

## OCCUPATIONAL RISK LIABILITY IN FIREFIGHTING EMPLOYEES IN THE PERSPECTIVE OF IJARAH 'ALA AL-AMAL CONTRACT

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### **Abstract**

The profession of a firefighter carries very high safety risks. Legal review in firefighting work using the Ijārah 'Ala al-A'mal agreement. The problems studied in this research are to find out, first, how to minimise work risks among Banda Aceh City Fire Department employees, second, what is the level of awareness of Banda Aceh City Fire Department employees regarding work risks, third, what forms of party responsibility exist? Banda Aceh City firefighters in the perspective of the Ijārah 'Ala al-A'mal Agreement. The research method used in this research is descriptive qualitative, and data collection was carried out using field research and library research. The data collection techniques used were interviews, observation and documentation. The research results show that efforts are made to minimise work risks with available facilities and infrastructure. Awareness of work risks among fire department employees is still lacking. The form of responsibility of the Banda Aceh City fire brigade in the perspective of the Ijarah 'Ala Al-Amal agreement based on the regulations used in work risk responsibility is in accordance with the Ijarah 'Ala Al-Amal agreement, however it is very unfortunate that there are differences in the social security obtained, which employees Civil servants get BPJS employment while contract employees do not get BPJS guarantees and any benefits so officers cannot submit claims for work accident insurance because officers are not insured by the government.

**Keywords:** Ijarah 'Ala Al-Amal, Occupational Risk, Fire Fighting and Private Law

### **Abstract**

The profession as a firefighter has a very high safety risk. The legal review in the work of firefighters uses the Ijārah 'Ala al-A'mal contract. The problems studied in this study are to find out, first, how efforts to minimise work risks in Banda Aceh City Fire Department employees, second, how the level of awareness of Banda Aceh City fire department employees of work risks, third, how the form of responsibility of the Banda Aceh City fire department in the perspective of the Ijārah 'Ala al-A'mal contract. The research method used in this research is descriptive qualitative, and data collection is done by field research and library research. The data collection techniques used were interviews, observation and documentation. The results showed that efforts to minimise occupational risks with available facilities and infrastructure. Awareness of occupational risks on fire department employees is still lacking. The form of responsibility of the Banda Aceh City Fire Department in the perspective of the Ijarah 'Ala Al-Amal contract based on the regulations used in work risk responsibility is in accordance with the Ijarah 'Ala Al-Amal contract but it is unfortunate that there are differences in social security obtained, where civil servant employees get BPJS employment while contract employees do not get BPJS coverage and any benefits so that officers cannot submit claims for work accident insurance experienced because officers are not insured by the government.

**Katakunci:** Akad Ijarah 'Ala Al-Amal, Hukum Perdata, Hukum Ekonomi Islam, dan Resiko Pekerjaan

### **INTRODUCTION**

Firefighting is a high-risk occupation with injuries and occupational diseases that can lead to disability and death. The fact that the work environment during emergencies and unexpected and firefighters are not prepared for every eventuality, requires training and education experience and the development of personal protective equipment to protect firefighters from the hazards and risks of their work.<sup>1</sup>

While performing their operational duties, both fire fighting and life saving, a firefighter is required to be able to recognise the types of hazards that may arise in emergency situations. The hazards faced by firefighters

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<sup>1</sup> Chairul Fahmi, 'The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia', *Jurnal Ilmiah Peuradeun* 11, no. 2 (30 May 2023): 667-86, <https://doi.org/10.26811/peuradeun.v11i2.923>.

include. The risk of firefighters can be seen from exposure to potential risks and risk impacts. Risk exposure to firefighters is a potential hazard that includes physical hazards, chemical hazards, electrical hazards, mechanical hazards and biological hazards. These hazards can result in occupational diseases.<sup>2</sup>

From the results of the identification that has been done, it is found that the occupational risks of firefighters occur due to officers who are less careful when carrying out their duties and the low awareness of officers in using Personal Protective Equipment (PPE). If PPE is used correctly and in accordance with the SOP, accidents due to work can be reduced.<sup>3</sup>

