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CHILD LABOR EXPLOITATION: LEGAL CHALLENGES AND PROTECTION EFFORTS

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ABSTRACT

Child labor exploitation remains a serious legal and social issue in Indonesia because it is influenced by poverty, limited access to education, cultural practices, family economic conditions, and the vulnerability of children in employment relationships. Although Indonesia has established various legal instruments governing child labor and child protection, problems remain in the consistency of legal norms, the distribution of institutional authority, labor inspection, inter-agency coordination, and societal attitudes toward children's involvement in work. This study aims to analyze the legal challenges surrounding child labor exploitation and the legal protection provided to child workers in Indonesia. The research employs a normative juridical method using statutory and conceptual approaches, supported by primary and secondary legal materials obtained through library research. The conceptual approach applies Lawrence M. Friedman's legal system theory through the components of legal substance, legal structure, and legal culture. The findings show that legal substance is reflected in various regulations governing child labor, child protection, human rights, and hazardous work, although greater coherence among these legal instruments is required. From the perspective of legal structure, labor inspection, institutional authority, and coordination among relevant agencies play an important role in protecting child workers. Meanwhile, legal culture is influenced by family attitudes, employer behavior, social practices, and public awareness regarding children's rights. Legal protection for child workers is provided through preventive and repressive mechanisms that must be implemented consistently with the principle of the best interests of the child.

A. Introduction

Children are considered a national asset expected to contribute to the progress of the nation and must therefore be protected by all levels of society from anything that threatens their lives. As the younger generation who will continue the noble ideals of the nation, future national leaders, and a source of hope for earlier generations, children need the widest possible opportunity to grow and develop properly, both spiritually, physically, and socially. Children are part of the younger generation and one of the nation's human resources, possessing great potential and serving as the

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successors of the nation's struggle for independence. Because children have important strategic roles and special characteristics, they require guidance and protection to ensure their physical, mental, and social growth and development are complete, harmonious, balanced, and integrated.[1]

To realize high-quality and morally sound Indonesian human resources, continuous guidance and protection are necessary to ensure children's survival, growth, physical and mental development, social development, and protection from any possible harm in the future. In carrying out such guidance and protection, society often faces problems and challenges, including deviant behavior that places children as objects of crime regardless of their social or economic status. Protection for children must begin as early as possible so that they can later participate in national development.[2] Protecting Indonesian children means protecting human resources and building the Indonesian people as a whole toward a just and prosperous society, materially and spiritually, based on Pancasila and the 1945 Constitution.

Legal protection efforts for children have long been discussed both in Indonesia and internationally. This discussion will never end, because it is not only a universal issue, but also because the world will always be inhabited by children. As long as there are children in the world, the issue of children will always remain a subject of discussion. The growth and development of children into complete human beings greatly depend on a moral system that includes normative values in accordance with society. This involves beliefs about what is good and beliefs about what should be done. Based on the fundamental belief that children must grow and develop, they also need to fulfill physiological needs such as food and shelter, as well as human needs such as social interaction and the freedom to express themselves.[3]

In order to protect children, the government has implemented a policy prohibiting the employment of children. Children are prohibited from working because they are vulnerable and need protection of their rights, such as education, physical development, rest, social interaction with peers, play, recreation, and creative activities according to their interests, talents, and intellectual level for their own development. To ensure protection for working children, laws and regulations have been enacted.[4] In principle, these regulations prohibit children from working, and if they must work, they must receive adequate legal protection. For this reason, the government

[1] Tara M. Collins and Laura H. V. Wright, "The Challenges for Children's Rights in International Child Protection: Opportunities for Transformation," *World Development* 159 (2022): 1-12, https://doi.org/10.1016/j.worlddev.2022.106032

[2] Mira Azzasyofia, Christa Fouche, and Liz Beddoe, "The Representation of Indigenous Children in Policies in Indonesia," *Asian Social Work and Policy Review* 18, no. 2 (2024): 1-15, https://doi.org/10.1111/aswp.12310

[3] Elise Woodman, Steven Roche, and Morag McArthur, "Children's Participation in Child Protection—How Do Practitioners Understand Children's Participation in Practice?," *Child & Family Social Work* 28, no. 1 (2023): 125-135, https://doi.org/10.1111/cfs.12947

[4] Annisa Shiva Safira and Bambang Waluyo, "Inadequacy of Legal Protection against the Economic Exploitation of Children in Indonesia," *Lambung Mangkurat Law Journal* 11, no. 1 (2026): 1-14, https://doi.org/10.32801/abc.v11i1.278

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continues to improve legislation to make it more consistent, including by ratifying the Convention on the Rights of the Child.

