

## LEGAL PROTECTION OF DISCOTIQUE WORKERS AGAINST NOISE EFFECT IN HEALTH LAW PERSPECTIVE

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### ABSTRACT

Discotheque workers exposure to excessive loud music which classify as the noise at workplace. Noise causes health problems, namely hearing loss. Discotheque workers need to get legal protection against the impact of noise in the workplace.

**Keywords: Protection, Noise, Discotheque workers.**

### INTRODUCTION

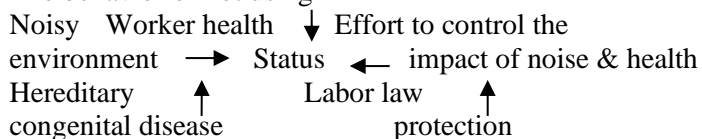
Working and have a decent life is one of the human rights of citizens. The Government of Indonesia since the establishment of the Unitary State of the Republic of Indonesia has mandated it in Article 27 paragraph (2) of the 1945. One type of work that is growing rapidly today is the creative industry sector, which includes the entertainment and lifestyle industries. According to the Creative Economy Agency (Bekraf) in 2019, the creative industry sector in Indonesia is targeted to absorb 17 million workers. The discotheque entertainment industry is one of the industries whose activities produce loud music that exceeds the permissible hearing threshold value (>85 dB). Repeated exposure to high-intensity sound (85 dB) can cause damage to hair cells in the organ of Corti (messy like a wheat field after a storm) and result in decreased hearing concern for workers.

### CONCEPTUAL FRAMEWORK

This research is classified as research in the field of normative law or commonly called normative juridical research. The type of data used in this research is secondary data sourced from library research or document studies. The secondary data analysis in this study was carried out qualitatively with descriptive analysis methods, namely the selection of theories, principles, norms, doctrines, and articles in the most important legislation relevant to the problem.

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## DISCUSSION

### I. LABOR PROTECTION

#### Definition of Labor Law Protection

Law can be defined as a set of regulations made by state authorities or the government officially through legal institutions or intuitions to regulate various activities or human behavior in society that are coercive, and have sanctions that must be met by the community.

#### History and Development of Labor Law Protection

Labor and employment law in Indonesia has developed since the pre-independence period of the Republic of Indonesia. After Indonesia's independence, laws related to employment were issued by the government and underwent continuous changes starting from the pre-independence era, post-proclamation, the old order era, the new order, and the reformation period.

#### Types of Legal Protection

In carrying out and providing legal protection, a place or container in its implementation is needed which is often referred to as a means of legal protection. The means of legal protection are divided into two types, namely preventive legal protection and representative legal protection.

#### Principles and Forms of Legal Protection

##### A. Protection Principle :

- a. Every worker has equal opportunity without discrimination to get a job.
- b. Every worker has the right to receive equal treatment without discrimination from employers;
- c. Every workforce has the right to obtain and/or improve and/or develop work potential according to their talents, interests, and abilities through job training;
- d. Every worker has the same opportunity to take part in on-the-job training according to his/her field of work.
- e. Every worker has the same rights and opportunities to choose, get, or change jobs and earn a decent income at home or abroad;
- f. Every blessed worker gets protection on occupational safety and health, morals and decency and treatment in accordance with human dignity and values and religious values;
- g. Every worker has the right to earn an income that meets a decent living for humanity
- h. Every worker and his family has the right to obtain labor social security;
- i. Every worker has the right to form and become a member of a labor union.

## **B. Forms of Work Protection**

Work protection can be carried out either by providing guidance, compensation, or by clearly increasing the recognition of human rights, physical protection, and socio-economics through the norms that apply within the company. Thus the grouping of work protection is divided into 3 (three) types of protection, namely economic protection, social protection, and technical protection.

### **Scope of the Labor Social Security Program**

The scope of the labor social security program includes:

1. accident insurance
2. life insurance
3. pension insurance
4. Health care insurance

### **Legal Protection Against Manpower According to Law Number 13 of 2003**

the rights of workers include:

1. The right to acquire and develop competence (Articles 11, 12, 18 according to law number 13 of 2003 female employee rights)
2. The right to limitation of working time, rest, leave and holidays
3. Right to Social Security and Occupational Health and Safety
4. The right to receive a decent wage
5. The right to become a member of a labor union
6. The right to conclude a Collective Labor Agreement
7. Right to strike

## **II. IMPACT OF NOISE ON HEARING HEALTH OF WORKERS**

Hearing loss due to noise has an impact on life from Impacts on functional aspects such as the inability to communicate with other people, difficulty in receiving and distinguishing consonant sounds, the ability to detect, identify, and localize sounds quickly and precisely. The impact on social and emotional aspects such as feeling alone, self-isolation, frustration, decreased social activities and feelings of being excluded. On the economic aspect is the loss of opportunity to have a job.

