

LEGAL PROTECTION OF UNDERAGE WORKERS FROM THE VIEWPOINT OF CHILDREN'S RIGHTS IN INDONESIA

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Abstract: Described in Law Number 13 of 2003 concerning Employment of minors is explained in Article 1 paragraph 26 "A child is every person under the age of 18 (eighteen) years". Meanwhile, according to Article 1 number 2 of Law Number 13 of 2003 concerning Manpower, manpower is anyone who is able to do work to produce goods/services both to meet their own needs and for the community, while workers/laborers according to Article 1 point 3 of the Law Number 13 of 2003 concerning Manpower states that a worker or laborer is anyone who works and receives wages or other forms of compensation. Law Number 13 of 2003 focuses on the protection of children who are bound by a work relationship as stated in article 68 "Entrepreneurs are prohibited from employing Child". However, in Article 69 there is an exception as contained in paragraph (1). The provision as stated in Article 68 can exclude children between the ages of 13 (thirteen) to 15 (fifteen) years from doing light work as long as it does not interfere with their development and health. physical, mental, and social. However, in paragraph (2) it is explained that employers may employ the following: "Entrepreneurs who employ children in light work as referred to in paragraph (1) must meet the requirements. This Labor Law also concerns protection. the law on wages, as well as regarding the welfare of child labor contained in CHAPTER X there are provisions in Article 68 to Article 75 in this chapter. Where in Article 68 it stipulates that employers may not employ children. Philosophically, the sole purpose of the prohibition on employing children is for the sake of these children receiving legal protection for the growth and development of the child itself, also in the development of his dignity to prepare the child's future.

Keywords: Legal Protection, Labor, Children.

Introduction

A democratic state is the form of state that is dreamed of by every society, because every society wants freedom to express opinions and make choices, and one of the conditions for being classified as a democratic state is the existence of a general election system in which the people's representatives are determined to lead the state. to achieve the nation's ideals, General Elections or what can be called elections are a series of democratic parties that exist between the people and the state itself, to carry out the election program the community has a role in determining the future of the nation by electing the country's leaders and electing the people's representatives in government and can hold general elections, so that general elections can occur that are based on honesty and justice (Fahmi 2012).

General elections are honest and fair and can be trusted with the availability of legal instruments and managing election problems and protecting the organizing apparatus, candidates, election supervisors and the citizens themselves (Sarosa, 2011). As in the 1945 Constitution of the Republic of Indonesia Article 2 paragraph (1) that "sovereignty is in the hands of the people and is implemented according to the Constitution", from the above law it is clear that the people have the highest sovereignty, and the community has obligations, responsibilities and has sovereignty

in choosing a leader who will take care of every state affair and serve every interest of the people of the country who have given him the right to elect him.

At every stage of the election, problem after problem always arises even though various anticipatory steps have been taken by the organizers. In fact, it is still a matter of discussion among election organizers and observers about the effectiveness of election criminal law enforcement. In Articles 476 to Article 487 of Law no. 7 of 2017 concerning General Elections has regulated the mechanism for handling criminal acts in the 2019 Election, starting from procedures for handling and special councils for election crimes, to integrated law enforcement centers (gakumdu centers). In Law no. 7 of 2017 also, there are no less than 67 articles containing election criminal provisions. much more than Law no. 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law no. 1 of 2014 concerning the Election of Governors, Regents and Mayors into Law as amended several times, most recently with Law no. 10 of 2016 which only contains 22 articles of criminal provisions.

In general, regulations that protect every right and accompany the implementation of a healthy democracy and protect against violence, intimidation, fraud, infiltration, vandalism and various other violating behaviors that will disrupt and influence the results of the election itself, therefore to achieve an honest election and fair, it will require the existence of election laws and regulations along with the competent authorities to act to enforce these general election laws. So that it does not give rise to fraudulent practices that often occur in law enforcement, in law enforcement what law students must pay attention to are the factors that influence when analyzing the problems that exist in law enforcement.