The laws specifically designed to better protect children's rights include Law Number 13 of 2003 on Manpower, which regulates the minimum age for child labor; Law Number 39 of 1999 on Human Rights, which states that children are entitled to protection from economic exploitation and hazardous work; Presidential Decree Number 59 of 2002 on Forms of Work Prohibited for Children; Decree of the Minister of Manpower and Transmigration Number Kep-235/MEN/2003 on Types of Work that Endanger Children's Health, Safety, or Morals; and Law Number 23 of 2002 on Child Protection.

The issue of children working does not always have negative effects, as long as the work does not harm the child's development. Work can be an opportunity for children to develop curiosity, exploration skills, creativity, discipline, and independence.[5] In other words, when carried out proportionally, working independently or helping parents can have positive educational effects. However, the concern is that in poor families, the burden of work on children is often excessive.

Under Article 69 paragraph (2) of the Manpower Law, employers who employ children in light work as referred to in paragraph (1) must meet the following requirements:

1. Written permission from parents or guardians;
2. A work agreement between the employer and the parents or guardians;
3. A maximum working time of 3 hours;
4. Work carried out during the day and not interfering with school hours;
5. Occupational safety and health;
6. A clear employment relationship; and
7. Wages in accordance with applicable provisions.

In many cases, poverty causes child workers to experience unpleasant conditions. Poverty is passed down from one generation to the next, and child labor becomes an active intermediary that sustains the cycle of poverty while reducing society's ability to combat it.[6] Poverty is not the only cause of underage labor. Cultural factors also play a role, such as the belief that child labor is already a tradition or habit in society.[7] Educational factors are also significant: due to limited finances and the high cost of education, parents tend to have a narrow view of their children's future and fail

[5] Elena Camilletti et al., "Child Work in Developing Countries: Revisiting the Differences and Similarities Between Income-Generating and Care and Domestic Work," *The Journal of Development Studies* 61, no. 4 (2025): 556-580, https://doi.org/10.1080/00220388.2024.2434253

[6] Nugrahayu Suryaningrum and Arif Maulana, "The Effect of Parents' Informality and Poverty on Child Labor Decisions in Indonesia," *Jurnal Ekonomi dan Pembangunan* 32, no. 1 (2024): 57-74, https://doi.org/10.55981/jep.2024.865

[7] Alhassan Abdullah et al., "Social Norms and Family Child Labor: A Systematic Literature Review," *International Journal of Environmental Research and Public Health* 19, no. 7 (2022): 1-20, https://doi.org/10.3390/ijerph19074082

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to consider that higher education can improve children's welfare in the future.[8] These conditions encourage children to choose to become child laborers.

Recent studies have examined the legal protection of child labor from various perspectives. Amandha et al. analyzed child labor protection in Indonesia through the framework of International Labour Organization conventions and emphasized the importance of harmonizing national protection mechanisms with international labor standards.9 Haniyah examined the implementation of children's rights protection and criminal sanctions against employers who violate the rights of child workers, highlighting weaknesses in government supervision and enforcement.10 Meanwhile, Harun et al. examined the ideal legal protection of child labor rights through the perspectives of *maqasid al-shari'ah* and the welfare state, emphasizing the fulfillment of the welfare rights of child workers.11 These studies demonstrate the continuing concern regarding the adequacy of legal protection for child workers; however, they have primarily focused on normative protection, international labor standards, sanctions, and ideal protection models. A comprehensive analysis of why child labor protection remains ineffective through the interaction between legal norms, law-enforcement institutions, and societal attitudes remains limited. This study addresses this gap by examining child labor exploitation through the interaction of legal substance, legal structure, and legal culture within Indonesia's child protection framework.

To examine this issue, this study employs Lawrence M. Friedman's legal system theory to analyze child labor protection through three interrelated components: legal substance, legal structure, and legal culture.[12] This framework is used to examine the coherence and adequacy of the regulatory framework, the institutional roles and coordination of labor-inspection and law-enforcement bodies, and the legal culture reflected in societal attitudes toward the persistence of child labor exploitation.

B. Methods

This study employs a normative juridical research method using statutory and conceptual approaches. The statutory approach is used to examine laws and regulations governing child labor,

[8] Amita Chudgar, Vanika Grover, and Shota Hatakeyama, "Child Labor as a Barrier to Foundational Skills: Evidence from Bangladesh and Pakistan," *Prospects* 52, no. 1–2 (2022): 137-156, https://doi.org/10.1007/s11125-022-09614-9

[9] Asyaffa Ridzqi Amandha et al., "The Mainstreaming of the Concept of Legal Protection for Child Labor in Indonesia based on ILO Conventions," *The Indonesian Journal of International Clinical Legal Education* 4, no. 3 (2022): 349-378, https://doi.org/10.15294/iccle.v4i3.36555

[10] Haniyah, "Implementasi Perlindungan Hak Anak terhadap Fenomena Pekerja Anak di Indonesia," *The Indonesian Journal of Islamic Law and Civil Law* 4, no. 2 (2023): 123-136, https://doi.org/10.51675/jaksya.v4i2.537.

