-sector workers based on the characteristics of their legal relationships as a basis for determining the scope of OSH protection. This study further harmonizes provisions of the Constitution, labor law, occupational safety and health law, and the social security system, thereby producing a more comprehensive legal interpretation regarding the subjects of protection, the obligations of the parties, enforcement mechanisms, and the direction for regulatory reform. Thus, this study is expected to provide a theoretical contribution to the development of labor law while also offering normative recommendations to policymakers for strengthening OSH protection for informal sector workers.

The remainder of this paper is organized as follows. Section 2 provides a literature review and hypothesis development. Section 3 presents the research method and design. Section 4 provides the results and discussion. Section 5 presents Concluding Remarks and Recommendations.

2. Literature Review and Hypothesis Development

2.1 The Concept of Legal Protection

Legal protection is a fundamental instrument in a state governed by the rule of law (*rechtsstaat*) that aims to ensure the recognition, respect, and fulfillment of the rights of every citizen, including workers' rights to safe, healthy, and dignified working conditions. From a labor law perspective, legal protection is not merely understood as an effort to resolve disputes after a violation has occurred (repressive), but also encompasses preventive measures (preventive) through the establishment of norms, oversight, and the provision of social security mechanisms to prevent harm to workers (Safitri & Santoso, 2022). This concept aligns with the principle of the welfare state, which positions the state as the party responsible for ensuring the fulfillment of workers' rights through regulations, public policies, and an effective social protection system (Silitonga *et al.*, 2022). Therefore, legal protection in the field of labor is a shared responsibility among the state, employers, and relevant institutions to ensure the fulfillment of workers' constitutional rights without discrimination (Silitonga *et al.*, 2022).

In the context of occupational safety and health (OSH), legal protection is realized through regulations regarding workers' rights to a safe work environment, employers' obligations to prevent workplace accidents, and the provision of social security for workers facing occupational risks. Such protection is not only oriented toward providing compensation after an accident occurs but also emphasizes the state's obligation to establish systems for oversight, law enforcement, and sustained compliance with OSH standards (Dezonda R Pattipawae, 2022). Furthermore, an occupational social security system is an integral part of legal protection because it ensures the fulfillment of workers' rights in the face of risks such as accidents or job loss (Dewi *et al.*, 2022). Following the enactment of Law No. 6 of 2023, the concept of legal protection has increasingly emphasized the importance of balancing the flexibility of employment relationships with the guarantee of workers' rights; thus, its implementation must continue to reflect the principles of justice, legal certainty, and the welfare of all workers, including those in the informal sector (Pagtakhan *et al.*, 2025).

2.2 The Concept of Occupational Safety and Health

Occupational safety and health (OSH) is a protection system aimed at preventing workplace accidents and work-related illnesses, and creating a safe, healthy, and productive work environment through

systematic risk management. The OSH concept is not only oriented toward the physical protection of workers but also encompasses hazard identification, risk assessment, the implementation of control measures, and the development of a safety culture that involves workers, employers, and the government on an ongoing basis (Haidarravy *et al.*, 2023). In practice, OSH implementation begins with identifying potential hazards and assessing risk levels to determine effective control measures that minimize the likelihood of work-related accidents or occupational diseases (Fadilah & Herbawani, 2022). Furthermore, the effectiveness of the OSH system is significantly influenced by workers' level of knowledge, compliance with safety procedures, and adequate supervision, as these three aspects foster safe work behavior and reduce unsafe actions in the workplace (Uyun & Widowati, 2022).

From a labor law perspective, the concept of OSH serves as a form of preventive protection that requires every business operator to ensure worker safety through the implementation of safety standards, risk control, and the provision of a decent work environment. Various studies indicate that well-planned OSH interventions—such as strengthening safety management systems, training, supervision, and periodic risk assessments—have proven effective in reducing workplace accident rates and improving compliance with safety standards (Dyreborg *et al.*, 2022). However, the implementation of OSH in the informal sector still faces various challenges, including low levels of healthy living and working behaviors, limited access to safety facilities, and minimal application of risk control procedures in small-scale businesses (Kurniyati *et al.*, 2023). These conditions are reinforced by the results of a systematic literature review, which indicate that OSH programs in Indonesia's informal sector have not been optimally integrated due to workers' limited understanding, restricted use of personal protective equipment, and weak guidance and oversight; consequently, it is necessary to strengthen the implementation of OSH in a manner tailored to the characteristics of work in the informal sector (Wlary *et al.*, 2025).