To maximize the implementation of law enforcement, there must be a state agency that handles every case and assists in carrying out the functions of the state agency in accordance with the laws and regulations and the General Election Supervisory Body, which is usually called Bawaslu, is an institution that organizes general elections and has the authority to supervise the implementation of General Elections throughout the region. The Unitary State of the Republic of Indonesia. Bawaslu membership itself is explained in Law Number 7 of 2017 concerning the Implementation of Elections, which regulates members, supervision, protection during elections, and each Bawaslu member in each city is 3 to 5 people per city. As well as Bawaslu members themselves consist of various professional groups who have expertise in carrying out election supervision and also Bawaslu members who are tasked with supervising are not members or tied to positions in political parties (political parties). In exercising their authority, Bawaslu members are assisted by the Secretariat General of the General Election Supervisory Agency.

For example, Law Number 7 of 2017 concerning general elections clarifies the government's seriousness regarding the aspects of following up and eradicating election crimes through the establishment of an Integrated Law Enforcement Center or known as the Gakkumdu Center (Prakoso. 1987). Efforts to enforce the law in cases of election crimes will be coordinated by the Police, Prosecutor's Office and Panwaslu by establishing an Integrated Law Enforcement Center (Sentra Gakkumdu), where this law enforcement center functions to make the coordination role between the relevant institutions more effective in handling every violation. election crimes.

Literature Review

Underage Workers in Law Number 13 of 2003 concerning Manpower

Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that "Every citizen has the right to work and a life worthy of humanity". Based on the wording of the article, the government is obliged to provide or provide jobs for its people to be able to live properly in accordance with human boundaries (Hanifah, 2020b). The state's obligation to facilitate and protect citizens so that they can earn income with a decent standard of living, so that they are

able to meet their needs fairly on the basis of human dignity. Providing legal protection in the field of manpower requires careful planning to realize the obligations of the state, one of which is shown by child laborers who, due to their incompetence, are in reality forms of exploitation, violence, violation of children's rights, discrimination, both felt in real and in real terms. hidden in it (Sa'adah et al., 2019).

Manpower is defined as where the population has entered the working age in this case the Manpower Act in Chapter 1 Article 1 paragraph (2) mentions the notion of manpower, namely that every person can do his work to produce goods or services to meet his own needs. as well as for society. There is also an understanding of workforce according to the Big Indonesian Dictionary, namely people who are able to do a good job both inside and outside the employment relationship are also defined as people who work or do a job, employee or so on. If analyzed regarding employment, in general the population in a country is divided into two groups, namely the group as a workforce which is people who are at working age, and vice versa who are not a group of workers, namely people who are not yet of working age. The determination of working age varies in each country, for example, that is where Indonesia has set limits for a minimum working age of 10 years without any maximum age above that, in this case it means that people who have entered the age of 10 years will automatically be said to be included in the age group. that can work.

Child in article 1 paragraph 26 follows "Child is every person under the age of 18 (eighteen) years". While in article 68 it is explained "employers are prohibited from employing children". The role of labor law essentially requires that the law is no longer seen as merely a set of norms, but that the law is also seen as a means of social renewal which must always be able to provide direction that protects, regulates, encourages, plans, mobilizes, controls society in accordance with the stages of development that held (Suhardi, 2002).

Described in Law Number 13 of 2003 concerning Employment of minors is explained in Article 1 paragraph 26 "A child is every person under the age of 18 (eighteen) years". Meanwhile, according to Article 1 number 2 of Law Number 13 of 2003 concerning Manpower, manpower is anyone who is able to do work to produce goods/services both to meet their own needs and for the community, while workers/laborers according to Article 1 point 3 of the Law Number 13 of 2003 concerning Manpower states that a worker or laborer is anyone who works and receives wages or other forms of compensation. 13 Law Number 13 of 2003 focuses on the protection of children who are bound by a work relationship as stated in article 68 "Entrepreneurs are prohibited from employing Child".

