

# Legal Protection for Children Working Under Age: Normative and Implementative Studies

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## Article Info

### Article history:

Received :

Acceptance :

Published :

Available online

<http://aspublisher.co.id/index.php/kolaborasi>

E-ISSN: 3064-4054

### How to cite:

Harisandy, Dosi., Damanik, Jenriswandi., Sitepu, C, Kartika, Desy (2024). "Legal Protection for Children Working Under Age: Normative and Implementative Studies". KOLABORASI: Journal Of Multidisciplinary, vol. 1, no. 2, pp. 92-100, 2024.



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## ABSTRACT

Cases of underage employment and discrimination against child workers—such as being forced into street performing, begging, construction labor, or commercial sexual exploitation—remain prevalent in society, despite clear legal prohibitions under Indonesia's Child Protection Law. This study explores three key issues: (1) the legal protection mechanisms for underage workers, (2) government efforts to address child labor, and (3) the challenges faced in enforcing child labor laws through a dual-method research approach, combining library research (literature review) and field research (empirical study). The findings indicate that legal protection for child labor victims in Pematang Siantar involves strict legal actions against perpetrators, alongside active community participation—including individuals, child protection agencies, social organizations, NGOs, educational institutions, religious bodies, businesses, and mass media—all of which must operate in accordance with existing laws (Law No. 35/2014). Additionally, the government promotes community involvement through social institutions and NGOs, encouraging them to actively contribute to child protection programs and assist underage workers in accessing support services. However, significant challenges persist, including unequal access to free education for underprivileged children and law enforcement's focus on curative rather than preventive measures, which fails to address the root causes of child labor and allows exploitation to persist.

**Keywords:** Child Legal Protection, Child Labor Exploitation, Child Labor Handling Policy.

## 1. INTRODUCTION

The issue of child labor remains a pressing social problem, particularly in developing countries such as Indonesia. Economic hardship forces many children to work at a young age, often under hazardous conditions that threaten their health, education, and overall well-being. According to data from Indonesia's

Central Bureau of Statistics (BPS), in 2021, an estimated 2.9 million children aged 10–17 years were engaged in various forms of labor, with many involved in high-risk sectors such as agriculture, construction, and domestic work (Pantjoro, 2021; Alwi & sirait, 2023). Despite regulations that prohibit underage employment, many children continue to be employed due to weak law enforcement, lack of parental supervision, and cultural acceptance of child labor. The involvement of children in the workforce not only deprives them of their fundamental rights but also perpetuates cycles of poverty and educational deprivation (Adeagbo et al., 2023; De Schutter et al., 2023).

The legal framework surrounding child labor in Indonesia is governed by Law No. 13 of 2003 on Manpower, which prohibits the employment of children under 18 years old, except under specific conditions, such as light work that does not interfere with their development and education (Law No. 13/2003, Article 69). Additionally, Law No. 35 of 2014 on Child Protection explicitly prohibits the economic and sexual exploitation of children, categorizing it as a form of child abuse (Law No. 35/2014, Article 76I). Internationally, Indonesia has ratified ILO Convention No. 138 on Minimum Age for Admission to Employment and ILO Convention No. 182 on the Worst Forms of Child Labor, demonstrating its commitment to eliminating child labor (Nurlani, 2021; Syaifudin, 2024). However, gaps in implementation remain, as many children continue to be exploited due to legal loopholes, lack of monitoring, and insufficient penalties for violations (Green, 2021; Wismayanti et al., 2021).

This study aims to analyze the legal protection afforded to underage working children in Indonesia from both normative and practical perspectives. Specifically, it will examine the extent to which existing laws align with international labor standards, the effectiveness of enforcement mechanisms, and the challenges faced by authorities in combating child labor. Furthermore, this research seeks to identify policy recommendations to enhance child protection measures and bridge the gap between legal provisions and real-world implementation (Melinder et al., 2021; Melone & Canavan, 2022). By evaluating the current legal framework and its application, this paper aspires to contribute to a more effective child protection system and promote a future where children are safeguarded from economic exploitation.

Based on the preliminary analysis, this study hypothesizes that the persistence of child labor in Indonesia is not merely due to economic factors, but also to inadequate legal enforcement and social acceptance of child labor as a norm. While Indonesia has a comprehensive legal framework in place, weak institutional oversight, insufficient coordination among law enforcement agencies, and socio-cultural factors have hindered the full realization of child labor eradication policies. This research argues that a multi-stakeholder approach involving government, civil society, and local communities is essential in ensuring effective enforcement and long-term solutions for child labor issues in Indonesia.

## 2. RESEARCH METHOD

This study employs a qualitative descriptive approach by integrating library research and field research to comprehensively analyze the legal protection of underage working children, where library research is conducted through collecting, reviewing, and analyzing legal literature, books, and statutory regulations relevant to the research problem, ensuring a systematic and logical comparison of data sources (Creswell, 2014), while field research utilizes a case study approach through interviews with key stakeholders, including policymakers, child protection agencies, and affected communities, allowing for an in-depth exploration of real-world conditions and legal implementation gaps (Neuman, 2014), with data analysis conducted through systematic content analysis and triangulation techniques to ensure validity, reliability, and coherence between normative legal frameworks and empirical findings (Miles, Huberman, & Saldaña, 2014).

