

Impact on Companies That Employ Underage Children

Robbil Iqsal Mahendra¹ RB Sularto²

^{1,2}Master of Law, Faculty of Law, Diponegoro University



ABSTRACT: In today's development, which is developing very fast, many people justify any means to achieve the target, many people even make a job that should be done by an adult, but instead it is done by a minor. Basically, children are the forerunners of the younger generation who will continue the hopes of the nation in the future. In its implementation, children are human resources for the nation and state as determinants of the country's future and as the successor to the nation's generation. A child should be the responsibility of his parents including food security, education, environment, and the formation of a child's personality in living in society. However, in reality, there are still many underage child labor phenomena caused by economic pressures or to make ends meet, so that many parents employ their children in a company or a certain business entity. This is a violation committed by a company or an agency which in operating the company's activities involves children who are made workers in the company. Employing minors is basically an act that violates human rights because employing minors will exploit children which of course will have a negative impact on the child's development both physically, emotionally and socially. In fact, currently many companies and parents of children ignore this provision, especially in rural areas. With this phenomenon there will be a very detrimental impact on the child. Seeing this phenomenon, the author wants to express an opinion based on the results of research related to companies that employ minors by formulating a problem, namely "what is the impact of work on a child who is made a child worker by the company?" by conducting an analysis using the theory of radical victimology, namely the Marxist theory which states that it sees weak law enforcement in resolving corporate crime cases. In this study using the Normative method, then the data obtained will be analyzed qualitatively with analytical descriptive method. The purpose of this writing is to find out what impact the child will receive if this phenomenon continues and the impact on the child's future.

KEYWORDS: company, child labour, underage

A. BACKGROUND

In real terms, children are a priceless asset, not only from a social, cultural, economic, political, legal perspective, but also from the perspective of the continuity of a generation of families, tribes, breeds and nations. Given the importance of the status and position of the child, Sri Purnianti and Martini (2002:5) argue that children can have social meaning (the honor of family dignity depends on the attitude and behavior of the child), cultural (children are assets and wealth as well as a symbol of the fertility of a family), political (children are the successors of certain races or ethnic groups), economics (while the Javanese people think in particular that there is an adage 'many children bring more fortune, so that 'employing' or employing children can increase income or fortune), law (children have a strategic position and position) before the law).

Based on data from BPS in October 2000, the number of working children aged 10-14 years was recorded at 2.05 million, and continued to decrease until October 2005 to 1.64 million. After the crisis, in 2006 there was an increase to 1.81 million and in 2007 it reached 2.21 million people, while in 2008 it reached 5.75 million people. This number will be much higher if you count child workers under the age of 10 and over 14 years (Haryadi, 1995: 20). Meanwhile, based on Bappenas estimates, the potential dropout rate due to the crisis has increased sharply, from 2.8 million to 8 million per year (Haryadi, 1995: 22). And what is concerning, along with the increasing tendency of children to drop out of school, is the possibility that more school-age children will be forced to work to help support the family economy.

Juridically, Indonesia already has a set of laws and regulations to guarantee children's rights and reduce the impact of work on children, namely the 1945 Constitution, the ratification of the ILO convention number 138 to become Law (UU) number 20 of 1999 concerning the minimum age for Allowed to Work, ratification of ILO convention number 182 into Law number 1 of 2000 concerning Violations and immediate action to eliminate the worst forms of child labour, Law number 23 of 2002 concerning Child Protection and Law number 13 of 2003 concerning Employment.

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Even though there are a set of regulations that protect child labour, the trend in the quality of child labor problems from year to year experiences a development in complexity towards the worst forms of work which are exploitative and endanger the physical, mental, moral, social and intellectual growth and development of children. The worst kind of work is getting are often found, such as prostituted children, trafficked children, children working in mining, jermal children and others. In the 1990s, the issue of street children (anjak), jermal children, children working on plantations began to emerge.

