



## **Protecting Children's Rights through the Transformation of Employment Policies in South Sulawesi**

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**Abstract:** This study aims to analyze employment policies to protect children's rights in employment relationships in South Sulawesi as an effort to guarantee citizens' constitutional rights as stipulated in laws and regulations on employment. This study is an empirical legal study analyzed using human rights theory, child protection and corporate social responsibility theory. Data collection techniques used in-depth interviews and literature review. The findings reveal that labor policies aimed at safeguarding children remain inadequate, resulting in economic, social, and moral exploitation, as well as negative consequences for children's education, health, and overall development. The absence of adequate protection in employment relations ultimately hinders the formation of high-quality human resources. To address this, stronger government intervention and oversight are essential, particularly through the effective empowerment of labor inspectors to enforce regulations. This study recommends the need for harmonization of the Human Rights Law, the Employment Law, and the Child Protection Law, as well as the establishment of an Independent Employment Oversight Committee involving academic experts. Such measures are necessary to ensure the effective implementation of labor protections, prevent the exploitation of children, and support Indonesia's goal of cultivating superior human resources by 2045.

**Keywords:** Transformation, policy, labor, protection, children's rights, labor relations

**Abstrak:** Penelitian ini bertujuan untuk menganalisis kebijakan ketenagakerjaan dalam melindungi hak anak dalam hubungan kerja di Sulawesi Selatan sebagai upaya menjamin hak konstitusional warga negara yang terdapat dalam undang-undang dan aturan hukum tentang ketenagakerjaan. Kajian ini merupakan studi hukum empiris dianalisis dengan menggunakan teori hak asasi manusia, perlindungan anak dan teori tanggung jawab sosial korporasi. Teknik pengumpulan data dilakukan dengan wawancara mendalam dan studi pustaka. Temuan penelitian menunjukkan bahwa kebijakan ketenagakerjaan yang bertujuan melindungi anak masih belum memadai, sehingga mengakibatkan eksploitasi ekonomi, sosial, dan moral, serta berdampak negatif terhadap pendidikan, kesehatan, dan perkembangan anak secara keseluruhan. Kurangnya perlindungan yang memadai dalam hubungan kerja pada akhirnya menghambat pembentukan sumber daya manusia berkualitas tinggi. Untuk mengatasi hal ini, intervensi dan pengawasan pemerintah yang lebih kuat sangat penting, terutama melalui pemberdayaan pengawas ketenagakerjaan yang efektif untuk menegakkan peraturan. Studi ini merekomendasikan perlunya harmonisasi Undang-Undang Hak Asasi Manusia, Undang-Undang Ketenagakerjaan, dan Undang-Undang Perlindungan Anak, serta pembentukan Komite Pengawas Ketenagakerjaan Independen yang melibatkan para akademis. Langkah-langkah tersebut diperlukan untuk memastikan penerapan perlindungan ketenagakerjaan yang efektif, mencegah eksploitasi anak, dan mendukung tujuan Indonesia untuk membangun sumber daya manusia yang unggul pada tahun 2045.

**Kata Kunci:** Transformasi, kebijakan, ketenagakerjaan, perlindungan, hak anak, hubungan kerja

## Introduction

Child labor remains a pervasive issue not only in Indonesia but also across many developing countries in Asia and Africa. In Pakistan, children are often subjected to deplorable working conditions, including excessive working hours, hazardous environments, and economic exploitation. In India, efforts to eliminate child labor have spurred significant reforms, such as the provision of free school meals, learning materials, and improved access to quality education, measures that reflect the global recognition of child labor as a complex, transnational problem.<sup>1</sup> Meanwhile, in many African countries, children engaged in labor are predominantly from rural, low-income families. Most are school

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<sup>1</sup>Pundarik Mukhopadhaya, et.al., "Education for Child Labour: Evaluating the National Child Labour Policy in West Bengal, India," *Journal of Contemporary Asia* 42, No. 4 (2012), p. 651-675. Shahla Akram, et.al., "Factors Fuelling the Persistence of Child Labour: Evidence from Pakistan," *Child Indicators Research* 17, No. 4 (2024).

dropouts with limited skills, compelled to work to help sustain their households economically.<sup>2</sup>

In Indonesia, children are regarded as the nation's future generation, playing a strategic role in realizing the vision of *Golden Indonesia 2045*. Consequently, the country aims to ensure the fulfillment of children's rights, including access to quality education, good health, a safe environment, and modern technology and information. Moreover, children are entitled to protection from all forms of violence and discrimination so they can grow into intelligent, creative, and morally grounded individuals capable of thriving in a globalized era.<sup>3</sup>

According to data from the Central Statistics Agency (*Badan Pusat Statistik*, BPS), Indonesia had 79.8 million children in 2023, representing approximately 28.65 percent of the total population. The BPS National Labor Force Survey (*Sakernas*) recorded that in 2020, 10.51 percent of children were working. This figure declined to 8.89 percent in 2021 and 7.50 percent in 2022 but rose slightly by 0.29 percent to 7.79 percent in 2023. In that same year, the provinces with the highest percentages of working children aged 10–17 were East Nusa Tenggara (18.54 percent), West Sulawesi (17.18 percent), West Nusa Tenggara (14.98 percent), North Sumatra (14.22 percent), and South Sulawesi (12.69 percent).<sup>4</sup> The persistence of child labor in Indonesia is largely driven by poverty, with additional contributing factors including community perceptions and local customs.

Further data from the South Sulawesi Statistics Agency (BPS) in 2023 indicate that working children aged 10–17 are concentrated in three main employment sectors: services, agriculture, and manufacturing. The service sector employs the largest proportion (50.79 percent), followed by agriculture (34.80 percent) and manufacturing (14.42 percent). These children are involved in both formal and informal sectors. While the formal sector is subject to government regulation and provides some legal protection, enforcement challenges remain, particularly regarding labor inspection. The informal sector, in contrast, operates with minimal regulation, leaving children in this sphere especially vulnerable to exploitation.

The issue of child labor in both formal and informal employment sectors remain a critical concern, particularly in South Sulawesi, where children are

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<sup>2</sup> Tatek Abebe and Sharon Bessell, "Dominant Discourses, Debates and Silences on Child Labour in Africa and Asia," *Third World Quarterly* 32, No. 4 (2011), p. 765-786. Derek Yu, et.al., "Examining Child Labour Activities in South Africa," *Child and Youth Care Forum*, April (2025).

<sup>3</sup> Gedefaw Abebe and Seyfe Fikre, "Individual, Household, and Community Level Factors of Child Labor in Rural Ethiopia," *Cogent Social Science* 7, No. 1 (2021). Rudy Rudy, et.al., "Implementation of Civil Rights Against Vulnerable Groups in the Legal and Constitutional System in Indonesia," *Hasanuddin Law Review* 8, No. 3 (2023).

<sup>4</sup> Indonesian Children's Profile Data Year 2024.

found working in agriculture, mining, and manufacturing without adequate legal protection. Such circumstances expose them to exploitation, violence, and violations of their fundamental rights. From a human rights perspective, the protection of children's rights is not solely the responsibility of the state or government; corporations, families, and all levels of the society share a moral and legal obligation to safeguard children from economic, social, and moral exploitation. Every child has the inherent right to live, grow, and participate fully in social life free from discrimination and exploitation. In practice, however, many of these rights are still neglected, especially when they conflict with the economic interests and power of corporations—an issue particularly evident in South Sulawesi.