[11] Muhamad Harun et al., "The Ideal Legal Protection of the Child Labor Rights in Indonesia: The Dimensions of Maqāṣid al-Sharīʿah and the Welfare State," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (2024): 167-178, https://doi.org/10.31958/juris.v23i1.10537

[12] Fitria Ayu Rachmarani, Anita Afriana, and Rai Mantili, "Small Claims Court Procedure in The Framework of Indonesian Law Reform: An Analysis of Community Legal Needs and Lawrence M. Friedman's Three Legal Sub-Systems Theory," *Jurnal Poros Hukum Padjadjaran* 6, no. 1 (2024): 48-66, https://doi.org/10.23920/jphp.v6i1.1930

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child protection, labor inspection, and related institutional authority in Indonesia. The conceptual approach is applied through Lawrence M. Friedman's legal system theory, particularly the concepts of legal substance, legal structure, and legal culture, as an analytical framework for examining child labor protection. The legal materials used in this study consist of primary legal materials, including relevant laws and regulations, and secondary legal materials, including books, journal articles, and previous studies related to child labor and legal protection. These legal materials are collected through library research and analyzed qualitatively by identifying, interpreting, and relating the applicable legal norms, institutional arrangements, and legal culture concerning child labor exploitation. The analysis is directed at examining the consistency of the legal framework, the distribution of institutional authority, and the legal culture surrounding the protection of children from labor exploitation.

C. Results and Discussion

1. The Phenomenon of Child Labor in Indonesia

Children in a general sense are understood from many fields of study, not only from one discipline, but also from religion, law, socio-culture, economics, politics, and other academic perspectives. The meaning of "child" differs across disciplines in terms of substance, function, and purpose. It must be acknowledged that there are still cultural practices in society that are unfavorable to children. Although there is no detailed list of which cultural practices are harmful, various studies show that many cultural practices still harm children physically and emotionally, such as habituating children to work from an early age and other practices that harm children while taking refuge under the name of tradition and culture.[13]

Child labor prevents children from obtaining the education and skills needed to secure decent work in the future. One type of work that is difficult to detect, but is categorized by UNICEF as child labor exploitation, is domestic work. Children who work as domestic helpers are likely to be the most vulnerable and exploited, because they are the child workers who are most difficult to protect.[14] From two perspectives, namely supply and demand, the supply side refers to the factors behind society's willingness to provide child labor, while the demand side refers to the factors that encourage employers to use child labor as a factor of production.

Child labor is both a cause and a consequence of poverty.[15] Poor families encourage their children to work to earn additional income for the family or even as a means of survival. The existence of child labor, in turn, perpetuates intergenerational poverty and slows economic growth and social development. Poverty is the main driver pushing children into the labor market because parents greatly need their children's labor to support household income. However, the reality shows that not all poor families let their children enter

[13] Shirit Katav Herz and Gil S. Epstein, "Social Norms and Child Labor," *Review of Development Economics* 26, no. 2 (2022): 627-638, https://doi.org/10.1111/rode.12862

[14] Zoe Trodd et al., "Beyond the Walls: Patterns of Child Labour, Forced Labour, and Exploitation in a New Domestic Workers Dataset," *Societies* 14, no. 5 (2024): 1-21, https://doi.org/10.3390/soc14050062

[15] Opoku Adabor, "Empirical Analysis of Child Labour, Household Poverty, and Child Health in Ghana," *Economics of Transition and Institutional Change* 33, no. 1 (2025): 29-60, https://doi.org/10.1111/ecot.12418

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the workforce. This means that other factors, such as social, cultural, demographic, or psychosocial factors, also influence child labor.

The problem of child labor is highly complex and significant. It is complex not only because it is related to household economic problems, but also because it concerns the future quality of human resources.[16] Children are assets for the future development of a nation, and child labor is closely linked to poverty, which is prevalent in developing countries including Indonesia. Poverty is the main factor believed to force children into the world of work. In poor families, children are seen as family assets. When the survival of the family is threatened, all family resources are mobilized, including children, to work in order to sustain life.