In 1996, the issue of child prostitution, children working in mining and fishing, emerged. Meanwhile, in 1998 the issue of child trafficking for prostitution, child domestic service and other worst forms of child labor emerged (Wiryani, 2003: 3). Based on the background above, this paper aims to examine the factors that cause child labor, children's rights and legal protection for child workers in Indonesian laws and regulations, and the prevention of child labor in Indonesia. This study needs to be carried out in relation to the implementation of regional autonomy. Because the essence of regional autonomy is excellent public service in an effort to realize an increase in the physical and spiritual well-being of citizens in the region.

Therefore, laws and regulations made by the legislature and executive in the regions must take into account aspects of the protection of child labor rights in the regions. Because phenomenologically both culturally and economically, the position of child labor is very strategic in improving the physical and spiritual well-being of the people in the regions. In this context, the paradigm shift in the process of making laws and regulations, especially those regulating child labor, must be changed from a capitalist paradigm to a paradigm for the physical and mental well-being of child workers, by placing child labor as an 'subject' and not an 'object' that can be exploited by anyone and any party . anything for the benefit of capital.¹

In this case, it is true that Forms of Legal Protection Against Child Labor Juridically, Indonesia already has a set of laws and regulations to guarantee children's rights and reduce the impact of work on children, namely among others the 1945 Constitution of the Republic of Indonesia, ratification of conventions ILO No. 138 became Law Number 20 of 1999 concerning Minimum Age for Admission to Work, ratification of ILO convention No. 182 became Law no. 1 of 2000 concerning Violations and immediate action to eliminate the worst forms of child labour, Law no. 23 of 2002 concerning Child Protection and Law no. 13 of 2003 concerning Manpower, Presidential Decree No. 12 of 2001 concerning the National Action Committee on EWFCL, Presidential Decree No. 59 of 2002 concerning the National Action Plan (RAN) for IWFLC .

In its implementation, children are human resources for the nation and state as determinants of the country's future and as the successor to the nation's generation. A child should be the responsibility of his parents including food security, education, environment, and the formation of a child's personality in living in society. A child also has the right to receive guidance and guidance from his parents in his development.

However, in reality, there are still many underage child labor phenomena caused by economic pressure or to make ends meet, so that many parents employ their children in a company or a certain business entity. This is a violation committed by a company or an agency which in operating the company's activities involves children who are made workers in the company. Employing minors is basically an act that violates human rights because employing minors will exploit children which of course will have a negative impact on the child's development both physically, emotionally and socially.

However, if in a very forced situation due to economic or social reasons, children may indeed be employed, but there are limitations that have been regulated in the labor law whereby the age of 13 to 15 years can do light work as long as it does not interfere with their physical and mental development, and also must meet very strict selection requirements both in terms of the type of work, working time, even the salary that must be received by the child, but the government strongly discourages minors from doing work that should be done by adults. In fact, currently many companies and parents of children ignore this provision, especially in rural areas. With this phenomenon there will be a very detrimental impact on the child.

The definition of child labor according to the ILO/IPEC (*International Program on the Elimination of Child Labor*) is a child who works in all types of work that is harmful or disruptive physically, mentally, intellectually and morally. The concept of child labor is based on ILO Convention No. 138 regarding the minimum age for being allowed to work which describes the most comprehensive international definition of the minimum age for being allowed to work, referring indirectly to "economic activity". employed by the company as underage workers?

B. RESEARCH METHODS

In this type of research, the authors use empirical juridical research, namely research conducted by observing, paying attention to, and reviewing community behavior patterns directly supported by literature studies, where community behavior arises due to interactions with the existing system of norms .² The method used in writing this law is descriptive analytical method, which is to make a picture of an event, then analyze it with existing data. Data obtained through secondary data collection will be collected and

¹Emei Dwinanarhati Setiamandan , *Legal Protection for Child Labor and Efforts to Overcome it , Legal Protection for Child Labor, Review of the Provisions of the United Nations Convention On The Right Of The Child*

²Mukti Fajar ND and Yulianto Achmad, 2015, *Dualism of Normative & Empirical Legal Research* , Student Library Publisher, Yogyakarta, Pg. 51.

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then analyzed.³ In this case the analytical study uses the theory of radical victimology, namely the Marxist theory which states that it sees weak law enforcement in resolving corporate crime cases.

