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Submission date: 11-Dec-2023 10:57AM (UTC+0700)

Submission ID: 2255060546

File name: icmi,_1._Lidia_Febrianti_tahun_2022_-_Copy.pdf (243.49K)

Word count: 5545

Character count: 29545

Juridical Review of Occupational Safety and Health According to Law Number 1 of 1970 concerning Occupational Safety at PT. Haluan Pekanbaru

Tinjauan Yuridis Terhadap Keselamatan dan Kesehatan Kerja Menurut Undang-Undang Nomor 1 Tahun 1970 Tentang Keselamatan Kerja di PT. Haluan Riau Pekanbaru

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Article Information	ABSTRACT
<p>Riwayat Diterima: 15 September 2022 Direvisi: 28 Oktober 2022 Disetujui: 1 Desember 2022</p> <p>Kata Kunci: Pekerja, Akibat Hukum, Keselamatan dan Kesehatan Kerja</p> <p>Keywords: Workers, Legal Consequences, Occupational Safety and Health</p>	<p>Abstract</p> <p>Implementation of Occupational Safety and Health Protection based on Law Number 1 of 1970 concerning Occupational Safety at PT. Haluan Riau Pekanbaru, there is still a lack of attention and concern in maintaining Occupational Health and Safety, namely workers carrying out their work not using personal protective equipment, at least masks so that they are not exposed to dust and dirt. From the background described above, the formulation of the problem is what are the factors that become obstacles in the application of Law No.1 of 1970 at PT. Haluan Riau Pekanbaru policy and what are the legal consequences for the company and employees if it does not apply the Occupational Safety and Health Law. This research method belongs to the type of sociological research by means of a survey, because data collection is done by going directly to the field to collect data that is used as material in writing this research, namely by using data collection tools in the form of questionnaires and direct interviews with the parties involved. in this research. Meanwhile, from the point of view of the nature of this research is descriptive, which means it gives a clear picture of the main problem study. Based on the results of research that has been done, namely, Juridical Review of Occupational Safety and Health according to Law No. 1 of 1970 concerning Occupational Safety at PT. The direction of Riau Pekanbaru is still not in accordance with Law No.1 of 1970 concerning Occupational Safety, as well as PT. Haluan Riau still has not fully implemented other implementing rules regarding Occupational Safety and Health and Standard Operating Procedures (SOP) at PT. Haluan Riau Pekanbaru is not yet in accordance with Occupational Health and Safety.</p>

Abstrak

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Lidia Febrianti, Tsabitna Azzarah Dewi, Heni Susanti, Thamrin S, Yusramizza Md Isa: Juridical Review of Occupational Safety and Health According to Law Number 1 of 1970 concerning Occupational Safety at PT. Riau Bow Pekanbaru

Pelaksanaan Perlindungan Keselamatan dan Kesehatan Kerja berdasarkan Undang-Undang Nomor 1 Tahun 1970 tentang Keselamatan Kerja pada PT. Haluan Riau Pekanbaru, masih kurangnya perhatian serta kepedulian dalam menjaga Keselamatan dan Kesehatan Kerja yaitu pekerja melaksanakan pekerjaannya tidak menggunakan alat pelindung diri minimal masker agar tidak terpapar debu dan kotoran. Dari latar belakang yang penulis uraikan diatas maka rumusan masalahnya yaitu apa saja faktor yang menjadi kendala dalam penerapan Undang-Undang No.1 Tahun 1970 di PT. Haluan Riau Pekanbaru dan bagaimana akibat hukum terhadap perusahaan dan karyawan apabila ia tidak menerapkan UU Keselamatan dan Kesehatan Kerja. Metode penelitian ini tergolong kedalam jenis penelitian sosiologis dengan cara survai, sebab pengumpulan data dilakukan dengan cara turun langsung ke lapangan untuk mengumpulkan data yang dijadikan bahan dalam penulisan penelitian ini, yaitu dengan menggunakan alat pengumpul data berupa kuesioner dan wawancara langsung dengan pihak-pihak yang terlibat dalam penelitian ini. Sedangkan dilihat dari sudut sifat penelitian ini adalah deskriptif, yang artinya memberikan gambaran secara jelas tentang permasalahan pokok penelitian. Berdasarkan hasil penelitian yang telah dilakukan yaitu, Tinjauan Yuridis Terhadap Keselamatan dan Kesehatan Kerja menurut Undang-Undang No.1 Tahun 1970 Tentang Keselamatan Kerja di PT. Haluan Riau Pekanbaru masih belum sesuai dengan Undang-Undang No.1 Tahun 1970 tentang Keselamatan Kerja, serta PT. Haluan Riau masih belum sepenuhnya menjalankan aturan pelaksanaan lainnya mengenai Keselamatan dan Kesehatan Kerja serta Standar Operasional Prosedur (SOP) yang ada di PT. Haluan Riau Pekanbaru belum sesuai dengan Keselamatan dan Kesehatan Kerja.