Poverty is not the only cause of child labor. Economic pressures that drive children into dangerous work are among the strongest forces, but entrenched customs and social patterns also play a role.[17] Another view is that children are the property of their parents. Under this view, when a family experiences economic hardship, children are considered appropriate to help earn extra income. It is also added that children must obey their parents. Based on this perspective, if children fail to help ease their parents' burden, they may receive various forms of punishment, which can turn into violence.

Structurally, the relationship between children and adults is an unequal and asymmetrical one. Children are in a weaker and lower position because physically they are weaker than adults and still dependent on the adults around them.[18] With greater reasoning ability, knowledge, and physical strength, adults are able to impose various demands on children in everyday life, including forcing them to work. In this way, children unconsciously become part of an asymmetrical relationship that harms them.

Inequality, lack of education, dependence on agriculture, slow demographic transition, consumerism, and youth lifestyles may also push children into sex work. The problem of child labor exploitation cannot exist without people willing to exploit children. No matter how poor their families are, children will not be endangered at work if there are no people ready to exploit them. Psychosocial problems also contribute to children entering the workforce, such as being forced by parents or poor parental behavior in seeking experience.[19]

Child workers are preferred because they are easy to manage, easy to train, obedient, unlike adult workers who are harder to control and demand higher wages. Hope placed in tradition and culture is also a contributing factor to child labor. Although there are many interconnected explanations for child labor, no single factor can fully explain its development. Child labor is linked to opportunity. Children from poor

[16] José A. Meza-Cordero and Sara Silva, "Cross-Country Analysis of Children that Work: Commonalities and Differences Across Costa Rica, Ecuador, Malawi, Rwanda, India, Nepal, and the Philippines," *Child Indicators Research* 18 (2025): 2351-2376, https://doi.org/10.1007/s12187-025-10241-x

[17] Alhassan Abdullah et al., "Towards a Normative Change Approach in Child Labour: A Theoretical Analysis and Empirical Exploration of the Constituted and Constitutive Procedural Social Norms," *New Ideas in Psychology* 70 (2023): 1-10, https://doi.org/10.1016/j.newideapsych.2023.10103

[18] Emily Keddell, "Recognising the Embedded Child in Child Protection: Children's Participation, Inequalities and Cultural Capital," *Children and Youth Services Review* 147 (2023): 1-10, https://doi.org/10.1016/j.childyouth.2023.106815

[19] Rima R. Habib et al., "Child Labor and Associated Risk Factors in the Wake of the COVID-19 Pandemic: A Scoping Review," *Frontiers in Public Health* 11 (2024): 1-16, https://doi.org/10.3389/fpubh.2023.1240988

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families may not have the chance to attend school, especially girls, who are more vulnerable to losing educational opportunities because of social expectations that require them to work at home.[20] In addition, poverty can threaten families and national stability.

Thus, various causes and levels interact to determine whether a child becomes a child laborer. The international debate on child labor has advanced rapidly in recent years, driven by the Convention on the Rights of the Child. The basic principles of the Convention, which recognize children's rights, represent a breakthrough in evaluating the long-held view of children. From the dominant assumption that children are passive objects whose behavior and activities are determined by adults, the Convention presents children as active subjects who have their own views about matters concerning themselves and others.[21]

Based on this view, children have the right to express their opinions on all matters concerning them.[22] A child's ability to voice his or her opinion is essentially in line with the Convention's principle of prioritizing the best interests of the child. In this context, it follows that deciding what is best for a child must take the child's own voice into account.

Therefore, the issue of child labor should be placed within a broader framework than merely legal violations, school dropout, or poverty. It must also be seen in relation to the role and rights of children in society, which requires a contextual understanding of the social conditions of a community, since its characteristics differ from one place to another. The background and social, economic, political, and cultural conditions of a society greatly influence the incidence of child labor and the problems that arise from it.[23]

A poor education system is one of the causes of children entering the workforce.[24] The relationship between education and child labor has not been explored extensively, even though a common solution for working children is to return them to school. Poverty and poor education are closely connected conditions that are difficult to separate and create a dilemma in efforts to address the problem. Within the framework of the Convention on the Rights of the Child, education is clearly the main way to improve the welfare of working children. The problem lies in the quality, system, and method of education, which are often unattractive to children and may even push them into the world of work.

