

Legal protection and enforcement of human rights against the increasing impact of child labour

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ABSTRACT

The state has the responsibility to defend and uphold the human rights of its citizens. One of the many vulnerable groups that are the focus of human rights violations are children. Because they are a vulnerable group that does not have special rights, children need protection. Countries around the world committed to revisit the issue of child protection by ratifying the Convention on the Rights of the Child in 1989. Employment of minors is one of the most persistent violations of children's rights. Working children lose their rights to develop, play, and obtain education. Therefore, the role of the government is to provide facilities and accessibility for children, especially to ensure optimal and directed growth and development. The protection and provision of basic rights for every citizen must be recognised, upheld and guaranteed by the State.

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1. INTRODUCTION

Children should be protected by the government and society of a country as they are the future of the nation and the most important component in the national development process. However, social circumstances and parental considerations prevent children from acting naturally. Children are forced to work to fulfil the basic needs of their families. One of the conditions that must be fulfilled before children finally become citizens is the existence of guarantees that allow children to grow, develop, and obtain quality education and children must be protected from situations that can harm them (Hariadi, 2000).

With rapid economic growth, many minors are subjected to child rights violations as a result. In this regard, the government has adopted a policy that takes into account the signs of widespread child labour. With various measures such as providing scholarship funds for children from low-income families, abolishing registration fees, facilitating registration, and other measures to reduce the increasing cases of students dropping out of school or students not continuing their education to higher levels. The government has also ratified and made regulations to prevent the exploitation of child labour as part of its efforts to protect child labour (Suyanto, 2003).

In reality, the state is still unable to fulfil its obligation to protect children's rights. Child labour is a problem that still occurs frequently in the world today. The existence of child labour clearly violates children's rights and can have a negative impact on children themselves, both physically and psychologically. It also has a negative impact on the future of children who should have a better life. Finding a solution to the problem of child labour is a challenge for both central and local governments.

With the increasing number of underage workers and many children working part-time, it is certainly a cause for concern. It is unfortunate if the future generation of the nation is forced to work. To overcome this situation, various parties have tried various ways, such as making laws and regulations. However, these have not had much impact on their implementation, and many parties continue to employ children in certain jobs. Therefore, children need legal protection of their rights. The term "child protection" refers to all measures taken to ensure that children's rights are upheld and protected from violence and discrimination and to enable them to live, develop and participate to the fullest in accordance with their humanity and dignity.

2. METHOD

The research method used by the author is normative juridical by relying on the main legal raw materials which include, legal regulations, laws, other documents that are very relevant to this research, as well as regulations related to this study.

3. RESULTS AND DISCUSSION

The rights of every citizen must be protected by the state without exception and this commitment also includes vulnerable groups such as children. Children are safeguarded as the future of the country as they are the next generation of the nation. According to Prof Jimly Asshiddiqie, "children's rights are constitutional rights protected by the 1945 Constitution of the Republic of Indonesia". (Asshiddiqie, 2005).

Every person under the age of eight is considered a child, the 1959 Convention on the Rights of the Child stipulates that due to the physical and mental immaturity of the child, special precautions and care are required, including appropriate legal protection before and after birth. The child referred to in Law No. 39/1999 "On Human Rights (HAM) is any individual under the age of 18 and unmarried, including unborn children". A child is also defined as someone under the age of 18 in Law No. 23 of 2002 "On Child Protection, including children still in the womb". (Gautama, 2000).

In Law Number 23 of 2002 concerning Child Protection according to article 59 states that "The government and state institutions are obliged and responsible for providing special protection to children in emergency situations, children in conflict with the law, children from minority and isolated groups, children who are economically and or sexually exploited and who are trafficked".

International child protection is governed by the 1989 Convention on the Rights of the Child, which obliges states parties to provide special protection and care to children because of their physical and mental immaturity. The 1989 Convention on the Rights of the Child states in Article 3(2) that "States parties shall endeavour to ensure that children shall receive the protection and care necessary for their well-being taking into account the rights and responsibilities of the child and shall aim to take all necessary measures to ensure that every child has the inherent right to life which the State shall ensure to the maximum extent possible for the survival and development of the child".

