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Legal Protection against Child Labour under the Terms of the Law of Indonesia

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Abstract:

Children must be protected so that they do not become victims of any individuals or groups, private and government organizations, either directly or indirectly. What is meant by the victims are those who suffer a loss mentally, physically, socially, because the act of passive or active conduct of another person or group of private or government, either directly or indirectly.

Article 68 of Law No. 13 of 2003 on Labor determines that employers are prohibited from employing children. And the provisions of the law, a child is any person under the age of 18 (eighteen) years. Means 18 (eighteen) years is the minimum age that allowed the government to work. Legal protection of children as labor is the prohibitions others in employing children: in places where liquor is consumed or sold, in the handling of general waste, handle or deliver dangerous goods, operate machinery dangerous, such as cutting machines, grinding machines, rollers, suppressing or destroyer, and others. In discotheques, places to play billiards or gambling in any place of public entertainment except with the intention not to take advantage, in the kitchen of the hotel, boarding house, where selling cooked food, café or restaurant, and others. Cleaning the outside of the window height is 3 meters above the ground, in a slaughterhouse, in the salon or massage places.

Keywords: *Legal Protection, Child Labor*

1. Introduction

In various legislations Indonesia, there is no explicit setting of criteria for children, other laws are also other criteria for children. Section 330 Code of Civil Law determines that the immature if not attained the age of 21 (twenty-one) years and have not previously been married. Article 1 (2) of Law No. 4 of 1979 on Child Welfare determines that the child is a person who has not attained the age of 21 (twenty-one) years and have never been married. According to the Customary Law a person is said to be immature when someone is not married and the embryo itself has not been separated from the responsibility of parents. Customary law determines that a person has an adult size is not of age, but the measures being taken are: can work alone; ably perform required in public life; can take care of their own wealth. Islamic law specifies that minors are not yet puberty. Limit a person's age or an adult yet (minderjarig), if he is not the age of 15 (fifteen) years unless it has been demonstrated previously been ripe for intercourse (geslachtssrijp) but cannot be less than 9 (nine) years. According Zakariya Ahmad Al Barry, Adult intention is old enough to reproduce and show signs of male adult son, there are signs of adult women in the daughter. This is a reasonable adult, usually male children did not exist before the age of 12 (twelve) years and a daughter aged nine (9) years. If a child says that he is an adult, his testimony can be accepted because he himself had experienced. If you've passed that age but not yet visible above the signs indicate that she had grown up, had to wait until he was 15 (fifteen) years. Zakiah Drajat said that the age limit of children and adults based on the age of adolescence is that past the age of nine (9) years between thirteen (13) years to 21 (twenty-one) years as adolescence is a transitional period between the time children child and adulthood, with children experiencing rapid growth in all areas, and they are no longer children good physique, attitudes, ways of thinking and acting, but nor adults. Hilman Hadikusuma saying that draw the boundary between minors with an adult, do not matter because in fact although the immature, but he was able to perform a legal act, for example, minors have been buying and selling, trading and so on, although he has not been authorized to marry, In the Law on the Criminal Justice System Child (Law SPPA) in Article 1 point 3 determined that the Children in conflict with the law, hereinafter called the Children is a child over the age of 12 (twelve) years, but not yet the age of 18 (eighteen) years suspected of committing a crime.

Children must be protected so that they do not become victims of anyone (individuals or groups, private organizations and government) either directly or indirectly, which suffered a loss (mental, physical, social), because the act of passive or active actions of others or group (private or government) either directly or indirectly. Arif Gosita argued that the legal certainty necessary to arrange for the continuation of child protection activities and prevent abuses that bring unintended negative consequences in the implementation of child protection.

Children as young generation, the successor to the noble ideals of the nation, the future leaders of the nation's future and hope of the nation, should receive the widest possible opportunity to grow and develop naturally good spiritually, physically and socially. Child protection is an activity the whole society, which is well aware of the importance of children to the homeland later on, when it came time to replace the previous generation. Maintain the viability of the child is the responsibility of the parents, who should not be overlooked. Article 45 of Law 1 of 1974 on the Principles of Marriage, determines that the parents are obliged to maintain and educate

children who have grown up children are concerned adult or can stand alone. Parents are the first responsible for the realization of child welfare both spiritually, physically and socially (Article 9 of Law No. 4 of 1979 on Child Welfare).