Other factors include cultural, social, family economic factors, weak legal instruments, poor supervision and enforcement, and consumerism resulting from aggressive promotion of industrial products as a

[20] Alberto Posso, "Contextualizing Child Labor Reforms: Education Policy, Legal Bans, and Female Child Labor in Rural South India," *Journal of Economic Behavior & Organization* 235 (2025): 1-18, https://doi.org/10.1016/j.jebo.2025.107051

[21] Karmen Toros and Asgeir Falch-Eriksen, "'I Got to Say Two or Three Lines'—A Systematic Review of Children's Participation in Child Protective Services," *Child Abuse & Neglect* 162 (2025): 1-15, https://doi.org/10.1016/j.chiabu.2024.106934

[22] Hanita Kosher and Carmit Katz, "Risk or Opportunity? Child Protection Workers' Perceptions of Children's Participation in the Protection System," *Child Abuse & Neglect* 162 (2025): 1-13, https://doi.org/10.1016/j.chiabu.2024.107110

[23] Can Tang and Zhong Zhao, "Informal Institution Meets Child Development: Clan Culture and Child Labor in China," *Journal of Comparative Economics* 51, no. 1 (2023): 277-294, https://doi.org/10.1016/j.jce.2022.09.006

[24] Krishna Surjya Das, "Child Labour and Its Determinants in India," *Children and Youth Services Review* 138 (2022): 1-9, https://doi.org/10.1016/j.childyouth.2022.106523

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consequence of advances in information and communication technology.[25] These also contribute to the increase in child labor. Among these many factors, the environmental factor is particularly dominant, especially in cases of child labor in the agricultural sector. In general, farming families have worked from an early age by following the pattern of their parents, passing it down from generation to generation.

Another cause of the growth of child labor is the ease of falsifying identity documents. With only a few hundred thousand rupiah, a 15-year-old can obtain documents showing that he or she is over 18. This was revealed by GAP Assessment and Remediation Manager Toni Wahid. Of the thousands of applicants to his factories, around 20–30 percent were underage children with fake identities. They worked because they wanted to help their parents or because they were told to do so by their parents. "Helping" in this context means that children become involved in the work done by their parents. Other causes include traditions that teach children to work from a very young age, the ease of job opportunities, family conflict, and peer influence.

2. The Impact of Child Labor on a Child's Future

The risks and impacts most frequently experienced by children, especially boys, are harsh treatment. Meanwhile, work-related illnesses are also more commonly experienced by boys because they carry heavier burdens. Work risks, in the sense of everything they experience that may disrupt and endanger them physically and psychologically, include work accidents, illness, and the mistreatment they receive.[26] Such treatment generally comes from adults who work with them on a daily basis, namely parents, especially fathers, adult laborers, foremen, or assistants.

There are at least five other main reasons why child labor remains an important issue for discussion, considering its impacts, namely:

a. The increasing number of child workers will hinder the dynamics of future human resource development. The impact is very significant, especially the social suffering experienced by child workers and the loss of opportunities to attend school.
b. It is necessary to anticipate early the problems that may arise from the increasing absolute number of child workers over time, namely labor issues in the context of investment constraints.
c. The increase in the number of child workers affects the labor market. This reduces employment opportunities for adult workers, because the productivity of child workers is not much different from that of adult workers. From an economic perspective, employers are greatly benefited by the large number of child workers, mainly because wages are lower on average and they make fewer demands, or do not even know their rights as workers.
d. Child labor exploitation by companies generally occurs on one side. Another view is that they actually show a higher work ethic, so child workers often work far beyond the existing

[25] Idham Irwansyah Idrus et al., "Sustainable Livelihood Approach with Gender-Social Inclusion Perspective for Child Labor Prevention and Remediation in Rural Areas of South Sulawesi, Indonesia," *Frontiers in Sociology* 10 (2025): 1-13, https://doi.org/10.3389/fsoc.2025.1619550

[26] Haleh Jafari et al., "Impaired Health in Working Children: A Critical Ethnography," *BMC Public Health* 24 (2024): 1-13, https://doi.org/10.1186/s12889-024-19135-z

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limits.

e. The growing number of underage workers opens opportunities for the exploitation of child labor. They do not know their rights as workers, such as leave entitlements, insurance claims, and other benefits related to their welfare. The wages they receive are relatively below the average adult wage, even though their productivity may exceed that of adult workers, so the burden of work they carry is not properly reflected.[27]

In addition to the impacts mentioned above, child labor also has other effects, namely:

a. The impact of work on a child's physical development.
   Physically, child workers are more vulnerable than adults because they are still growing. Working as a child laborer can affect the development of their physical health because the work they do may cause accidents or illness.
b. The impact of work on a child's emotional development.[28]
   Child workers often work in environments that allow exploitation, are dangerous, humiliating, degrading, and isolating. They often receive abuse, violence, and neglect from employers and other adult workers. The result is that child workers may become irritable, vengeful, harsh toward peers or younger children, less affectionate, and lacking empathy toward others.[29]
c. The impact of work on a child's social development.
   Child workers who do not have the opportunity to play, attend school, and socialize with their peers do not receive the basic education needed to deal with life's problems, do not have the opportunity to interact with others and actively participate in society, and do not enjoy life naturally. They usually grow into passive and selfish children, often experiencing difficulties interacting with others and lacking self-confidence.[30]