2.3 The Concept of Informal-Sector Workers

Informal-sector workers are individuals who engage in economic activities outside of formal employment relationships or who work under conditions that do not fully meet the elements of an employment relationship as defined by labor law. The main characteristics of this group include the absence of job contract security, limited social protection, low compliance with labor standards, and weak access to legal protection mechanisms (Hamid & Intan, 2024). However, informal sector workers do not constitute a homogeneous legal category. Legally speaking, micro-enterprise workers, domestic workers, casual day laborers, the self-employed, digital platform-based transportation drivers, digital couriers, and gig workers have distinct characteristics regarding their legal relationships, levels of economic dependence, and forms of employment relationships; consequently, the implications of their legal protections cannot be treated uniformly. For example, domestic workers have a unique employment relationship because they work for individual employers, whereas digital platform workers are generally bound by partnership arrangements that continue to spark debate regarding their legal status within Indonesia's labor system (Aminuddin & Kusumawati, 2023; Cheung *et al.*, 2023).

The growth of digital work patterns and labor market flexibility is further expanding the scope of informal work, thereby creating new challenges in providing legal certainty regarding workers' rights. The emergence of gig workers demonstrates that modern employment relationships do not always meet the elements of direction, work, and wages as in conventional employment relationships, thus requiring a more adaptive legal interpretation to determine the scope of labor protection (Albab *et al.*,

2023). In the Indonesian context, Law No. 6 of 2023 has brought changes to the labor system; however, regulations concerning informal-sector workers still do not provide a clear classification or scope of protection, leading to uncertainty in their implementation (Harahap & Lubis, 2025). Therefore, informal-sector workers must be understood as a group of workers with diverse legal characteristics who require different regulatory approaches depending on the nature of their employment relationships. Such an approach serves as the foundation for formulating more inclusive legal protections, providing legal certainty, and ensuring the fulfillment of workers' rights in accordance with the principles of justice and the welfare state (Syamila & Sitabuana, 2025).

3. Research Method

This study is a normative legal study (doctrinal legal research) that aims to analyze the scope of legal protection for occupational safety and health (OSH) for workers in the informal sector within the Indonesian legal system. This research design was chosen because the study focuses on examining legal norms, legal principles, legal doctrines, and the harmonization of laws and regulations to address issues related to the legal protection of workers in the informal sector. Consequently, this study does not involve field data collection or empirical testing but rather treats the law as a set of norms analyzed through a doctrinal approach.

The research approaches employed consist of the statutory and conceptual approaches. The statutory approach involves analyzing the interrelationships among legal norms in the 1945 Constitution of the Republic of Indonesia, Law No. 1 of 1970 on Occupational Safety, Law No. 13 of 2003 on Manpower as amended by Law No. 6 of 2023, Law No. 24 of 2011 on the Social Security Administration Agency, as well as implementing regulations related to occupational safety and health. The analysis not only identifies the existence of legal norms but also examines the definitions, scope of regulation, legal subjects, rights and obligations of the parties, law enforcement mechanisms, and sanctions stipulated in each regulation. A conceptual approach is used to analyze the concepts of legal protection, the welfare state, workers' constitutional rights, employment relationships, informal-sector workers, and occupational safety and health based on legal doctrine and literature.

The legal materials used consist of primary, secondary, and tertiary sources. Primary legal materials include the constitution, laws, government regulations, ministerial regulations, and other regulations that directly govern workers' legal protection and occupational safety. Secondary legal sources were obtained from academic articles, books, research findings, and official reports from institutions such as the International Labour Organization (ILO), the Ministry of Manpower, the Social Security Agency for Manpower (BPJS Ketenagakerjaan), and the Central Statistics Agency (BPS), with priority given to publications from the past five years that are relevant to the research topic. Tertiary legal materials consist of legal dictionaries, legal encyclopedias, and other reference sources used to clarify legal terminology. The selection of legal materials was based on their relevance to the research problem, the authority of the source, the recency of the publication, and their connection to legal protection for workers in the informal sector.