The study of children's rights protection within the framework of employment contracts must therefore be examined through the lenses of human rights theory, child protection theory, and corporate social responsibility (CSR). Human rights theory asserts that these rights are inherent and inalienable, belonging to every individual from birth, regardless of circumstances. In the context of child protection, this theory affirms that every child is entitled to protection, recognition, and the fulfillment of their rights without discrimination. The state, society, and all relevant entities are thus obligated to guarantee and uphold these rights in accordance with universal human rights principles.<sup>5</sup>

Child protection theory highlights the importance of systematic and comprehensive efforts to shield children from physical and psychological violence, economic exploitation, and neglect. Protection must be proactive and preventive, not merely reactive, ensuring that children grow and develop in a safe and nurturing environment. Within the corporate sphere, this theory is instrumental in assessing the extent to which businesses integrate child protection principles into their operational practices.

Corporate Social Responsibility (CSR) theory further maintains that corporations, beyond their profit-oriented objectives, bear ethical and social responsibilities toward society and the environment. In the context of child protection, CSR obliges corporations to actively prevent child exploitation, ensure safe and fair working conditions, and support social initiatives that promote and uphold children's rights. This theoretical framework provides a foundation for evaluating both the active and passive roles of corporations in safeguarding children's welfare.

This study employs an empirical legal research approach, analyzed through the theoretical frameworks of human rights, child protection, and

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<sup>5</sup> Kudzai Mwapaura, et.al., "Provision of child protection services in Zimbabwe: Review of the Human Rights Perspective," *Cogent Social Science* 8, No. 1 (2022).

corporate social responsibility.<sup>6</sup> Data were collected through both library research and fieldwork, including interviews and document analysis. Qualitative analysis was conducted to interpret legal phenomena and social realities. Interviews involved legal experts, child rights activists, representatives of non-governmental organizations, and government labor inspectors. Documentary data included relevant laws and regulations, books, and scholarly articles pertinent to the study's focus. The findings were analyzed descriptively and qualitatively to assess the protection of children's rights in light of the aforementioned theoretical perspectives.

### Children's Rights and the Validity of Employment Agreements

Law Number 13 of 2003 concerning Manpower, Article 1 point 26, defines a child as any person under the age of 18. This definition aligns with international provisions ratified by Indonesia, particularly Law Number 1 of 2000 concerning the Ratification of ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, which also defines a child as any individual under 18 years of age.<sup>7</sup> Accordingly, it is evident that individuals below this age threshold are prohibited from working.<sup>8</sup>

Nevertheless, Indonesian law allows limited exceptions. Children may engage in certain forms of work provided it serves educational purposes and does not endanger their development. Article 68 of Law Number 13 of 2003 prohibits employers from employing children, yet Articles 69(1) and (2) grant exceptions for children aged 13–15 to perform light work, as long as it does not endanger their health or impede their physical, mental, or social growth. Moreover, Article 70(2) permits children aged 14 and above to participate in work that forms part of an official education or training curriculum.

To ensure the protection and fulfillment of children's human rights in employment—as guaranteed by the amended 1945 Constitution, Law Number 39 of 1999 on Human Rights, and Law Number 13 of 2003 on Manpower—the Indonesian government has established institutions such as the National Human Rights Commission (*Komnas HAM*) and the Constitutional Court as supervisory bodies. The International Labour Organization (ILO) classifies child labor as a violation of legal accountability mechanisms, particularly when children are deprived of their rights, subjected to excessive workloads, or exposed to conditions harmful to their health and development. The ILO further notes that children

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<sup>6</sup> Salim and Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Disertasi Dan Tesis*, Depok: Rajawali Press, 2017. Irwansyah, *Penelitian Hukum: Pilihan Metode dan Praktik Penulisan Artikel*, Yogyakarta: Mirra Buana Media, 2020.

<sup>7</sup> Undang-Undang Nomor 13 tahun 2003 tentang Ketengakerjaan, Bab I Pasal 1.

<sup>8</sup> Undang-Undang Nomor 35 Tahun 2014 About Child Protection.

engaged in hazardous labor are often employed at very young ages, typically below 12 years old.<sup>9</sup>

Despite these legal safeguards, the involvement of children in employment remains widespread and often contravenes both ILO standards and national labor laws. Data from the 2023 National Labor Force Survey (*Sakernas*), conducted by the Central Statistics Agency (*Badan Pusat Statistik*, BPS), identify three main factors contributing to child labor. First, economic hardships especially poverty, remains the dominant cause. Second, cultural and traditional norms encourage children to begin working early, as parents seek to instill adult responsibilities, often unintentionally pushing their children into labor. Third, low educational attainment drives families to withdraw children from school, compelling them to work in order to meet household financial needs.<sup>10</sup>

Child laborers are found in both formal and informal sectors. The formal sector, being regulated by the government, provides certain legal protections. Conversely, the informal sector where most working children are concentrated lacks adequate regulation, leaving them highly vulnerable to exploitation. In 2023, approximately 88.48 percent of child laborers were employed in the informal sector, compared to only 11.52 percent in the formal sector. Informal employment tends to be more accessible due to its unstructured nature and lack of skill requirements, encompassing work in markets, street performances, domestic service, and agricultural activities.

Given these circumstances, the government must consistently enforce the minimum legal working age of 15 to prevent overlapping policies and strengthen protection for children in employment relationships. Such consistency is vital to safeguarding children's physical, mental, social, and moral well-being while ensuring that they receive fair wages or other forms of compensation. Children employed under corporate supervision are entitled to equal treatment without discrimination and must be protected under the applicable legal framework, including Law Number 13 of 2003 on Manpower, the Decree of the Minister of Manpower, Law Number 20 of 2003 on the National Education System, Law Number 39 of 1999 on Human Rights, and Law Number 35 of 2014 on Child Protection.

Law Number 13 of 2003 concerning Manpower serves as the principal legal framework governing employment relations and labor protection in Indonesia. Article 1, point 26 of the law defines a child as an individual under the age of 18. Consequently, individuals below this age threshold are deemed legally incapable of performing juridical acts or entering into valid agreements as

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<sup>9</sup> Cindy Nguyen, "Made by Children: The Exploitation of Child Labour in Agriculture, Industry and The Service Sector in Mainland China," *Brawijaya Law Journal* 4, No. 2 (2017).

<sup>10</sup>Departemen Tenaga Kerja dan Transmigrasi RI, *Modul Penanganan Pekerja Anak*, Jakarta, 2005, p. 4

stipulated in Article 1320 of the Indonesian Civil Code, which requires parties to possess legal competence. Legal capacity to engage in contractual agreements is conferred only upon individuals who have reached a certain age of majority. Therefore, if the requirement of competence is not fulfilled, any agreement entered into is void ab initio—considered never to have existed in law.<sup>11</sup>

Article 68 of Law Number 13 of 2003 explicitly prohibits employers from employing children under any circumstances. However, Article 69 paragraph (2) provides a limited exception for children aged 13 to 15 years to undertake light work, subject to the written consent of their parents or guardians, and limited to a maximum of three working hours per day. Given that children lack legal competence, any employment relationship involving a child must be represented by a parent or guardian through a legally binding employment agreement. This requirement reflects the fundamental legal principle that minors cannot independently perform legal acts.