After all the risks contained in each stage of work are known, a risk assessment will then be carried out according to the AS/NZS 4360 standard. The assessment can be seen from the possibility or *probability* given a range between risks that rarely occur (*rare*) to risks that can occur at any time (*almost certain*). As for severity or *consequence*, it can be categorised between events that do not cause injury or small losses, to the most severe impact, namely causing fatal events (*death*) or major damage to company assets, then the risk level will be known starting from *low, middle, high* and *extreme* risk levels.<sup>4</sup>

Risk Analysis of Firefighters Risk assessment is carried out at all stages of the fire fighting process, namely from the beginning before leaving or being ready to leave for the scene, travelling to the location of the fire, at the location of the fire to heading back to the office or department. The results of the risk analysis of firefighters using the AS / NZS 4360 standard. obtained the results of *extreme* risk levels as many as 11 risks, *high* risk levels are 3 risks, *middle* risk levels are 7 risks and *low* risk levels are 3 risks.<sup>5</sup>

Controlling various kinds of hazards by implementing proper hazard control in implementing occupational safety and protection. Because work comfort and work enthusiasm are conditions that must be

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<sup>2</sup> Official website of BPJS Ketenagakerjaan

<https://www.bpjsketenagakerjaan.go.id/>, accessed on 15 July 2023.

<sup>3</sup> Interview with Yudi, Head of the Fire Fighters Development Section, on 19 July 2022.

<sup>4</sup> Ria A. *Review of the Implementation of the Occupational Safety and Health (K3) Programme at PT PLN (PERSERO) WS2JB Palembang Area*. (Politeknik Negeri Sriwijaya; 2016).

<sup>5</sup> Erdhianto Y., Analysis of Occupational Safety and Health in the Service Department Pt. Mega Daya Motor Mazda Jatim with 5 Whys and Scat Method, *Journal of Science and Technology*, Vol. 21, No.1, 2017.

known and informed to certain parties. Knowing the positive and negative impacts of a job can improve the professionalism of the workforce and determine the success or failure of the work service of an institution or community agency.<sup>6</sup>

Based on the results of interviews with firefighters, it is known that the types of hazards faced by firefighters in preparation for departure are falling from ladders or poles when getting an emergency call to carry out fire fighting, colliding with other officers, slipping when climbing onto a fire truck due to rush.<sup>7</sup>

When travelling to the location the hazards encountered were falling from the car due to high speed and the officer sitting on the tank, traffic accidents, trees and power lines crossing the road endangering the officer sitting on the car. When preparing equipment at the fire scene the hazards faced are entangled water hoses when preparing hoses from the pump to the fire scene, crowds at the fire scene interfere with the mobility of officers and endanger the residents themselves.<sup>8</sup>

Awareness of occupational risks in firefighting employees is still lacking, the risks that often occur in the mild stage are generally shortness of breath due to underestimating fires that can be extinguished in just 10 minutes, so members do not wear complete attributes that cause members to inhale black smoke and cause shortness of breath to vomiting, but there are breathing aids that are carried out alternately for about 15 minutes to raise stamina at work, for building materials that fall when extinguishing fires, the risk is likely to be small because members use complete attributes such as helmets and clothes.<sup>9</sup>

There are many ways to minimise the risk of work accidents, one of which is by wearing complete attributes in accordance with work protocols. If employees experience work accidents, civil servants get BPJS, while contract employees only get handouts in the form of compensation or the employer helps provide money as assistance for hospital financing. In a year there is at least one person who has a work accident due to electrical

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<sup>6</sup> Chairul Fahmi et al., 'The Role of Local Government in Maintaining Coffee Prices Volatility in Gayo Highland of Indonesia', *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah (PJKIHdS)* 8 (2023): 40, <https://heinonline.org/HOL/Page?handle=hein.journals/petita8&id=48&div=&collection=>

<sup>7</sup> Interview with Yudi, Head of the Fire Fighters Development Section, on 19 July 2022.

