

## Legal Understanding of Medan City Suburbs Regarding Employed Children Case Study Analysis in West Medan District

Aminudin<sup>1</sup> Muhammad Luthfi Daulay<sup>2</sup>

<sup>1</sup>Islamic Institute of Daar Al Uluum Asahan

<sup>2</sup>Universitas Islam Negeri Sumatera Utara

E-mail: [aminkisaran19@gmail.com](mailto:aminkisaran19@gmail.com), [daulayluthfi11@gmail.com](mailto:daulayluthfi11@gmail.com)

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<p><b>Article History</b>            Received : 2019-09-04            Revised: 2019-09-10            Published: 2019-09-30</p> <p><b>Keywords:</b>  <i>Child Labor, Legal Protection, Children's Rights, Employment Law, Legal Awareness.</i></p>	<p>Indonesia as a state based on the rule of law guarantees the protection and fulfillment of human rights, including children's rights and the right to decent work as regulated in the 1945 Constitution. However, despite legal protections, child labor remains a persistent issue influenced by economic, social, cultural, and environmental factors. Children who should spend their time learning, playing, and developing physically and mentally are often forced to work due to poverty, family pressure, cultural values, and limited legal awareness. This condition may expose children to exploitation, unsafe working environments, limited educational opportunities, and psychological as well as physical harm. This research aims to analyze legal protection for child laborers, factors causing children to work at an early age, psychological impacts experienced by child workers, and legal sanctions against employers who violate labor regulations. The study employs an empirical legal research method using observation and interviews supported by library research through primary legal materials, legislation, and secondary legal references. The findings indicate that economic hardship is the dominant factor encouraging child labor, while weak legal awareness and cultural acceptance also contribute significantly. Child labor negatively affects children's physical growth, cognitive development, psychosocial conditions, and access to education. Indonesian laws, particularly Law Number 13 of 2003 concerning Manpower, provide protection and criminal sanctions against violations involving child labor. Therefore, strengthening legal enforcement, increasing public legal awareness, improving educational access, and enhancing government supervision are necessary to reduce child labor and ensure children's rights are fully protected for sustainable social development.</p>

### I. INTRODUCTION

Since independence in 1945, Indonesia has established itself as a nation based on law, striving to create a prosperous, secure, and just society for its people. This commitment is enshrined in Article 28I of the 1945 Constitution. As a nation based on law and security, the state is obligated to guarantee the fundamental rights and functions of its citizens and citizens in the constitution. This mandate requires the state to recognize, uphold, respect, and implement the realization of the rights of its citizens, particularly the realization of these fundamental rights in everyday life. Furthermore, the role of recognizing, fulfilling, and protecting fundamental rights for all citizens and individuals is enshrined in Article 28I of the 1945 Constitution, which states that the protection, advancement, strengthening, and

realization of fundamental rights are the responsibility of the state, particularly the government.

One of the fundamental rights that must be fulfilled and protected by the state is the right to work, which in this case is the right to work and obtain a profession, regulated in the provisions of Article 27 section (2) of the 1945 Constitution, which states that every citizen has the right to work and a decent living for humanity. Furthermore, this can be observed in the provisions of Article 28D section (2) of the 1945 Constitution, which states that every person has the right to work and receive equal and appropriate remuneration and recognition in the relationship of work.

Essentially, every living person is required to work and have a profession. This is intended to

fulfill each person's diverse needs. A profession certainly requires a certain level of activity due to the reciprocal relationship between the two. Activity is a crucial aspect of creativity for every nation. Without activity, natural resources and capital cannot be utilized optimally. Activity is the population within the working age range. Broadly speaking, a nation's population is divided into two groups: the working age and the non-working age. A population is categorized as active if they have reached the working age range. The legal working age limit in Indonesia is adults (15-64). Conversely, adults under 15 and over 64 are not included in the active age group.

Children are invaluable assets, not only seen from a social, customary, economic, political, and legal perspective, but also from the perspective of the sustainability of a family, clan, lineage, or nation. Considering the importance of a child's status and position, children can have social meaning (dignity, status, and family status are related to the child's actions and attitudes), customary (children are assets and wealth as well as a symbol of a family's fertility), political (children are the successors of a lineage or a particular community), economic (in Javanese society, in particular, there is a saying "many children, many fortunes," so that "employing" or employing children can increase income or fortune), legal (children have an important role before the law).