The analysis of legal materials was conducted through stages of legal interpretation, including grammatical interpretation to understand the textual meaning of legal norms, systematic interpretation to establish connections between provisions across laws and regulations, and teleological interpretation to interpret the purpose behind the creation of norms in protecting informal-sector workers.

Subsequently, legal harmonization was carried out by comparing the compatibility and potential conflicts among regulations governing occupational safety and health, labor relations, and social security. The results of these interpretations were then synthesized doctrinally (doctrinal synthesis) to formulate a legal framework regarding the scope of OSH protection for various categories of informal sector workers and to identify the need to strengthen regulations within Indonesia's labor law system.

4. Results and Discussion

4.1 Analysis Results

4.1.1 Constitutional and Statutory Analysis of Occupational Safety Rights

Occupational safety and health (OSH) protections in the Indonesian legal system are rooted in constitutional guarantees that establish the right to work, legal protection, and well-being as fundamental rights of every citizen. Therefore, an analysis of OSH protections must begin with the 1945 Constitution of the Republic of Indonesia as the supreme law of the land (the supreme law of the land). Article 27, paragraph (2) of the 1945 Constitution affirms that every citizen has the right to work and to a livelihood that is decent and befitting human dignity. From a doctrinal perspective, this provision not only recognizes the right to work but also imposes a constitutional obligation on the state to ensure that work is carried out under safe and healthy conditions and with respect for human dignity. This protection is reinforced by Article 28D, paragraph (2), which guarantees the right to fair and decent treatment in employment relationships, and Article 28H, paragraph (1), which recognizes every person's right to a good and healthy environment. These three provisions form the constitutional basis that OSH protection is part of human rights that must be fulfilled through effective regulation, oversight, and law enforcement, so that it is not limited to economic protection alone but also encompasses the prevention of workplace accidents and work-related illnesses.

A systematic interpretation of Article 27, paragraph (2); Article 28D, paragraph (2); and Article 28H, paragraph (1) indicates that the Constitution does not differentiate protection based on employment status. The use of the phrases "every citizen" and "every person" implies that the right to occupational safety and health applies universally, including to domestic workers, micro-enterprise workers, casual daily workers, the self-employed, app-based transportation drivers, and digital couriers. However, this study found a gap between constitutional protection and statutory protection. Most labor regulations are still based on the paradigm of formal employment relationships, which require the elements of work, wages, and direction; consequently, some workers in the informal sector have not yet received optimal legal protection. From a welfare state perspective, this situation indicates that the government still needs to harmonize sectoral regulations to align them with the constitutional mandate, so that occupational safety and health (OSH) protections can be applied inclusively to all workers regardless of the nature of their employment relationship.

4.1.2 A Doctrinal Analysis of Law No. 1 of 1970 on Occupational Safety

Law No. 1 of 1970 serves as the primary legal foundation for occupational safety and health (OSH) in Indonesia, establishing the prevention of workplace accidents as a legal obligation. From a doctrinal perspective, the purpose of this law is not only to reduce the risk of workplace accidents but also to provide legal certainty regarding the responsibilities of workplace management in protecting everyone in the workplace. This is reflected in Article 3, which stipulates the obligations to prevent accidents,

control sources of danger, provide personal protective equipment, prevent fires, and create safe and healthy working conditions. Furthermore, Article 2 broadly defines a workplace as any space or location used for work that poses potential hazards, without distinguishing between the formal and informal sectors. These provisions indicate that, legally speaking, the scope of OSH protection is general in nature and does not limit legal subjects based on the status of their employment relationship. However, in practice, the application of these provisions is primarily directed at companies with formal employment relationships; consequently, self-employed workers, micro-enterprise workers, and workers in digital partnership-based arrangements have not yet received an equivalent level of protection, even though they face the same occupational risks.

Law No. 1 of 1970 also regulates the balance of rights and obligations between the parties through Articles 9, 12, and 14, which require employers to provide OSH information, conduct training, supply personal protective equipment, and ensure compliance with occupational safety requirements, while workers are obligated to comply with applicable safety procedures. From a law enforcement perspective, labor inspectors are authorized to conduct inspections and impose sanctions for violations of OSH regulations. However, this study found that oversight and enforcement mechanisms remain focused on formal workplaces and thus do not explicitly accommodate the characteristics of informal-sector workers who lack an employer as defined by labor law. These findings indicate that the main problem lies not in the absence of OSH standards, but rather in the lack of alignment between the implementation of Law No. 1 of 1970 and the evolution of various forms of employment relationships in the informal sector. Therefore, a more inclusive legal interpretation and regulatory improvements are needed so that OSH protections can be effectively applied to all categories of workers, regardless of their employment status.