Furthermore, Article 52 paragraph (1) of the same law stipulates that employment agreements must be established based on mutual consent and legal capacity. In the context of child labor, such agreements are therefore executed by the child's parent or guardian as the lawful representative. This provision aligns with Article 69 paragraph (2), which mandates written parental or guardian authorization for children aged 13–15 years engaged in light work activities.

### Human Rights and Child Protection

Forms of child labor that endanger the health and development of children must be both prevented and eradicated. However, certain forms of child labor that expose children to exceptionally hazardous conditions require immediate and absolute elimination. Practices that are universally condemned and must be eradicated without delay include: activities that violate fundamental human rights, such as debt bondage in which children work as collateral for their parents' debts; child labor in slavery-like conditions; child prostitution; the use of children in the illicit drug trade; and the involvement of children in the production of pornography.<sup>12</sup>

Child labor that places children in situations of extreme danger to their health and safety must also be eliminated. This includes work involving hazardous chemicals, dangerous machinery, or complex and physically demanding tasks such as lifting heavy loads. It also encompasses work carried out in unsafe environments that expose children to physical violence, sexual

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<sup>11</sup> Pasal 68 Undang-Undang Nomor 13 Tahun 2003 about Employment

<sup>12</sup> Siti Faridah and Laila Afiyani, "Isu Pekerja Anak Dan Hubungan Dengan Hak Asasi Manusia," *Lex Scientia Law Review* 3, No. 2 (2019), p. 163-176.

harassment, isolation, night shifts, excessively long working hours, or extreme temperatures.<sup>13</sup>

Efforts to protect all workers, including child laborers, encompass several dimensions: a. Legal protection, which requires employers to comply with labor laws and ensures the enforcement of employment regulations, b. Economic protection, aimed at guaranteeing workers sufficient income to meet their basic and family needs, c. Social protection, designed to enable workers to live and develop as human beings and members of society; and, d. Technical protection, which safeguards workers against occupational accidents and health hazards arising from unsafe working conditions.<sup>14</sup>

Article 68 of Law Number 13 of 2003 concerning Manpower generally prohibits the employment of children. However, the law provides specific exceptions governing the rights of child workers, as follows: 1. Child Workers Engaged in Light Work. According to Article 69 of Law Number 13 of 2003, children aged between 13 and 15 years may perform light work, provided that it does not interfere with their physical, mental, or social development. Employers must comply with the following conditions: a. Obtain written permission from the child's parents or guardians; b. Establish an employment agreement between the employer and the parent or guardian; c. Limit working hours to a maximum of three hours per day, d. Ensure that work is performed during daytime and does not interfere with school attendance; e. Guarantee occupational safety and health; f. Maintain a clear employment relationship; and g. Provide wages in accordance with applicable regulations.

Violations of these provisions constitute criminal acts under Article 185 paragraphs (1) and (2) of the Manpower Law, punishable by imprisonment for a minimum of one year and a maximum of four years and/or a fine ranging from at least IDR 100,000,000 to a maximum of IDR 400,000,000. 2. Child Workers Engaged to Develop Talents and Interests. This category of employment allows children to participate in activities intended to nurture their talents and interests, ensuring that their personal and educational development is not hindered.

Employers who engage children to develop their talents and interests are required to meet specific legal conditions. a, the work must be performed under the direct supervision of the child's parents or guardians. b, working hours must not exceed three hours per day. c, the working conditions and environment must not interfere with the child's physical, mental, or social development, nor disrupt their schooling. Any violation of these provisions constitutes a criminal offense as stipulated in Article 187 paragraphs (1) and (2) of Law No. 13 of

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<sup>13</sup> Ajeng Gayatri Oktorani Putri, et.al., "Eksploitasi Pekerja Anak Dibawah Umur Sebagai Bentuk Penyimpangan Sosial," *Sosietas* 5, No. 1 (2015).

<sup>14</sup> Ferdi Hidayat and Fernando Hafis, "Perlindungan Hukum terhadap Pekerja Anak Menurut Undang-Undang Ketenagakerjaan," *ULIL ALBAB: Jurnal Ilmiah Multidisiplin* 2, No. 10 (2023), p. 4811-4819.

2003 on Manpower. Offenders are subject to imprisonment for a minimum of one month and a maximum of twelve months and/or a fine ranging from IDR 10,000,000 to IDR 100,000,000. 3. Child Workers Employed Alongside Adult Workers

In cases where children are employed alongside adults, their workplaces must be physically separated from those of adult workers. Indonesian law strictly prohibits the employment and involvement of children in the worst forms of labor, as outlined in Article 74 paragraph (2) of Law No. 13 of 2003 on Manpower. These include: a. all forms of slavery or practices similar to slavery; b. the use, offering, or involvement of children in prostitution, pornography, pornographic performances, or gambling; c. the use, offering, or involvement of children in the production and trade of alcoholic beverages, narcotics, psychotropics, or other addictive substances; and d. all types of work that endanger the health, safety, or morals of children. These prohibitions are further elaborated in the Decree of the Minister of Manpower and Transmigration No. KEP-235/MEN/2003 concerning types of work that endanger the health, safety, or morals of children.<sup>15</sup>

Such forms of labor are deemed to jeopardize not only the health and safety of children but also their moral integrity and future prospects. Violations of these provisions are subject to criminal sanctions under Article 183 of Law No. 13 of 2003, which prescribes imprisonment of between two and five years and/or fines ranging from IDR 200,000,000 to IDR 500,000,000.

One of the fundamental rights of child workers is the right to education. Children must be given the opportunity to pursue education, not merely receive training. Therefore, they should not be employed for more than four hours per day, to ensure adequate time for schooling. This requirement is regulated in Article 4 of the Minister of Manpower Regulation No. 01 of 1987 concerning Protection for Children Forced to Work. Furthermore, employers are strictly prohibited from employing children in mining, underground works, or any area where metals or other materials are extracted from beneath the earth's surface, as such environments pose serious risks to their health and safety.

The legal protection of child labor reflects Indonesia's broader commitment to promoting child welfare, as enshrined in the principles of Pancasila and the 1945 Constitution. Various legal instruments have been enacted to serve as guidelines for all stakeholders in safeguarding the rights and welfare of child workers.<sup>16</sup> The government, through the Ministry of Manpower

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<sup>15</sup>Keputusan Menteri Tenaga Kerja dan Transmigrasi Nomor: KEP-235/MEN/2003 tentang Jenis-jenis Pekerjaan yang Membahayakan Kesehatan, Keselamatan atau Moral Anak.