<sup>8</sup> *Ibid*,

<sup>9</sup> *Ibid*,

contact during a fire outage which results in members fainting and having to be hospitalised. For cases in the city of Banda Aceh from 2018 to mid-2022, there were only minor accidents and no cases that caused people to die.<sup>10</sup>

There are many ways to minimise the risk of work accidents, one of which is by wearing complete attributes in accordance with work protocols. If employees experience work accidents, civil servants get BPJS, while contract employees only get a souvenir in the form of compensation or the employer helps provide money as assistance for hospital financing.

Based on the explanation of the background of the research problem that the researcher has put forward, the title of this research is "Work Risk Coverage for Fire Fighting Employees in the Perspective of the *Ijārah 'Ala al-A'mal' Akad*".<sup>11</sup>

The purpose of this research is to find out the efforts to minimise work risks at the Banda Aceh City Fire Department. As well as to find out the level of awareness of Banda Aceh City fire department employees of work risks and to find out the form of responsibility of the Banda Aceh City fire department in the perspective of the *Ijārah 'Ala al-A'mal' Akad*.

In terms of the title of the thesis according to the search that the researchers have done, there is no study that discusses in detail and more specifically that leads to awareness of work risks and the ability to protect it, previous research is carried out to produce better and perfect research, for this reason the authors take references that come from previous research in the form of theses related to the author's research.

First, a thesis prepared by Henny Noviana R entitled "The effect of the implementation of occupational safety and health programs on employee performance at the fire department and disaster management office" from the results of this study on the risk of firefighter workers can experience accidents in the absence of personal protective equipment, the similarity of this research with the research that the authors conducted is that they both discuss the work risks of firefighters, the difference is that it lies in the discussion in general while the title being studied according to

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<sup>10</sup> *Ibid*,

<sup>11</sup> Chairul Fahmi and Wira Afrina, 'ANALYSIS OF LEGAL ASPECTS ON DEBT TRANSFER FROM CONVENTIONAL BANK TO SHARIA BANK POST THE APPLICATION OF QANUN ACEH NO. 11 OF 2018', *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 4, no. 1 (23 July 2023): 28–39, <https://www.journal.ar-raniry.ac.id/index.php/mudharabah/article/view/3047>.

the Ijārah 'Ala al-A'mal contract.<sup>12</sup>

Second, is a thesis from Jaya Atmata entitled "Analysis of occupational risks and hazard control efforts at the satpol pp office and firefighters of Kerinci Regency" as for the results of this study is that what happens to firefighters who have a greater risk on the way and when at the fire scene due to electricity, hot temperatures, fire, working at heights, extinguishing equipment, explosions, backdraft and flashover, burning building conditions, sharp objects, and physical contact with residents. While health complaints felt at the fire scene are generally due to a lot of smoke inhalation such as coughing, shortness of breath, nausea, vomiting, dizziness, sore eyes and even fainting.<sup>13</sup>

Third, is the thesis of Muhammad Firman entitled "Analysis of occupational safety and health protection for fire fighting workers in Makassar City". The results of this study are that firefighter employees should obey the rules and conditions of Occupational Safety and Health requirements in order to minimise work accidents that occur while for the Fire Department should make several efforts to improve Occupational Safety and Health protection which are not only limited to giving warnings to workers, but must be more active in doing things that can be effective in increasing protection. Occupational Safety and Health such as by providing training, instruction, information, and supervision to workers in terms of Occupational Safety and Health protection.<sup>14</sup>

Fourth, is the thesis of Hafizatun Nufus entitled "Work Risk and Employee Liability in Day Care in the Perspective of Akad Ijārah 'Ala Al-'Amāl (A Research on Day Care in Syiah Kuala District Banda Aceh)", while the results of this study indicate that the owner of day care controls the occurrence of risk by limiting the age level of children and the number of children received. The form of action given to negligent employees in the form of verbal warnings, written warnings and expelled. Responsibility for the risks that occur Day caredi Syiah Kuala District based on the perspective

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<sup>12</sup> Henny Noviana R "The influence of the implementation of occupational safety and health programmes on employee performance at the fire and disaster management service office of Gowa district", (Thesis), Faculty of Social and Political Sciences, University of Muhammadiyah Makassar, 2020.