4.1.3 Harmonization of Laws and Regulations and Legal Classification of Workers in the Informal Sector

The results of the harmonization analysis show that occupational safety and health (OSH) protections for workers in the informal sector in Indonesia are regulated by various laws and regulations, but have not yet formed an integrated legal protection system. The 1945 Constitution provides constitutional guarantees of the right to work, to be treated fairly, and to live in a healthy environment, which are further elaborated in No. 1 of 1970 on Occupational Safety, Law No. 13 of 2003 as amended by Law No. 6 of 2023 on Job Creation, and Law No. 24 of 2011 on the Social Security Administration Agency. Although they share the same objective, these regulations still employ different approaches in determining which legal subjects are entitled to protection. Law No. 1 of 1970 governs safety based on the scope of the workplace. In contrast, Law No. 13 of 2003, as amended by Law No. 6 of 2023, places greater emphasis on employment relationships that meet the elements of work, wages, and direction. As a result, workers who engage in economic activities independently or through partnership arrangements do not always qualify as “workers” under labor law, creating a disconnect between universal constitutional protections and sector-specific protections that remain oriented toward formal employment relationships.

Based on the results of this analysis, this study classifies informal-sector workers into four legal categories: the self-employed, workers in micro-enterprises or family businesses, workers in digital partnership-based arrangements such as platform drivers and couriers, and casual daily workers and domestic workers. This classification demonstrates that informal-sector workers exhibit distinct characteristics regarding legal relationships, levels of economic dependence, and forms of contractual

relationships; consequently, they cannot be treated as a single, uniform legal category. These differences have implications for variations in rights, obligations, oversight mechanisms, and access to occupational safety and health (OSH) protections and social security benefits for workers. Therefore, this study emphasizes that the harmonization of OSH regulations must be directed toward a worker-classification-based approach so that each group receives legal protection commensurate with the characteristics of their respective employment relationships. This approach is expected to reduce disparities in legal protection, strengthen legal certainty, and establish a more inclusive OSH protection system for all informal sector workers in Indonesia.

4.1.4 Regulatory Gaps and Enforcement Challenges

The research findings indicate that the main issue regarding occupational safety and health (OSH) protection for workers in the informal sector does not lie in the absence of laws and regulations, but rather in the persistent normative gaps in regulation and law enforcement. Normatively, the 1945 Constitution, Law No. 1 of 1970, Law No. 13 of 2003 as amended by Law No. 6 of 2023, and Law No. 24 of 2011 have provided the legal basis for occupational safety protection and social security. However, each of these regulations still employs different approaches in defining legal subjects, the scope of protection, and oversight mechanisms. This situation results in workers outside formal employment relationships—such as self-employed workers, micro-enterprise workers, and digital platform workers—not yet receiving the same legal certainty as formal workers. Thus, the protection gap stems more from the lack of harmonization of legal norms than from a mere regulatory vacuum.

An analysis of various previous studies also indicates that low enrollment in the BPJS Ketenagakerjaan, limited use of personal protective equipment, weak oversight, and high risks of workplace accidents are empirical findings specific to certain sectors or groups of workers; therefore, they cannot be generalized to represent the conditions of all informal-sector workers in Indonesia. Therefore, this study emphasizes that such empirical data serves as supporting evidence for evaluating the effectiveness of legal norms, not as the primary basis for constructing normative arguments. Based on these findings, the main challenge moving forward is to formulate regulations capable of integrating occupational safety and health (OSH) protections, labor relations, and the social security system into a single legal framework that is adaptable to the evolving nature of modern work, so that legal protections can be provided more consistently to all categories of workers in the informal sector.

