

Evaluation of the Implementation of Law No. 1 of 1970 on Occupational Safety: Challenges, Effectiveness, and Policy Recommendations

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Abstract

This policy analysis evaluates the implementation of Law No. 1 of 1970 on Occupational Safety in Indonesia, focusing on its effectiveness, challenges, and relevance in the industry 4.0 era. With technological advancements and changing work conditions such as remote work and automation, the law is considered inadequate to address emerging risks. Using a qualitative approach, the analysis examines the legal framework, regulatory overlaps between the Ministry of Manpower and the Ministry of Health, and the effectiveness of field inspections. Findings reveal significant challenges in the law's implementation. Workplace safety inspections are suboptimal due to the limited numbers and quality of inspectors and insufficient use of technology in monitoring. Several studies highlight how decentralized labor inspections at the provincial level lead to poor coordination and resource allocation. Additionally, penalties such as a maximum fine of IDR 100,000 fail to deter violators effectively. Recommendations include revising Law No. 1/1970 to address modern challenges, increasing the number and capacity of occupational safety inspectors, and adopting sensor-based real-time monitoring technologies. Stronger administrative sanctions, as seen in ISO 45001 standards, are necessary to enhance compliance. Training and awareness programs should also target SMEs with low compliance levels, ensuring improved workplace safety across industries.

Keywords: workplace safety, law no. 1/1970, industry 4.0, supervision, sanctions, OSH technology

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1. Introduction

1.1. Background

Occupational Safety and Health (OSH) is a critical aspect of industrial activities aimed at protecting workers from accidents and occupational diseases. In Indonesia, Law No. 1 of 1970 on Occupational Safety serves as the primary legal framework for workplace safety across sectors.

This law was established in response to the growing need for safety regulations amid rapid industrialization. Globally, organizations like the International Labour Organization (ILO) emphasize OSH standards to ensure comprehensive worker protection.

Over the past five decades, Law No. 1/1970 has provided a foundation for worker protection against occupational hazards. However, technological advancements and workplace changes, such as remote work, have created challenges that the law does not address. Regulatory overlaps between ministries, such as the Ministry of Manpower and the Ministry of Health, further complicate implementation. Data from BPJS Employment in 2020 reported over 200,000 workplace accidents, particularly in construction and manufacturing, highlighting the law's limited effectiveness. Contributing factors include weak enforcement, limited OSH inspectors, and insufficient awareness among workers and employers.

1.2. Research Problems

- a. How effective is Law No. 1/1970 in protecting workers in Indonesia?
- b. What challenges arise in implementing and supervising the law across industries?
- c. Is the law still relevant given current work dynamics, including remote work and Industry 4.0?

1.3. Objectives

- a. Assess the effectiveness of Law No. 1/1970 in preventing workplace accidents and diseases.
- b. Identify challenges in the law's implementation across industries.
- c. Provide policy recommendations to enhance workplace safety regulations in line with modern work and technology.

The significance of this research lies in three key areas. Theoretically, it contributes to the body of knowledge on Occupational Safety and Health (OSH) within Indonesia's regulatory framework, offering insights into how existing laws align with the evolving nature of workplace safety. Practically, the research provides actionable recommendations for policymakers to enhance the effectiveness of OSH regulations while enabling companies to implement safer workplace practices, reducing risks for employees. From a policy perspective, the findings serve as a foundational basis for revising Law No. 1/1970, ensuring it is relevant to modern workplace dynamics, including remote work and the integration of emerging technologies.

2. Research Method

2.1. Literature Review

2.1.1. Occupational Safety and Health (OSH)

Occupational Safety and Health (OSH) is a crucial aspect of industrial activities aimed at protecting workers from potential hazards during work processes. OSH aims to create a safe work

environment, prevent accidents, and minimize risks of occupational diseases. According to the International Labour Organization (ILO), approximately 2.78 million workers worldwide die annually due to work-related accidents or illnesses. In Indonesia, Law No. 1 of 1970 on Occupational Safety serves as the primary legal framework for OSH implementation. The law regulates various aspects of workplace safety, including employer responsibilities, government supervision, and worker protection.