C. DISCUSSION

1. The Concept of Protection of Children's Rights in Indonesia According to the 1989 Convention On The Rights Of The Child

The true essence of Indonesia In essence, the Indonesian state is a state based on law or *rechstaat*,⁴ as stated in Article 1 paragraph (3) of the 1945 Constitution which expressly states, " the country of Indonesia is a country of law " .⁵Whereas the Statement of Article 1 paragraph (3) of the 1945 Constitution makes all aspects of constitutional practice regulated in statutory regulations, because law is an important pillar which forms the basis of the highest democracy. ⁶As a constitutional state, it guarantees life and is free from discriminatory treatment. Rights are the crystallization of Human rights are fundamental for every human being.

Law was created as an instrument to regulate the rights and obligations of legal subjects so that each legal subject can carry out their obligations properly and obtain their rights fairly. ⁷According to Sudikno Mertokusumo, law functions to protect human interests.

It is called a fundamental right because this right is inherently attached to human beings without this right then all the attributes possessed by him as a human being become meaningless. So that human rights have officially become the constitutional rights of every citizen or *constitutional rights* . Legal Protection for Workers/Labourers In accordance with Law Number 13 of 2003 concerning Manpower where protection aims to guarantee the basic rights of workers/laborers and guarantee equal opportunities and treatment without discrimination on any basis to realize the welfare of workers/laborers and their families while still pay attention to developments in the development of the business world.

However, in Law Number 11 of 2003 Concerning Job Creation in Politics, the law regarding legal protection given to laborers or workers in essence has not made it representative of a country that reflects the existence of good governance where there are still rights - the rights of workers or laborers who are vulnerable to *discrimination* . , where the legal politics that is presented is not in accordance with expectations and reality or it can be said that between *Dass Sollen and Dass Sein* there is no harmonization so that it creates a gap in which basically the government is required to be able to answer the existing problems because in essence the state needs to carry out its duties to protect (*to protect*), respect (*to respect*), and fulfill (*to fulfill*) All aspects of rights owned by citizens as instruments of Human Rights (HAM).

2. Protection of Children's Rights in Indonesia According to the 1989 Convention On The Rights Of The Child

The Convention on the Rights of the Child consists of 54 (fifty four) articles which are based on legal materials regulating children's rights and mechanisms for implementing children's rights by participating countries that ratify the Convention on the Rights of the Child.⁸

Indonesia has ratified the 1989 Convention on the Rights of the Child through Presidential Decree No. 36 of 1990. Furthermore, in 2002 the Indonesian government issued Law No. 23 of 2002 concerning Child Protection. Child protection as a follow-up effort in protecting children's rights. Protection of children's rights is also guaranteed in the 1945 UUDNRI, in article 28B paragraph (2) which reads that every child has the right to survival, growth and development and is entitled to protection from violence and discrimination.

In Article 24 of the 1989 Convention on the Rights of the Child, there are several steps for participating countries that must be taken in implementing the fundamental right to life for children, namely; to reduce infant and child mortality, provide the necessary health services, especially health services, eradicate diseases and deficiencies. nutrition including in the context of pre and postnatal health services for mothers, obtaining and accessing education and receiving support for basic knowledge of health and nutrition, developing preventive health care, guidance for parents and family planning counseling, and taking measures to eliminate prejudiced traditional practices towards health care and the development of international cooperation.

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³Abdulkadir Muhammad, 2004. *Law and Legal Research*, PT. Citra Raditya Bakti, Bandung, p. 50

⁴Asshiddiqie, Jimly, 2008, *Principles of Post-Reform Constitutional Law* , PT. Bhuana Popular Science, Jakarta , p. 13.