<sup>16</sup> Benjamin C Picauly, "Perlindungan Hukum Terhadap Pekerja Anak," *PAMALI: Pattimura Magister Law Review* 2, no. 1 (2022), p. 86. Andry Harijanto, et.al., "The Model of Legal Protection for Children Victims of Domestic Violence Based on Justice," *Journal of Human Rights, Culture and Legal System* 2, No. 2 (2022).

and Transmigration, continues to strengthen the child labor protection system through Child Labor Prevention (PPA) programs. These initiatives aim to address, reduce, and ultimately eliminate child labor, particularly in hazardous and exploitative conditions. Provincial and district/city governments share responsibility for eradicating the worst forms of child labor, as stipulated in Article 4 of the Minister of Manpower Regulation No. 01 of 1987 concerning Protection for Children Forced to Work.

The implementation of programs to eliminate the worst forms of child labor involves the establishment of Action Committees for the Elimination of the Worst Forms of Child Labor at both the provincial and district/city levels. These committees are appointed by the Governor and the Regent/Mayor, respectively. Regional governments undertake developmental initiatives through general and special programs under the framework of Child Protection and Empowerment (*Perlindungan dan Pemberdayaan Anak – PPA*).

The general PPA program includes the following measures: a. prohibition and elimination of all types and forms of the worst forms of child protection for children engaged in light work; c. economic empowerment of families of child laborers; and d. broad-based public socialization of child protection and empowerment initiatives. Meanwhile, the special PPA program encompasses: a. transitioning children from the worst forms of labor to permissible light work; b. providing subsidies through formal and non-formal education channels for child laborers who have dropped out of school; c. offering vocational and skills training for child workers; and d. increasing family income to prevent children from entering the labor force and to foster a supportive environment for normal child development.

Article 59 of Law No. 35 of 2014 concerning Child Protection stipulates that the Government and other institutions are obligated and responsible for providing special protection to children in various vulnerable circumstances. These include children in emergency situations, those in conflict with the law, children from minority or isolated groups, children subjected to economic and/or sexual exploitation, victims of trafficking, children affected by narcotics and other addictive substances, as well as victims of kidnapping, violence, abuse, or neglect, including children with disabilities.<sup>17</sup>

Articles 74 and 75 of Law No. 13 of 2003 on Manpower further strengthen this protection: (1) Article 74 prohibits any person from employing or involving children in the worst forms of labor, defined as, (a) all forms of slavery or practices similar to slavery, b) any activity involving the use, offering, or exploitation of children for prostitution, pornography, or gambling, c) the use or involvement of children in the production or trade of alcoholic beverages, narcotics, psychotropics, or other addictive substances; and d) work that

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<sup>17</sup> Law Number 35 of 2014 concerning Child Protection.

endangers the health, safety, or morals of children. (3) The specific types of hazardous work referred to in point (2) are determined through a Ministerial Decree.<sup>18</sup>

According to Iin Karita Sakharina, an international law expert from Hasanuddin University, children require special care and support during their developmental years, particularly from their families, which serve as the fundamental unit for their growth and well-being. Children engaged in work must receive parental or guardian support during the employment contract process to ensure their rights are safeguarded. Their basic rights, including the right to education and fair remuneration must be protected, while allowing for the development of their talents, interests, and independence. As human beings inherently endowed with universal rights, children's rights are inalienable; the state therefore bears the obligation to uphold and protect them.<sup>19</sup>

Similarly, Ramlah, a representative from the Anging Mammiri Women's Solidarity NGO in Makassar, notes that working children in South Sulawesi are typically between 12 and 15 years of age, a critical period of growth and development. During this stage, children's fundamental rights to health, education, and physical, emotional, and intellectual development must not be neglected. These rights must be fully protected and fulfilled by the state, government, community, and employers, recognizing that children are not yet mature, either mentally or physically and thus require comprehensive legal protection.<sup>20</sup>

Some children are born into conditions of bondage, while others are kidnapped or sold to employers. One of the most severe forms of exploitation involves heavy labor, which requires significant physical exertion. Such work disrupts children's normal physical development and often leads to emotional distress. Sexual exploitation represents another grave form of abuse, encompassing the use of children for sexual purposes, prostitution, or other forms of sexual violence.<sup>21</sup> Both girls and boys subjected to these practices are at heightened risk of contracting sexually transmitted infections, including HIV/AIDS, and suffering long-term psychological trauma. Violence and torture also constitute serious violations of children's rights. These include physical abuse, corporal punishment, and verbal humiliation. Employers often exploit children's vulnerability and submissiveness, resulting in both physical harm and severe mental health consequences. In addition, excessive responsibility in the

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<sup>18</sup> Law Number 13 of 2003 concerning Manpower.

<sup>19</sup> Interview with Iin Karita Sakharina, International Law Expert from Hasanuddin University, 2025.

<sup>20</sup> Interview with Ramlah from the Anging Mammiri Women's Solidarity NGO, Makassar City, 2025.

<sup>21</sup> Siti Urbayatun, et.al., "Sexual Harassment in Boys: An Overview of Child Victims and Child Perpetrators in Indonesia," *Jurnal Ilmiah Peuradeun* 11, No. 1 (2023).

workplace can impose psychological burdens on children. When assigned duties that exceed their emotional maturity or developmental capacity, children experience stress and anxiety that hinder their growth and overall well-being.

### **Child Rights and Corporate Responsibility**

Children possess fundamental rights, including the rights to life, growth and development, education, protection from violence and exploitation, and participation in social life. These rights are distinct from those of adults, as children's greater vulnerability requires special protection and treatment. The protection of children's rights encompasses all legal, social, and institutional measures designed to ensure their fulfillment and to prevent any form of violation, including violence, labor exploitation, and neglect. Safeguarding these rights is a shared responsibility among the state, the society, and the private sector.

The protection of child rights within corporate affairs refers to a set of strategic initiatives and policies aimed at preventing the exploitation of children within production chains and corporate operations. This concept also promotes the active engagement of corporations in fostering work and social environments that uphold, respect, and fulfill children's rights in accordance with human rights principles.<sup>22</sup>

One of the most evident violations of children's rights is their premature involvement in the workforce. Such involvement often forces children to sacrifice their right to education, leading many to drop out of school or face significant barriers to accessing quality learning. Child labor encompasses situations in which children engage in work, whether full-time, outside school hours, or in hazardous conditions that threatens their physical and mental well-being.<sup>23</sup> The persistence of child labor, particularly within the informal sector or concealed corporate practices, poses a serious obstacle to achieving comprehensive child rights protection. Children working as domestic helpers, porters, or small-scale market vendors often fall outside the reach of adequate legal safeguards. As a result, they are deprived of basic rights most notably the right to education which should be guaranteed by the state and protected under both national and international legal frameworks.<sup>24</sup>

The absence of legal protection for child laborers in the informal sector constitutes a serious challenge, as most of their employment is unrecorded,

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<sup>22</sup> Eka Maulia Agustine, et.al., "*Kondisi Pekerja Anak Yang Bekerja Di Sektor Berbahaya*", Prosiding Ks: Riset & Pkm, V. 2/ No. 1, p..2.

<sup>23</sup> Netty Endrawati, Faktor Penyebab Anak Bekerja dan Upaya Pencegahannya, *Jurnal Ilmu Hukum Refleksi Hukum*, April, (2011), p. 20.