<sup>13</sup> Suprpto, *Status Varies with Mission and Tupoksi*, Edition 13 (Jakarta: Bulletin Media 113 Firefighters, 2007), p.17.

<sup>14</sup> Chairul Fahmi and Muhammad Siddiq Armia, 'Protecting Indigenous Collective Land Property in Indonesia under International Human Rights Norms', *Journal of Southeast Asian Human Rights* 6, no. 1 (30 June 2022): 1-25, <https://doi.org/10.19184/jseahr.v6i1.30242>.

of Akad Ijārah 'Ala Al-'Amāl has fulfilled the standardisation of the contract, it's just that there is a mismatch in the division of responsibility between the employee and the owner.<sup>15</sup>

Fifth, is Nuramalya's thesis entitled "Firefighters' Work Risk Recovery System in the Perspective of Akad Ijārah 'Ala Al-'Amāl (Study on the Implementation of Work Accident Guarantees and Risks at BPBD Firefighters in Aceh Besar)", while the results of the study show that officers who experience work accidents, the guarantee system provided to BPBD Firefighters in Aceh Besar is only in the form of compensation and BPJS health and does not get an employment insurance card and other insurance. Firefighters also do not get special recovery from minor and severe work accidents such as injuries, injuries, disabilities, broken hands to death. The recovery system and guarantees provided to BPBD Aceh Besar firefighters against the risk of work accidents are not in accordance with the concept of ijarah 'ala al- 'amal where one of the valid conditions of the contract is not fulfilled, namely the lack of clarity about the guarantees given to BPBD Aceh Besar Firefighters. In labour law there is also a mismatch because the guarantees provided are still not in accordance with Law No. 13 of 2003. The Aceh Besar government should protect firefighters with employment insurance and include officers in insurance so that officers feel safe and secure when working in the field.<sup>16</sup>

## RESEARCH METHODS

In this study, researchers conducted a study with a normative sociological method. This research is a study that uses secondary data as initial data, then continued with primary data in the field, namely examining the effectiveness of a law and research that wants to find the cause of the problem. The data collection is obtained by means of literature study and interviews.<sup>17</sup>

The type of research used in this research is a qualitative research method, where objects cannot be seen partially or partially so that they must

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<sup>15</sup> Hafizatun Nufus" *Work Risks and Employee Liability in Day Care in the Perspective of Akad Ijārah 'Ala Al-'Amāl (A Study on Day Care in Syiah Kuala District Banda Aceh)* (Thesis), Faculty of Shari'ah and Law Uin Ar Raniry, 2022.

<sup>16</sup> Nuramalya " *Fire Fighters' Work Risk Recovery System in the Perspective of Akad Ijārah 'Ala Al-'Amāl (Study on the Implementation of Work Accident Guarantee and Risk at Damkar BPBD Aceh Besar)* (Thesis), Faculty of Shari'ah and Law Uin Ar Raniry, 2021

<sup>17</sup> Muhammad Siddiq-Armia, *Penentuan Metode Dan Pendekatan Penelitian Hukum*, ed. Chairul Fahmi (Indonesia: Lembaga Kajian Konstitusi Indonesia (LKKI), 2022).

be broken down into several variables. The object in qualitative research is seen as something dynamic, the result of the construction of thoughts and interpretations of the observed symptoms.<sup>18</sup>

The author uses *descriptive analysis* method. the data collection methods that the author uses in this research are *field research* and *library research*. The author uses data collection techniques, namely: *Interview* and *Documentation*. The tools that the author uses in the data collection process in this study are mobile phones, stationery to record the results of interviews with informants as well as data or information directly related to the topic of discussion.