However, in Article 69 there is an exception as contained in paragraph (1). The provision as stated in Article 68 can exclude children between the ages of 13 (thirteen) to 15 (fifteen) years from doing light work as long as it does not interfere with their development and health. physical, mental, and social. However, in paragraph (2) it is explained if the entrepreneur may employ the following: "Entrepreneurs who employ children in light work as referred to in paragraph (1) must meet the following requirements: a. Written permission from parents or guardians; b. Maximum working time 3 hours; c. Done during the day and does not interfere with school time; d. Occupational Health and Safety; e. There is a clear working relationship, and; f. Receiving wages in accordance with applicable regulations. Article 71 allows minors to work as described in paragraphs 1, 2 and 3, as follows; (1) Children can do work to develop their talents and interests. (2) Entrepreneurs who are obliged to work for children as referred to in paragraph (1) must meet the following requirements: a. Under the direct supervision of a parent or guardian; b. The maximum working time is 3 (three) hours a day; and c. The working conditions and environment do not interfere with physical, mental and school time development. (1) Provisions regarding

children working to develop their talents and interests as referred to in paragraph (1) and paragraph (2) are regulated by a Ministerial Decree.

In 2003, the enactment of a person's right to work was enacted. and can work, the enactment of these rights in order to realize the fulfillment and protection of the law, namely by issuing Law No. 13 of 2003 dealing with Manpower, hereinafter referred to as the Manpower Law. Every citizen has the right to work and also has the right to obtain a job with reciprocity, namely a decent wage, as well as fair and proper treatment in the employment relationship which is one of the basic principles contained in this law.

This Labor Law also concerns protection. the law on wages, as well as regarding the welfare of child labor contained in CHAPTER X there are provisions in Article 68 to Article 75 in this chapter. Where in Article 68 it stipulates that employers may not employ children. Philosophically, the sole purpose of the prohibition on employing children is for the sake of these children receiving legal protection for the growth and development of the child itself, also in the development of his dignity to prepare the child's future.

Method

This research is a normative legal research that uses secondary data sources consisting of primary legal materials, secondary legal materials and tertiary legal materials which will be described in the form of sentences and then analyzed using qualitative analysis so that it can be easily understood by readers

Result and Discussion

Legal protection for underage workers in terms of children's rights in Indonesia

Children as a person are very unique and have distinctive characteristics. Even though he can act based on his own feelings, thoughts and will, it turns out that the surrounding environment has a considerable influence in shaping a child's behavior. For this reason, guidance, coaching and protection from parents, teachers and other adults is very much needed by a child and it is the responsibility of the child. Especially in fulfilling their rights, a child cannot do it alone because his abilities and knowledge are still limited. In the Indonesian Constitution, the 1945 Constitution of the Republic of Indonesia as the highest legal norm has outlined that "every child has the right to survival, growth and development and is entitled to protection from violence and discrimination." It can be interpreted that the position and protection of children's rights is an important thing that must be further elaborated and implemented in everyday reality (Djamil, 2013).

Efforts to protect children's rights in Indonesia have been accommodated in the 1945 Constitution of the Republic of Indonesia Article 28B paragraph (2) as mentioned above, also in Law Number 39 of 1999 concerning Human Rights, and Law Number 23 of 1999. 2002 concerning Child Protection. In the Convention on the Rights of the Child, children's rights can generally be grouped into 4 (four) categories, including: a). The right to survival, namely the rights to preserve and defend life and the right to obtain the highest standard of health and the best possible care; b). The right to protection (Protection Rights), namely the rights in the convention on the rights of the child which includes the right to protection and discrimination, acts of violence and neglect for children who do not have families for refugee children; c). The right to growth and development (Development Rights), namely the rights of children in the convention on the rights of the child which includes all forms of education (formal and non-formal) and the right to achieve a standard of living that is appropriate for the child's physical, mental, spiritual, moral and social development (the right of standard of living). d). The right to participate (Participation Rights), namely the rights of the child which includes the right to express opinions in all matters that affect the child

(the right of a child to express her/his views freely in all matters affecting the child). The right to participate is a child's right to fundamental cultural identity for children, childhood and the development of their involvement in the wider community.