1. Introduction

Occupational health and safety is important for companies, because the impact of occupational accidents and diseases not only harms employees, but also companies, both directly and indirectly. Companies that realize the importance of employee work comfort will always pay attention to the factors that affect the level of work comfort of their employees, based on various studies and OSH studies by previous researchers stating that the OSH program has a very positive impact on employee comfort. If employees are satisfied with their working conditions, they will tend to have enthusiasm at work.

Based on what the author knows, workers/operators at PT. According to the writer, Haluan Riau Pekanbaru in carrying out his work still lacks attention in maintaining his Occupational Health and Safety. One example is when the worker/operator of PT. Haluan Riau carried out his work without proper use of personal protective equipment.

The fact is that there are still frequent problems regarding the protection of occupational safety and health. The author has seen one of them concerning the

Implementation of Worker/Operator Safety and Health Protection at PT. Haluan Riau Pekanbaru.

In this case Workers/Operators at PT. Haluan Riau Pekanbaru is still lacking in taking care of occupational health and safety. For example, when workers/operators carry out their duties, they are seen not wearing masks. Which is used at least to maintain health so as not to be exposed to dust / dirt. While the mask itself is one of the personal protective equipment that has been stipulated in the Ministerial Regulation which is used to minimize the risk of disease in Workers/Operators in the future.

Problems that exist on the production floor related to work safety at PT. Haluan Riau 1.) Workers do not use personal protective equipment, of the many cases of work accidents, many occur due to the company or workers' lack of concern for worker safety by not providing personal protective equipment. Of the problems that exist in PT. Haluan Riau, it can be seen during the observation that the company did not provide personal protective equipment at all. Newspaper production is not a hard job, but the company's way of protecting the little things that can happen to workers is completely ignored. Personal protective equipment such as gloves, glasses and masks to reduce dust from paper.

2.) Fatigue workers, Everyone who works must experience fatigue, especially when workers work at night. The workers on the production floor who print the newspapers work from 12pm until finished. Sometimes there are also problems so that new printing can start from 2 o'clock until it is finished which results in delays in delivery. Distribution of work shifts at PT. This Riau direction is not in accordance with the government where the workers who work to print newspapers at night are always the same people. If this is done continuously, it will affect one's health because there is no time for sleep at night for workers. Continuous night shifts will bring various diseases such as diabetes and depression. Night work will also change one's lifestyle because routines like this will mess up the body's biological clock, where a person's biological clock will determine sleep hours, hormone production, body temperature and other functions.

3.) No Display, Display is one of the warning signs that must be present in the office, especially on the production floor because this section requires a lot of signs and appeals to workers. Observation results on the production floor, none of the displays installed around the production floor. The display should be installed as a warning, solicitation, or prohibition.

4.) There must be lighting for printing, especially for workers who work at night. On the newspaper printing production floor at PT. The Riau bow is still lacking in lighting. Even when workers do the tracing onto the plate, workers do it with the help of flashlights. During the observation, the researchers found that the lighting was not sufficiently bright and the room looked dull, coupled with paint that was no longer good.

5.) Noise, the printing machine always makes a very loud sound because the machine is very large. The sound of the machine from the printing press at PT. The Riau bow is very large because the machines on the production floor are still

using old machines and have not been updated. One of the things that must be considered for work safety is wearing ear protection. If this happens for a long time, it can cause damage to the eardrum which in turn causes deafness.¹

B. Purpose and Benefits of Research

1. Purpose Research

The objectives to be achieved through this research are as follows:

- a) To find out the factors that become obstacles in the implementation of Law no. 1 Year 1970 at PT. Haluan Riu Pekanbaru.
- b) To find out the legal consequences for companies and employees if they do not implement the Occupational Safety and Health Act.