In essence, children cannot work because their time should be spent learning, playing, having fun, being in a peaceful atmosphere, and having the opportunities and resources to achieve their dreams in accordance with their physical, mental, intellectual, and social development. However, many children under the age of 18 are already actively involved in economic activities, becoming child laborers, for example, in factories, due to their parents' economic hardships or other factors.

One issue for children that requires special attention is the issue of child labor. This issue has become global because so many children worldwide are working beyond school age. In reality, the issue of child labor is not simply about children performing work for pay, but is closely linked to exploitation, risky work, hindered access to education, and limited physical, mental, and

social development. Moreover, in certain cases and forms, child labor has been classified as an intolerable form of child labor.

Despite a comprehensive set of regulations preventing child labor, the prevalence of child labor cases has steadily increased over the years, leading to increasingly complex forms of exploitation that are detrimental to children's physical, psychological, moral, social, and intellectual development. The worst forms of labor are becoming increasingly common, such as child prostitution, trafficking, mining, and other forms of child labor.

Even though child labor has been regulated by law, the community's understanding of the law plays a very important role in legal development, meaning that the weaker the level of community awareness, the weaker the legal compliance, conversely, the stronger the legal awareness, the stronger the legal compliance factor.

## II. METHODS

This research uses an empirical legal method, or what could be called a research method that directly observes field conditions. This method is divided into two: observation and interviews. Empirical Legal Research, in other words, can also be referred to as a type of sociological legal research.

This research employed qualitative techniques derived from library research, gathering information from primary data and laws.

## III. RESULT AND DISCUSSION

Article 1, Section 1, of the General Determination of Law No. 13 of 2003 concerning Manpower is: everything related to the workforce during, before, during, and after the work period. Therefore, employment is nothing more than the totality of issues and problems in the field of workforce, both before, during, and after work.

Manpower is any person capable of carrying out a profession to produce goods and/or services to fulfill their own needs or those of the community. Manpower is any person capable of carrying out a profession to produce goods and/or services to fulfill their own needs or those aged between 15 and 55, and

possessing special abilities in their respective fields.

According to Law No. 13 of 2003 concerning employment, child workers are considered to be children under 15 years of age or children under 18 years of age who work in areas that are uncomfortable or detrimental to health, morals or learning.

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Child labor is closely related to poverty. The inability of poor communities to provide for their families, resulting in children being left behind to overcome family economic problems. As a result, children have no other option but to work to support the family economy. Talcott Parsons (in Irwanto, 1999: 1) also argued that child labor is more often caused by economic factors than by customs. This means that children work more because of the family's economic factors. In poor families, children are involved in earning money to supplement the family income. Many families need their support to meet economic needs, and in such situations, child labor often becomes the family's economic backbone. Child laborers often perform jobs that can limit their progress, such as long working hours, inhaling chemicals used in the factories where they work, making them more susceptible to abuse, experiencing unfavorable conditions, being vulnerable to exploitation, and, ultimately, child laborers often lack access to physical, psychological, and intellectual development.

In Indonesia, the issue of child labor has

received significant attention, as the number of cases continues to rise. In response, legal regulations have been enacted to prevent child labor. This is intended to protect and prevent child labor, and Islam also provides special protection for children so that they are not deprived of their rights, even when they are required to work. The Manpower Law provides special protection for working children, as outlined in Articles 68 and 75 of Law No. 13 of 2003.

### **Children's Rights Related to Work**

Children's rights related to work are children's rights related to the work activities they undertake. Some of these children's rights related to work include:

1. The right not to engage in work that is detrimental to their health, morals or education or that endangers their safety.
2. The right to protection against work that is detrimental to their health, morals or education or that endangers their safety.
3. The right to protection against discrimination in employment based on age, gender or social background.
4. The right to protection against work that violates their rights as children, such as the right not to be employed as a minor, the right not to be forced to work more than the specified time, and the right not to be employed in an unsafe or unsuitable place.
5. The right to receive payment in accordance with the minimum wage determined by the government, as well as the right to receive training and education that suits their needs and abilities.
6. The right to protection against work that is detrimental to their health, morals or education or that endangers their safety, including the right to receive adequate counseling and information about the risks associated with the work performed.
7. The right to protection against work that is detrimental to their health, morals or education or that endangers their safety, including the right to protection against harassment and violence in the workplace.