Meanwhile, children's rights in Indonesia are generally defined in Articles 4 to 18 of Law Number 23 of 2002 concerning Child Protection, including:

- a. Every child has the right to be able to live, grow, develop, and participate fairly in accordance with human dignity, and to receive protection from violence and discrimination;
- b. Every child has the right to a name as identity and citizenship status;
- c. Every child has the right to worship according to his religion, think and express according to his level of intelligence and age, under the guidance of his parents;
- d. Every child has the right to know his parents, to be brought up and cared for by his own parents;
- e. Every child has the right to obtain health services and social security in accordance with their physical, mental, spiritual and social needs;
- f. Every child has the right to receive education and teaching in the context of personal development and the level of intelligence according to his interests and talents;
- g. Children with disabilities are also entitled to receive special education, while children with disabilities are also entitled to special education;
- h. Every child has the right to express and have his opinion heard, to receive, to seek, to provide information according to his level of intelligence and age for his own development in accordance with decency and decency values;
- i. Every child has the right to rest and take advantage of free time, associate with children of the same age, play, have recreation and be creative according to their interests, talents and level of intelligence for self-development;
- j. Every child with disabilities has the right to receive rehabilitation, social assistance, and maintenance of social welfare levels;
- k. Every child while in the care of parents, guardians or other parties or those responsible for care, has the right to receive protection from treatment: discrimination, exploitation, both economic and sexual, neglect, cruelty, violence and abuse, injustice and other mistreatment
- l. Every child has the right to be cared for by his own parents, unless there are valid reasons and/or laws indicating that separation is in the best interest of the child and is the final consideration;
- m. Every child has the right to obtain protection from: abuse in political activities, involvement in armed conflicts, involvement in social unrest, involvement in events that contain elements of violence, and involvement in war;
- n. Every child has the right to receive protection from being subjected to persecution, torture, or inhumane punishment;
- o. Every child has the right to obtain freedom in accordance with the law;
- p. detention, or criminal acts of imprisonment for children are only carried out if in accordance with applicable law and can only be carried out as a last resort;
- q. Every child deprived of his liberty has the right to: receive humane treatment and be placed separately from adults, obtain legal assistance in force, and defend himself and obtain justice before an objective and impartial juvenile court in a closed session to the public;
- r. Every child who is a victim or perpetrator of sexual violence or who is in conflict with the law has the right to be kept confidential; And
- s. Every child who is a victim or perpetrator of a crime has the right to get legal aid and other assistance.

Rights are a condition inherent in human life. This right is owned by a person and can be enjoyed by its existence. If someone has these rights, then that person freely uses his rights without any pressure or threat from any party. In order to protect so that a person really has the freedom to use his rights and there is protection so that a person can continue to enjoy his rights, it is agreed that human rights exist. These human rights have been regulated since December 10, 1948 in the Universal Declaration of Human Rights (UDHR), which contains civil-political rights and economic, socio-cultural rights. Then in 1966, the United Nations made 2 (two) separate instruments namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Hanifah, 2020a).

We can find the right to protection in Article 5 paragraph (1) of Law no. 13 of 2006, namely:

- a. Obtain protection for personal, family and property security, and be free from Threats relating to testimony that will be, is being given, or has been given
- b. Participate in the process of selecting and determining forms of security protection and support;
- c. Give information without pressure;
- d. Got a translator;
- e. Free from ensnared questions;
- f. Obtain information regarding the progress of the case;
- g. Obtain information regarding court decisions;
- h. Knowing in terms of the convict being released;
- i. Got a new identity;
- j. Get a new residence;
- k. Obtain reimbursement of transportation costs as needed;
- l. Get legal advice; and/or
- m. Obtaining temporary living expenses assistance until the protection deadline expires.

Apart from talking about rights, it doesn't feel right to not talk about obligations. Because between rights and obligations is something that always goes hand in hand. Obligation means something that must be practiced (done), a must, a task that must be done. According to Setya Wahyudi, children carrying out obligations are not merely a burden, but actually carrying out these obligations makes the child have the title of "good child". A good child does not only ask for his rights, but will carry out his obligations (Wahyudi, 2011). Based on Law Number 23 of 2002 concerning Child Protection, there are five things that children are obliged to do in Indonesia, including: a). Respect parents, guardians and teachers; b). Love family, society and love friends; c). Love the motherland, nation and state; d) Performing worship in accordance with the teachings of his religion; and, e). Carry out noble ethics and morals.