Looking at the types of work exploited in Indonesia, it can be said that the impacts described above also threaten child workers in Indonesia. Children working on *jermal*, traditional offshore fishing platforms commonly found in parts of Indonesia, for example, not only expend considerable physical strength but also face serious risks to their lives and safety. Children who carry heavy physical burdens for years may have their physical growth inhibited from reaching their biological potential, because they expend stamina reserves that should last until adulthood.[31] The heavy workload, torture, and psychological pressure

[27] Aye Myat Thi, Cathy Zimmerman, and Meghna Ranganathan, "Hazardous Child Labour, Psychosocial Functioning, and School Dropouts among Children in Bangladesh," *Children* 10, no. 6 (2023): 1-13, https://doi.org/10.3390/children10061021

[28] Kenneth Joseph Bansah and Obed Adonteng-Kissi, "Child Labor in Artisanal and Small-Scale Mining: Implications for Health, Development and Poverty," *The Extractive Industries and Society* 21 (2025): 1-12, https://doi.org/10.1016/j.exis.2024.101577

[29] Dilani Jayawardana, Natalia V. Baryshnikova, and Terence C. Cheng, "The Long Shadow of Child Labour on Adolescent Mental Health: A Quantile Approach," *Empirical Economics* 64 (2023): 77-97, https://doi.org/10.1007/s00181-022-02241-5

[30] Md. Abdul Ahad et al., "Child Laborers' Exposure to Neglect in Rural Bangladesh: Prevalence and Risk Factors," *Child Indicators Research* 17 (2024): 1115-1135, https://doi.org/10.1007/s12187-024-10129-2

[31] Lucy Pirkle et al., "Child Labour in Cocoa Growing Regions of Ghana and Côte d'Ivoire: An Analysis of Academic Attainment in Children Engaged in Hazardous Labour," *Global Public Health* 19, no. 1 (2024): 1-14, https://doi.org/10.1080/17441692.2024.2320860

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experienced by children working on *jermal* often cause them to despair. They dare to run away, risking the dangers of the sea by swimming to the shore. Such actions clearly place their lives at high risk.

In the service sector, especially hotels and entertainment, children are recruited based on appearance and their ability to relate to others. They must serve customers, most of whom are adults, so they may be exposed to sexual harassment. Meanwhile, in factories or plantation areas, the potential for sexual and physical violence, especially for female child workers, increases when they work overtime or at night and when they live under the strict supervision of adult male foremen. The problem of working children is not the work itself, but the harmful consequences of working during childhood on their cognitive, emotional, social, and physical development.[32] The most prominent issue is the exploitation of child workers. These various impacts indicate that child labor exploitation cannot be understood solely from its social consequences, but also requires an examination of the legal system governing child protection.

3. Analysis of Child Worker Protection Based on Lawrence M. Friedman's Legal System Theory

Lawrence M. Friedman explains that a legal system can be examined through three interrelated components: legal substance, legal structure, and legal culture. In this study, these components are used to analyze the legal framework governing child labor, the institutional arrangements responsible for protection and supervision, and the attitudes that shape compliance with children's rights. The framework connects the normative protection described above with the legal institutions and social values surrounding child labor exploitation.

From the perspective of legal substance, Indonesia has established a series of norms that protect children from economic exploitation and regulate the conditions under which children may perform limited forms of work. These norms are found, among others, in the Manpower Law, the Child Protection Law, human-rights legislation, and regulations concerning hazardous work for children. The regulatory framework demonstrates a clear legal commitment to the protection of children, although its provisions are dispersed across several legal instruments and must be interpreted coherently in relation to age limits, permitted work, hazardous work, working hours, occupational safety, sanctions, and the best interests of the child.[33] Recent legal studies similarly emphasize the importance of aligning national child-labor protection with international labor standards and strengthening the normative protection of child workers.