### **Factors Causing Children to Work**

### 1. Economic Factors

The current situation of many children working in informal settings cannot be separated from family economic issues. Data collected through interviews with these children revealed that most reported working because they were desperate for additional income to help cover their family's needs, particularly to meet their daily needs. These children generally come from families with limited or no financial means. Most of these children's parents have low and uncertain incomes, and this situation forces them to work without choosing the type and impact of their profession, with the hope of earning additional income to help their parents, or at least to support themselves and, if possible, their families.

On the other hand, the economic aspect is also significantly influenced by local economic conditions, which provide opportunities for children to work. In certain regions, businesses have a similar nature; in fact, local economies, run through conventional management, tend to rely solely on existing capital and maximize profits. In such an entrepreneurial economy, employment is neglected. In other words, there's a lack of a robust labor system, such as a relationship between employer and employee, or guarantees for labor, as all attention is focused on production.

This current situation ultimately weakens the donors or employers in their recruitment and retention strategies for their businesses. Entrepreneurs struggle to minimize costs to maximize profits, ultimately requiring them to reduce production costs. This approach is impossible for raw materials like starch for bread, soybeans for tempeh, and other similar products, as prices for these commodities are already fixed. Therefore, to maintain production, the last resort is to reduce labor costs. Regarding labor costs, reducing or eliminating the costs of older labor is considered impossible. Therefore, the most realistic option is to employ children. This is a relatively profitable option for business owners, as it offers a small fee and is readily available near the business location, further reducing the company's overhead costs.

### 2. Parental Factors

From an economic perspective, one of the

triggers for children to work is the family aspect. The family is the initial community that shapes children's psychological well-being and character. Furthermore, the family is a crucial place for children to acquire their fundamental rights. The most influential family factor in determining whether a child can work is their parents, as they are the first to interact directly with their children. Parents essentially represent all of their children's needs, rights, roles, and responsibilities. Consequently, it is ultimately the parents who must determine what their children should and should not do while they are still young.

### 3. Cultural or Customary Factors

Children who work to help their families earn a living are seen as a manifestation of a child's sensitivity, empathy, and sensitivity to family matters. The more dedication a child gives to his parents, the greater the reward he receives. This proverb also creates pressure on children to be conscientious and honest in carrying out their work with pleasure, namely by being labeled as good, diligent, pious, devoted to their elders, and so on. Beyond the emphasis on deprivation, there are other factors that push children in rural areas toward or are pressured to participate in productive activities. These include cultural or customary factors, which view children who are accustomed to working from an early age as part of a social system to train them to be independent and a manifestation of the virtue of filial piety towards their elders. These customs are almost universal in all rural areas. The habits of older people in directing the methods of sowing and reaping are the efforts of older people in preparing their children to become old and married. The aspect of customs or customs has also been stated by Lawrence Friedman, that customs or customs are one of the aspects that influence the observance of legal norms.

### 4. Self-Will Factor (Independence)

A child's motivation to work stems from the earning potential offered by the business owner or creative activity. By working, children can earn income and even gain the independence to manage the money they earn. Although the child doesn't usually use all of this money, as most of it is handed over to their parents, they at least

feel entitled to the money they earn.

Perhaps children who work are also a form of "escape", for boys or girls, which is caused by several things or several aspects that make them prefer to work outside the home, namely as a form of escape from the burden of work at home which is often seen as boring, besides they also want to experience a different atmosphere like their friends who have worked outside the home first.

#### 5. Environmental Factors

The environmental aspect in this case refers to the social environment of children who work outside the family, such as friends, neighbors, siblings, or close relatives. Children's participation in work is often influenced by the presence of their friends, whether they are friends from the same year or friends from school who have already worked to help their parents earn a living to meet their family's daily needs. They also earn pocket money for snacks. Seeing their friends succeed at work, and the professions they pursue are perceived as relatively easy but profitable, so these children see this as a particular motivation to participate in the work that their friends do.