Additionally, supplementary regulations such as Indonesia's Ministry of Manpower Regulation No. 5/2018 on OSH in Workplaces strengthen the implementation of OSH in various industrial sectors. This regulation provides technical guidelines on workplace OSH, focusing on accident prevention and workplace health promotion.

2.1.2. Development of OSH Regulations in Indonesia

The history of OSH regulations in Indonesia dates back to the Dutch colonial era, with the implementation of the *Veiligheidsreglement* of 1910 to govern workplace safety in the Dutch East Indies. However, as technology and industrialization rapidly advanced post-independence, this regulation became outdated. In 1970, the Indonesian government addressed these challenges by issuing Law No. 1 of 1970, which remains the primary legal basis for workplace safety.

With the advent of new technologies such as Industry 4.0 and automation, several aspects of the law are now considered obsolete. For example, Law No. 1/1970 does not specifically regulate remote workers or workplace safety in the digital technology sector, which has grown significantly in recent years. This presents a challenge for the government to adapt OSH regulations to the new realities brought about by technological revolutions.

2.1.3. Research Insights

Several studies have evaluated the implementation and effectiveness of Law No. 1/1970 across different industrial sectors:

- a. A study on the manufacturing sector in Central Java found that, despite increased awareness among companies about workplace safety, OSH regulations were inconsistently implemented, especially in small and medium enterprises (SMEs). A key barrier was the lack of routine inspections by local governments. (Siagian dan Susilawati, 2023)
- b. Ridho (2022) highlighted the inadequacy of penalties stipulated in Law No. 1/1970. With a maximum fine of only IDR 100,000, many companies disregard safety standards. The study also noted that larger companies bound by international standards tend to comply more with OSH regulations, whereas smaller companies often neglect workplace safety due to financial constraints and insufficient oversight.
- c. Andriani and Prasetyo (2019) investigated OSH implementation in the construction sector and found low worker awareness of the importance of personal protective equipment (PPE). In several construction projects in Jakarta, many workers failed to use

PPE even when available, leading to a high incidence of workplace accidents, many of which were not officially reported by companies.

- d. Bilqis et al. (2010) conducted research in the mining sector in East Kalimantan, revealing high accident risks, particularly involving heavy machinery and explosives. While large companies in the sector maintained relatively high safety standards, smaller companies often failed to implement adequate safety systems due to a lack of worker training and weak government oversight.

Ridho (2022) also identified regulatory overlaps between the Ministry of Manpower and the Ministry of Health regarding OSH. Additionally, the study pointed to poor coordination among government agencies in overseeing workplace safety, resulting in suboptimal implementation on the ground.

2.1.4. International Perspectives

Internationally, OSH standards are often stricter than those in Indonesia. Developed countries such as Germany and Japan enforce larger fines and stricter inspection systems for workplace safety violations. Furthermore, worker organizations and labor unions play a more organized role in monitoring workplace safety through partnerships between governments, employers, and workers. In Indonesia, while OSH regulations are considered adequate, implementation is frequently hindered by limited human and financial resources for enforcement. (Muharram et al., 2022)

2.1.5. OSH Relevance to Industry 4.0

As Industry 4.0 evolves, characterized by automation and digitalization across sectors, there is an urgent need to update OSH regulations. Automated systems and cyber-physical systems pose new safety challenges that existing laws do not fully address. Literature suggests that without regulatory updates, Law No. 1/1970 risks becoming increasingly outdated and unable to address new risks arising from high-tech workplaces.

2.2. Methodology

2.2.1. Approach

This policy analysis employs a qualitative approach to evaluate existing OSH regulations under Law No. 1/1970 and its implementing regulations, such as Ministry of Manpower Regulation No. 5/2018 on OSH in Workplaces. The analysis aims to identify overlaps or inconsistencies within the current legal framework. An empirical legal approach is also applied to collect field data on the implementation of Law No. 1/1970, focusing on OSH practices in different regions and industrial sectors. This method is crucial for understanding the gaps between regulatory requirements and on-the-ground practices.