<sup>24</sup> Iin Karita Sakharina, *Kewajiban Negara Terhadap Pemenuhan Hak Atas Kecukupanpangan Yang Layak Di Indonesia (Suatu Tinjaun Terhadap Kovenan Internasional, Hak Ekonomi Dan Sosial Budaya)*, Makassar: Pustaka Pena Press, 2016, p. 2.

hindering effective monitoring by state institutions and law enforcement. This lack of oversight leaves children more vulnerable to exploitation, violence, and discrimination without effective mechanisms of protection. However, the Convention on the Rights of the Child, ratified by Indonesia through Presidential Decree No. 36 of 1990, explicitly guarantees protection from all forms of economic exploitation and hazardous work that threaten children's health, education, and overall development.

Similarly, Law No. 23 of 2002 on Child Protection (as amended by Law No. 35 of 2014) reaffirms the state's duty to safeguard children from all forms of violence and exploitation, including within the sphere of employment. Nevertheless, weak law enforcement, limited oversight of the informal sector, and low awareness among the public and business actors hinder the effective implementation of these legal provisions.

In line with its commitment to advancing human rights, the Indonesian government has incorporated the protection and fulfillment of children's economic rights into the National Human Rights Action Plan. This plan identifies four priority groups, indigenous peoples, women, children, and persons with disabilities ensuring that economic and business activities involving children remain aligned with the principles of the 1989 United Nations Convention on the Rights of the Child (CRC), ratified by Presidential Decree No. 36 of 1990. The CRC obliges the state to protect children from all forms of exploitation, particularly in the area of labor and wages. Despite these commitments, child laborers in Indonesia continue to face severe economic inequality. Working children receive significantly lower wages than adults, an average of IDR 9,485 in 2023, compared to the national average wage of IDR 19,027. This wage disparity stems largely from children's lack of skills and training, as most have no access to formal education or vocational opportunities that could enhance their productivity and labor value. Consequently, they remain highly vulnerable to economic exploitation and unfair labor practices.

Education represents a fundamental human need and, therefore, requires special state protection to ensure its fulfillment and prevent abuse. The root of the problem lies in the unequal distribution of public services and resources, resulting in disparities in access to basic necessities such as education. To empower individuals and enable them to develop their potential, every citizen must be provided with opportunities for self-actualization under state protection. In this regard, John Maynard Keynes emphasizes that the state has an obligation to implement policies that actively influence economic activity, even when production remains under private control. Through such state regulation and management, efficiency can be achieved via deliberate and planned action.<sup>25</sup>

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<sup>25</sup> Makmur Kleiat, "Indonesian in the Wake of Global Transformation: From Nation-State to Market State," *Indonesia Social Science Review* 1 No. 2, (2010), p 159-177

In this context, education should be understood not merely as an instrument of economic growth but as a cornerstone for realizing every individual's right to optimal personal development. It plays a pivotal role in cultivating skilled and competitive individuals capable of engaging in fairer employment relationships, including equitable wage negotiations with employers. Consequently, sustainable economic progress must be founded upon the advancement of human development that upholds human rights principles. Investing in education is therefore not an option but a necessity within the broader framework of national development. Historically, the state bears the primary responsibility for ensuring equitable, inclusive, and quality access to education. The government must serve as the main actor in guaranteeing that education is not only available but also accessible to all segments of society, particularly vulnerable groups such as working children.<sup>26</sup>

Affirmative action policies are essential to ensure that children from marginalized communities have access to fundamental public services, including quality education. This obligation is enshrined in numerous international human rights instruments, which mandate that states guarantee the right to education. Education has also become a global priority under the United Nations Sustainable Development Goals (SDGs), particularly Goal 4: Quality Education, which calls on all countries to improve access, quality, and equity in education as a foundation for inclusive and sustainable human development.

Within a rights-based framework, human rights must form the foundation of education policy formulation. The universality of the right to education must be recognized as a comprehensive and binding obligation upon the state. This framework emphasizes the vertical relationship between the state as the duty bearer and citizens, especially children as rights holders. International human rights law explicitly affirms that every individual, including children, is entitled to the protection and fulfillment of their rights by all levels of government, both central and regional. Hence, safeguarding children's rights, particularly those engaged in labor or facing corporate exploitation, is not merely a moral duty but also a legal obligation of the state, forming an integral part of a rights-based and socially just development strategy.<sup>27</sup>

Moreover, under international human rights doctrine, the state possesses both the authority and responsibility to adopt special and temporary affirmative measures for vulnerable groups, including working children. These measures aim to ensure that children involved in employment still have access to educational opportunities through targeted policies, programs, and strategic initiatives. Such interventions include the establishment of special educational services for

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<sup>26</sup> R. Boyer, and D. Drache (ed), *State Against Markt: The Limits of Globalization*, Routledge, London, 1996, p. 3.

<sup>27</sup> Beny Sutami, et.al., "Implementasi Program Sekolah Ramah Anak Dalam Mewujudkan Kota Layak Anak di Kota Batu," *Jurnal Reformasi*, 10, No. 1 (2020), p. 19.

children from low-income families or those employed within corporate environments. By providing accessible, high-quality education in or near workplaces, the state promotes children's talents and interests while reducing the impact of economic inequality. These affirmative policies represent the state's concrete commitment to ensuring that the right to education is not merely recognized in principle but realized in practice through equitable interventions. In this sense, the state must play an active role in addressing structural inequalities that deprive certain children of learning opportunities due to poverty, exploitation, or limited geographic and social access to education.

### **Responsibility for Child Protection in Employment Relationships**

Article 59 of Law No. 35 of 2014 concerning Child Protection stipulates that the government and relevant institutions are obligated to provide special protection for children in various vulnerable situations. These include children in emergency conditions, those in conflict with the law, children from minority or isolated groups, those who are economically or sexually exploited, victims of trafficking, substance abuse, physical or psychological violence, neglect, and children with disabilities.<sup>28</sup>

Similarly, Articles 74 and 75 of Law No. 13 of 2003 on Manpower explicitly prohibit the employment of children in the worst forms of labor. Article 74(1) forbids anyone from employing or involving children in such hazardous work. Paragraph (2) further defines these categories, including: a) all forms of slavery or practices similar to slavery, b) any work involving children in prostitution, pornography, or gambling, c) any work related to the production or trade of alcohol, narcotics, psychotropics, or other addictive substances; and d) all types of work that endanger children's health, safety, or morals. (3) The specific types of work that fall under category (d) are determined through a Ministerial Decree.

The hazards faced by child workers vary significantly depending on the type of work they undertake. Some forms of labor pose immediate risks, while others have long-term detrimental effects on children's physical, mental, and social development. Examples of such risks include. Hazardous working conditions: Tasks performed in unsafe environments may result in serious injury, illness, or even death. Premature entry into the workforce: Employment at an excessively young age deprives children of schooling and denies them the opportunity to experience a normal childhood. Lacking physical, mental, and psychological maturity, children are not equipped to meet the demands of work. Excessive working hours: Children may be required to work between 12 to 16 hours a day, often seven days a week, leading to severe physical exhaustion and

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<sup>28</sup> Mia Amiati, et.al., "Human Rights Violations and Corporate Criminal Liability: An Analysis of the New Indonesian Criminal Law," *Sriwijaya Law Review* 8, No. 2 (2024). Dina Desvita Pramesti Putri, "Sounding the Justice for Child: Does Restorative Justice Matters?" *Journal of Law and Legal Reform* 4, No. 3 (2023), p. 303-324.

mental strain. Anak-anak kebanyakan menderita kelelahan fisik dan mental. Bonded labor and slavery: Many children are subjected to exploitative labor arrangements, such as debt bondage, where they or their families must work to repay loans, trapping them in cycles of servitude.