The 1989 Convention on the Rights of the Child, which was adopted by the Indonesian government through Presidential Decree Number 36 of 1990, contains four main concepts of children's rights. (Darmayasa, 2020): That any decision or action affecting children must be taken with the interests of the child in mind; That children are allowed to play an active role in every decision that affects their lives; That all children have rights, without exception; That children have the freedom to grow and live (Cahyanto, 2001).

The 1989 Convention on the Rights of the Child states in article 32(1) that "States parties recognise the right of the child to be protected from economic exploitation by performing any work that is likely to prejudice or adversely affect the child's education or to harm the child's health or physical, mental, spiritual, moral or social development". Article 3(2) of the convention also "provides that States parties undertake to ensure that children shall receive the protection and care necessary for their well-being, while taking into account the rights and obligations of parents, guardians and other persons legally responsible for the child" (Muhammad, 2018).

3.1 Social Impact of Child Labour

Child labour has a significant social impact on society, as they often face psychological and physical pressures that can hinder their development. In addition, child labourers tend to have limited access to education, which in turn can have a long-term impact on the quality of a country's human capital.

The social impact of child labour is a serious issue that requires in-depth analysis. This discussion will detail these impacts on various aspects of society and the individual development of child labourers (Izziyana, 2019).

a. Psychological Stress

Child labourers often experience significant psychological stress. They are forced to deal with heavy work demands, long working hours, and a work environment that is not suitable for their psychological development. This can result in mental distress, anxiety, and depression in children who are not ready to deal with it.

b. Physical Pressure

In addition to psychological stress, child labourers also face serious physical stress. They are often engaged in strenuous physical labour, such as lifting heavy loads or working in hazardous environments. As a result, they are vulnerable to physical injuries, including bone and muscle injuries and even lifelong disabilities. (Novita, 2022).

c. Limited Access to Education

One of the most striking social impacts of child labour is their limited access to education. Working children often do not have the time or desire to attend school regularly. This can result in low levels of education among child labourers and in the long run can negatively impact the quality of a country's human capital. Children who do not receive proper education will tend to have limited employment opportunities and will likely be trapped in poverty (Asikin, 2006). (Asikin, 2006).

d. Social Development Delayed

Child labourers are also likely to experience barriers in their social development. They may have little time to socialise with peers, take part in extracurricular activities, or develop social skills that are essential for healthy social interactions. This can result in social isolation and difficulty in building good relationships with others.

e. Poverty Cycle

The social impact of child labour often creates a cycle of poverty that is difficult to break. Children trapped in child labour are likely to continue this pattern into the next generation. They may not have the opportunity to achieve adequate education, so they and their families remain trapped in poverty. (Pratiwi, 2022).

f. Impact on Mental Health

In addition to psychological distress, child labourers are also at risk of serious mental health problems, such as post-traumatic stress disorder (PTSD) or anxiety disorders. Work experiences that are inappropriate for their age and the pressures they experience can interfere with their mental health development.

It is important to understand that the social impact of child labour is not only an individual issue, but also a larger social issue. To address this issue, concerted efforts from governments, communities and international organisations are needed to provide strong legal protection and support children's development so that they can grow and develop properly without having to engage in child labour.