Any person who does the maintenance of the child must observe and carry out its obligations, which is a children's rights. Article 2 of Law No. 4 of 1979 specifies that the rights of children such as: welfare, treatment, care, guidance, and services to develop the ability of social life, maintenance and better protection during in the womb or after birth, the protection of the environment that could endanger growth and development. Children's rights are Human Rights (HAM) and for the interests of children's rights are recognized and protected by law even in the womb (Article 52 paragraph (2) of Law No. 39 of 1999 on Human Rights). When traced with care, compassion is the most basic psychological needs in life and the life of the child, who actually rely on the conscience of the parents. In fact, many parents are not aware of this, which affect child development. Children who grew up in an atmosphere of conflict, are likely to experience mental unrest, which can push perform negative actions, which are categorized as delinquency. Delinquency, can be influenced by his background.

Parents are the authority to care for her children, which is called the power of parents. In this regard, Article 26 of Law No. 23 of 2002 specifies that parents are obliged and responsible for: caring, nurturing, educating and protecting children; cultivate the child in accordance with the abilities, talents, and interests and prevent the marriage on the age of the children. If the parents do not exist, or is not known to exist, or for some reason cannot carry out the obligations and responsibilities, the obligations and responsibilities as set forth in paragraph (1) may be transferred to the family, which is implemented in accordance with the provisions of the legislation in force. Parents carry out its obligations, because in essence the child is not able to protect themselves from a variety of actions that cause harm mentally, physically, socially in various areas of life and livelihood. Children must be assisted by another person (in this case especially the elderly, families, community members and state) in protecting themselves, given the circumstances. Children need to be protected so as not to cause harm mentally, physically and socially.

The position of the family is fundamental and has a vital role in educating children. If education in the family fails, the child tends to perform acts of delinquency in the community and often lead to crime or criminal action. Andi Mappiare states that teens want to be free to determine their own life goals, while the parents are still afraid to give responsibility to the youth so that continues to haunt teens. Teens want to be recognized as an adult while the parents still do not release it because it is not enough to be given freedom. Teens are in the process of evolving toward maturity or independence, teens need guidance because they do not have an understanding or insight about himself and his environment, as well as experience in determining the direction of his life.

2. Child Protection

2.1. Rights of the Child

On 20 November 1959 the General Assembly of the United Nations (UN) has adopted the Declaration on the rights of children. In the Preamble to the Declaration, implied that mankind is obliged to provide the best for children. This declaration contains ten (10) the principle of children's rights, namely:

1. Children are entitled to enjoy all the rights according to the provisions contained in this Declaration. Every child without exception should be guaranteed their rights regardless of race, color, sex, language, religion, political views, nationality, social rank, rich and poor, birth or other status, either in him or to his family.
2. Children are entitled to special protection and should be an opportunity guaranteed by law and by other means, in order to make it able to develop themselves physically, mentally, morally, spiritually and community in a healthy situation, normal in accordance with freedom and dignity. Pouring it into law purposes, upon the child's best interests shall be a primary consideration.
3. Children from birth is entitled to a name and nationality.
4. Children have the right and should be guaranteed social for healthy growth and development. For this both before and after birth there should be special care and protection for children and mothers. Children are entitled to adequate nutrition, housing, recreation and health care.
5. Children who are physically, mentally and weak social position due to certain circumstances should receive education, treatment and special treatment.
6. In order for the child's personality and harmonious grow optimally, it requires compassion and understanding. As far as possible it should be brought up under the care and responsibility of his parents, and in any case should be sought in order to remain in a loving atmosphere, physically and mentally healthy. Children under the age of five years is not justified separated from his mother. Community and government authorities are obliged to provide special care to children who do not have a family and to children who cannot afford. It is hoped that the government or other parties provide financial assistance for children who come from a large family.
7. Children are entitled to compulsory education free of charge at least at the elementary level. They should get protection that can improve general knowledge, and which allow, on the basis of equal opportunity to develop the ability, personal opinion, and feelings of moral and social responsibility, so that they can become useful members of society. Interests of the child shall be used as guidelines by those responsible for the education and guidance of the child: first of all, the responsibility lies on their parents. Children should have opportunities to play freely and recreation are geared for educational, community and government authorities should try to improve the implementation of this right.
8. In any case the child must take precedence in receiving protection and assistance.
9. Children should be protected from all forms of neglect, abuse, exploitation. He should not be the subject of trade. Children should not work before a certain age, he should not be involved in work that is detrimental to health or education, or that may affect the development of body, soul and moral.

