

## The Impact of ILO Convention No. 182 (1999) on Safeguarding Against Child Labor in Indonesia



Wijdan Naufal Bahy<sup>1</sup>, Adya Paramita Prabandari<sup>2</sup>, Kadek Cahya Susila Wibawa<sup>3</sup>

<sup>1,2,3</sup>Faculty of Law, Universitas Diponegoro, Jl. Prof. dr. A. Suroyo, Kampus Tembalang, Semarang, Indonesia

**ABSTRACT:** Child labor poses a serious challenge to Indonesia's commitment to children's rights and workplace protection. ILO Convention No. 182 has become a crucial global guideline in combating this issue. Using doctrinal legal research with an analytical descriptive component and includes the comparative approach, the statute approach, and the historical approach. Using secondary data, which included primary, secondary, and tertiary legal material and with library research and examined resources relating to the topics under investigation with qualitative analysis. Before ratification, weak enforcement and inadequate regulations left child workers vulnerable to health risks and exploitation. The ratification marked a pivotal moment, aligning Indonesia's laws with international standards to better safeguard children from exploitative labor practices, emphasizing the urgent need for stronger protections and enforcement measures.

**KEYWORDS:** Children; ILO Convention No. 182; Indonesia; Labor; Protection

### I. INTRODUCTION

Indonesia, the country with the fourth largest population in the world, faces serious challenges in terms of protection against child labor. Despite major efforts to address this problem, the number of children involved in harmful and dangerous work remains significant. This shows the need for more robust and coordinated efforts to protect children's rights in the workplace.

Children, both invaluable assets and highly vulnerable individuals, are significantly influenced in the formation of their character by parenting styles and environmental conditions. Every child deserves the opportunity to grow optimally, both physically and mentally, making it essential to fulfill their basic rights. Thus, it is imperative that children receive protection and access to quality education. Responsibility for the protection and education of children lies with everyone—parents, the surrounding community, and the government. Due to their limitations, children require special rights, emphasizing the need for safeguarding their rights.

Child labor is a pressing concern that demands particular focus. It encompasses not only children engaged in wage labor but also exploitation, dangerous working conditions, interruptions in education, and obstacles to children's physical, psychological, and social growth.

In Indonesia, due to inadequate implementation and enforcement of laws, numerous violations of children's rights persist, particularly in instances of child labor. Consequently, there is a crucial necessity for the government to take responsibility for ensuring the protection and welfare of children for their overall well-being and prospects.

Child labor is one of the serious challenges faced by Indonesia in its efforts to fulfill children's rights and ensure their protection in the workplace. Despite efforts made by the government and various community organizations, the number of children involved in detrimental and dangerous work is still quite large (Syamsuddin, 1997).

The prevalence of child labor carries numerous detrimental effects on children, jeopardizing their safety, health, and overall physical and psychological development. As a result, children are deprived of their right to feel protected and often lack sufficient time for play or academic pursuits. Such circumstances directly impede Indonesia's aspirations of fostering a well-educated populace. The persistence of child labor is unequivocally unacceptable; regardless of familial circumstances, every child deserves access to education and the freedom to thrive. Addressing this issue is the collective responsibility of all segments of society, necessitating widespread awareness campaigns emphasizing the importance of education for children. Additionally, strict enforcement of existing laws is imperative to curtail violations and prevent the exploitation of children within society.

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ILO Convention No. 182, adopted during the 87th International Labour Conference on 17 June 1999 in Geneva, stands as a pivotal instrument safeguarding children's human rights. This convention outlines four immediate actions aimed at eradicating the most egregious forms of child labor. These forms encompass work that jeopardizes children's health and safety, obstructs their access to education, and subjects them to exploitative conditions—contravening the principle that children's living conditions should be free from exploitation. Despite the existence of such protective measures, the unfortunate reality persists: the worst forms of child labor persist in numerous countries, including those that have ratified ILO Convention No. 182 of 1999.