From the perspective of legal structure, labor inspectors occupy an important position because they supervise compliance with labor norms and may become the initial institutional point for identifying violations involving child workers. Under Law Number 23 of 2014, the Central Government determines the labor-inspection system and manages labor inspectors, while provincial governments conduct labor inspection. Minister of Manpower Regulation Number 11 of 2026 provides the current procedural framework for labor inspection. Within this arrangement, the protection of child workers requires

[32] Shweta Bhatnagar et al., "Investigating the Relationship between Poverty, Access to Education, and Hazardous Child Labor," *Multidisciplinary Science Journal* 7 (2025): 1-10, https://doi.org/10.31893/multiscience.2025ss0330

[33] Agustin Hanapi, Sarina Aini, and Cut Endang Puspa Sari, "Bridging Fiqh and Positive Law: A New Paradigm for Child Legality and the Best Interest of the Child in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (2024): 293-308, https://doi.org/10.31958/juris.v23i2.10712

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coordination among provincial labor-inspection units, the Ministry of Manpower, child-protection institutions, and law-enforcement agencies.[34] Institutional capacity, geographical coverage, and the ability to detect violations in informal or hidden workplaces remain important matters in the legal structure. Research on labor inspection has highlighted the need to strengthen institutional support and coordination between central and regional levels.[35]

Legal culture concerns the attitudes, values, and patterns of behavior that influence how legal norms concerning child labor are understood and followed. The discussion in this article shows that poverty may be accompanied by family attitudes that regard children as contributors to household income, while certain social practices normalize children working from an early age. On the employer side, children may be preferred because they are considered easier to control and less likely to demand their labor rights. These attitudes can weaken respect for the legal protection already provided by legislation. Contemporary studies on child labor protection also underline the continuing relevance of social awareness, family responsibility, and the protection of children's welfare in addressing child labor.[36]

The three components indicate that child labor protection must be understood through the relationship between legal norms, institutional authority, and legal culture. Legal substance provides the standards and prohibitions governing child labor; legal structure determines how those standards are supervised and enforced; and legal culture influences the conduct of families, employers, and society toward children's rights. The persistence of child labor exploitation therefore reflects gaps that may arise among these components. A coherent regulatory framework, clear institutional coordination, and a legal culture that respects the best interests of the child are necessary to strengthen legal protection for child workers.

4. Legal Protection for Minors Who Are Employed

Preventive legal protection for minors employed in the worst forms of work is based on a perspective that places the child's position first and foremost in every matter. The implementation of this perspective is realized by always prioritizing the child, especially child laborers employed in the worst forms of work. Therefore, legal protection for minors employed by employers must take into account the principles of child protection as described above, particularly the principles of the right to life, survival, and development.[37]

As stated in Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 on Child Protection, companies are prohibited from recruiting child labor. This is also regulated in Law Number 13 of 2003 on Manpower, although with certain exceptions such as minimum age, type of work, and working

[34] Faizal Amir P. Nasution et al., "Transformation of the Labor Inspection System in Indonesia: Towards an Effective Centralized Model," *Jurnal Ketenagakerjaan* 19, no. 3 (2024): 405-419, https://doi.org/10.47198/jnaker.v19i3.434

[35] Asep Saepul Muharam, Khairul Ismed, Nurhani Nurhani, and Muhyiddin Muhyiddin, "Urgensi Penambahan Fungsi Pengawasan Ketenagakerjaan pada Balai Keselamatan dan Kesehatan Kerja (K3)," *Jurnal Ketenagakerjaan* 17, no. 2 (2022): 121-132, https://doi.org/10.47198/naker.v17i2.149

[36] Khudzaifah Dimyati et al., "Children Protection: A Social and Legal Protection in Kalimantan, Indonesia," *International Journal of Innovative Research and Scientific Studies* 8, no. 2 (2025): 477-490, https://doi.org/10.53894/ijirss.v8i2.5199

[37] Inna Fauziatal Ngazizah et al., "Effectiveness of Child Protection Law in Fulfilling the Right to Child Custody (Hadhanah) in Kudus Indonesia," *Jurnal Hukum IUS QUIA IUSTUM* 32, no. 2 (2025): 1-21, https://doi.org/10.20885/iustum.vol32.iss2.art1

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hours.[38] This is intended so that when a child works, their economic needs may be met, but such work must not interfere with the child's survival and development. Meanwhile, repressive legal protection refers to legal protection carried out through the judicial system, both general courts and state administrative courts. Repressive legal protection aims to resolve disputes.

The form of repressive legal protection under Article 176 paragraph (1) of Law Number 13 of 2003 on Manpower mandates that labor supervision be carried out by labor inspectors who are competent and independent to ensure compliance with labor laws and regulations. In the current distribution of governmental authority, the Annex to Law Number 23 of 2014 on Regional Government assigns the establishment of the labor-inspection system and the management of labor inspectors to the Central Government, while the implementation of labor inspection is assigned to provincial governments. Regency/city governments are not assigned the labor-inspection sub-affair. The inspection procedure is further regulated by Minister of Manpower Regulation Number 11 of 2026 concerning Procedures for Labor Inspection. Accordingly, indications of labor violations involving child workers must be handled through the labor-inspection mechanism in accordance with this distribution of authority and, when criminal elements or child-protection issues are identified, coordinated with law-enforcement agencies and child-protection institutions.