10. Children should be protected from acts that lead to discrimination in the form of social, religious and other forms of discrimination. They should be brought up in the spirit of understanding, tolerance and friendship among peoples, peace and universal brotherhood with full awareness that the energy and talents should be devoted to fellow human beings. "

- In Indonesia, the implementation of the protection of children's rights as stated in the UN Declaration are set forth in Law No. 4/1979 on Child Welfare. Article 1 of Law No. 4 of 1979 determines:

"Welfare of the child is a child's order of life and livelihood that can guarantee the normal growth and development, both spiritually, physically and socially. Child welfare social welfare is aimed at ensuring the realization of the welfare of children, especially the fulfillment of basic needs of children. "

Law no. 1 of 1974 on the Principles of Marriage, common setting and protection rights long experienced of children's rights, such as:

- Protection and guarantee of the rights of children to remain acquire the maintenance and education in the event of divorce, the charging of the maintenance and education of children is first and foremost to the father (Article 41);
- Children born out of wedlock only have a civil relationship with her mother and her mother's family (Article 43 paragraph (1));
- Both parents are obliged to maintain and educate their children as well as possible (Article 45 paragraph (1));
- Parents are not allowed to move right or pawn goods remain owned child under 18 (eighteen) years or never enters into marriage, unless his require interest of the child (Article 48);
- Children who have not attained the age of 18 (eighteen) years or never enters into a marriage, which is not under the authority of parents, under the authority of a guardian, this trust is concerned about the child's personal and property (Article 50);
- Guardian responsible about possessions children who are under guardianship as well as losses incurred due to errors or negligence (Article 51 paragraph (5));
- Guardian who has caused harm to the child's property under his control, demands the child or the child's family with the court's decision concerned may be required to replace such losses (Article 54).

- UU no. 4 Year 1979 on Child Welfare; Article 2 determines:

"A) Children are entitled to welfare, treatment, care and guidance based on affection either in the family or in special care to grow and develop naturally;

b) Children are entitled to care and the ability to develop social life, according to the nation's culture and personality, to become good citizens and useful;

c) Children are entitled to maintenance and protection, both during in utero and after birth;

d) Children are entitled to protection of the environment that may harm or inhibit the growth and developments-his naturally. "

2.2. Principles of Child Protection

Arif Gosita argued that the legal certainty necessary to arrange for the continuation of child protection activities and prevent abuses that bring unintended negative consequences in the implementation of child protection. Child protection can be divided into two (2) parts: the juridical protection of children, which include: protection in the field of public law and in the field of civil law; child protection non juridical, include: protection in the areas of social, health, education.

Article 1 paragraph 2 of Law No. 23 of 2002 specifies that all activities of child protection is to ensure and protect children and their rights in order to live, grow, developing States, and participate optimally in accordance with human dignity, as well as protection from violence and discrimination. Child protection can also be interpreted as any attempt aimed at prevention, rehabilitation and empower children who suffered abuse of the (child abused), exploitation and neglect, in order to ensure the survival and development of the child fairly, both physically, mentally and socially. Arif Gosita argued that child protection is an attempt to protect the child can implement rights and obligations. Child protection benefit to the child and his parents and of his government, the coordination of child protection co-operation needs to be held in order to prevent imbalances overall child protection activities. In connection with this, Abdul Hakim Garuda Nusantara, said:

"The issue of legal protection for children is one-sided approach to protect Indonesia's children. The problem is not solely being approached legally, but it needs a broader approach, namely economic, social and cultural. "

2.2.1. Basic Implementation of Child Protection Is:

1) Basic Philosophical, Pancasila basis of activities in different areas of family life, community, state, and nation, and the philosophical basis of the implementation of child protection.

2) Basic Ethical, implementation of child protection must be in accordance with the ethics of the profession concerned, to prevent deviant behavior in the implementation of the authority, power, and strength in the implementation of child protection.