2. Research Benefit

The benefits to be achieved from this research are as follows:

- a) For writers, this research is expected to be additional knowledge in the field of employment, especially regarding the factors that become obstacles in the application of Law no. 1 Year 1970 at PT. Haluan Riau Pekanbaru.
- b) Hopefully this research can provide input, especially for fellow students and for other prospective researchers who are conducting research in the same field.

2. Method

In accordance with the problems to be studied, to make it easier for writers to do research and to make it easier to get data that is accurate and relevant to the research being carried out, the authors use the following research methods:

a. Type and Nature of Research

In terms of its type, this research belongs to the type of legal sociological research by means of surveys, because data collection is carried out by going directly to the field to collect data which is used as material in writing this research, namely by using data collection tools in the form of questionnaires and direct interviews with parties -parties involved in this research.

While seen from the point of view of the nature of this research is descriptive, which means it gives a clear picture of the main problem of research.

b. Research Locations

This research was conducted at PT Haluan Riau Pekanbaru Jl. Tuanku Tambusai No. 439. The basis for taking this location is with the consideration that at PT Haluan Riau it is very possible for the author to obtain data used in conducting research. In addition, this research was conducted because the authors still often see workers who do not use personal protective equipment, be it in the form of masks or the like.

c. Population and Respondents

Population is the whole or a set of objects with the same characteristics. The sample is a set of parts that make it easier for researchers to determine

¹ Ahmad Mas'Ari, "Jurnal Teknik Industri", Vol 5, No 1 (2020) : JUNI 2019
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research from the whole so that it can make it easier to do research and find research results.²

Respondents are parties who can become research subjects to obtain data when conducting research in the field. In determining the population and respondents with problem identification. From this identification, it can be determined who can be used as respondents in this study, namely:

- a) Managing Editor of PT. Haluan Riau Pekanbaru 1 Person.
- b) Weekly Coordinator of PT Haluan Riau Pekanbaru 1 person.
- c) Employees who were sampled were 30% of the total population, namely 15 people.

d. Data and Data Sources

In this study using data sources that can be grouped as follows:

1. Primary data is the data collection tool used by the author, namely interviews and questionnaires. Interviews were carried out by having dialogue with respondents or sources that the author had determined while the questionnaire was carried out by making a systematic arrangement of questions which were then handed over to the respondents to be answered whose results could be processed in finding answers to the problems that the authors raised.
2. Secondary data, namely data that the author obtains from laws and regulations, reading books and guidebooks and other sources in the form of writings, letters or reports that have been compiled in lists or that have been recorded which are related to this research.

e. Data Collection Tools

To obtain reliable and accountable data so as to be able to provide an overview of the overall problem, the data collection tools that the author uses are:

- 1) Observation, namely direct or indirect observation of occupational safety and health protection activities based on Law No. 1 of 1970 concerning Occupational Safety in the research location.
- 2) Questionnaire, namely data collection using a list of written questions asked to respondents to obtain the necessary information. The respondents in this study were employees of PT Haluan Riau Pekanbaru, namely workers at PT Haluan Riau Tuanku Tambusai.
- 3) Interview, namely data collection by way of question-and-answer directly with the respondent.

f. Data Analysis

The data that has been collected in the field is then processed and presented in tabular form which is quantitative data. While the data obtained from interviews is processed and presented in the form of descriptive sentences which are qualitative data. The author connects it with related theories and

² Lili Rasjidi, *Pengantar Metode Penelitian dan Penulisan Karya Ilmiah Hukum*, Universitas Padjadjaran, Bandung, 2007, hlm. 7

legal provisions, after the data has been analyzed to answer the problems of this research.