Before the adoption of ILO Convention 182, the global concern regarding the exploitation of children in the workplace was significant. Children often found themselves in hazardous work environments, spanning industries such as mining, agriculture, and domestic labor. Their labor was exploited solely for economic gain, with little consideration for their rights or well-being. Furthermore, many children engaged in labor were deprived of access to education. They were either compelled to abandon schooling to contribute to their families' income or were unable to afford proper education due to economic constraints. Consequently, this perpetuated a cycle of poverty, where children lacking sufficient education remained trapped in impoverished circumstances throughout their lives. Preceding the adoption of ILO Convention 182, numerous countries lacked adequate regulations to safeguard children from labor exploitation. The absence of robust legal protections rendered children vulnerable to various forms of abuse and exploitation in the workplace, often without appropriate legal repercussions for those responsible. Given this backdrop, the significance of ILO Convention 182 lies in its provision of a comprehensive and unequivocal international legal framework aimed at shielding children from detrimental labor exploitation while championing their entitlement to proper education, welfare, and safeguarding.

Convention Number 182 of the International Labor Organization (ILO) has become an important guideline in global efforts to combat child labor. The Convention sets clear international standards on the types of work that are inappropriate for children and calls for concrete steps to eliminate this practice. By ratifying this convention, countries, including Indonesia, are committed to protecting children's rights in the workplace.

In the international context, Convention Number 182 of the International Labor Organization (ILO) has an important role in establishing global standards to protect children from exploitation in the workplace. The Convention prohibits work that is harmful and detrimental to children and calls for concrete steps to eliminate the practice.

However, the implementation of ILO Convention 182 in Indonesia faces complex challenges. Factors such as poverty, economic instability, and lack of awareness of the importance of education for children are often the main causes of child labor. Apart from that, ineffective policies, weak supervision systems, and weaknesses in law enforcement also become obstacles in efforts to protect children from exploitation in the workplace.

In this context, this article aims to further examine the implications of ILO Convention 182 for the protection of child labor in Indonesia. By further examining the implications of ILO Convention 182 for efforts to protect child labor in Indonesia, this article aims to highlight the importance of strong law enforcement, increasing access to education, as well as collaborative efforts between the government, civil society, and the private sector in overcoming this problem. In doing so, it is hoped that this article will provide deeper insight into the struggles still faced in ensuring children's rights in the workplace and inspire continued efforts to achieve better protection for Indonesian children.

### **II. RESEARCH PROBLEMS**

Based on the background above, the research problems are:

1. How was the legal framework of child labor protection in Indonesia before the ratification of ILO Convention No. 182?
2. What is the legal framework of child labor protection in Indonesia after the ratification of ILO Convention No. 182?

### **III. RESEARCH METHOD**

The Qualitative Method was applied, with a focus on doctrinal legal research with an analytical descriptive component. This study employs doctrinal research and includes the comparative approach, statute approach, and historical approach. The authors of this study used secondary data, which included primary, secondary, and tertiary legal material (Soekanto, 2004). In this study, the researcher conducted library research and examined resources relating to the topics under investigation. The analysis was qualitative, with the goal of understanding, interpreting, and describing the data. This approach is used to extract information from a collection or set of data.

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## IV. DISCUSSION

### LEGAL FRAMEWORK OF CHILD LABOR PROTECTION IN INDONESIA BEFORE THE RATIFICATION OF ILO CONVENTION NO. 182

According to statistics from the International Labor Organization (ILO), an estimated 1.5 million children aged between 10 and 17 are currently involved in agricultural activities across Indonesia (Beta, 2018). This staggering figure sheds light on the extensive scope of child labor within the country. Furthermore, a comprehensive field study conducted by Human Rights Watch focused on key provinces responsible for the bulk of Indonesia's tobacco production, namely East Java, Central Java, and West Nusa Tenggara. Through interviews with 227 individuals, including 132 child laborers aged between 8 and 17, the report uncovered the harsh realities experienced by these young workers (Human Rights Watch, 2016). It became evident that many of these children commence their laborious duties at the tender age of 12, actively contributing to agricultural tasks throughout the growing season on small plots of land, either belonging to their families or neighboring farms.