The data analysis technique used in this research is descriptive analysis technique. Data obtained from interviews, observations, documentation and other data are collected first. After all the data is collected, the researcher can carry out the data analysis process which consists of data reduction, data presentation and data conclusion then processed into a discussion to answer the existing problems, so as to produce accurate and accountable data.<sup>19</sup> To carry out data analysis, the stages of Data Classification, Data Assessment and Data Interpretation are needed.

## RESULTS AND DISCUSSION

### **Efforts to Minimise Occupational Risks in Employees of the Fire and Rescue Service of Banda Aceh City**

Fire hazard is one of the unpredictable and unpredictable disasters, but the danger of fire can be reduced by providing full vigilance against items that cause fire sources and destructive electronic items compared to extinguishing actions when the fire cannot be controlled.<sup>20</sup>

Based on the results of interviews conducted by researchers at the Banda Aceh City Fire and Rescue Service, it is stated that the Control and Supervision Procedures implemented have good performance but there are several obstacles that occur in the field such as the lack of maximum performance due to the lack of complete PPE.

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<sup>18</sup> Lexi J. Maleong, M. A, *Qualitative Research Methodology*, Cet. X, (Bandung: Remaja Rosdakarya, 2005), pp. 24.

<sup>19</sup> *Ibid*, p. 187.

<sup>20</sup> Fahmi, 'The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia'.



According to Mr Hidayat as a firefighting staff in carrying out field duties as firefighters, officers have actually been equipped with PPE but sometimes the available PPE is not complete which results in firefighters having to take turns wearing PPE, this causes the time in handling fire incidents to take a little longer but sometimes due to limited PPE, firefighters take action to extinguish fires without using PPE so that their efforts are quickly completed, this is the cause of occupational risks that occur in firefighters.<sup>21</sup>

In addition, firefighters are also equipped with the main infrastructure supporting their duties, namely fire trucks. The infrastructure supporting the extinguisher's duties is always checked every day for availability, and especially the fire truck which is always well maintained every day so that at any time it is always ready to be alert in the face of fire disasters that can occur at any time and it is an important part of the agency's responsibility to its workers.<sup>22</sup>

The existence of work accident cases indicates the need for more serious protection of workers. Therefore, it is necessary to analyse occupational safety risks by first looking at and assessing work processes, types of risks, consequences and frequency of Occupational Safety and Health risks. Fire risk assessment in risk management is needed to determine the level of risk so that later efforts can be made to control and prevent fire risk.

Based on the explanation above, it is known that the forms of risk control and supervision procedures implemented by the fire department include:

1. Availability of PPE (Personal Protective Equipment)
2. The existence of standard operating procedures (SOP)
3. Regular training on a regular basis
4. Main supporting infrastructure

As for its application, the form of control and supervision is applied with the aim of protecting the safety and health of workers, as well as prevention (*prevention*) for the emergence of work accidents and diseases due to work relations in the work environment by taking anticipatory measures to recognise things that have the potential to cause work accidents.

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<sup>21</sup> Interview with Hidayat, fire department staff, on 26 June 2023.

<sup>22</sup> Interview with Yudi, Head of the Fire Fighters Development Section, on 26 June 2023.

## **Fire Department Employees' Awareness of Occupational Risks in Banda Aceh City**

The provision of guarantees to Banda Aceh firefighters is certainly clearly not in accordance with the Labour Law No.13 of 2003 concerning the provision of labour security in article 86 paragraphs 1 and 2 which reads "that every employer must provide health and safety support facilities for workers/labourers they employ".<sup>23</sup> The practice of providing guarantees given to officers in the form of BPJS Health and the absence of other compensation such as money.<sup>24</sup>

The provision of guarantees to workers has been regulated in the labour law, namely the provision of guarantees in the form of work accident insurance, health insurance and death insurance. However, in providing guarantees in the form of personal protective equipment to firefighters in the city of Banda Aceh, it is not in accordance with the Indonesian National Standard because the facilities are still incomplete for all members, which causes occupational risks to occur.