2.2.2. Analytical Methods

The research utilizes three key analytical methods: document study, interviews, and focus group discussions (FGDs).

- a. **Literature Study:** This involves collecting and analyzing relevant documents, such as legislation, workplace accident reports, and records from the Ministry of Manpower and BPJS Employment. The study assesses the extent to which OSH regulations are implemented across industrial sectors and evaluates the effectiveness of penalties under Law No. 1/1970.
- b. **In-Depth Interviews:** These are conducted with stakeholders, including employers, workers, OSH inspectors, and government officials from the Ministry of Manpower and the Ministry of Health. The interviews aim to gain firsthand insights into the challenges and barriers to implementing Law No. 1/1970, particularly in high-risk sectors like construction and mining.
- c. **Focus Group Discussions (FGDs):** FGDs are used to gather in-depth insights from participants about the topic being studied. In this research, FGDs aim to collect data on the implementation of Law No. 1/1970. The method effectively captures the perspectives, experiences, and recommendations of various stakeholders, such as employers, workers, OSH inspectors, and government regulators.

3. Results and Discussion

3.1. Results

3.1.1. Evaluation of Legal Substances

A normative analysis of Law No. 1 of 1970 (Law No. 1/1970) reveals that its legal provisions were designed for the industrial context of the late 1960s and early 1970s. As a result, the regulation is no longer entirely relevant to current challenges, particularly those stemming from Industry 4.0 and workplace automation. One of its key weaknesses is the lack of specific provisions addressing remote workers and virtual work environments, which are increasingly common in the digital era. Previous studies also highlight that Law No. 1/1970 fails to comprehensively address workplace health, which is becoming more critical given the rise in mental health burdens and workplace stress in modern work environments.

Additionally, the implementing regulations, such as Ministry of Manpower Regulation No. 5/2018 on Workplace OSH, often overlap with Ministry of Health Regulation No. 48/2016, which governs workplace health standards in offices. This overlap creates confusion in the field, particularly for small and medium enterprises (SMEs) that lack the capacity to navigate such complex regulatory frameworks.

3.1.2. Effectiveness of Law No. 1/1970 Implementation

Empirical findings indicate that the implementation of Law No. 1/1970 in practice falls short of expectations. Surveys and interviews with relevant stakeholders—such as employers, workers, and OSH inspectors—reveal that many companies fail to fully comply with the safety standards stipulated in the law. In the mining sector, for example, Aprilla (2021) found that high workplace accident risks remain a major issue due to insufficient safety training for workers. Similarly, in the construction sector, Novrianda (2021) observed that workers often neglect to use personal protective equipment (PPE) despite its availability, resulting in frequent workplace accidents.

One significant factor contributing to low compliance is weak inspection systems. Interviews with OSH inspectors in various regions revealed that the number of inspectors is insufficient to oversee thousands of companies scattered across Indonesia. Moreover, limited equipment and facilities for conducting inspections further hinder effective supervision. Research by Rambing (2023) found that decentralization has exacerbated this issue, as inspection responsibilities have been delegated to provincial authorities, which often lack adequate human resources and budgets.

3.1.3. Challenges in Reporting and Sanctions

Accident reporting, regulated under Article 11 of Law No. 1/1970, remains suboptimal. Many companies are reluctant to report workplace accidents due to fears of sanctions or reputational damage. This finding aligns with Simatupang (2016), who noted that the low maximum fine stipulated in Article 15 of Law No. 1/1970—only IDR 100,000—has become outdated. As a result, companies are not deterred by existing sanctions and often resolve workplace accidents internally without officially reporting them.

The study also highlights that administrative sanctions are rarely applied under the current implementation of Law No. 1/1970. In contrast, developed countries have adopted stricter administrative sanctions as part of their OSH enforcement frameworks. Ariesty (2016) noted that countries such as Germany and Japan have robust safety management systems and effective administrative penalties, which contribute to lower workplace accident rates. In Indonesia, such systems have yet to be implemented comprehensively, leaving Law No. 1/1970 reliant on punitive criminal approaches that have proven ineffective in improving compliance.