3) Basis of Juridical, implementation of child protection should be based on the 1945 Constitution and various other laws and regulations. The application of this legal basis must be integrative, which involves the integrated implementation of laws and regulations of the various areas of law related.

The implementation of child protection, to be eligible, among others: the development of truth, justice and the welfare of children; must have a foundation of philosophy, ethics and law; Positive rational way; can be accounted for; useful for the concerned; prioritizing the perspective of the interests of the governed, not the perspective of the interests of governing; not accidental and complementary, but must be done consistently, have the operational plan, pay attention to the elements management, implementing restorative justice response (nature recovery); not a container, and the opportunity for profit private / group; children are given the

opportunity to participate according to the circumstances; based on the right image of the son of man; with vision problems (problem oriented), and not insightful targets; not a factor kriminogen; not a factor viktimogen.

2.2.2. Well Known Principles of Child Protection, Namely:

a. Children cannot fend for themselves

One of the principles that are used in the protection of the child is: The child is the main capital of human survival, nation and family, for that their rights must be protected. Children cannot protect their own rights, many parties that affect their lives. Berke-state and community interests to seek the protection of children's rights.

b. Best interests of the child (the best interest of the child)

In order for the protection of children can be held up well, adopted the principle that the best interests of the child should be seen as of paramount importance (obtaining the highest priority) in any decision concerning children. Without this principle the struggle to protect children will experience a lot of stumbling blocks. The principle of the best interest of the child is used because in many cases the child "victim", due to ignorance (ignorance) because of the age of development. If this principle is ignored, then the community creates monsters worse later on.

c. Definition life cycle (life-circle approach)

Child protection refers to the understanding that the protection should be started early and continuously. Fetus in the womb should be protected with nutrients, including iodine and calcium through his mother. If he had been born, it is necessary breast milk and primary health care by providing immunization services and others, so that the child free from any possible defects and diseases.

Periods of pre-school and school, takes the family, educational institutions, and social organizations / religious quality. Children receive a good learning opportunity, a time of rest and play fairly, and also determine their own destiny. By the time the child is 15-18 years old, he entered a period of transition into the adult world. This period is risky because culturally, a person will be considered an adult and physically it was quite perfect for running their reproductive functions. The knowledge of reproduction and protection of a wide range of discrimination and mistreatment can enter adult role as virtuous and responsible. Protection of fundamental rights for pre-adults also needed for the next generation they remain qualified. Educated parents concerned with their children's school. Parents who are healthy physically and spiritually always behave physical and emotional needs of their children.

d. Intersectoral

The fate of the child depends on a variety of macro and micro factors that directly or indirectly. Poverty, urban planning and all evictions, an education system that emphasizes rote and materials that are not relevant, the community is full of injustice, and so cannot be handled by the sector, especially the family or the children themselves. Protection of children is a struggle that requires the contribution of all people at all levels.

3. Protection of Child Labor

Article 68 of Law No. 13 of 2003 on Labor determines that employers are prohibited from employing children. And the provisions of the law, a child is any person under the age of 18 (eighteen) years. Means 18 (eighteen) years is the minimum age that allowed the government to work. Act No. 20 of 1999 on Ratification of ILO Convention No. 138 of 1973 concerning Minimum Age Admission to Employment. This law set clear about the minimum age for employment:

- a) The minimum age should not be 15 years. Countries whose economy and educational facilities is insufficiently developed may set a minimum age of 14 years to work in the early stages.
- b) The minimum age is 18 years' older set for the type of work that is dangerous, "the nature and circumstances in which the work is carried out are likely to be detrimental to the health, safety or morals of children".
- c) A lower minimum age for light work is set at 13 years old.

Law No. 1 of 2000 on the Ratification of ILO Convention No. 182 of 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child. This law calls for the prohibition and action to eliminate all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and forced labor, including the recruitment of children or by force or for use in armed conflict with implement laws and regulations.