⁵ The 1945 Constitution of the Republic of Indonesia

⁶ Wahyu Djafar, " *Reaffirming the Commitment of the Rule of Law: A Note on the Deficit Trends of the Rule of Law* ", Journal of the Constitution, 7, 5 (October 2010), p. 165-166

⁷Imam Soepomo, 1992, Introduction to Labor Law, Djbatan, Jakarta, p. 10

⁸Muhammad Joni and Zulechaina Z. Tanamas, 1999, Legal Aspects of Child Protection and the Perspective of the Convention on the Rights of the Child. Citra Aditya Bakti, Bandung, p. 45

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a. Impact of Child Labor in a company

Soetarso provides a definition of child labor, namely children who are forced to work to earn a living and meet the needs of themselves or their families, in the formal and informal employment sector which violates applicable laws and regulations, so that it will have a significant impact on children such as physical problems. , mental, and social variety. In the social work profession, children are said to experience abuse , exploitation and neglect.¹¹

On this occasion the author interviewed a 14-year-old child, basically they were still in junior high school where this child was named Akbar Duansyah, who is located in Pasar Latong Village, Lubuk Barumun District, Padang Lawas Regency, North Sumatra Province and one more child. whose name is Fahmi Habibi, who is 15 years old, from Huta Dolok, Lubuk Barumun District, Padang Lawas Regency, North Sumatra Province. Where they have been friends with each other since elementary school or elementary school, they also went to apply for a job at a company at the end of 2020 to become OB at one of Wilmar's companies in Asahan, North Sumatra, where they worked as OB on a daily basis have to leave early in the morning.

In their daily life they always get hate speech and also harsh treatment from their colleagues. Where they are given jobs that are not in accordance with the SOP in their work positions. one day right on Thursday 15th July 2021 they received rough or physical treatment where they were slapped and stopped. For their previous actions, they accidentally made a mistake so that the boss named Reyhan fell, which injured his leg a little and had to be stabbed. for these actions based on incidents that are not intentional, in essence it is not appropriate to punish by being slapped and dismissed .

As a result of this the impact on children in this case can be bad both in terms of the child's psychology and also on the development and growth of children due to pressure for discriminatory treatment which in its implementation does not reflect legal based actions.

The factors that influence Anaka to become workers in a company are:

1. Poverty¹²

Poverty can be interpreted as the condition of a person who does not have the ability to take care of himself according to the standard of living of the group. Poverty can also be measured by comparing a person's or household's income level with the level of income needed to meet their daily needs. ¹³So that this is what encourages parents to make their children as workers or the backbone of the family.

⁹Lucia Charlotta Octovina Tahamata , *Legal Protection Against Child Labor, Study of the Provisions of the United Nations Convention On The Right Of The Child* , Volume 24 Number 1, January - June 2018: p. 4 5

¹⁰ Muhammad Azhar, 2014, *Labor Law* , Sinar Graphic, Bandung , p. 76

¹¹Soetarso in Abu Huraerah, *Child Abuse (Violence Against Children)*, 2007, Nuansa, Bandung, p. 80-81.

¹²Kanyaka Prajnaparamita, "Protection of Child Labor", *Administrative Law & Governance Journal*, Volume 1 Number 1, 2018

¹³Zainal Asikin, 2014, *Fundamentals of Labor Law*, PT Raja Grafindo Persada, Jakarta, page 16

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2. Influence of the social environment

The influence of this environment is a factor that occurs a lot in society where in some areas children are accustomed to joining someone to help in their work, such as in the agricultural sector, fisheries, craft industries, etc. so that this affects the child to work for the company to get the wages he wants.

Employing minors is basically an act that violates human rights because employing minors will exploit children which of course will have a negative impact on the child's development both physically, emotionally and socially.¹⁴

The child workers that I met, many of whom experienced a lack of rest so that this would have a negative impact on growth and development and on children's performance at school. It is also often found that they do not get the opportunity to have recreation, carry out worship activities, and study activities at home.

The truth is in this case that law is an institution of morality and conscience. The law of conscience, as stated by Satjipto Rahardjo, is a law aimed at protecting the people, a law that is pro-people and a law that is pro-justice, namely a law that leads to legal ideals and rejects the status-quo, which does not only prioritize intellectual intelligence¹⁵.

Law is an institution full of dynamics, as a new science it must speak the truth, it must be said, in fact law cannot stop. The original character of the law is to keep moving, the law can only survive to regulate, if the law is dynamic and progressive¹⁶.