3.2 Economic Impact of Child Labour

Child labour also has economic impacts that can affect a country's economic growth. They are often given low wages and do not receive adequate protection. This can create economic instability in the long run as child labourers may be trapped in poverty. The economic impact of child labour is a serious issue that can affect a country's economic growth in many complex ways. In this explanation, we will discuss the impacts including how low wages and lack of protection can create long-term economic instability. (Putri, 2017).

a. Low Wages and Child Labour Poverty

Child labourers are often paid very low wages, far below the prevailing minimum wage standards. Child labourers are often exploited by employers who take advantage of their vulnerable situation. These low wages can result in child labourers and their families being trapped in an intractable cycle of poverty. They may not have access to sufficient food, health care, and other basic amenities. (Lestiyasari, 2017).

b. Reduction in Family Income

Children's involvement in underage work can also result in a reduction in overall family income. When children work, they may not be able to spend time at school or contribute to household

chores, which in turn can affect overall family income. This can create economic instability in households that may have to rely on low wages from child labour.

c. Impact on Economic Productivity

In the long run, the practice of child labour can negatively impact a country's economic productivity. Children who do not receive adequate education cannot develop the skills necessary for more productive jobs in the future. This can hamper economic growth as an under-skilled labour force will find it difficult to compete in an increasingly complex global economy.

d. Long-term Economic Instability

Long-term economic instability can be a serious impact of child labour. Children involved in child labour may be trapped in poverty throughout their lives, and this can affect the economic stability of the country. Economic instability can create uncertainty that is detrimental to economic growth and the overall well-being of society (Sari, 2012).

It is important to remember that efforts to address child labour are not only a social issue, but also an important economic issue. To achieve sustainable and inclusive economic growth, decisive action is needed to protect children's rights, ensure fair wages, and promote better access to education for children around the world. This will contribute to stronger and more sustainable economic development in the future.

3.3 Poverty Cycle

Poverty is one of the main factors driving the increase in child labour practices. Families living in poverty often face strong economic pressures and are forced to rely on the efforts of their children to make ends meet. This is a serious issue that needs careful attention. In this context, discussing the relationship between poverty and child labour further (Swastika, 2020).

Child labourers are often trapped in a cycle of poverty. They start working at a young age and lose access to proper education. As a result, they tend to continue this pattern into the next generation. Weak legal protection and enforcement of human rights against child labour can reinforce this cycle. The contribution to the cycle of poverty generated by child labour is one of the most serious impacts of this practice. This cycle of poverty is a vicious cycle that can be difficult to break, and in the context of child labour, here is a further explanation of how this happens. One important factor in reinforcing this cycle of poverty is weak legal protection and enforcement of human rights against child labour. When child labourers are not properly protected by existing laws, they are vulnerable to exploitation and abuse by irresponsible employers. This can worsen their situation and reinforce the cycle of poverty. To break the cycle of poverty associated with child labour, comprehensive and sustainable measures are needed (Selian, 2023): Strong Legal Protection: Strengthen legal protection for child labour by adopting strict laws and ensuring effective enforcement; Access to Education: Ensure that all children have access to appropriate education and prevent termination of education due to employment; Family Support: Provides assistance to poor families to reduce the economic pressures that drive child labour; Training and Education for Adults: Provide training and education for adult child labourers to improve their skills and help them exit harmful employment; Public Awareness: Increase public awareness of the negative impacts of child labour and encourage behavioural and policy changes.

Through concerted efforts and commitment to protect children's rights, the cycle of poverty associated with child labour can be broken, paving the way for future generations to have a brighter future and more opportunities. Addressing this issue requires concerted efforts from governments, communities and international organisations. This includes providing financial support to poor families, improving access to affordable education, adopting strict laws to protect children's rights, and raising awareness about the negative impact of child labour on society and the economy. Only by addressing the root causes of poverty and child labour can we hope to end this harmful cycle and provide a brighter future for children around the world. (Jimmy Joses Sembiring, 2016).

4. CONCLUSION

Child labour has a significant social impact on society. They often face psychological and physical pressures that can hinder their development. In addition, child labourers tend to have limited access to education, which in turn can have a long-term impact on the quality of a country's human resources. Therefore, children need legal protection of their rights. The term "child protection" refers to all measures taken to ensure that children's rights are upheld and protected from violence and

discrimination and to enable them to live, develop and participate to the fullest in accordance with their humanity and dignity.

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