The child's obligation to respect the teacher, because the teacher has educated, trained the brain, shown goodness and happiness. So it is also appropriate if the child is obliged to love and respect him. Children must love family. The obligation to love the community like neighbors, because neighbors live together with family (fathers and mothers). In meeting the daily needs of parents and children's needs, they must need the help of neighbors. Likewise for friends, children must respect, because they are friends who help each other. Therefore, children are also obliged to love the community/neighbors and friends.

The problem of underage workers in Indonesia is caused by several factors which are the interaction of various factors at the micro to macro level. According to the results of research by the Network for Combating Child Labor, the factors that cause problems with underage workers are as follows: (Dwinanarhati, 2012)

- a. Poverty. The poverty factor is considered as the main cause of children wanting to work. Parents are forced to agree for their children to become workers to help the family

economy. This can lead to the emergence of vulnerability from children who only help to become the main breadwinner. Child labor is not only caused by poverty but can also cause "impoverishment", meaning that children who work and do not receive an education will still live in conditions of poverty in the future. As a further consequence, the next generation will still be poor and uneducated.

- b. Urbanization. The region of origin of the majority of child laborers is from rural areas, which is one of the factors for child labour.
- c. Socio-cultural. The phenomenon of child labor is inseparable from the reality that exists in society, which culturally views children as potential families who are obliged to serve their parents.
- d. Education. One of the main reasons children want to work is because of their backwardness in getting an education.
- e. Production Process Changes. The development of the era that demands technological sophistication makes several companies in carrying out the production process use sophisticated technological tools. So that many jobs that should be done by experts can be completed more quickly if done with a tool. What remains is only menial and odd jobs where it turns out that many children are taken for work, of course with low wages and minimal job protection guarantees, because they are still considered as children who do not know anything and are required to always obey the rules made by the company where they work.
- f. Weak oversight and limited institutions for rehabilitation.

Legal protection for child labor in Legal protection for child labor in terms of civil law is found in: (Hapsari, 2021)

- a. Article 68 of the Manpower Act stipulates that employers are prohibited from employing children. The philosophy of prohibiting children from working or employing children as stipulated in the Labor Law is actually closely related to efforts to protect children's human rights. Provisions prohibiting the employment of children as regulated in the provisions of Article 68 of the Labor Law, are in line with the provisions of Article 52 of the Human Rights Law, Article 52 of the Human Rights Law which stipulates that
- b. Every child has the right to protection by parents, family, society and the State. Furthermore, paragraph (2) regulates the rights of the child as a human right and for the sake of it, the child's rights are recognized and protected by law even from the time they are in the womb. Therefore, philosophically the prohibition on employing children is solely intended to provide legal protection guarantees for children for the development of their dignity and status in order to prepare for their future. Apart from that, the Manpower Law also regulates matters relating to legal protection of wages and the welfare of child workers which are included in the provisions of Article 68 to the provisions of Article 75. Law no. 39 of 1999 concerning Human Rights in Article 64 and Article 65 has explained the protection measures that have been regulated by the government.
- c. Article 69 paragraph (2) of the Manpower Act, "Entrepreneurs who employ children in light work as referred to in paragraph (1) must meet the following requirements: written permission from parents or guardians; work agreement between entrepreneur and parent or guardian; maximum working time of 3 (three) hours; conducted during the day and does not interfere with school time; occupational Health and Safety; there is a clear working relationship; and receive wages in accordance with applicable regulations.
- d. Article 71 paragraph (2) of the Manpower Act, "Entrepreneurs who employ children as referred to in paragraph (1) must fulfill the following requirements: under the direct supervision of parents or guardians; maximum working time of 3 (three) hours a day; and

a work environment that does not interfere with physical, mental, social development and school time.

- e. Protection for underage workers is also contained in Law no. 4 of 1979 concerning child welfare, as explained in Article 1.
- f. Article 64 of the Human Rights Law, namely, "Every child has the right to obtain protection from economic exploitation activities and any work that endangers him, so that it can interfere with his education, physical health, morals, social life, and mental-spiritual".
- g. ILO Convention No. 138 of 1973 concerning the minimum age for children who are allowed to work can be seen in the provisions of Article 3 in particular paragraph (1) and paragraph (3), the minimum age allowed for jobs that endanger the health, safety or morals of children must be strived not to be less from 18 years and the age to do light work is 16 years.