3. Result and Discussion

A. That Become Obstacles in the Implementation of Law No. 1 of 1970 at PT. Haluan Riau Pekanbaru

Every job has potential hazards, such as the risk of work-related accidents or occupational diseases. The magnitude of the potential hazard depends on the type of production, the technology of the materials used, spatial planning and the environment as well as management and implementing personnel. In terms of reducing the risk of work accidents, the State regulates Law Number 1 of 1970 as a guideline for Occupational Safety and Health Protection.³

Workers/Labourers have the right to get protection for safety and health, especially for those who work in workplaces where there is a high potential for an accident to occur. So the company must have a form of protection for workers/labourers in carrying out their work. Workers/laborers have a right to work protection, namely the right to:⁴

1. Work safety and health,
2. Morals and decency, and
3. Treatment in accordance with human dignity and values as well as religious values.

Factors that become obstacles in the application of law no. 1 of 1970 which has the most influence, namely the lack of training on OSH, because many companies do not understand and understand the concepts and management systems of OSH and many companies think that implementing OSH will increase costs or costs to the company. In forming a good Occupational Safety and Health (K3), the company must be able to instill starting from the company's internal first and then provide counseling and coaching to each employee or worker in the importance of Occupational Safety and Health.⁵

If there are still many cases of accidents in a company, it is likely that it will cause many workers to suffer, decreased production realization, increased worker absenteeism, and greater losses, these losses will have an impact on the company concerned or workers because it can cause workers to be forced to stop working and the company can lose the workers. Each job needs to be carried out a risk assessment to find out the possibility of work accidents, so that work safety prevention and control can be determined.

The risk level is the multiplication between the probability and severity of an event that can cause loss, accident or injury and illness arising from hazard exposure in the workplace. The first step in a risk assessment is the identification of the hazard and the impact of the hazard. Who and what will be affected by

³ Agusmidah, *Dinamika Hukum Ketenagakerjaan Indonesia*, Medan:USU Press, 2010, hlm.68

⁴ Khairani, *'Kepastian Hukum Hak Pekerja Outsourcing Ditinjau Dari Konsep Hubungan Kerja Antara Pekerja Dengan Pemberi Kerja'*, Jakarta : Rajawali Pers, 2016, Hlm. 75.

⁵ Suardi, Rudi, and Hari W, *Sistem Manajemen Keselamatan & Kesehatan Kerja*, Jakarta : Penerbit PPM, 2005, Hlm.32

the hazard. The next step is to determine the frequency of occurrence or likelihood of the hazard occurring. How often can these events occur, because risk is a combination of Probability and Severity.

The last step is to do a risk evaluation. Specifically, the objectives of the Occupational Safety and Health Management System are: 1. As a tool to achieve the highest possible degree of health for workers, whether workers, farmers, fishermen, civil servants, or casual workers. 2. As an effort to prevent and eradicate work-related illnesses and accidents, maintain and improve the health and nutrition of the workforce, maintain and increase the efficiency and productivity of the workforce, eradicate work fatigue and multiply the enthusiasm and enjoyment of work.

A company is obliged to carry out and implement occupational safety and health for workers who work in each of these companies. But in practice, there are still many companies in Indonesia that underestimate this. Whereas occupational safety and health is useful for improving the quality of employee performance at the company. In addition, occupational safety and health are workers' rights that must be fulfilled by the company.

Occupational safety and health are both very important, so the two are mutually sustainable. The purpose of occupational health, namely:⁶

- 1) Prevent and protect workers from health problems caused by working environment conditions;
- 2) Improving and maintaining the highest degree of health of the workforce both physically, mentally and socially;
- 3) Increasing work productivity;
- 4) Matching labor with work, or work with labor

In order to avoid accidents, companies must provide a service related to good work safety and health for workers and provide guarantees for accidents that happen to them. So that workers feel safe and feel protected with a well-implemented occupational safety and health program.

The application of Law No. 1 of 1970 is very necessary for PT. Haluan Riau, so that in the future there will be no accidents that can harm many parties, namely companies and employees.

Workers know the importance of using Personal Protective Equipment (PPE) at work so as not to cause work-related illnesses and reduce the risk of work accidents. But if not all workers use Personal Protective Equipment properly and correctly.

This is very worrying because of the risks posed, especially for workers if they do not use personal protective equipment according to the provisions. So if there is an accident the risk becomes greater.