The Marxist approach to crime focuses on the economically dispossessed as well as economically privileged and both are seen by Taylor, Walton and Young to share the same qualities as occur in the context of a society where there is a struggle for property, wealth, and economic independence. Improvement, where there are unequal opportunities, and where both the rich and the poor pursue legal and illegal means of accumulating wealth. Those who are criminalized in England it's mostly working class people and the legal system, that is argue, disproportionately directed to the criminalization of their activities (Taylor *et al.* , 1975, p. 34).

The view that working class property crime is closely related to the level of legitimacy or political opposition given capitalist society is open to criticism as a critic of the right, and then left, showing that many crimes of the working class were committed against working class. Discussion in Marxist criminology about the evils of power have has a greater and more enduring meaning. Taylor, Walton and Young argue that Marxist criminology must examine its systematic and structural nature deviations from the ruling class which they believed to be the resolution of the ruling class (1975, p. 32).

A similar point is made by Box (1983), who argues that corporate crime is structurally related market uncertainty. When strain and uncertainty increase because changing environment in which companies compete in their markets constrained to innovate and find new ways to maintain their profitability and, as a result, they face pressures that can lead to deviations into crime. This argument is based on the view that the evil of the ruling class is endemic within capitalism and not simply the result of individual moral perversions.

Marxist criminologists also argue that law enforcement is far weaker with respect to ruling class crimes and more resources are devoted to punishing it than working class perpetrators. Finally, crime in power, it is claimed, involves a much greater financial cost to society (Pearce, 1976), as well as causes greater death and injury, primarily due to corporate violations of health and safety laws (Box, 1983). These arguments continue to influence by a number of criminologists who have produced various studies on corporate crime , such as Pearce and Tombs (1993), Tombs and Whyte (2003) and Slapper and Graveyard (1999).¹⁷

Based on this, actually in protecting a company that employs a child, certain things must be considered and where the empirical fact is that children often get bad treatment, there are crimes such as child trafficking or human trafficking, making it *mutatis mutandis* in need of coping *mechanisms* . the good one.

Many laws and regulations have been made in Indonesia to provide legal protection for working children, especially children who are underage. Apart from that, it also regulates protection against the worst forms of child labor which is confirmed in Presidential Decree No. 59 of 2002, categorizing the worst forms of child labor. So serious is the problem of child labor above, the regulations used to protect child labor aside from being an effort to ratify international conventions, some are also regulations made on the basis and initiative of the Indonesian government. However, the existing laws and regulations are substantively sufficient, however, in practice they are still very far from expectations.

¹⁴Sherly Ayuna Putri, Holyness N Singadimedja, "Risk and Legal Protection for Child Labor Based on Law No. 13 of 2003 concerning Employment Jo. Law No. 35 of 2014 Concerning Child Protection", *VYAVAHARA DUTA*, Volume 8 Number 1, (March, 2018), Pg. 73.

¹⁵Satjipto Rahardjo, 2009, *Progressive Law A Synthesis of Indonesian Law* (hereinafter referred to as Satjipto Rahardjo III). Genta Publishing. Yogyakarta. p.2. See also Esmi Warassih P., 2009, *Progressive Law Alternative Answers Toward Development of Indonesian Law Against the Judicial Mafia*, Paper, FHUNDIP National Seminar, Semarang, p . 3

¹⁶3 Progressive Law is a law for humans and not the other way around which was initiated by Satjipto Rahardjo. Discussion of progressive law, can also be read in Anthon Freddy Susanto, 2005, *Legal Semiotics From Deconstruction of Text Towards Progressive Meaning*, Refika Aditama, Bandung, also read Anis Ibrahim, 2007, *Reconstructing the Science of Law & Law of the Third Millennium*, In-TRANS, Malang, and Others have dissected progressive law.

¹⁷Lorraine Wolhuter, Neil Olley and David Denham , 2009, *Victimologist y "Victimization and Victims' Rights "*, First published by Routledge-Cavendish 2 Park Square, Milton Park, Abingdon, Oxon OX14 4R , pp. 20-21

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In Law Number 20 of 1999 concerning Ratification of ILO Convention No. 138 Concerning Minimum Age for Admission to Employment of the Abolition of Forced Labor or ILO Convention No. 138 Concerning the Minimum Age for Admission to Work, 1973. This convention was adopted by the general conference of the ILO on 26 June 1973, and Indonesia has ratified this convention through Law Number 20 of 1999. This convention itself, as stated in the fourth paragraph of its preamble, intended to establish a general text regarding age limits which will gradually replace existing texts that apply to limited economic sectors. This is because previously there was a formulation regarding the minimum age limit for work, it's just that the formulation varies for each type and sector of work. The fourth paragraph of this preamble also states that the purpose of this convention itself is to eliminate children as workers in economic activities as a whole.