Law Number 13 of 2003 concerning Manpower serves as the primary legal foundation for regulating employment in Indonesia. The law governs various aspects of industrial relations, addressing both the general and specific interests of employers and workers. A crucial provision is found in Article 1, point 14, which defines an employment agreement as a contract between a worker or laborer and an employer that specifies the terms of employment, as well as the rights and obligations of each party. Such agreements provide the legal foundation for establishing employment relationships, while also ensuring legal certainty in the enforcement of rights and responsibilities within the employment sphere.<sup>29</sup>

In principle, employment relationships encompass the following matters:<sup>30</sup> a) drafting employment agreements. b) employee obligations. c) employer obligations. d) termination of employment; and e) mechanisms for resolving disputes. Although employment agreements are established within a framework of private interests, the terms, rights, and obligations of the parties are also governed by public interests. Law Number 13 of 2003 underscores this duality by regulating employment conditions, delineating rights and obligations, and prescribing sanctions in cases of non-compliance.<sup>31</sup>

According to Aloysius Uwiyono, labor law rests on both autonomous and heteronomous legal principles.<sup>32</sup> Autonomous principles refer to legal provisions created by the parties directly involved in employment relationships, including workers, employers, and labor unions. In contrast, heteronomous principles are imposed by external actors, particularly the state, to regulate labor relations in the public interest.

Agus Yudha Hernoko further argues that civil law has evolved through state intervention.<sup>33</sup> increasingly introducing coercive legal regulations aimed at protecting vulnerable groups. Earlier, Immanuel Kant emphasized that

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<sup>29</sup> Pasal 1 angka 14 Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan

<sup>30</sup> Pasal 53 Undang-Undang Nomor 13 tahun 2003 tentang Ketenagakerjaan.

<sup>31</sup> Pasal 54 dan Pasal 90 Undang-Undang Nomor 13 tahun 2003 tentang Ketenagakerjaan.

<sup>32</sup> Aloysius Uwiyono, et.al., *Asas-Asas Hukum Perburuhan*, Jakarta: Rajawali Press, 2014, p 7-8

<sup>33</sup> Agus Yudha Hernoko, *Hukum Perjanjian Asas Personalia dalam Kontrrak Komersial*, Laksbang Mediatama, Yogyakarta, 2004, p. 24.

heteronomous legal principles involve the imposition of external societal or state power upon individuals.<sup>34</sup>

From this perspective, the employment relationship between employers (entrepreneurs) and workers (children, represented by their parents or guardians) constitutes a civil relationship in which both parties hold equal standing under civil law. Nevertheless, certain provisions, particularly those concerning wages fall under public regulation, reflecting heteronomous legal principles. This is evident in statutory prohibitions against paying wages below the minimum standard and requirements that wages be paid in cash. In the context of child labor, three fundamental protection principles must be upheld within employment relationships between children and employers: safeguarding children's right to education and development; ensuring fair and lawful treatment in accordance with labor regulations; and preventing exploitation by enforcing minimum standards of protection:

- a) Economic protection refers to the right to fair wages, including the provision of adequate income, even in cases where child laborers are compelled to work against their will.
- b) Social protection encompasses the fulfillment of occupational health insurance and the assurance of access to education.
- c) Technical protection relates to the right to safety and security in the workplace.<sup>35</sup>

The protection and fulfillment of the rights of working children are explicitly regulated in Presidential Decree (Keppres) No. 36 of 1990, which ratified the 1989 United Nations Convention on the Rights of the Child (CRC). Article 32 of the CRC affirms that every child has the right to be protected from all forms of economic exploitation and from any work that is likely to be hazardous, interfere with their education, or harm their health, physical, mental, spiritual, moral, or social development. By ratifying the CRC, the state assumes the obligation to ensure the protection of working children, including the right to adequate wages, access to education, and the guarantee of other social rights. This obligation reflects the responsibility of the state to maintain a balance between the economic needs of a child's family and the best interests of the child.

Further, Article 74 paragraph (1) of Law No. 13 of 2003 on Manpower stipulates that employing children in the worst forms of labor is strictly prohibited. Paragraph (2) defines the worst forms of labor to include slavery or practices similar to slavery; the involvement of children in the production and

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<sup>34</sup> Salman Luthan, "Dialektika Hukum dan Moral dalam Perspektif Filsafat Hukum," *Jurnal Hukum Ius Quo Iustum* 19 No. 4 (2021), p. 514. Abidin Nurdin and Sri Astuti A. Samad, *Filsafat Ilmu dan Agama: Paradigma Sains, Sosial dan Budaya*, Yogyakarta: Zahir Publishing, 2024.

<sup>35</sup> Wisni Septiarti, "Fenomena Pekerja Anak Usia Sekolah," *Jurnal Penelitian Hukum Humaniora* 7 No. 1, April (2002), p. 3.

trade of alcoholic beverages, narcotics, psychotropics, and other addictive substances; prostitution; the production of pornography and pornographic performances; gambling; and any work that endangers the health, safety, or morals of children. Paragraph (3) authorizes the Minister of Manpower to determine specific types of hazardous work. In this regard, Ministerial Decree No. KEP. 235/MEN/2003, dated 31 October 2003, provides a detailed list of occupations deemed dangerous to the health, safety, and morals of children.<sup>36</sup>

In principle, children should not be engaged in labor, as they are considered the foundation of national development and the inheritors of the nation's ideals. Nevertheless, several countries, including Indonesia, allow exceptions under certain conditions, provided that adequate protections are in place to uphold children's human rights. Article 28C paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantees that every child has the right to survival, growth, development, and protection from discrimination. These rights are further reinforced in Article 52 paragraph (2) of Law No. 39.

Within this framework, the protection of children's rights in employment relationships becomes a matter of utmost importance. This study emphasizes the need to establish legal certainty for working children to ensure the realization of their potential through education. Children, including those who work, must be afforded opportunities to learn, as education should never be regarded as a luxury but rather as a fundamental right. A strong governmental commitment is therefore essential to guarantee equitable access to education. Without education, individuals are deprived of the means to achieve a better life, and the neglect of this right perpetuates various forms of marginalization. Urgent measures are thus required to ensure that education functions as the key to unlocking access to other human rights.

The 1999 Law on Human Rights establishes that children's rights are fundamental human rights, which are recognized and protected by law from birth. Given that the state has legalized children's participation in the workforce, it is imperative that working children receive comprehensive protection and the fulfillment of their rights. This includes protection from economic exploitation and from hazardous forms of work that may hinder their education, physical health, morals, social development, and mental well-being, as stipulated in Article 64 of Law No. 39 of 1999 on Human Rights.<sup>37</sup>

The Indonesian government has taken progressive steps in advancing the protection of children's rights through the ratification of various

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<sup>36</sup>Pasal 74 ayat (2) Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan.