Develop their talents and interests of children with good, children need to be given the opportunity to channel their talents and interests. Avoid the exploitation of children, the government has enacted a policy in the form of Kepmenakertrans No. Kep. 115 / Men / VII / 2004 on Protection of Children Who Do Work To Develop Talents and Interests. Employers who employ children for light work must meet the following requirements:

- a. written consent of a parent or guardian;
- b. employment agreement between the employer and the parent or guardian;
- c. Maximum working time 3 (three) hours;
- d. do during the day and does not interfere with school time;
- e. ensure the safety and health;
- f. the existence of a clear employment relationship; and
- g. receive wages in accordance with applicable regulations.

Requirements that must be met companies / employers who want to employ children to develop their talents and interests. In employing children to develop their talents and interests were aged less than 15 years, entrepreneurs must fulfill the following requirements:

- a. Make a written employment agreement with the parent / guardian to represent the child and load conditions and terms of employment in accordance with applicable regulations.
- b. Hiring outside of school time.
- c. Comply with the maximum working time 3 hours / day and 12 hours / week.
- d. Involving parents / guardians in the location of the workplace to conduct direct supervision.
- e. Providing a work environment that is free from the circulation and use of narcotics, gambling, liquor, prostitution and similar matters that have an adverse influence on the development of physical, mental, and social development.
- f. Provides a resting place during the waiting time
- g. Implement the terms of occupational safety and health.

Work that is not allowed is a job that degrades human dignity; inhuman work; The worst job; hazardous work.

Law governing child labor is Law No. 13 of 2003 on Manpower. This Act regulates matters relating to child labor ranging from the age limit allowed to work, who is classified as a child, remuneration and protection for child workers. Then Law No. 20 of 1999 on Ratification of ILO Convention No. 138 of 1973 concerning Minimum Age Admission to Employment. This law set clear about the minimum age for employment. The minimum age should not be 15 years. Countries whose economy and educational facilities is insufficiently developed may set a minimum age of 14 years to work in the early stages. The minimum age is 18 years older set for the type of work that is dangerous, "the nature and circumstances in which the work is carried out are likely to be detrimental to the health, safety or morals of children". A lower minimum age for light work is set at 13 years old.

Law No. 1 of 2000 on the Ratification of ILO Convention No. 182 of 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child. This law calls for the prohibition and action to eliminate all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and forced labor, including the recruitment of children or by force or for use in armed conflict with implement laws and regulations.

Article 68 of Law No. 13 of 2003 states that employers are prohibited from employing children. And the provisions of the law, a child is anyone under 18 years old. Mean 18 years is the minimum age that allowed the government to work. Children at school age youth is justified to work by law. School age teenagers should not work, but at the same law Article 69, 70 and 71 explain the exceptions for children aged 13-15 years were allowed to do light work provided they do not interfere with the development of their physical, mental, and social. Then also children with a minimum age of 14 years can do the job in the workplace that is part of the curriculum of education or training, and the child can do the work to develop their talents and interests.

Regarding remuneration for youth workers, the company was granted in accordance with Article 92 paragraph 1 of Law No. 13 in 2003 to structure and scale of wages by taking into account class, position, length of employment, education, and competency. So, usually wages for working people a very young age is under workers normally. In principle, children should not work, excepted to certain conditions and interests of the child is allowed to work, as stipulated in Law No. 13 of 2003 on Manpower. The work forms include:

1. Work Light; Children aged 13 to 15 years allowed to do light work provided they do not interfere with the development of their physical, mental and social.
2. Work within the framework of the curriculum of education or training. The child can do the work that is part of curriculum or training approved by the competent authority provided that:
 - a. At least 14 years of age.
 - b. Given clear guidance on how the implementation of the work and to receive guidance and supervision in doing work.
 - c. Given the protection of health and safety
3. Work to develop talents and interests; To develop the talents and interests of children are well, eat the child should be given the opportunity to channel their talents and interest .For avoid the exploitation of children, the government has enacted a policy in the form of Kepmenakertrans No. Kep. 115 / Men / VII / 2004 on Protection of Children Who Do Work To Develop Talents and Interests.

Employers who employ children for light work must meet the following requirements:

- a. written consent of a parent or guardian;
- b. employment agreement between the employer and the parent or guardian;
- c. Maximum working time 3 (three) hours;
- d. does during the day and does not interfere with school time;
- e. ensures the safety and health;
- f. the existence of a clear employment relationship; and
- g. receives wages in accordance with applicable regulations.