Factors that become obstacles to the implementation of Law No. 1 of 1970 are workers not using personal protective equipment because they feel uncomfortable and various reasons are given. And also there are no sanctions given when workers do not use personal protective equipment. On the other hand, if workers do not use personal protective equipment in accordance with

⁶ Thamrin, S, 'Perlindungan Hukum Tenaga Kerja Indonesia', *Alaf Riau, Pekanbaru*, 2017, hlm.12
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applicable regulations, the impact will be in the form of work-related illnesses and if a work accident occurs the risk is very large.

PT. Haluan Riau Pekanbaru is a company engaged in selling newspapers and the work environment should be comfortable and safe, but according to the environmental conditions there it is less clean and uncomfortable which can cause various diseases for workers.

Operational Safety PT. Pekanbaru's Riau bow is the most important part that must be met. Given the potential for disease due to non-compliance and implementation related to Occupational Health and Safety has a big risk for workers and companies as well as an impact on the surrounding environment.

In addition to work-related illnesses, work accidents and an unclean environment are also problems that must be carried out according to regulations. Given that there have been many cases where workers contracted the disease while working in a company and this happened because the company and employees did not comply with regulations and Occupational Health and Safety. The unsafe habit that is usually carried out by workers is not wearing a mask while working which has the potential to be infected with various diseases and can transmit it to other workers.

Pekanbaru City Government wants to realize efficient and effective government governance, namely by making efforts to ensure Occupational Safety and Health for both employers and workers. One of the Occupational Health and Safety efforts is PT. Haluan Riau.

In matters of Occupational Safety and Health is the authority of the Pekanbaru City Manpower Office. In carrying out work, the company or entrepreneur must submit a P2K3 report to the Manpower Office once every 3 months.

The Pekanbaru City Manpower Office oversees companies in carrying out their business activities. However, since January 1 2017, regarding the supervision of company activities, it has been handled by the Provincial Manpower Office, but is still reported and known by the City Manpower Office.

The vision of the Pekanbaru City Manpower Office is "The Realization of a Productive, Competitive and Independent Workforce Towards a Prosperous Society."

To be able to realize this vision, the Pekanbaru City Manpower Service lowers it into several missions, namely:

- 1) Improving Facilities and Infrastructure to Support Service Quality.
- 2) Improving Smart Government Through Improving the Quality of Apparatus and Administrative Order in Accordance with Excellent Service Standards.
- 3) Creating a Smart, Qualified and Productive Workforce According to the Needs of the World of Work.
- 4) Improving Employment Opportunity Promotion and Developing an Actual Employment Information System.
- 5) Improving Wage Standards and Working Conditions So as to Create Harmonious, Harmonious and Balanced Industrial Relations.

Pekanbaru City Manpower Service has the task of assisting the Mayor in carrying out City Government affairs in the field of employment based on the principles of autonomy and assistance.

Meanwhile, in carrying out these main tasks, the Pekanbaru City Manpower Service carries out the following functions:

- 1) Implementation of employment duties and functions.
- 2) Formulation of City Government policies in the field of employment in the city.
- 3) Coordination, alignment and harmonization of employment policies and activities in the city.
- 4) Preparation of work plans and development programs in the field of employment in the city.

a. Secretariat

The Secretariat is led by a Secretary who has the main task of carrying out some of the Office's functions in the field of secretarial management.

The Secretariat oversees:

- 1) Administrative Subdivision

The Administrative Section is led by a Sub-Division Head who has the main task of carrying out some of the secretariat functions in the general and staffing and financial fields.

- 2) Program Planning Sub-Section

The Program Planning Sub-Division is led by a Sub-Division Head who has the main task of carrying out some of the secretariat functions in the planning and reporting areas

b. Field of Job Training and Labor Productivity

The Job Training and Workforce Productivity Sector is led by a field head who has the main task of carrying out some of the Department's functions in the field of Job Training and Workforce Productivity.

The Field of Job Training and Labor Productivity oversees:

- 1) Head of Counseling and Training Section;
- 2) Section for Development of Private Job Training Institutions;
- 3) Registration and Licensing Section for Private Job Training Institutions.

c. Field of Manpower Placement

The Head of the Manpower Placement Sector has the task of assisting the agency head in formulating and implementing policies in the field of manpower placement.

The field of workforce expansion oversees:

- 1) Inter-Work Service Section;
- 2) Workforce Placement Management Section;
- 3) Expansion and Employment Opportunity Section.
- 4) Field of Industrial Relations

The field that has the task of assisting the Head of Service in formulating and implementing policies in the Industrial Relations Sector.