4.1.5 Proposed Legal Protection Framework for Informal Workers

Based on the results of a constitutional analysis, the harmonization of laws and regulations, and the classification of informal-sector workers, this study proposes a framework for occupational safety and health (OSH) legal protection based on the classification of employment relationships (classification-based legal protection framework). This framework is based on the principle that legal protection should not be determined solely by the existence of a formal employment relationship, but also by the characteristics of the work, the level of economic dependence, and the level of occupational safety risks faced by workers. With this approach, the self-employed, micro-enterprise workers, domestic workers, casual day laborers, and digital platform workers can still receive proportional OSH protection despite having different legal relationship characteristics. This approach simultaneously broadens the interpretation of the phrases “every person” and “every citizen” in the 1945 Constitution so that constitutional protection can be applied more inclusively to all forms of work emerging in Indonesia.

The proposed framework establishes harmonization among Law No. 1 of 1970, Law No. 13 of 2003 as amended by Law No. 6 of 2023, and Law No. 24 of 2011 as the foundation for establishing an integrated protection system. This harmonization must be accompanied by more specific regulations on OSH standards for various categories of informal-sector workers, expanded access to the BPJS Ketenagakerjaan program, strengthened risk-based oversight mechanisms, and OSH guidelines tailored to the characteristics of microenterprises and platform-based digital work. Thus, the main contribution of this study lies not only in identifying gaps in legal protection but also in developing a legal protection model based on worker classifications that can serve as the foundation for policy reform and the refinement of OSH regulations in Indonesia.

4.2 Discussion

4.2.1 Doctrinal Interpretation of Occupational Safety and Health Protection for Informal Workers

The results of this study indicate that occupational safety and health (OSH) protections for workers in the informal sector cannot be understood solely through the lens of employment relationships as regulated by labor law, but must be interpreted systematically based on the principle of constitutional protection. An analysis of the 1945 Constitution, Law No. 1 of 1970, Law No. 13 of 2003, as amended by Law No. 6 of 2023, and Law No. 24 of 2011 indicates that all these regulations share the same objective: to ensure the safety, health, and well-being of workers. However, differences in the legal framework regarding which legal subjects are entitled to protection have resulted in the implementation of occupational safety and health (OSH) protections being primarily directed toward workers in formal employment relationships. This situation indicates that the main issue does not lie in the absence of legal norms, but rather in the lack of harmonization in interpreting the scope of protection provided by each piece of legislation.

This finding expands upon the research results of Hamid and Intan (2024), who stated that workers in the informal sector still face challenges in obtaining legal protection due to limitations in labor regulations. This study shows that the root of the problem stems not only from weak implementation but also from a legal framework that still bases protection on conventional employment relationships. Thus, the doctrinal approach used in this study suggests that OSH protection should not depend solely on the existence of a formal employment relationship but should also consider the level of occupational risk and the characteristics of the legal relationship held by each category of worker. This interpretation reinforces the principle of the welfare state, which requires the state to protect all citizens without distinguishing based on the form of their employment relationship.

4.2.2 Comparison with Previous Studies and Theoretical Contribution

The results of this study indicate that most previous research has focused on the low level of occupational safety and health (OSH) implementation in the informal sector, such as the limited use of personal protective equipment, low enrollment in the BPJS Ketenagakerjaan program, weak oversight, and workers' limited understanding of occupational risks. These findings have been reported by Wlary *et al.*, (2025), Kurniyati *et al.*, (2023), and Rahmawati and Istiqomah (2023). However, these studies generally employ an empirical approach to describe the conditions of informal-sector workers and thus have not thoroughly examined how legal norms define the scope of OSH protection or the interrelationships among regulations that form the basis of legal protection. Therefore, this study not only confirms the existence of a protection gap for informal sector workers but also explains that this

gap stems from the lack of synchronization in the construction of legal norms within Indonesia's labor law system. Thus, this study expands upon previous literature through an analysis of the harmonization between constitutional norms, occupational safety laws, labor laws, and the social security system.

The theoretical contribution of this study lies in developing an interpretation that legal protection for occupational safety and health (OSH) should be based on the characteristics of the legal relationship and the level of occupational risk, rather than solely on a worker's formal or informal status. This approach yields a legal classification model for informal-sector workers that distinguishes between the self-employed, micro-enterprise workers, casual daily workers, domestic workers, and digital platform workers based on the characteristics of their legal relationships. This classification provides a more comprehensive basis for determining the scope of rights, obligations, oversight mechanisms, and access to employment-related social security. Thus, this study not only contributes to the development of legal protection theory in labor law but also offers a conceptual framework that can serve as the basis for harmonizing OSH regulations for informal sector workers in Indonesia.