#### 6. Family Relationship Factors

While some factors contribute to children working, it's undeniable that other factors compel children to work: pressure or persuasion from family members. This pressure from family members is usually driven by the economic situation of the child's parents, or by the family's limited financial means, even if both parents are working but are unable to meet the family's needs. Given this situation, siblings or close family members often offer to let their children work with them, citing a need to contribute to the family's finances. However, it's also possible that the relatives who encourage children to work are more financially well-off and have businesses, whether small or medium-sized. It's also possible that the child of a relative, or the parent of the child, is the one requesting the child to work, citing an intention to increase the family income or simply to train the child for work.

Children's full participation in economic activities is based on a trade-off. Children are forced to leave school to work full-time in order

to contribute to the family's typically meager income. This is a fundamental misconception among families about children forced to work in impoverished communities. With the increasing number of family members earning a living, per-family income is expected to increase even though children must leave school.

#### Psychological Impact of Child Employment

A positive consequence of working at a young age is that it can increase the family's income. This will certainly ensure the fulfillment of their life's needs, including nutritional and health needs. Activities also provide a variety of stimulation that is beneficial for children's cognitive and psychosocial development. Participating in increasing the family's income also fosters feelings of usefulness and importance, which can foster a child's self-esteem.

The negative consequences of working as a child include its impact on development. Child workers often lack the necessary nutrition and rest periods, while physical growth and development require increased calorie consumption. Malnutrition, short stature, and impaired genital development are all consequences of working on children's physical development.

Working at a young age can also hinder a child's cognitive development. Participating in work reduces opportunities for self-development through learning. Children who work tend to focus more on their profession than on their schoolwork, resulting in poor academic performance.

Working can also pose problems for children's psychosocial development. In some unfavorable professional environments, child workers are at high risk of experiencing physical, emotional, or sexual abuse. They may be exposed to unhealthy social behaviors such as smoking, substance use, gambling, sexual relations with sex workers, fighting, and criminal activity. Many of them experience intellectual problems due to the stress of their work, such as mental stress and antisocial behavior.

#### **Solutions to Overcome Child Labor from Groups**

One of the most effective methods for combating child labor is to regularly inspect places where girls and boys may be working. Child Labor Monitoring (CLM) is an active process that ensures the proper implementation and coordination of such controls. The overall goal of this control is to ensure that legally employed children and young workers are safe from exploitation and threats in the workplace. Active search and investigation to resolve child labor cases at the local level is supported by a referral system that connects former child workers (children who have been released from child labor) with appropriate services.

Key CLM activities include regular, repeated direct observation to identify (discover the presence of) child workers and determine or assess the risks they face, linking identified child workers to appropriate services, conducting confirmations or inspections to ensure they have been fully released from the Child Labor Act and tracking their subsequent attendance or activities to ensure their condition has truly improved.

CLM is based on national legislation addressing child labor issues and on developing sustainable, self-help strategies to combat child labor. Essentially, child labor control is a method for mainstreaming anti-child labor action at the local government level in areas where child labor is found and where tangible services, such as schooling, are provided for girls and boys.

CLM also has a close relationship with providing basic education and protecting young workers from the risk of threats. CLM directly supports the implementation of ILO Convention No. 182 of 1999 concerning Violations and Immediate Action for the Elimination of the Worst Forms of Child Labor and ILO Convention No. 138 of 1973 concerning Minimum Age for Admission to Employment.

Efforts to prevent child labor are as follows:

1. Making Legislation Effective
2. Supervision of Compliance with Employment Laws and Regulations
3. Improving Employment Knowledge
4. Institutional Development
5. Coaching

### Legal Sanctions

Retribution is a burden imposed or deliberately imposed by someone after a violation, error, or mistake occurs. Retribution is an act of punishment intended to force someone to comply with regulations or obey the law.

Legal retribution is generally a coercive regulation that determines the behavior of individuals within a social sphere, established by authorized legal bodies, whereby these regulations generate rewards. In contrast, according to the Legal Dictionary, retribution is defined as the impact of an action or response from another party (an individual or social entity) or an action. Furthermore, according to Andi Hamzah, retribution can be defined as a penalty for violating legal provisions. Therefore, retribution can be defined as a reward or coercive action obtained from failure to comply with laws, regulations, or orders.