This 15 year old was adopted and compulsory school age. Article 2 also states that no one under the age of obligation shall be allowed to work or enter work in a position on the territory of an ILO member country. It also contains a prohibition to work on existing transportation equipment in the territory of the country. Article 3 of the convention stipulates that for types of work which may harm the health, safety or morals of young persons, the age limit shall not be less than 18 years. Article 3 also formulates that the types of hazardous work must be determined by national laws and regulations.

In addition, in Law Number 1 of 2000 concerning *Ratification of ILO Convention No. 182 Concerning the Prohibition and Intermediate Action for the Elimination of The Worst Forms of Child Labor Or ILO Convention No. 182 Regarding the Prohibition and All Actions for the Elimination of the Worst Forms of Child Labor in 1999*. The formulation of an international instrument established by the ILO as a continuation of efforts to protect workers that have been formulated by the previous convention is ILO convention No. 182. This convention was born based on the consideration that it is deemed necessary to have a new labor instrument to eliminate the worst forms of child labour.¹⁸

Some of the basic content relating to the protection of children against the exploitation of children as workers in this convention are the principles of protection, the principle of prevention, the principle of effective application, and the principle of national cooperation. This convention also contains norms that are directly related to the concept of child protection as workers. Article 1 obliges member states to take immediate and effective measures to ensure the prohibition and elimination of the worst forms of child labor as a matter of urgency.

Another article related to the principle of protecting children as workers is article 4, which formulates that hazardous work must be regulated by national regulations or laws, also requires that participating countries are obliged to identify places where the worst forms of labor exist. Furthermore this article also formulates periodic reviews and revisions of the worst types of work.

This opens up opportunities for new formulations to be formulated regarding the worst types of child labour. For matters relating to the effective application of these are regulated in Article 5, Article 6 and Article 7. In principle, the ILO Convention No. 182 tries to provide a formula for protecting children so that children are not employed.

From the explanation above, it can be seen that the protection of children from economic exploitation is part of the right to survival. More conventions also determine the steps to be taken, namely among others; determine the minimum age or minimum ages for permission to work, establish appropriate regulations regarding working hours and labor conditions, and determine penalties or other appropriate sanctions to ensure their effective implementation (Kurniaty, 2007: 108). Here it means that the state responsible for child protection must be able to take policies both juridically and socially, as well as carry out international cooperation in order to protect children's rights from economic exploitation.

This of course includes the harmonization of national law to international legal instruments that regulate the protection of children from economic exploitation. Whereas in Law Number 39 of 1999 concerning Human Rights which is an organic law concerning the protection of human rights from the 1945 Constitution as a result of amendment IV. The formulation regarding children's rights is stated in article 52 which states that every child has the right to the protection of parents, family, society and the state.

In addition, this article also states that children's rights are human rights so that in the interests of the child, these rights must be recognized and protected by law even from the time they are in the womb. Article 58 states that every child has the right to obtain legal protection from all forms of physical or mental violence, neglect, bad treatment, and sexual harassment while in the care of his parents or guardians, or any other party responsible for the care of the child, this article is formulation of the protection of children's rights that must be protected by law.

Several other articles in the Human Rights Law which contain child protection provisions, especially in the form of protection for children as workers are Article 64 and Article 65. Article 64 reads: "Every child has the right to obtain protection from economic exploitation activities and any work that endangers him, so that can interfere with education, physical health, morals, social life, and mental-spiritual". and other addictive substances.