In Kepmenakertrans No. Kep. 115 / Men / VII / 2004 explained that the work to develop their talents and interests, must meet the following criteria:

- a. The work can be done from an early age children
- b. The work was enthused children
- c. The work is based on the ability of children
- d. The work to add creativity and in accordance with the child's world

In employing children to develop their talents and interests were aged less than 15 years, entrepreneurs must fulfill the following requirements: Create a written employment agreement with the parent / guardian to represent the child and load conditions and terms of employment in accordance with applicable regulations, employing outside time schools, meets the provisions of the longest working time 3 hours / day and 12 hours / week, Involve parents / guardians in the location of the workplace to conduct direct supervision. Providing a work environment that is free from the circulation and use of narcotics, gambling, liquor, prostitution and similar matters that have an adverse influence on the development of physical, mental, and social development. Provides a resting place during the waiting time, Implement requirements for safety and health.

Forms of child labor in accordance with Article 74 paragraph 2 of Law. No. 13/2003, includes: All work in the form of slavery or the like. All jobs that use, procure or offer a child for prostitution, production of pornography, pornographic performances or gambling. All jobs that use, procure or involve a child for the production and trade of alcoholic beverages, narcotics, psychotropic and other addictive substances, all jobs that endanger the health, safety or morals of children.

The types of jobs that endanger the health, safety, or morals of children set by Ministerial Decree No. KEP. 235 / MEN / 2003, namely:

1. Type of Work that are Hazardous to the Health and Safety at Work:

a. Work related to machinery, aircraft, installations and other equipment, including: job manufacture, assembly / installation, operation and repair: engines, aircraft, heavy equipment: tractors, stone crushers, graders, asphalt mixers, drilling machine, Installation: pressurized pipe, electrical, fire and power lines. Other equipment: furnaces, furnace, elevator, pecancah. Pressure vessels, steel bottles, hoarder's vessel, container transporters and the like.

a. Work performed on a dangerous work environment includes job containing physical danger. Job containing chemical hazards. Job containing biological hazards.

b. Jobs that contain hazardous nature and specific circumstances: Construction of buildings, bridges, irrigation / road. In the wood processing companies such as logging, transportation and unloading. Manually lifting and carrying loads over 12 kg for boys and 10 kg for girls. In the workplace building locked. Fishing is done offshore or deep ocean waters. Do isolated and remote areas. On the boat. In waste treatment or disposal and recycling of second-hand goods. Conducted between the hours of 6:00 p.m. to 6:00.

2.Types of Work that are Hazardous Morals of Children. Work on the business bar, discotheque, karaoke, billiards, movie theaters, massage parlors or location can be a place of prostitution. Work as a model for the promotion of alcoholic beverages, stimulants sexuality and / or smoking.

Child labor is a term for employing young children. The term child labor can have the connotation of exploitation of small children on their labor, with a small salary or consideration for their personality development, security, health and future prospects. In some countries, it is considered good when a child under a certain age, not including housework and schoolwork. A 'boss' is prohibited to employ minors, but the common minimum rules depending on the country. Although there are some children who says he wants to work (because the pay is attractive or because children do not like school), it still is undesirable because it does not guarantee the future of the child. But some rights groups of youth feel that banning work under a certain age violates human rights. The use of young children as workers are now considered by wealthy countries as a violation of human rights, and forbid it, but the poor countries may still allow for a family often depends on their job in order to survive and sometimes the only source of income.

No one is allowed to employ children in all kinds of fields of industry. The ban is set clearly in regulations employ children, children aged 13 years or more may be employed in non-industrial companies. However, children of this category, who have not completed Form III of secondary school, forbidden to enter and be employed in all places of public entertainment anywhere except the goal is not for profit. A child who works in any workplace, whether or not salary must meet all the rules in employing children. Work rules for children are not applicable to children enrolled intern / registered as students with certain skills under the law (Article 47). Employing children who were aged 13 years and have completed Form III (SMP III) Children over the age of 13 but under the age of 15 years, and has completed Form III (SMP III) can be employed in a non-industrial by obeying provisions as follows: (a) a concerned parent must submit evidence that the child has completed Form III (SMP III) to prospective employers. (b) There is a written permission from the parents. (c) cannot be employed: before 7 am or after 7 pm; more than 8 hours a day; work continuously more than 5 hours without a break or a rest period of less than 1 hour. Carry goods weighing exceed 18 kg.