Firefighters in carrying out their duties often experience minor accidents such as burns due to fire or scratches with surrounding buildings, from these accidents officers are immediately rushed to the nearest clinic that has collaborated with the government for the treatment of firefighters. In the event of a minor accident it is not uncommon for officers to often pay for medical expenses using their own pocket money.

Any incident that results in serious injury, especially the death of a firefighter, needs to be analysed in depth regarding the cause of the incident. Something that is so inversely proportional to helping fire victims but the safety of firefighters is not guaranteed that it becomes a very ironic thing. In performing their duties, firefighters must use personal protective equipment that suits the needs at the scene to avoid the risk of accidents or health problems. Seeing the work that is full of risks and responsibilities received by the Firefighters of Banda Aceh City rescue should get guarantees that are in accordance with the risks received both health insurance and occupational safety insurance. Moreover, their work is also

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<sup>23</sup> Law No. 13 Year 2003, Article 86 on Labour

<sup>24</sup> Chairul Fahmi, 'The Application of International Cultural Rights in Protecting Indigenous Peoples' Land Property in Indonesia', *AlterNative: An International Journal of Indigenous Peoples*, 8 March 2024, 11771801241235261, <https://doi.org/10.1177/11771801241235261>.

included in the category of high-risk work.<sup>25</sup>

According to Mr Hermansyah as the fire department staff, the fire department employees clearly know the work risks that will occur when carrying out their duties but awareness of work risks in fire department employees is still lacking, especially long-term risks, this happens because personal protective equipment (PPE) is still incomplete availability and the fire department employees underestimate the incidence of fires that can be extinguished in just 10 minutes, this is the cause of work risks that often occur. However, various efforts continue to be made so that workers comply with the use of PPE while working, one of which is by providing direction or input, both when they want to take action and in daily warnings.<sup>26</sup>

The fire department employees underestimated the fire incident by not wearing the available PPE which caused members to inhale black smoke and caused shortness of breath to vomiting but also the fire department had breathing apparatus available which was used alternately for about 15 minutes to generate stamina at work, for work risks contained in building materials that fell when extinguishing the fire the risk was likely to be small because the members first identified the building materials that had caught fire.<sup>27</sup>

### **Liability of the Fire Department of Banda Aceh City in the Perspective of *Ijarah 'Ala Al-Amal Agreement***

The safety of firefighters in extinguishing operations does need serious attention because the incident of firefighter accidents while carrying out extinguishing operations often occurs such as injuries and even death. The form of feasibility of a responsibility should be given in balance with the form of services provided, in the sense of both getting benefits or in other words better known as equally getting their rights sufficiently in accordance with the burden and risk of work which is considered fair and clear. because it is considered a common thing and should be applied, in order to prevent unwanted things from happening and for good continuity.<sup>28</sup>

In the concept of *ijārah 'alā al-'amal*, every risk that arises in the use

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<sup>25</sup> Interview with Yudi, Head of the Fire Fighters Development Section, on 26 June 2023.

<sup>26</sup> *Ibid*,

<sup>27</sup> *Ibid*,

<sup>28</sup> *Ibid*,

of services has different consequences due to the form of transaction agreed upon and carried out by the parties. The scholars have different perspectives on the form of *ijārah 'alā al-'amal* risk coverage because in principle the form of risk, the party who bears the risk, the risk coverage system and how to overcome it have a certain way and are described in various ways as a consequence of using the *ijārah 'alā al-'amal* contract.<sup>29</sup>

The fuqaha also state that any work agreed upon in the contract all risks of work accidents are borne by the *musta'jir* because it is part of the object of *ijarah 'ala al-'amal*. Therefore, every *ajir* must be able to *handle* the work that has been entrusted to him, every aspect of the work must be taken into account the risks and impacts on the workers.<sup>30</sup>

According to the Fatwa of the National Shari'ah Council, in the *ijārah 'ala al-'amāl contract* the parties involved in this *ijārah 'ala al-'amāl contract* must have the responsibility to complete all their obligations to obtain rights in accordance with the agreed agreement. However, the risks that arise in the work must be negotiated so as not to create gaps that can lead to conflicts of interest between the tenant and the worker.<sup>31</sup>

BPJS health is one of the government's efforts to provide national health insurance for all the people of indonesia. in the labour law No. 13 of 2003 states that every worker has the right to occupational safety and health protection. when viewed from the risks that will befall firefighters require special protection and coverage in occupational safety and health.