¹⁸Emei Dwinanarhati Setiamandan i, *Legal Protection for Child Labor and Efforts to Overcome it*, *Journal of Reform*, Volume 2, Number 2, July – December 2012. p.76

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The problem of child labor cannot be separated from child welfare efforts stipulated in Law Number 4 of 1979 concerning Child Welfare, namely Law Number 4 of 1979, as explained in Article I, aims to create an order for the life and livelihood of children that can ensure the growth and development of children properly, both spiritually, physically and socially.

Therefore, children must be given special protection to protect them from things that can endanger their welfare. The issue of protecting children as workers is indeed not regulated in the formulation of laws on child welfare. It's just that if we look at the problem of child labor within the framework of child protection, it will be found that child labor is something that is contrary to this law. For example, Article 2 paragraph (4) which stipulates that children have the right to protection from the environment that can harm or hinder normal growth and development. This formula is related to the era! with the concept of protecting children as workers.

In many places, working children will always be at a disadvantage and will be exploited. Likewise with conditions, work that can harm or hinder growth and development in a reasonable manner. Indonesia also has a special law to protect children's rights, namely Law Number 23 of 2002 concerning Child Protection. This law on child protection was enacted in 2002, twelve years after Indonesia stated that it had ratified the Convention on the Rights of the Child.

From this length of time, it can be seen that the government is not serious enough to really protect children's rights. Article 2 states that child protection aims to guarantee the fulfillment of children's rights so that they can live, grow, develop and participate optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination, for the sake of the realization of quality, noble, and prosperous Indonesian children, then Article 20 obliges the state, government, community, family and parents to take responsibility for child protection. Another part of this law formulates criminal threats for perpetrators of child exploitation, including people who know about exploitation.

The articles in this law are closely related to the formulation of child protection as workers. Especially with regard to the worst types of child labor as referred to in ILO convention No. 182. With the existence of criminal provisions in this law, it is hoped that the protection of children, especially in the case of children as workers, can be implemented. Indeed, this law does not specifically regulate the protection of children as workers. However, the provisions of the ILO convention No. 138 and ILO convention No. 182 has

The law actually does not impose changes, but changes, the law will be abandoned by society. At a concrete level, changes have occurred in Soleman B's legal systems and regulations. Taneko with his theory of social change argues that the operation of law in society will lead to certain situations. If the law is effective, it will cause changes and these changes can be said to be social change. a social change is nothing but a collective deviation from the established pattern .

D. TO CONCLUSION

Based on this, it is true that every person who gets discriminatory in this case is intimidated against two children, then actually the Convention on the Rights of the Child consists of 54 (fifty four) articles which based on legal material regulate children's rights and mechanisms for implementing these rights. children by participating countries that ratify the Convention on the Rights of the Child. 14 Indonesia has ratified the Convention on the Rights of the Child in 1989 through Presidential Decree No. 36 of 1990. Then in 2002 the Indonesian government issued Law No. 23 of 2002 concerning Child Protection.

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In Article 24 of the 1989 Convention on the Rights of the Child, There are several steps for participating countries that must be taken in implementing the fundamental right to life for children, namely; to reduce infant and child mortality, provide the necessary health services, especially health services, eradicate disease and malnutrition including in the context of health services before and postpartum for mothers, obtain and access to education and receive support in basic knowledge of health and nutrition, develop preventive health care, guidance for parents and family planning counseling, and take action to eliminate traditional practices that are prejudiced against health services and development of international cooperation.

On this matter legal politics in legal protection given to workers or workers in essence has not made it representative of a country that reflects the existence of *good governance* where there are still the rights of workers or laborers who are vulnerable to discrimination, where the legal politics presented are not in accordance with expectations and reality or it can be said between *Dass Sollen and Dass Sein* there is no harmonization so that it creates a gap in which basically the government is required to be able to answer the existing problems.

Because in essence the state needs to carry out its duties to protect (*to protect*), respect (*to respect*), and fulfill (*to fulfill*) all aspects of the rights of citizens as instruments of human rights (HAM).

So based on the *postulate values*, a democratic country must be able to make a representative country that reflects the existence of *good governance* where one of the contents is the existence of justice, certainty and expediency so that this will be able to bring the Indonesian state to its goals as set out in the fourth paragraph of the preamble of the Constitution. Constitution of 1945.

Impact on Companies That Employ Underage Children

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