## 3. RESULT AND ANALYSIS

### **Legal Protection for Underage Working Children: Challenges and Implementation**

The legal framework for child protection in Indonesia extends beyond juvenile justice, encompassing various aspects of children's rights, including custody, guardianship, adoption, and protection from economic, social, and sexual exploitation. Law No. 35 of 2014, which amends Law No. 23 of 2002 on Child Protection, explicitly regulates penalties for adults who commit crimes against children and defines state, community, and parental responsibilities in ensuring child welfare (Law No. 35/2014). However, despite the existence of these legal provisions, child labor exploitation persists, with many children forced into hazardous work environments that threaten their well-being and development (CALLENERO, 2023).

In an effort to eliminate child labor, the Ministry of Manpower (Kemenaker) has implemented several key initiatives, including awareness campaigns for businesses and communities, prevention programs such as child labor-free zones, and the removal of underage workers from hazardous occupations. Between 2008 and 2020, the ministry successfully withdrew 143,456 children from workplaces and reinforced legal standards through law enforcement training and policy development (Ministry of Manpower, 2021). However, the effectiveness of these measures remains questionable, as reports indicate that child labor cases continue to rise, particularly in informal sectors such as street work, mining, domestic labor, and sexual exploitation (Sohel et al., 2024).

Several factors contribute to the persistence of child labor, including:

- 1) Lack of parental guidance, leading children to grow up without strong role models to instill societal norms.
- 2) Weak community oversight, particularly in areas where child labor is prevalent, allowing exploitation to continue unchecked.
- 3) Limited access to alternative entertainment and educational opportunities, making child labor an attractive option for economic survival.
- 4) Perceived social validation, where working children gain recognition from peers and their community.
- 5) A platform for showcasing mechanical skills, particularly among youth involved in informal automotive work.
- 6) The thrill of earning wages, either through personal labor or gambling on exploitative work arrangements.
- 7) Law enforcement gaps, where authorities fail to detect and address child labor effectively.
- 8) Economic necessity, where families rely on children's earnings due to financial hardship (Bruno et al., 2023).

Despite existing legal frameworks, enforcement remains inconsistent, particularly when child labor involves powerful individuals or businesses with political influence. According to Article 88 of Law No. 35 of 2014, individuals who exploit children economically or sexually for personal gain can face up to 10 years in prison or fines of up to IDR 200 million. However, in practice, lenient penalties and bureaucratic interventions often reduce the deterrent effect of legal actions (Lanni, 2021).

A more holistic and client-centered approach, known as case management, has been recommended for addressing child labor and exploitation issues. This method involves four key stages:

- 1) Needs Assessment: Identifying individual and family capabilities to support children's development, alongside available institutional resources (e.g., schools, social welfare organizations).
- 2) Service Planning: Establishing multi-disciplinary case handling teams, including legal experts, social workers, and educational professionals.
- 3) Service Implementation: Connecting child labor victims with relevant support services, such as legal assistance, healthcare, and education.
- 4) Continuous Monitoring: Evaluating long-term progress to ensure sustained intervention effectiveness.

In addition to case-based solutions, the United Nations Children's Fund (UNICEF) has established eight key criteria for defining exploitative child labor, which include (Singh & Alam, 2024):

- 1) Full-time work at an inappropriately young age.
- 2) Excessive working hours.
- 3) Physical, social, and psychological strain.

- 4) Insufficient wages.
- 5) Unreasonable responsibilities.
- 6) Limited access to education.
- 7) Labor that undermines children's dignity (e.g., slavery or forced labor).
- 8) Work that hinders full social and psychological development.

Despite these international guidelines, child labor exploitation in Indonesia continues to evolve into more severe forms, such as child trafficking, forced prostitution, and hazardous labor in mining and plantations (Pasaribu & Vanclay, 2021).

Child welfare is a fundamental human rights issue, requiring active governmental and societal participation. Article 32 of the UN Convention on the Rights of the Child (CRC) obligates ratifying nations to protect children from labor exploitation, ensure access to education, and safeguard children's physical, mental, and social well-being. The Indonesian government has mandated several responsibilities, including (Radjab & Fuady, 2021):

- 1) Public awareness campaigns on child labor laws.
- 2) Strict monitoring and enforcement mechanisms.
- 3) Involvement of multiple stakeholders, including government agencies, corporations, trade unions, and NGOs.

Furthermore, Komnas Perlindungan Anak (National Child Protection Commission) has been established to implement the Child Protection Law and coordinate government and civil society efforts in eradicating child labor and abuse (Sari, 2021). Given the complexity of child labor exploitation, a multi-agency collaboration between law enforcement, social services, and educational institutions is essential to effectively reduce child labor prevalence and promote child welfare in Indonesia.