<sup>37</sup> Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia. Muhamad Harun, et.al., "The Ideal Legal Protection of the Child Labor Rights in Indonesia: The Dimensions of Maqāṣid al-Sharī'ah and the Welfare State," *JURIS (Jurnal Ilmiah Syariah)* 23, No. 1 (2024), p. 167.

international instruments. One significant example is the ratification of ILO Convention No. 138 of 1973 on the Minimum Age for Admission to Employment, which establishes 15 years as the minimum age for employment across all sectors. This Convention obligates state parties to set and enforce a minimum working age in order to protect children from premature entry into the labor force and early exploitation.

In alignment with this ratification, Indonesia incorporated these provisions into Law No. 13 of 2003 on Manpower, which provides the legal foundation for regulating the minimum working age in Indonesia. Beyond determining age limits, this law also establishes norms for the protection and fulfillment of children's rights in employment. One such measure is the requirement that employment relationships involving children be governed by a formal employment agreement, thereby ensuring legal clarity regarding the rights and obligations of both the employer and the child employee.

Although an employment agreement involving a child, typically represented by a parent or guardian constitutes a civil contract, it is essential that such agreements comply with applicable legal standards. An employment relationship is considered valid only when it arises from mutual consent: the child's capacity and willingness to work on the one hand, and the employer's commitment to provide wages on the other. In this regard, the government and relevant institutions play a crucial role in guaranteeing that all laws and policies concerning child labor are effectively enforced. This includes ensuring compliance with the minimum working age, the provision of safe and decent working conditions, the regulation of working hours, and protection against both exploitation and hazardous forms of work.

The state's intervention through the establishment of heteronomous legal norms as codified in Law No. 13 of 2003 is therefore a strategic measure to safeguard vulnerable groups, particularly child workers. This law not only specifies the minimum working age but also defines permissible types of work and establishes wage standards, thereby offering tangible legal protections against exploitation that may harm children's physical, mental, social, or educational development.

The importance of safeguarding children's rights in employment was underscored by Yanti, a Child Companion in Makassar City. She emphasized that working children must retain their right to education, and that companies employing children are therefore obligated to provide access to learning facilities. According to the labor law, as long as schooling is not disrupted, working hours are limited to a maximum of three hours per day and must be scheduled during the day. In practice, however, children's study and rest times are often severely restricted due to extended working hours, stretching from morning until evening. This situation undermines their right to education, as

many participants in non-formal “package” schools are unable to attend classes consistently and often miss lessons because they must prioritize work.<sup>38</sup>

Similarly, Mastiawaty, Chairperson of the Indonesian Women and Children Protection Forum (Forum Perlindungan Perempuan dan Anak Indonesia) in Bone, stressed that child labor is primarily driven by poverty. She argued that economic hardship cannot justify depriving children of their rights, particularly their rights to rest, safety, and education, as well as the right to dignified employment. She further reported that many children enrolled in community-based learning centers (PKBM) are engaged in multiple tasks beyond shopkeeping, such as caring for their employers' elderly parents, in addition to performing other forms of domestic labor.<sup>39</sup>

The state's role within a heteronomous legal framework reflects its constitutional responsibility to protect vulnerable groups lacking bargaining power in employment relationships. The state is obligated to guarantee justice and safeguard children's fundamental rights, particularly the right to education and welfare. Thus, legal regulation should not be viewed as a mere normative formality, but rather as a substantive instrument to balance the asymmetrical relationship between the powerful (employers) and the weak (child workers).

Historically, government intervention in the labor sector dates back to the Old Order era, with one of the earliest examples being Law No. 33 of 1947 on Workplace Accidents. This law established workers' rights to compensation for workplace-related injuries and regulated wage provisions linked to occupational risks. Such legislation demonstrates that the principle of worker protection has been a national concern since the early years of independence, progressively evolving alongside growing awareness of the need to protect vulnerable groups, particularly working children.

Accordingly, labor law especially in relation to child labor serves not only as an instrument for regulating industrial relations but also as a mechanism for realizing social justice and protecting human rights. This trajectory continued with the expansion of the state's role in wage regulation in 1981 and culminated in the comprehensive provisions of Law No. 13 of 2003 on Manpower.

### **The Government's Role in Protecting Children in Employment Relations**

Labor law regulates the employment relationship between workers and employers, thereby addressing private (civil) interests. However, government involvement is indispensable, as labor law itself emerged from the need to balance these relations. The state serves as the guardian of harmony between workers and employers, ensuring that labor relations do not perpetuate

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<sup>38</sup> Interview with Yanti, a Child Companion in Makassar City, South Sulawesi, 2025.

<sup>39</sup> Interview with Mastiawaty, Chair of the Indonesian Women and Children Protection Forum NGO in Bone, 2025.

inequality. Article 3 of Law No. 13 of 2003 emphasizes the principle of integration through cross-sectoral coordination at both central and regional levels. The explanation of this article explicitly grounds labor development in the principles of Pancasila democracy, justice, and equity. As labor development encompasses multiple dimensions and stakeholders, the government, employers, and workers comprehensive protection becomes essential. The labor market faces significant challenges, including insufficient legal protection and inadequate wages. Labor laws must ensure that child workers receive comprehensive legal safeguards, encompassing state guarantees of decent working conditions, workplace safety, and access to social security benefits upon retirement.

Workforce development encompasses multiple dimensions and complex interrelationships. These interrelationships extend beyond the interests of workers throughout all stages of employment, before, during, and after, to include the concerns of employers, the government, and the broader community. Consequently, comprehensive and integrated strategies are essential, emphasizing mutually supportive cooperation. Such strategies involve human resource development, enhancing the productivity and competitiveness of Indonesian workers, expanding employment opportunities, providing effective employment placement services, and fostering sound industrial relations. Article 4 of Law Number 13 of 2003 concerning Manpower outlines that workforce development aims to: (1) empower and utilize workers optimally and humanely; (2) achieve equal employment opportunities by supplying workers aligned with national and regional development needs; (3) provide protection to workers to ensure their welfare; and (4) improve the welfare of workers and their families.

The provisions outlined in Article 4 are intended to guide the empowerment and utilization of labor through an integrated approach aimed at maximizing employment opportunities, particularly for children. This is achieved via affirmative action policies, as guaranteed by the Child Protection Law, which recognizes children's rights to special treatment within the labor sector. Such rights encompass care, access to education, skills training, the right to participate, freedom of expression, and the overall fulfillment of children's welfare. The state holds attributive authority to intervene through policies and regulations that safeguard children's rights in the workplace, ensuring their protection and preventing exploitation.