There are also dangers for entrepreneurs or industries employing children under 18. This is a crime punishable by imprisonment for a minimum of one year and a maximum of four years, and/or compensation of at least Rp 100 million and at most Rp 400 million. Consequently, employing children under the age of 18 is a criminal offense.

### Laws Prohibiting the Employment of Minors

1. Law Number 13 of 2003 concerning Manpower

Law No. 13 of 2003 concerning Manpower regulates employment in Indonesia, including the work of children under the age of 15. Article 70, Section (1) of the Law defines child labor as any child under the age of 15 or under the age of 18 who works in a field that is unsafe or detrimental to health, morals, or education.

Article 70 part (2) of the Law also states that the profession of children under the age is prohibited and cannot be carried out, except in special circumstances regulated in Government Regulations. These special conditions include, among other things, professions attempted by children under the age which are in the nature of nursery, upgrading, or activity guidance, and professions which are not detrimental to the child's health, morals, or learning.

The legal punishment is stated in Article

187 of the Law, (1) Anyone who violates the provisions as defined in Article 37 section (2), Article 44 section (1), Article 45 section (1), Article 67 section (1), Article 71 section (2), Article 76, Article 78 section (2), Article 79 section (1), and section (2), Article 85 section (3), and Article 144, shall be subject to a minimum penalty of imprisonment of 1 (one) month and a maximum of 12 (twelve) months and/or compensation of at least Rp. 10,000,000.00 (10 million rupiah) and at most Rp. 100,000,000.00 (one hundred million rupiah). (2) The criminal act as defined in section (1) is a criminal act of violation.

## 2. Medan City Regional Regulation Number: 6 of 2003

Article 2 section (2) states that it is prohibited to deliberately intimidate other people such as children, young children and/or bring in one or more people for the purpose of begging.

Article 2 section (3) states that it is prohibited to invite or attract other people with words and signs and/or other actions which mean inviting them to carry out night entertainment activities on ordinary roads and/or places known or visited by other people, whether individuals or several people.

Legal sanctions are stated in Article 5 of this regional regulation, (1) Anyone who violates the provisions of Article 2 of this regional regulation is threatened with a maximum imprisonment of 6 (six) months and/or compensation of at most Rp. 5,000,000 (five million rupiah). (2) Criminal acts as defined in section (1) are violations.

Factors Influencing Public Understanding of the Law

### 1. Education

A community's level of education significantly influences their understanding of the laws related to child labor. 32 Communities with higher levels of education tend to have a better understanding of the laws related to child labor and a greater respect for children's rights. They are also better able to grasp more complex legal concepts, such as children's rights, workers' rights, and the like.

Furthermore, a high level of education also helps people understand broader legal contexts,

such as the legal regulations within their country and the broader legal framework. Therefore, people with a high level of education tend to have a better understanding of the laws related to children's work at an early age and a better understanding of how the law applies in broader contexts.

### 2. Knowledge of Law

A community's understanding of the law also influences their understanding of the law regarding children's work. Communities with a broader understanding of the law tend to have a better understanding of the law regarding children's work and how it applies to broader contexts.

Insight into law can be obtained through various methods, such as through formal learning at school or university, through legal training courses held by legal institutions, or through effective experience in dealing with legal problems in everyday life.

### 3. Role of Government

The position of the government also influences public understanding of the laws regarding the work of children under the age of majority. Governments that provide adequate information and counseling on the laws regarding the work of children under the age of majority, and provide clear penalties for violators, will help the public better understand the law and how it should be enforced.

The government can also help the community to understand the laws related to children's work under the age of 18 by providing adequate facilities for children who participate in work, such as learning facilities, health facilities, and so on.

### 4. Culture and Culture

Culture and customs can also influence a community's understanding of the laws regarding child labor. Communities living within customs and cultures that respect children's rights and workers' rights tend to have a better understanding of the laws regarding child labor and how those laws should be enforced.

On the other hand, people who live in customs and cultures that do not respect children's rights, or who view children's work as something natural, tend to have less understanding of the laws related to children's

work, and less understanding of how these laws should be implemented.