### **Legal Protection for Underage Working Children in Indonesia**

The legal framework governing child protection in Indonesia is rooted in the constitutional mandate that guarantees every child's right to survival, growth, development, and protection from violence and discrimination. This principle is enshrined in Article 28B(2) of the 1945 Constitution of the Republic of Indonesia, which is further reinforced by Law No. 35 of 2014 on Child Protection, amending Law No. 23 of 2002. The law acknowledges children as the nation's future, possessing strategic roles, unique characteristics, and special needs, making their protection a legal obligation to prevent violations of human rights (Law No. 35/2014).

According to Article 1(2) of Law No. 35 of 2014, child protection entails all activities aimed at ensuring the survival, growth, and optimal development of children while safeguarding them from violence and discrimination. This law imposes strict legal sanctions on individuals or entities that exploit children for economic or sexual purposes. Specifically, Article 76I states that anyone is prohibited from placing, allowing, instructing, or involving children in economic

and/or sexual exploitation, and Article 88 mandates a maximum imprisonment of 10 years and/or a fine of up to IDR 200 million for violations (Law No. 35/2014).

In addition to child protection laws, Indonesia's labor regulations also prohibit the employment of underage workers. Law No. 13 of 2003 on Manpower, particularly Article 68, explicitly prohibits employers from hiring children under the legal working age. However, Article 69(2) provides exceptions for children engaged in light work, subject to strict conditions to ensure their safety and well-being, including:

- 1) Written consent from parents or guardians.
- 2) A formal employment agreement between the employer and the parent or guardian.
- 3) A maximum work duration of three hours per day.
- 4) Work must be conducted during the daytime and must not interfere with schooling.
- 5) Adherence to occupational health and safety standards.
- 6) Clearly defined employment relations.
- 7) Wages in accordance with prevailing labor laws (Law No. 13/2003).

To further prevent the exploitation of children in hazardous jobs, Article 74 of Law No. 13 of 2003 prohibits children from engaging in the worst forms of labor, including:

- 1) All forms of slavery or forced labor.
- 2) Engagement in prostitution, pornography production, or gambling activities.
- 3) Involvement in the production and distribution of alcohol, narcotics, and other addictive substances.
- 4) Work that endangers children's health, safety, or moral integrity.
- 5) Other hazardous work as determined by ministerial regulations (Law No. 13/2003).

Violators of these provisions face severe penalties, as stipulated in Article 183 of Law No. 13 of 2003, which prescribes a minimum imprisonment of two years and a maximum of five years, along with fines ranging from IDR 200 million to IDR 500 million. These sanctions aim to deter the exploitation of children in the workforce and enforce compliance with child labor regulations (Abdullah et al., 2022).

Despite the existence of clear legal provisions, child labor remains a pressing issue in Indonesia, largely due to weak law enforcement, lack of monitoring, and socio-economic pressures. ILO and UNICEF reports indicate that child labor cases continue to rise, particularly in the informal sector, where monitoring and regulation are minimal (Hoque, 2024). The challenges include:

- 1) Economic necessity, where children work to support their families due to poverty.

- 2) Limited access to education, forcing children into labor instead of formal schooling.
- 3) Weak law enforcement, as many employers evade legal repercussions.
- 4) Cultural acceptance of child labor, particularly in rural areas where children are expected to contribute economically.
- 5) Lack of awareness among parents and communities about child protection laws.

To ensure effective implementation of child protection laws, several measures must be strengthened, including:

- 1) Enhanced law enforcement mechanisms to ensure strict monitoring and compliance with child labor laws.
- 2) Comprehensive social protection programs that provide economic support to families to reduce dependency on child labor.
- 3) Stronger collaboration between government agencies, NGOs, and the private sector to promote child-friendly employment policies.
- 4) Education and awareness campaigns to inform communities about the dangers of child labor and the importance of education.
- 5) Implementation of stricter penalties for violations to deter employers from exploiting underage workers.

By reinforcing legal frameworks and adopting a holistic approach, Indonesia can progressively reduce child labor and safeguard children's rights, ensuring a future where children are protected from economic and social exploitation.

#### **4. CONCLUSION**

The implementation of legal protection for child victims of labor exploitation in Pematang Siantar is carried out through strict legal enforcement against perpetrators, with active participation from various societal elements, including individuals, child protection agencies, social organizations, NGOs, educational institutions, religious organizations, businesses, and mass media, all of which must operate in accordance with applicable laws and regulations (Law No. 35/2014). In support of these efforts, the government encourages public participation through community-based social institutions, whether in the form of foundations or non-governmental organizations (NGOs), to actively engage in child protection programs, particularly for children who are forced to work. This government initiative is mandated in Chapter VI of the Child Protection Act (UUPA), Article 20, which states that "The state, government, society, family, and parents have the duty and responsibility for the implementation of child protection" (Law No. 35/2014). However, challenges persist in addressing violence and labor exploitation of underage children, particularly due to gaps in government education programs aimed at providing free education for underprivileged

children that have not been evenly distributed. Additionally, law enforcement agencies often focus only on curative actions, such as rescuing child workers, without addressing the root causes through preventive measures, leading to the recurring cycle of child labor exploitation.

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