Academic and activist perspectives highlight the need for this state intervention. Muhammad Ashri, from Hasanuddin University, argues that all children are entitled to equal protection without discrimination. Accordingly, child laborers should receive the same fundamental rights as other children, particularly protection from violence and discrimination, as mandated in Article 28B of the 1945 Constitution. While children ideally should not be involved in work, the government permits limited employment under the condition that it

fosters responsibility and independence, supports the development of talents and interests, and does not disrupt schooling. This underscores the necessity of state oversight, along with parental and employer responsibility, in ensuring special protection for working children.<sup>40</sup>

This position aligns with the doctrine of international human rights law, which obligates states to take affirmative measures to safeguard vulnerable and underrepresented groups. Working children, given their subordinate position in labor relations, are particularly susceptible to exploitation and unfair treatment. Law No. 39 of 1999 on Human Rights reinforces this by stipulating, in Articles 41(2) and 42, that children are among the four groups entitled to special facilities and treatment to guarantee a dignified life consistent with human dignity. This provides a robust legal foundation for the state to actively implement protective measures in the context of child labor.

From another perspective, A. Nurmala, a women's activist and academic, stresses that the government's role must begin with strengthening the legal system, particularly its substantive dimension. Harmonization of regulations at central and regional levels is necessary to eliminate overlapping provisions and ensure effective protection for working children, especially those who attend school while working. This should be supported by special education policies tailored to the needs of child laborers. Furthermore, improvements in legal infrastructure, including effective law enforcement, workplace facilities such as rest areas, places of worship, and educational support are essential. Equally important is the cultivation of a legal culture that enhances public awareness of children's rights. Through education and outreach directed at parents, children, and employers, communities can develop a stronger commitment to preventing the economic exploitation of children. In this context, synergy among all stakeholders, government, employers, families, and civil society, becomes the cornerstone of effective protection for child laborers. Only through coordinated and sustained efforts can the state fulfill its constitutional mandate to uphold justice and protect children as bearers of fundamental human rights.<sup>41</sup>

Similarly, Andi Baso Chandra, the South Sulawesi Provincial Labor Inspector, emphasized that the government's role extends to improving the quality of guidance and mentoring by involving multiple stakeholders in the Women and Children Empowerment Program (*Program Keluarga Harapan*/PKH). This program, implemented annually, provides guidance and vocational training through collaboration with social services, education services, women's empowerment and child protection services, the Ministry of Religious Affairs, and child-focused NGOs. Its primary objective is to facilitate

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<sup>40</sup> Interview with Muhammad Ashri, academic from Hasanuddin University, 2025.

<sup>41</sup> Interview with A. Nurmala, women's and children's activist and academic at Muhammadiyah University of Bone, 2025.

the continuation of children's education while accommodating their work responsibilities. To achieve this, facilities and infrastructure are being strengthened, including the establishment of adequate training centers. The program also offers a diverse range of vocational training opportunities tailored to children's needs and talents—such as sewing, welding, culinary arts, and cosmetology ensuring that the courses are not limited to a single field.<sup>42</sup>

State intervention in the legal domain thus represents a tangible manifestation of constitutional responsibility: the realization of social justice and child protection in line with the principles of human rights and inclusive, equitable human resource development. Within the context of child labor relations with employers, the state must adopt policies and regulations that clearly define the rights and obligations of both parties. These should focus particularly on protecting children from exploitation and hazardous working conditions. Employment agreements involving children must explicitly guarantee the rights of child workers, including workplace safety, limitations on working hours, and uninterrupted access to formal education.

Beyond regulation, the state is obligated to provide comprehensive support encompassing care, education, skills training, and respect for children's freedom and participation. This is a form of government responsibility for supervision and guidance by the Ministry of Manpower, regarding the child labor protection system in Indonesia. Such measures are necessary to ensure that working children continue to live decent lives without being deprived of their basic rights as children.<sup>43</sup>

Central to this framework is the guarantee of adequate and quality education. Education is a non-negotiable human right that must not be sacrificed to meet economic demands or labor needs. Accordingly, the government must sustain and expand its progressive initiatives by enacting stricter regulations prohibiting the employment of children below a certain age, broadening access to inclusive education, and enforcing strict sanctions against exploitative practices. By ensuring that all working children retain access to education, the state can implement a comprehensive and sustainable strategy for addressing child labor. Ultimately, the state must serve as the primary protector of children's rights, ensuring that no child is excluded from the scope of human rights protection. A firm commitment to the Convention on the Rights of the Child (CRC), alongside policies promoting equitable human resource development, is essential to securing a more just and brighter future for all children in the nation.

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<sup>42</sup> Interview with Andi Baso Chandra, Manpower Supervisor of South Sulawesi Province, 2025.

<sup>43</sup> Waluyadi, *Hukum Perlindungan Anak*, Bandung: Mandar Maju, 2009, p. 3. Haniyah Haniyah, "Implementasi Perlindungan Hak Anak terhadap Fenomena Pekerja Anak di Indonesia," *The Indonesian Journal of Islamic Law and Civil Law* 4, No. 2 (2023), p. 123-136

## Conclusion

This study demonstrates that the protection of children's rights in employment remains inadequate. Although constitutional and statutory provisions permit children to work under special conditions, such as part-time employment to safeguard their right to education and to ensure wage equality with adult workers implementation in practice remains limited and ineffective. In reality, many children are employed full-time, while government oversight through labor supervisory bodies proves insufficient. As a result, numerous children under corporate control, both in the formal and informal sectors, drop out of school and are relegated to alternative education programs of inferior quality compared to formal schooling. This lack of educational attainment diminishes their ability to compete, restricts opportunities for social mobility, and perpetuates cycles of low-skilled, poorly paid labor. Furthermore, efforts to uphold the rights of working children are significantly constrained by inconsistencies and gaps in the legal framework, particularly in relation to Law No. 39 of 1999 on Human Rights. While Articles 71 to 74 of this law explicitly affirm the responsibilities of the state and corporations in guaranteeing human rights, these provisions are often undermined by the economic imperatives embedded in sectoral legislation, such as labor and industrial laws. The principle of corporate responsibility has yet to be effectively internalized within the industrial and energy sectors, thereby weakening mechanisms of child protection. To address these challenges, comprehensive measures and regulatory harmonization are essential. Strengthened law enforcement against exploitative child labor must be accompanied by the integration of human rights principles into all sectoral policies. Both the state and corporate actors bear the responsibility to ensure that the right to education for working children is not sacrificed to economic interests. Only through such an approach can the protection of children's rights be realized in a comprehensive and sustainable manner.

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### **Laws and Legal Regulations**

Law Number 35 of 2014 concerning Child Protection.

Law Number 13 of 2003 concerning Manpower.

Law Number 39 of 1999 concerning Human Rights.

Decree of the Minister of Manpower and Transmigration Number: KEP-235/MEN/2003 concerning Types of Work that Endanger the Health, Safety, or Morals of Children.

### **Interviews**

Interview with A. Nurmala, a women's and children's activist and academic at Muhammadiyah University of Bone, 2025.

Interview with Andi Baso Chandra, Labor Inspector of South Sulawesi Province, 2025.

Interview with Iin Karita Sakharina, an international law expert from Hasanuddin University, 2025.

Interview with Mastiawaty, Chair of the Indonesian Women and Children Protection Forum NGO in Bone, 2025.

Interview with Muhammad Ashri, an academic from Hasanuddin University, 2025.

Interview with Ramlah from the Anging Mammiri Women's Solidarity NGO in Makassar City, 2025.

Interview with Yanti, a child advocate in Makassar City, South Sulawesi, 2025.