The government should protect firefighters with labour social security or similar insurance that can cover officers in the event of unwanted work accidents so that officers can work safely and securely. In the absence of a form of recovery that can cover occupational risks and accidents, firefighters hope to cover and protect the workforce both in the field of health and the recovery of work risk management systems.

Risk relates to the liability of a person or legal entity either by profession or business. This responsibility is a responsibility that is determined either by contract or legislation. Like the risk that occurs to a worker while performing his duties, the company or place of work must be responsible for its workers in accordance with the provisions of the Manpower Law No. 13 of 2003 Article 88 paragraph (1) which states clearly

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<sup>29</sup> Chairul Fahmi, *HUKUM DAGANG INDONESIA* (Banda Aceh: Bandar Publishing, 2023), <https://bandarpublishing.com/hukum-dagang-indonesia/>.

<sup>30</sup> Nasroen Haroen, *Fiqh Muamalah*, (Jakarta: Gaya Medika Pratama, 2007), p.251.

<sup>31</sup> Adiwarman A. Karim, *Islamic Banking: Fiqh and Financial Analysis*, p.138

and clearly that "Every worker / labourer has the right to obtain protection for: a. Occupational Safety and Health, b. Morals and Decency, and c. Treatment in accordance with human dignity and religious values".<sup>32</sup>

The responsibility of the Banda Aceh City Fire and Rescue Service for Worker Safety is carried out by providing PPE to minimise work risks that occur but the available PPE is sometimes incomplete which requires firefighters to wear PPE in turn.

Another way is by providing training to firefighters on fire fighting techniques periodically every month. This training is also in addition to dealing with problems that occur and minimising the possibility of victims, this skill is also a self-protection for officers from the possibility of themselves becoming victims. In addition, the officers also get facilities and infrastructure as supporting tools for firefighters' work.

In the *Ijarah 'Ala al-A'mal* contract, according to the fiqh scholars, it must be firmly known the form of work that will be done by someone. In this case it is very important that if there is a risk, there will be clarity on the responsibilities and consequences arising from the contract entered into by the parties.<sup>33</sup> Abu Yusuf and Muhammad ibn al-Hasan ash-Shibani, both companions of abu Hanifah, and one of the narrations from imam Ahmad ibn Hanbal argued that workers or those who have services for the benefit of the public must be responsible for the risks of the object being worked on, whether intentional or unintentional.<sup>34</sup>

According to the results of interviews with Hidayat as a fire department staff, in a year there is at least one person who falls due to an electricity contract when extinguishing a fire that makes firefighters faint and must be hospitalised, and work accidents that occur are shortness of breath which causes blackening of the lungs, according to information obtained for Banda Aceh District from 2018 to mid-2022 there have been no cases that have caused people to die. However, at the end of 2022 when there was a severe fire at Suzuya Mall Banda Aceh there were 2 firefighters who became victims because they experienced shortness of breath and had to be treated at the hospital, after about 2 months after that one of the two victims died and the other victim until now still has shortness of breath and must continue to do health checks to get recovery, in this case the contract

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<sup>32</sup> Republic of Indonesia, *Labour Law N0.13 Year 2003 article 88 paragraph 1*

<sup>33</sup> Amir Syarifuddin, *Outlines of Fiqh*, (Bogor: Kencana, 2003), p. 217. 217.