The imposition of sanctions on employers who employ underage workers from the perspective of criminal law can be seen in the Manpower Act, namely:

- a. Article 183 paragraph (1) "Whoever violates the provisions in Article 74, is subject to imprisonment for a minimum of 2 (two) years and a maximum of 5 (five) years and/or a fine of at least Rp. 200,000,000.00 (two hundred million rupiah)) and a maximum of IDR 500,000,000.00 (five hundred million rupiah).
- b. Article 185 paragraph (1) "Whoever violates the provisions referred to in Article 42 paragraph (1) and paragraph (2), Article 68, Article 69 paragraph (2), Article 80, Article 82, Article 90 paragraph (1) , Article 139, Article 143, and Article 160 paragraph (4) and paragraph (7), are subject to imprisonment for a maximum of 1 (one) year and a maximum of 4 (four) years and/or a fine of at least IDR 100,000,000. 00 (one hundred million rupiah) and a maximum of IDR 400,000,000.00 (four hundred million rupiah).

- c. Article 186 paragraph (1) "Anyone who violates the provisions referred to in Article 35 paragraph (2) and paragraph (3), Article 93 paragraph (2), Article 137 and Article 138 paragraph (1), is subject to imprisonment for a minimum of 1 (one) month and a maximum of 4 (four) years and/or a fine of at least IDR 10,000,000.00 (ten million rupiah) and a maximum of IDR 400,000,000.00 (four hundred million rupiah).

Furthermore, in the Child Protection Act it is regulated on:

- a. Article 77, "Every person who violates the provisions referred to in Article 76A shall be punished with imprisonment for a maximum of 5 (five) years and/or a fine of up to Rp. 100,000,000.00 (one hundred million rupiah).
- b. Article 80 paragraph (1), "Everyone who violates the provisions referred to in Article 76C, shall be punished with imprisonment for a maximum of 3 (three) years 6 (six) months and/or a fine of up to Rp. 72,000,000.00 (seven) twenty-two million rupiah).
- c. Article 81 paragraph (1), "Every person who violates the provisions referred to in Article 76D shall be punished with imprisonment for a maximum of 15 (fifteen) years and a fine of up to Rp. 5,000,000,000 (five billion rupiah)."
- d. Article 82 paragraph (1) "Anyone who violates the provisions referred to in Article 76E shall be subject to imprisonment for a maximum of 15 (fifteen) years and a maximum fine of Rp. 5,000,000,000 (five billion rupiahs).
- e. Article 83, "Anyone who violates the provisions referred to in Article 76F shall be punished with imprisonment for a maximum of 15 (fifteen) years and a fine of up to Rp. 300,000,000.00 (three hundred million rupiah).
- f. Article 88, "Anyone who violates the provisions referred to in Article 76I, shall be punished with imprisonment for a maximum of 10 (ten) years and a fine of up to Rp. 200,000,000.00 (two hundred million rupiahs).

Child workers, especially in the writing of this scientific journal, are child celebrities, in terms of the Labor Law, it is contained in CHAPTER X regarding protection, remuneration is also regarding welfare, namely in Articles 68-75 concerning children where a child worker is protected in this chapter. The law states that employers may not employ children, but there are exceptions for children who are 15 years old and can do light work as long as it does not interfere with the child's physical, mental and social development and health. The Labor Law also stipulates that employers who employ children can employ them by providing light work but must meet the following requirements:

- a. With written permission from the child's parents;
- b. There is a work agreement between the employer and the child's parents;
- c. There is a limit on working time, namely a maximum of 3 (three) hours;
- d. In carrying out work it can only be done during the day and does not interfere with the child's time at school;
- e. Occupational safety and also occupational health;
- f. There is a clear working relationship between the entrepreneur and the guardian parents;
- g. Children can receive wages in accordance with the applicable provisions.