4.2.3 Theoretical and Policy Implications

The findings of this study have theoretical implications for the development of Indonesian labor law, particularly in expanding the concept of legal protection for workers in the informal sector. Until now, occupational safety and health (OSH) protection has generally been understood as a consequence of formal employment relationships that meet the elements of work, wages, and direction. However, the evolution of modern forms of work indicates that this approach is no longer fully capable of covering workers in partnership arrangements, the self-employed, or workers in microenterprises and the digital economy. Therefore, this study proposes that the basis for granting OSH protection should not only be the status of the employment relationship but should also consider the level of economic dependence, the characteristics of the work, and the extent of safety risks faced by workers. This approach broadens the application of legal protection principles from a welfare state perspective while strengthening the implementation of the constitutional right to safe and decent work as guaranteed in the 1945 Constitution.

From a policy perspective, the results of this study indicate the need for regulatory harmonization between Law No. 1 of 1970, Law No. 13 of 2003 as amended by Law No. 6 of 2023, and Law No. 24 of 2011 to establish a more integrated OSH protection system. This harmonization must be followed by the formulation of provisions that explicitly accommodate the characteristics of informal-sector workers, including digital platform workers, micro-enterprise workers, domestic workers, and self-employed workers. In addition, the government needs to strengthen risk-based oversight mechanisms, expand access to BPJS Ketenagakerjaan (Social Security Administration for Employment) coverage, and develop OSH implementation guidelines tailored to the characteristics of each worker group. In this way, legal protection will not only provide normative certainty. However, it can also be effectively realized through policies that adapt to the dynamics of the labor market and the development of the digital economy.

5. Concluding Remarks and Recommendation

This study aims to analyze legal protections for occupational safety and health (OSH) for workers in the informal sector within the Indonesian legal system through a normative legal approach, using both legislative and conceptual methods. The results of the study indicate that the Indonesian legal system

has essentially provided a constitutional and legal foundation for OSH protection through the 1945 Constitution of the Republic of Indonesia, Law No. 1 of 1970 on Occupational Safety, Law No. 13 of 2003 as amended by Law No. 6 of 2023, and Law No. 24 of 2011 on the Social Security Administration Agency. However, a doctrinal analysis indicates that harmonization among these regulations has not yet been fully achieved because most provisions are still based on a formal employment relationship paradigm. Consequently, workers in the informal sector—who have diverse legal relationship characteristics—have not received optimal OSH protection, even though they constitutionally possess the same rights to a safe, healthy, and decent work environment.

This study makes a theoretical contribution by developing a legal interpretation that OSH protection should not be based solely on the existence of a formal employment relationship. However, it should also consider the characteristics of the legal relationship, the level of economic dependence, and the level of occupational risk. Based on this approach, the study proposes a legal protection framework that classifies informal-sector workers as the foundation for harmonizing OSH regulations in Indonesia. From a practical and policy perspective, the findings of this study provide a basis for lawmakers and stakeholders to formulate regulations that are more adaptable to the evolution of modern forms of work, expand access to employment social security, and strengthen oversight mechanisms and the enforcement of OSH standards for all categories of workers in the informal sector.

This study has limitations because it employs a normative legal approach focused on analyzing legislation, legal doctrine, and scholarly literature without conducting empirical research or analyzing court rulings related to OSH disputes in the informal sector. Therefore, future research is recommended to combine a normative approach with empirical research to evaluate the effectiveness of OSH protection implementation for various categories of informal sector workers, including digital platform workers. Additionally, comparative research on OSH regulations across various countries is also needed to enrich the development of a legal protection model that is more inclusive, adaptive, and responsive to the dynamics of future employment relationships.

Statement of Use of Generative AI

During the preparation of this work, the author used generative artificial intelligence tools to support the scientific writing process. Grammarly was used to check grammar, refine writing style, and improve clarity in scientific writing. All interpretations, analyses, and conclusions presented in this study are the sole responsibility of the author.