#### 5. The Role of Media

The position of the tool can also influence public understanding of the law regarding child labor. Tools that provide accurate and useful information about the law regarding child labor, and provide adequate guidance on children's rights, will help the public better understand the law and how it applies to child labor.

## IV. CONCLUSION AND SUGGESTIONS

### A. Concluson

Research results show that the majority of people in Medan City have a good understanding of laws regarding minors. This is demonstrated by the fact that most respondents recognize that minors deserve special legal protection and that there are regulations that protect their rights. However, a small number of people still lack a thorough understanding of laws regarding minors. This may be due to a lack of public knowledge about laws and policies regarding minors.

The research also shows that several factors influence public understanding of laws related to underage children. These factors include educational level, age, and gender. Respondents with higher educational levels tend to have a better understanding of laws related to underage children than those with lower educational levels. This may be due to the fact that higher educational levels lead to greater insight into laws and policies related to underage children. Furthermore, age also influences public understanding of laws related to underage children, with older respondents tending to have a better understanding than younger respondents. Gender also influences public understanding of laws related to underage children, with female respondents tending to have a better understanding than male respondents.

Analyzing the research results with literature reviews confirms that these findings align with previous studies, which showed that public understanding of laws related to underage children tends to be influenced by educational level, age, and

gender. However, this research also shows that public understanding of laws related to underage children in Medan City tends to be better than previous studies conducted in other areas. This may be due to the fact that Medan City has more accessible data on laws and policies related to underage children.

The relevance of this research finding is that efforts are needed to increase public understanding of laws related to children under the age of 18 in Medan City. This effort can be achieved by disseminating information on laws and policies related to children under the age of 18 to the public, especially to groups with low educational levels and young ages. Furthermore, efforts are needed to increase public access to information on laws and policies related to children under the age of 18, such as through mass media or through targeted educational programs.

### B. Sugestions

Based on the discussion regarding child labor, legal protection, and the factors influencing the employment of children under the age of 18, it can be concluded that child labor remains a serious issue requiring comprehensive attention from the government, society, families, and law enforcement institutions. Therefore, stronger efforts are needed to improve the implementation and supervision of labor regulations, particularly those concerning the prohibition and protection of child labor as stipulated in employment laws.

The government is expected to strengthen policies and law enforcement mechanisms by increasing inspections, monitoring workplaces, and imposing firm sanctions on individuals or companies employing children in violation of legal provisions. In addition, improving access to education, social welfare programs, and economic assistance for low-income families is essential to reduce the economic pressures that often force children into employment.

Parents and families should also be encouraged to prioritize children's rights to

education, health, and proper development rather than involving them in economic activities at an early age. Public awareness programs regarding children's rights and the negative impacts of child labor need to be expanded to promote greater legal awareness within society.

Furthermore, cooperation among government institutions, educational institutions, communities, and non-governmental organizations is necessary to create sustainable prevention strategies against child labor. Strengthening child protection systems and ensuring effective implementation of labor regulations will help minimize child exploitation, support children's physical, psychological, and intellectual development, and ultimately contribute to creating a more just and prosperous society in accordance with the principles of human rights and the rule of law.

#### **BIBLIOGRAPHY**

Kanyaka Prajnaparamita. (2018). *Perlindungan*

*Tenaga Kerja Anak, Administrative Law and Governance* journal, Semarang: Universitas Diponegoro, Edisi Khusus I

Dina Mardiyanti. (2020). *Bekerja, baik atau buruk bagi kesehatan anak?*, Jurnal Feb Unmul. Kalimantan Timur: Universitas Mulawarman

Organisasi Perburuhan Internasional, *Pemantauan Pekerja Anak*. (2008). Jakarta: Kantor Perburuhan Internasional

Indonesia. (2003). *UU No 13 tahun 2003 tentang Ketenagakerjaan*. Lembaran Negara Republik Indonesia Tahun 2003 Nomor 39. Sekretariat Negara. Jakarta.

Kota Medan. (2003). *Peraturan Daerah Nomor 6 tahun 2003 Tentang Larangan Gelandangan dan Pengemisian serta Praktek Susila di Kota Medan*. Pemerintah Kota Medan: Medan.