3.1.4. Workplace Safety Infrastructure and Facilities

The research uncovered that many companies, particularly in the SME manufacturing sector, still fail to provide adequate workplace safety infrastructure and facilities. Ramdhan (2010) observed that many wood processing companies in South Kalimantan did not provide proper PPE for their workers, citing high operational costs as a reason. Additionally, a lack of socialization and awareness among workers about the importance of workplace safety has contributed to low compliance with OSH regulations.

3.1.5. International Comparisons

As part of this evaluation, a comparative analysis was conducted of workplace safety regulations in several developed countries. In Germany, workplace safety oversight is well-integrated between the government, labor unions, and companies. The country also enforces stringent standards for accident reporting and higher sanctions, prompting companies to adhere strictly to safety standards. Similarly, in Japan, the use of technology in safety management systems, such as sensors for monitoring worker conditions, has effectively reduced workplace accidents in high-risk sectors. In Indonesia, the adoption of similar technologies remains minimal, especially in traditional industries.

3.2. Analysis and Discussion

3.2.1. Analysis of Regulatory and Implementation Gaps

The findings reveal significant gaps between the provisions of Law No. 1/1970 and its implementation in the field. While the law provides a strong legal foundation for workplace safety, challenges in inspection, worker understanding, and employer accountability indicate that its implementation has not been maximized. Yusuf and Effendy (2022) found that in the manufacturing sector, many SMEs fail to meet safety standards due to weak oversight and the lack of effective sanctions.

A primary factor contributing to low compliance is the weakness of the inspection system. Currently, workplace safety inspections are fully managed at the provincial level following decentralization, which has proven to be a major obstacle due to limited human and logistical resources. Bilqis et al. (2021) noted that labor inspections in regional areas are often hampered by a low number of inspectors compared to the vast number of companies requiring oversight. This leaves many companies, particularly in high-risk sectors such as mining and construction, unsupervised.

3.2.2. Effectiveness of Sanctions in Improving Compliance

The sanctions stipulated in Article 15 of Law No. 1/1970 are deemed ineffective in deterring companies from violating workplace safety regulations. Sadewa (2021) highlighted that the maximum fine of IDR 100,000 is no longer relevant given the current economic context and inflation. In comparison, developed countries such as Germany and Japan impose much heavier penalties for workplace safety violations, encouraging higher compliance rates among companies.

The study also found that administrative sanctions are underutilized in Indonesia. In many countries, administrative measures-such as hefty fines or revocation of operational licenses-have proven effective in ensuring compliance with OSH regulations. Ridho (2022) found that companies in West Java that adhere to ISO 45001, an international standard for OSH, tend to comply more with safety regulations due to the risk of severe administrative penalties tied to international certification.

3.2.3. Role of Technology in Enhancing OSH Supervision

In the era of Industry 4.0, leveraging technology in workplace safety supervision has become increasingly important. Countries like Japan have implemented technologies such as automated sensors to monitor worker conditions and workplace environments in real-time. These technologies enable early identification of potential hazards, allowing preventive measures to be taken before accidents occur.

In Indonesia, the use of technology for workplace safety supervision remains limited, especially in traditional industries such as mining and small-scale manufacturing. This research recommends modernizing Indonesia's OSH supervision system by adopting digital and automated technologies to help inspectors monitor compliance with safety standards. These could include online reporting systems and sensor-based monitoring, integrated with BPJS Employment data, to provide a more comprehensive view of workplace safety conditions across sectors.

3.2.4. Socioeconomic Barriers to OSH Implementation

The study also identified several socioeconomic barriers that hinder workplace safety implementation, particularly among SMEs. Ramdhan (2010) observed that many companies in the wood processing sector in South Kalimantan did not provide adequate PPE for their workers due to cost constraints. Furthermore, low education levels and a lack of awareness about the importance of OSH among workers contribute to poor compliance.