Employing children who have reached the age of 13 years but has not completed Form III (SMP III) In addition to the above provisions, following the provisions in the employment of children - children who have reached the age of 13 years but has not completed Form III (SMP III): (a) Parents concerned must give to prospective employers. Certificate valid attend school from the child. (b) There can be employed: During school hours, during the school year that exceeds or 2 hours on a school day, or 4 hours in other days; when the summer vacation that exceeds 8 hours per day.

Here are the restrictions on others in employing children: in place - a place where liquor is consumed or sold, in the handling of general waste, handle or deliver dangerous goods, operate machinery dangerous, such as cutting machines, machine grinding, the rollers, suppressor or destroyer, and others. In discotheques, places to play billiards or gambling in any place of public entertainment

except with the intention not to take advantage, in the kitchen of the hotel, boarding house, where selling cooked food, café or restaurant, and others. Cleaning the outside of the window height is 3 meters above the ground, in a slaughterhouse. In salon or massage places.

The documents should be kept employers, employers who employ children must save and provide documents concerning the child to be examined by the Inspector of Labour of the Ministry of Labor. Those documents are as follows. letters written consent of a parent, proof that the child has completed Form III (SMP III) or a valid certificate of attending school (or a copy). Employing children as entertainer's labor commissioner may give special permission to the children of any age to be employed as an entertainer, provided some specific ban will be determined by the commissioner. Employers who want to hire children as an entertainer, must make a request to the commissioner's prior written permission. For more information, lihat "Guidelines Employing children as Comforter".

Involving children in the production process of a company, for whatever reason, will be able to eliminate opportunities for children to enjoy their rights, have an impact on education, health, and growth. Many factors cause children to work, usually caused by a lack of economic family so under the pretext of helping the elderly, children have to work. Not infrequently, children are forced to work, because it is already strong enough to carry out activities such as adult. If it is economic factors that cause children to work, it can be assumed that the wages of the workers cannot make ends meet. By doing so, the children involved to increase the income of parents. Although the fulfillment of children's rights is the responsibility of the state in accordance with the CRC, but also the involvement of the role of shared responsibility of parents, families, and communities. The Company is an important element to be held accountable on the scope of the company. Companies must provide facilities to support the growth and development of children. Thus, the children of Indonesia to become the generation that has a good capacity as successor of leadership in Indonesia.

4. Conclusion

1. The legal protection of children in Indonesia is that the government and other state institutions are obliged and responsible to provide special protection to children in emergency situations, children in conflict with the law, children and minority groups and isolated, economically exploited children and / or sexual, children who are victims of substance abuse, alcohol, psychotropic and other addictive substances (drugs), child abduction, sale, trafficking, child victims of violence both physical and / or mental, children with disabilities, and child victims of abuse and neglect. In Indonesia, the rules relating to the protection of children is comprised of various laws and regulations, among others: Law No. 4 of 1979 on Child Welfare, Law No. 1 of 1974 on the Principles of Marriage, Law Number 39 Year 1999 on Human Rights, Law No. 23 of 2002 on Child Protection.

2. The legal protection against child labor as is the presence of other restrictions in hiring a child: place - a place where liquor is consumed or sold, in the handling of general waste, handle or deliver dangerous goods, operate dangerous machinery, such as cutting machines, grinding machines, rollers, suppressing or destroyer, and others. In discotheques, places to play billiards or gambling in any place of public entertainment except with the intention not to take advantage, in the kitchen of the hotel, boarding house, where selling cooked food, café or restaurant, and others. Cleaning the outside of the window height is 3 meters above the ground, in a slaughterhouse. In salon or massage places.

3. The obstacles in the realization of legal protection against child labor as is the culture conditions in which the Son is the wealth of the parents' view is argued, if a family experiencing economic difficulties that their children can be hired to supplement their income. So be hired at a relatively young age. social conditions, economic conditions. Other obstacles are still not familiar convention of children's rights, poor understanding better the process of child development, less applicable method of education based more on compassion, lack of institutions and organizations concerned with the welfare of children, there are still traditional view less favorable child, presence of family conditions that cause children to be neglected fate

5. References

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