This institutional arrangement requires strong coordination because cases of child labor may arise in formal workplaces as well as sectors that are difficult to reach through routine inspection, including domestic and informal work. The legal structure therefore concerns not only the formal authority of labor inspectors, but also the availability of inspectors, territorial coverage, referral mechanisms, exchange of information, and coordination between provincial labor-inspection units, child-protection institutions, and law-enforcement agencies.[39] Studies on labor inspection in Indonesia have also identified institutional and coordination constraints in regional supervision, indicating the importance of central supervision and stronger institutional support.

It is clear that the government has already made efforts to protect children and has regulated criminal sanctions for perpetrators who employ children. Children involved in economic activities, in the sense of working in the public sector, if carried out proportionally and in accordance with applicable legal rules, should not be too concerning. However, it cannot be denied that many irresponsible individuals take advantage of children's ignorance and vulnerability to employ them in ways that do not comply with the law.

Legal protection for children can be understood as an effort to protect various freedoms and fundamental rights of children, as well as interests related to child welfare. The more modern a society is, the greater its attention should be in creating conducive conditions for children's growth and development in order to

[38] Firstnandiar Glica Aini Suniaprily, Hanuring Ayu Ardhani Putri, and Nourma Dewi, "Guarantee of Legal Protection for Child Laborers Regarding Types of Work and Working Hours in Accordance with Normative Rules," *Legal Brief* 13, no. 1 (2024): 79-93, https://doi.org/10.35335/legal.v13i1.928

[39] Mochammad Rozikin, "Membangun Kapasitas Tata Kelola Pengawasan Ketenagakerjaan Bidang Keselamatan dan Kesehatan Kerja (K3)," *Pencerah Publik* 11, no. 1 (2024): 1-12, https://doi.org/10.33084/pencerah.v11i1.7585

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ensure child protection. Protection provided by the state for children includes economic, social, cultural, political, defense and security, as well as legal aspects.[40]

From the perspective of labor law, labor regulation aims to provide legal certainty in the implementation of labor relations while at the same time protecting workers, including child workers. Protection for workers can be carried out properly by providing guidance, increasing recognition of human rights, and ensuring physical, technical, social, and economic protection through the norms applicable in the workplace.

Philipus M. Hadjon divides legal protection into two types: preventive legal protection and repressive legal protection. Preventive legal protection aims to prevent disputes from occurring, while repressive legal protection aims to resolve disputes. Legal protection in this category includes the handling of legal protection by general courts and administrative courts in Indonesia. Final protection in the form of sanctions such as fines, imprisonment, and additional penalties imposed after a dispute or violation has occurred is also a form of repressive legal protection.

According to CST Kansil's theory of legal protection, legal protection refers to various legal efforts that must be provided by law enforcement officials to ensure a sense of safety, both mentally and physically, from disturbances and threats from any party. Therefore, in the author's view, the government's effort to protect child workers by regulating criminal sanctions for perpetrators of child labor through Law Number 13 of 2003 on Manpower is an implementation of this theory of legal protection, both preventive and repressive. The government has sought to clearly and proportionally regulate the relationship between workers and employers, in this case employers and children, in order to provide a sense of security for children while working, both mentally and physically, from disturbances and various threats.

D. Conclusion

The phenomenon of child labor in Indonesia is influenced by interconnected economic, educational, social, and cultural factors that place children in vulnerable working conditions and may interfere with their physical, emotional, social, and educational development. The revised analysis shows that child labor protection can be understood through Lawrence M. Friedman's legal system theory, in which legal substance concerns the consistency and adequacy of regulations governing child labor and child protection, legal structure concerns the distribution of authority, labor inspection, institutional capacity, and coordination among relevant agencies, while legal culture concerns family attitudes, employer behavior, and societal perceptions toward children's involvement in work. Within this framework, Indonesia has established legal protection through labor legislation, child protection legislation, human rights provisions, and regulations concerning hazardous work for children, supported by preventive and repressive forms of legal protection. However, the continuing occurrence of child labor exploitation shows the importance of strengthening coherence among legal norms, institutional authority, supervision mechanisms, and legal culture so that the protection of child workers is implemented consistently with the principle of the best interests of the child.

[40] Riyan Erwin Hidayat et al., "Integrating Islamic Humanitarianism and Modern Ulama Perspectives: Child Protection in Indonesia's Policy Framework," *Khazanah: Jurnal Studi Islam dan Humaniora* 22, no. 1 (2024): 143-166, https://doi.org/10.18592/khazanah.v22i1.12688

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