These economic challenges present a significant hurdle for the government in encouraging the adoption of safety standards by SMEs. This research recommends that the government provide fiscal incentives for SMEs committed to implementing workplace safety standards. Programs offering training and subsidies for purchasing PPE could also be effective solutions for improving compliance.

3.2.5. Social and Economic Implications of Workplace Accidents

Workplace accidents not only impact victims but also carry significant economic consequences for companies and society. BPJS Employment reported over 200,000 workplace accidents in 2020, resulting in substantial productivity losses and compensation costs. Emiliania (2016) found that accidents in the mining sector, for instance, often lead to large economic losses, including medical costs and losses from operational downtime.

Investing in workplace safety benefits not only worker welfare but also overall company productivity and efficiency. Lala et al. (2018) found that companies with robust OSH management systems tend to have higher productivity rates due to fewer workplace accidents.

4. Conclusion and Recommendations

a. Regulatory Improvement and Harmonization

One of the primary recommendations is revising Law No. 1/1970 to address emerging challenges in modern workplaces, particularly those related to Industry 4.0, remote work, and virtual work environments. Current regulations fail to address the new risks posed by automation and digital technologies. Updates should include protections for workers in digital technology sectors.

Additionally, harmonizing regulations issued by the Ministry of Manpower and the Ministry of Health is necessary to avoid overlaps in workplace safety governance, particularly in office environments and industrial sectors. Previous research shows that inconsistencies between Ministry of Manpower Regulation No. 5/2018 and Ministry of Health Regulation No. 48/2016 create confusion among companies. Harmonization would simplify compliance for businesses and reduce regulatory complexity.

b. Strengthening Supervision and Inspector Resources

Increasing the number and quality of OSH inspectors in Indonesia is essential. Research shows that the lack of inspectors is a significant barrier to effective supervision. For example, Lala et al. (2021) found that many regions lack sufficient OSH inspectors relative to the number of companies requiring oversight. To address this, the government should recruit and train more inspectors, particularly in high-risk areas such as East Kalimantan and West Java.

The adoption of modern technology in OSH supervision should also be prioritized. Countries like Japan have successfully implemented sensor-based technologies and digital monitoring systems to enhance workplace safety supervision. Integrating such technologies in Indonesia would enable real-time monitoring of workplace conditions, improving risk identification and prevention.

c. Enforcing More Effective Sanctions

Revising the penalties in Law No. 1/1970 is crucial. The current maximum fine of IDR 100,000 is outdated and ineffective. Ridho (2022) emphasized that higher fines proportional to the severity of violations are necessary to deter non-compliance.

Strengthening administrative sanctions is also critical. Granting government agencies the authority to impose stricter administrative penalties, such as large fines or operational license revocation, would significantly improve compliance.

d. Expanding Training and Awareness Programs

Increasing OSH training for both workers and employers should be a government priority. Many SMEs remain unaware of the importance of workplace safety standards.

Programs offering financial support for training and PPE procurement would incentivize SMEs to comply with OSH standards.

e. Leveraging Technology for OSH Management

The research recommends developing technology-based OSH management systems capable of monitoring workplace safety conditions automatically and providing early warnings for potential hazards. Integrating such systems with BPJS Employment data would enhance oversight and create a comprehensive picture of workplace safety conditions across industries.

f. Conclusion

This study evaluates the effectiveness of Law No. 1/1970 in addressing modern challenges, including technological advancements, workplace supervision, and sectoral implementation. While the law provides a strong legal foundation, its implementation faces significant barriers, particularly in inspection, compliance, and relevance to current industry contexts.

The findings highlight the need for regulatory updates to accommodate technological advancements and new workplace risks. Strengthening inspections, increasing sanctions, and leveraging technology are critical to improving compliance and workplace safety. Enhanced training programs and fiscal incentives would further encourage SMEs to adopt OSH standards, ultimately reducing workplace accidents and their socioeconomic impacts.

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