References

- Albab, S., Hasan, A. M., & Sibarani, K. B. (2023). Legal Protection of Gig Workers in Indonesia: Reviewing Legal Justice, Certainty, and Expediency. *Journal of Interdisciplinary Law and Legal Issues*, 1(1), 1–24. https://www.researchgate.net/profile/Kevin-Sibarani/publication/377159593_Legal_Protection_of_Gig_Workers_in_Indonesia_Reviewing_Legal_Justice_Certainty_and_Expediency/links/6597cd6f0bb2c7472b33b0be/Legal-Protection-of-Gig-Workers-in-Indonesia-Reviewing-Legal-Justice-Certainty-and-Expediency.pdf
- Aminuddin, N. A., & Kusumawati, E. D. (2023). Legal Protection of the Digital Platform Workers in Indonesia: Lessons Learned From Germany and the United Kingdom. *Indon. JLS*, 4, 247. <https://doi.org/10.19184/ijls.v4i2.41915>
- Angellina, P. (2023). Legal Protection for Workers Who Do Not Receive Safety and Health Guarantees at Work.



- QISTINA: *Jurnal Multidisiplin Indonesia*, 2(1), 707–712. <https://doi.org/10.57235/qistina.v2i1.479>
- Cheung, S. N., Prianto, Y., & Hardjono, S. (2023). The Urgency of Legal Protection for Domestic Workers as Informal Workers. *Unnes Law Journal*, 9(1), 149–162. <https://doi.org/10.15294/ulj.v9i1.37277>
- Dewi, N. K., Zakariya, H., & Yudanto, D. (2022). Perlindungan Hukum bagi Tenaga Kerja yang Tidak Terdaftar BPJS. *Jurnal Penelitian Serambi Hukum*, 15(02), 69–81. <https://doi.org/10.59582/sh.v15i02.576>
- Dezonda R Pattipawae. (2022). Tanggung Jawab Pemerintah Dan Pengusaha Atas Perlindungan Hukum Ketenagakerjaan Terhadap Pekerja Kecelakaan Kerja. *Jurnal Saniri*, 3(1), 37–49. <https://doi.org/10.47268/saniri.v3i1.1225>
- Dyreborg, J., Lipscomb, H. J., Nielsen, K., Törner, M., Rasmussen, K., Frydendall, K. B., Bay, H., Gensby, U., Bengtsen, E., & Guldenmund, F. (2022). Safety interventions for the prevention of accidents at work: A systematic review. *Campbell Systematic Reviews*, 18(2), e1234. <https://doi.org/10.1002/cl2.1234>
- Fadilah, A., & Herbawani, C. K. (2022). Analisis Faktor Risiko Terjadinya Kecelakaan Kerja dengan Menggunakan HIRARC sebagai Tolak Ukur: Literatur Review. *Media Kesehatan Masyarakat Indonesia; Vol 21, No 4 (2022): MKMIDO - 10.14710/Mkmi.21.4.292-296*, 21(4). <https://doi.org/10.14710/mkmi.21.4.292-296>.
- Haidarravy, S., Apni, A. A., & Safrizal, H. B. A. (2023). ARTICLEINFO ABSTRACT. *Indonesian Journal of Contemporary Multidisciplinary Research (MODERN)*, 2(4), 625–642. <https://doi.org/10.55927/modern.v2i4.4870>
- Hamid, A., & Intan, A. M. (2024). Legal protection for informal sector workers in employment development in Indonesia: challenges and opportunities. *International Journal of Research in Business & Social Science*, 13(5). <https://doi.org/10.20525/ijrbs.v13i5.3630>
- Harahap, R. S., & Lubis, S. (2025). Legal Protection for Informal Workers according to Law No. 6 of 2023: (Study at Rumah Makan Keluarga, Batunadua, Padangsidempuan). *Lex Journal: Kajian Hukum Dan Keadilan*, 9(3 SE-Articles), 452–465. <https://doi.org/10.25139/lex.v9i3.10743>
- Kurniyati, N., Ma'rufi, I., & Utami, W. S. (2023). The Analysis of Clean and Healthy Living Behavior Factors on Wood Furniture Informal Workers. *The Indonesian Journal of Occupational Safety and Health*, 12(2 SE-Articles), 194–200. <https://doi.org/10.20473/ijosh.v12i2.2023.194-200>
- Pagtakhan, G., Fajri, M., Syakinah, N., Nurkhotijah, S., & Fadrijani, L. (2025). Implikasi Yuridis Omnibus Law Terhadap Perlindungan Hak Pekerja Dalam Perspektif Hukum Ketenagakerjaan Indonesia. *Jurnal Pendekar Nusantara*, 3(1). <https://doi.org/10.37776/pend.v3i1.2022>
- Safitri, S. C., & Santoso, I. B. (2022). The Legal Protection For Labours According To Indonesian Laws. *Law Research Review Quarterly*, 8(1), 105–122. <https://doi.org/10.15294/lrrq.v8i1.53759>
- Sahata Panjaitan, & Raja, R. (2024). Analisis Perlindungan Hukum Bagi Pekerja Informal Dalam Perspektif Hukum Ketenagakerjaan. *DOKTRIN Учредители: Fakultas Hukum, Universitas Katolik Widya Karya Malang*, 2(3), 250–262. <https://doi.org/10.59581/doktrin.v2i3.3330>
- Santoso, A. (2023). Legal Protection of Occupational Health and Safety (K3) Daily Labor from Rice Milling Factory in Indramayu. *KnE Social Sciences*, 8(18), 984–998. <https://doi.org/10.18502/kss.v8i18.14306>
- Saputra, A., Wulan, K., Widyaratni, T., Putu, N., & Wulan, A. (2026). An Overview of Occupational Health Protection in the Informal Sector Among Female Traditional Textile Artisans in Karangasem , Bali. *Indonesian Health Journal*, 5(2), 255–270. <https://doi.org/10.58344/ihj.v5i2.857>
- Satriawan, D., Pitoyo, A. J., & Giyarsih, S. R. (2021). Faktor-Faktor yang Memengaruhi Kepemilikan Jaminan Kesehatan Pekerja Sektor Informal di Indonesia. *Tata Loka*, 23(2), 263–280. <https://doi.org/10.14710/tataloka.23.2.263-280>
- Silitonga, C. O., Solechan, S., & Azhar, M. (2022). Prospek Pemberian Jaminan Kehilangan Pekerjaan Guna Memberikan Perlindungan Hak Pekerja dalam Sistem Hukum Ketenagakerjaan. *Administrative Law and Governance Journal; Vol 5, No 1 (2022): Administrative Law and Governance JournalDO - 10.14710/Alj.V5i1.39-55*, 5(1), 39–55. <https://doi.org/10.14710/alj.v5i1.39-55>
- Syamila, N., & Sitabuana, T. H. (2025). The Legal Protection for Informal Workers in Indonesia. *Jurnal Daulat Hukum*, 8(4), 732–742. <https://doi.org/10.30659/jdh.v8i4.48969>
- Undang-Undang Nomor 1 Tahun 1970 Tentang Keselamatan Kerja (1970).

Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan, Lembaran Negara Republik Indonesia Tahun 2003 Nomor 39 (2003).

Uyun, R. C., & Widowati, E. (2022). Hubungan antara pengetahuan pekerja tentang K3 dan pengawasan K3 dengan perilaku tidak aman (unsafe action). *Jurnal Kesehatan Masyarakat*, 10(3), 391–397. <https://doi.org/10.14710/jkm.v10i3.33318>

Wicaksono, M. P., Rusdijati, R., Bachtar, N. K., Hakim, H. A., & Praja, C. B. E. (2023). Quo Vadis: Legal Certainty of Informal Worker through Manpower Act. *JCH (Jurnal Cendekia Hukum)*, 8(2), 301–313. <https://doi.org/10.33760/jch.v8i2.619>

Widowati, E., Wahyuningsih, A. S., Seftyono, C., Sulistyani, U. N. L., Kurniawan, M., Dwijaningtyas, S., Hapsari, R. R. S., & Rahayu, O. (2024). Analysis of Occupational Accidents in Various Informal Sectors in Indonesia. *Unnes Journal of Public Health*, 13(2), 50–56. <https://doi.org/10.15294/ujph.v13i2.4370>

Wlary, S. N., Rada, Y., & Ruliati, L. P. (2025). Analisis Sistematis Penerapan Program Keselamatan Dan Kesehatan Kerja (K3) Pada Pekerja Sektor Informal Di Indonesia: Literatur Review. *PREPOTIF Jurnal Kesehatan Masyarakat*, 9(3), 9913–9923. <https://doi.org/10.31004/prepotif.v9i3.52703>

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