- 1) Norms and Working Conditions Section;
- 2) Industrial Relations Disputes Section;

3. Institutional Section and Industrial Relations Cooperation.

B. Legal Consequences for Companies and Employees of PT. Bow Riau Pekanbaru if it does not implement the Occupational Safety and Health Act

The author's interview with Ms. Umi Kholifah, SH, MH, Head of Industrial Relations and Social Security for Workers in Pekanbaru City, when the author went directly to the Office of Manpower, said that there would be legal consequences if the company did not implement Law No. 1 of 1970 is for companies that neglect to apply K3 can be rewarded with certain sanctions according to applicable regulations.

K3 procedures for all work have been contained in a number of laws and ministerial regulations, which must be followed and complied with. If it is not implemented, there will be a number of losses that will be felt by workers and companies as well as other people around the work site. Here are some of them:

1. Feeling uncomfortable while working
It's only natural that workers will feel uncomfortable while working, and even feel doubtful when K3 procedures are not implemented. The reason is, there are no clear and precise rules in work. This can have a negative impact on work patterns and have serious consequences.
2. There is a risk of injury and death
As a result of not applying OSH procedures at work, there are losses suffered by workers, namely injuries and even death. For example, when working at height or using scaffolding. If the rules regarding the equipment used are not followed, workers are prone to accidents. Well, this accident is certainly very undesirable.
3. Work results are not optimal
Another loss that will be experienced by the company is the work results that are not optimal. K3 procedures aim to ensure the safety and health of workers in general. If this is not done, problems in the form of injuries can occur. As a result, worker productivity has decreased and work results are not optimal. One simple example is the worker in the room. Supposedly, there are rules regarding adequate workplace conditions, starting from temperature, humidity, light or light, sound and vibration. If these things are ignored, workers will definitely be unfocused and uncomfortable at work.
4. Harming other people in the work environment
It is not only companies and workers who will experience losses due to not implementing K3 procedures. However, other people around the company will definitely feel the impact. A simple example is factory waste which can contaminate clean water. This impact can affect directly or gradually.
5. Difficulty saving oneself when danger occurs

K3 procedures also regulate procedures that must be carried out when a hazard occurs in the workplace. When there is a fire, for example, there are evacuation routes that can be accessed easily. Thus, lives can be saved at critical moments. However, without these K3 procedures, this is neglected and workers will find it difficult to save themselves in bad situations. To avoid these various losses, companies and workers are required to attend training, in accordance with job specifications. This is to ensure that OSH procedures are properly understood and carried out every time.

In the implementation of work carried out in the workplace there must be arrangements so that workers have legal protection for Occupational Safety and Health. To get protection in accordance with the provisions and guarantee the safety and health of workers, workers must know what rights must be fulfilled in carrying out their work. And the company must fulfill all its obligations in the workplace in accordance with existing regulations.

The regulations that apply at PT. Haluan Riau for companies and workers is regulated by Law Number 1 of 1970 concerning Work Safety and other implementing regulations that must be obeyed in order to reduce the risk in the event of a work accident or fire in the workplace. At Haluan Riau there are also Standard Operating Procedures (SOP) that apply to all workers and visitors.

4. Conclusion

From the results of the research and the author's description in this paper, the authors can draw the following conclusions:

- a. Factors That Become Obstacles in the Application of Law Number 1 of 1970 concerning Work Safety at PT. Haluan Riau is still lacking in awareness, concern and concern for workers and companies regarding the importance of occupational safety and health, it is still not in accordance with Law Number 1 of 1970 concerning Occupational Safety, and the Riau bow is still not fully implementing other implementing regulations regarding safety and health Work.
- b. The legal consequences that arise for companies and workers if they do not apply the work safety law are very strict, namely they are subject to sanctions according to applicable regulations, and other consequences that arise are the discomfort of workers when working at Haluan Riau so that it can reduce worker performance and also has an impact on the company, and there are also Standard Operating Procedures (SOP) in carrying out work in workplaces. but the existing regulations have not been fully implemented and also the Standard Operating Procedures (SOP) in Haluan Riau are not in accordance with Occupational Safety and Health.

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