For discotheque workers, continuous exposure to noise in the workplace can cause permanent hearing loss with the initial characteristics of difficulty hearing and difficulty understanding speech. This is influenced by many factors such as high noise intensity, individual sensitivity, length of exposure (time of work), ear health conditions, the influence of certain drugs, sound spectrum and temporal pattern of exposure.

In fact, a study shows that increasing levels of noise exposure can cause health problems related to hearing and also problems that are not related to hearing, such as increasing the risk of cardiovascular disease due to decreased endothelial function can cause depression and increase anxiety. The effects of noise on hearing can be divided into three groups, namely acoustic trauma, temporary changes in hearing threshold due to noise, and changes in hearing threshold due to permanent noise.

From a previous study, conducted by researchers on discotheque workers to see the relationship between noise and hearing loss, it was found that 46.4% of respondents did

not have hearing loss and 53.6% had hearing loss. Of the total respondents with hearing loss, 16.4% had mild deafness, 23.6% had moderate deafness, 7.3% had moderate-severe deafness, and 6.4% had severe deafness.

In addition, the respondents also found complaints of tinnitus, which is a ringing or buzzing sound in one or both ears that may occur continuously or suddenly appear and disappear. Tinnitus is an early sign of hearing loss. As many as 70.9% experience tinnitus. If the tinnitus complaints experienced by workers are not handled properly, it is likely that it will later become NoiseInduceHearingLoss (NIHL).

### III. CONTROL EFFORT OF NOISE IMPACT FOR WORKERS

#### Technical Control (Engineering Control)

This method can be done by:

1. Using acoustic barriers to absorb or reflect back sound;
2. Using a "partial enclosure" around the machine; modifying the machine or repairing it;
3. Using a "complete enclosure"; placing a damper on the vibration source;
4. Separating operators in the "Soundproof room" from noisy machines
5. Using "vibration damping material" to reduce sound transmission and radiation from thin surfaces;
6. Replacing metal parts (which cause high sound intensity) with rubber "dynamic dampers" or "plastic bumpers", fiber glass and so on;
7. Installing "Silencer" on intake valves, on chimneys and ventilation systems;

#### Using Ear Protectors

The best way to protect hearing is by engineering control of the sound source. In fact, this is not always possible. The use of protective equipment is the last resort that must be done if other methods are not possible. There are two types of ear protection (earmuff and ear plug)

#### Working Hours Management

Setting of working hours is classified as administrative noise control. The way to do this is to reduce the exposure time of workers by setting working hours within safe limits to prevent deafness.

#### Working Rotation Management

In addition to treating working hours, another thing that employers can do in the context of noise control is to apply work rotation, which is to arrange work places alternately at certain periods of time.

#### Health Check Up For Worker

To detect and treat workers' hearing loss, it is necessary to carry out regular health checks. Early detection of hearing loss will make treatment easier and speed up recovery time. Determination of the diagnosis of hearing loss is seen from the results of the audiometric examination.

#### Health Education and Counseling

The training and education deemed necessary for workers to follow include:

1. The effect of noise on humans;

2. Types of noise exposure;
3. Appropriate measures to protect oneself from exposure to noise;
4. Knowledge of technical control;
5. Knowledge of the use of ear protective equipment;
6. Knowledge of the need for medical control and audiometer examination for hearing.

## CONCLUSIONS

Legal protection for workers is regulated in Pancasila, the 1945 Constitution, and Law No. 13 of 2003. The forms of legal protection for workers consist of economic protection, social protection or occupational health, and technical protection or work safety. The sound of music in the discotheque is classified as noise. The noise in the discotheque has an impact on the hearing health of workers. Health problems due to noise is a permanent loss of hearing with the initial characteristics of difficulty in hearing and difficulty understanding speech. In addition, early sensorineural hearing loss and tinnitus can be occurred. Efforts to control the impact of noise are classified as a form of technical legal protection or work safety. Efforts to control the impact of noise can be carried out by means of: technical control (engineering control) in the form of modification/engineering of the work environment so as not to cause noise for workers), the use of ear protection devices (ear muffs and ear plugs), setting working hours, regulating work rotation, checking worker health, education and health education.

The entrepreneur / discotheque manager has an obligation to provide work protection and fulfill work requirements in accordance with the applicable laws and regulations, namely Law Number 13 of 2003 concerning Manpower so that it is in accordance with the rights desired by the workforce. Meanwhile, the local Manpower and Transmigration Office intensively and consistently must carry out supervision.

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