All work agreements that have been made must be in accordance with applicable laws and regulations. The Labor Law which provides an understanding of work agreements is a work agreement between an employer or entrepreneur and a worker or laborer which contains the terms of employment, the rights and obligations of the parties. In fact, when viewed from the regulations above, it is very contrary to the current conditions. Because in reality there are many children who are under the age of 13 (thirteen) years who have worked as little celebrities and with busy working hours it can reach more than the conditions in the requirements, namely more than 3 (three) hours a day, for children which in this case is a child celebrity who works as a stripping soap opera player

so that it will definitely interfere with the child's school time, physically, mentally and socially. These minors who work as little celebrities who are represented by their parents or guardians in making work agreements with production houses, must carry out their obligations and also obtain their rights in accordance with the contents of the agreement they have mutually agreed upon which are also not contradictory to the regulations. Legislation that is already in effect.

Conclusion

Described in Law Number 13 of 2003 concerning Employment of minors is explained in Article 1 paragraph 26 "A child is every person under the age of 18 (eighteen) years". Meanwhile, according to Article 1 number 2 of Law Number 13 of 2003 concerning Manpower, manpower is anyone who is able to do work to produce goods/services both to meet their own needs and for the community, while workers/laborers according to Article 1 point 3 of the Law Number 13 of 2003 concerning Manpower states that a worker or laborer is anyone who works and receives wages or other forms of compensation. Law Number 13 of 2003 focuses on the protection of children who are bound by a work relationship as stated in article 68 "Entrepreneurs are prohibited from employing Child". However, in Article 69 there is an exception as contained in paragraph (1). The provision as stated in Article 68 can exclude children between the ages of 13 (thirteen) to 15 (fifteen) years from doing light work as long as it does not interfere with their development and health. physical, mental, and social. However, in paragraph (2) it is explained if the entrepreneur may employ the following: "Entrepreneurs who employ children in light work as referred to in paragraph (1) must meet the requirements.

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References

- Djamil, M. N. (2013). *Anak Bukan Untuk Dihukum*. Sinar Grafika.
- Dwinanarhati, S. E. (2012). *Perlindungan Hukum Bagi Pekerja Anak dan Upaya Penanggulangannya*. Jurnal Reformasi, 2(2).
- Hanifah, I. (2020a). *Kebijakan Perlindungan Hukum Bagi Pekerja Rumah Tangga Melalui Kepastian Hukum*. Jurnal LEGISLASI INDONESIA, 17(2).
- Hanifah, I. (2020b). *Peran Dan Tanggung Jawab Negara Dalam Perlindungan Hukum Tenaga Kerja Indonesia Yang Bermasalah Di Luar Negeri*. De Lega Lata: Jurnal Ilmu Hukum, 5(1).
- Hapsari, D. (2021). *Perlindungan Hukum Terhadap Tenaga Kerja Di Bawah Umur Menurut Perundangundangan Di Indonesia*. Jurnal Bismak, 1(1).
- Intan, D. S. (2019). *Perlindungan Hukum Terhadap Anak Dibawah Umur Yang Berprofesi Sebagai Artis Berdasarkan Undang-Undang Ketenagakerjaan*. Jurnal Ilmu Hukum, 7(7).
- Rahimah, R., & Koto, I. (2022). *Implications of Parenting Patterns in the Development of Early Childhood Social Attitudes*. International Journal Reglement & Society (IJRS), 3(2), 129-133.
- Nashriana. (2011). *Perlindungan Hukum Pidana Bagi Anak Di Indonesia*. Raja Grafindo Persada.
- Sa'adah, K., Syafrudin, & Busthomi, A. O. (2019). *Pekerja Anak Di Bawah Umur Menurut Tinjauan Hukum Ekonomi Syari'ah*. Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Islam, 4(1).
- Suhardi, G. (2002). *Peranan Hukum dalam Pembangunan Ekonomi*. Universitas Atmaja.

- Vivid, I. W. (2019). Perlindungan Hukum Bagi Pekerja Anak di Indonesia. Jurnal Ilmu Hukum, 3(2).
- Wahyudi, S. (2011). Implementasi Ide Diversi Dalam Pembaruan Sistem Peradilan Pidana Anak di Indonesia. Genta Publishing.