

ABSTRACT

Mujita Sari, Rizqi, Register Number 10220099, 2014, *The Protection of Occupational Safety and Health (OSH) on Act No. 13 of 2003 about Labor Based on Maqâshid Syarîah Perspective*, Thesis, Department of Islamic Business Law, Sharia Faculty, The State Islamic University of Maulana Malik Ibrahim Malang. Supervising: Dr. H. Abbas Arfan, Lc, M.H.

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One of important the thing to discuss on labor field is Occupational Safety and Health (OSH). OSH has been regulated by Act No. 13 of 2003 about Labor, and this Act is accommodating the right and obligation entrepreneur/company in the work place. It mean, that the company have to implement the protection of OSH to laborer that integrate with company management system. This duty is often ignored by the company so it cause material and moral losses for laborer.

In addition, to explain the concept of the protection of OSH by act, the writer also interested to know how Islam view on the concept of the protection of OSH but it it's still observed by *Maqâshid Syarî'ah's* perspective.

Therefore, this research uses qualitative research, with normative legal research methods. It is said as normative because the analyzed object of research is a part of legal product, which is Act, that viewed observed through *maqâshid Syarî'ah's* perspective.

This research may underscore that OSH represent the basic demand of worker, if this demand is not fulfilled, it will threaten laborer existence. In act of Labor, the protection of laborer by the government is burdened to the company. However, by the company, the protection is burdened by warranties that set out in the form of social security of Laborer -in the form of payroll deductions- for insured to social security agencies. Basically the purpose of the law (*Maqâshid Syarîah*) is to realize the benefit of people (*mashâlih al-'ibâd*) both in this world and in the hereafter. So if look back at the act, it did not realized to the benefit of the people because the company charging back the protection to laborer who should be the burden of the State.