<sup>34</sup> Hendi Suhendi, *Fiqh Muamalah*, (Jakarta: Raja Grafindo Persada, 2002), p.117

employee did not get the cost of treatment and also the firefighter who died did not get allowances or support for his family.<sup>35</sup>

In carrying out their work, employees of the Banda Aceh City Fire and Rescue Service consist of Civil Servants (PNS) and contract personnel, it is unfortunate that the form of responsibility given to contract personnel of the Banda Aceh City Fire and Rescue Service has different rights.

Where these workers also carry out the same duties, functions, authorities and bear the same work risks but get different work accident benefits between civil servant workers and contract workers, where civil servant workers get BPJS coverage so that work risk coverage in the event of a work accident is fully borne by the BPJS while contract employees if they have a work accident, they do not get BPJS coverage but members of the fire department provide souvenirs that help finance at the hospital by giving money as a form of concern.<sup>36</sup>

In the event of a work accident firefighters cannot submit a guarantee claim for the risk of the accident because firefighters are not insured by the government either in the form of ASKES or other insurance. Some Banda Aceh firefighters have not been able to get ASKES because all of them are still contract workers who have not been appointed as civil servants. Therefore, the government, as the competent authority, is fully responsible for guaranteeing the risks faced by firefighters in order to ensure the safety and health of workers.<sup>37</sup>

The Fire and Rescue Service of Banda Aceh City has tried to apply for employment insurance from ASKES in order to get more appropriate guarantees such as work accident insurance, old age insurance, pension insurance and humanitarian insurance. As well as to be insured in insurance so that when working officers are comfortable at work.<sup>38</sup>

The government should protect firefighters with labour social security or similar insurance that can cover officers in the event of unwanted work accidents so that officers can work safely and securely.

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<sup>35</sup> Interview with Yudi, Head of the Fire Fighters Development Section, on 26 June 2023.

<sup>36</sup> Interview with Yudi, S.H, Section Head of Fire Fighters Development and Coaching, on 26 June 2023

<sup>37</sup> Husni Abdul Jalil, Badrul Munir, and Setia Wahyudi, 'NAZHIR'S ABILITY TO REALIZE PRODUCTIVE WAQF IN ACEH CITY', *Dusturiyah: Jurnal Hukum Islam, Perundang-Undangan Dan Pranata Sosial* 14, no. 1 (2024): 157-77, <https://jurnal.ar-raniry.ac.id/index.php/dustur/article/view/22783>.

<sup>38</sup> *Ibid*,

With the form of guarantee provided, firefighters can protect themselves both in the field of health and recovery of work risk management systems.

## CONCLUSIONS

Efforts to minimise occupational risks in fire and rescue employees of Banda Aceh City are through the provision of Personal Protective Equipment (PPE) and the existence of standard operating procedures (SOP), but the tools available are not yet fully complete, and the officers also get facilities and infrastructure as a means of supporting their duties, namely fire trucks. And another way is by providing training to firefighters on fire fighting techniques periodically every month. This training is also in addition to handling problems that occur and minimising the possibility of victims, this skill is also a self-protection for officers from the possibility of themselves becoming victims. it is an important part of the agency's responsibility to its workers.

Fire department employees clearly know the work risks that occur but awareness of work risks in fire department employees is still lacking, this happens because PPE is still incomplete availability and fire department employees underestimate the fire incident by assuming they can extinguish the fire in just 10 minutes, this is what causes fire officers not to wear the available PPE.

The form of responsibility of the Banda Aceh City Fire Department in the perspective of Akad Ijarah 'Ala Al-Amal based on the regulations or rules used in work risk responsibility is in accordance with the Ijarah 'Ala Al-Amal contract in the context of the suitability of the control and supervision procedures carried out and the form of responsibility given to fire department employees, but it is unfortunate that there are differences in social security obtained due to the status of contract employees and only civil servant employees who get BPJS employment while contract employees do not get BPJS coverage and any benefits so that officers cannot submit claims for work accident insurance experienced because officers are not insured by the government. The number of employees can be greater and can help more significant economic growth.

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