The report's findings bring to light alarming health risks faced by child laborers, including symptoms indicative of potential nicotine poisoning during their formative years. These symptoms, such as nausea, vomiting, and headaches, paint a concerning picture of the hazardous working conditions prevalent in tobacco fields. Here, children encounter direct contact with tobacco plants and leaves, as well as exposure to a cocktail of toxic pesticides and chemicals. Despite being aware of these health hazards, the absence of clear regulations and ineffective law enforcement mechanisms, particularly within the small-scale agricultural sector, further exacerbates the peril faced by child workers (Human Rights Watch, 2016).

In light of this data, it becomes imperative to institute stronger protections and enforcement measures aimed at preserving the health and safety of child laborers in Indonesia, especially those toiling in hazardous agricultural environments. This underscores the pressing need to address existing regulatory loopholes and bolster efforts to ensure compliance with internationally recognized labor standards. Additionally, there is an urgent call to provide essential support and resources to affected children and their families, facilitating their transition towards safer and more sustainable livelihoods. Such concerted actions are crucial in safeguarding the well-being and prospects of Indonesia's most vulnerable labor force—its children.

Before the ratification of ILO Convention No. 182, Indonesia grappled with the complex issue of child labor, particularly concerning children forced to work due to socio-economic factors. Acknowledging this reality, the government introduced regulations such as the 1987 rule issued by the Minister of Manpower titled "Protection for Children Forced to Work." This regulation permitted children under the age of 14 to engage in labor with parental consent but imposed restrictions on the nature and duration of work, prohibiting heavy or risky labor and limiting daily work hours to four hours. Despite these efforts, enforcement of such regulations remained lax, with no reported prosecutions of employers for violating child labor laws.

Moreover, the 1997 Labor Law sought to address child labor by prohibiting the employment of children under the age of 15, except for those compelled to work for financial gain. However, challenges persisted in effectively enforcing this law, and loopholes remained, allowing for the continued exploitation of child labor. Additionally, despite initiatives to extend compulsory education, barriers such as inadequate school facilities and economic constraints led to a significant number of children dropping out of school, exacerbating the issue of child labor.

The prevalence of child labor was particularly pronounced in sectors such as agriculture, where many children were engaged in hazardous work conditions. Urbanization further contributed to the rise in child labor, with children taking up roles as garbage collectors, scavengers, or workers on fishing boats. Despite the regulations in place, the exploitation of child domestic workers, predominantly young girls under the age of 15, remained prevalent.

Overall, the legal framework addressing child labor in Indonesia before the ratification of ILO Convention 182 demonstrated efforts to regulate and mitigate the exploitation of children in the workforce. However, shortcomings in enforcement, gaps in regulations, and persistent socio-economic challenges hindered the effective protection of child rights and necessitated further action to combat child labor effectively.

The relationship between international law and national law is one of harmonious coexistence. This does not imply that there is no interaction between the two; rather, it means that they complement each other, and one may take precedence over the other in certain situations. However, even when one is prioritized, they must still be interpreted in a manner that fosters harmony between them (Hasan, 2020).

Essentially, when a country is bound by international law, it must incorporate those obligations into its national legal framework. This incorporation often occurs through mechanisms such as ratification of treaties or enactment of domestic laws consistent with international norms. In many cases, states explicitly stipulate in their constitutions that international law holds supremacy within their legal systems (Kelsen, 2007).

Therefore, the relationship between international law and national law is one of mutual influence and adherence, with the latter often serving as the vehicle for implementing the former within a state's jurisdiction.

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The ratification of ILO Convention No. 182 by Indonesia holds immense significance for a multitude of compelling reasons. Foremost, endorsing this convention underscores Indonesia's unwavering commitment to upholding internationally recognized standards and principles, particularly concerning labor rights and child protection. By harmonizing its legal framework with the provisions stipulated within Convention No. 182, Indonesia effectively showcases its steadfast dedication to adhering to global norms, thereby bolstering its standing and credibility within the international community.

Furthermore, ILO Convention No. 182 is specifically tailored to target the eradication of the most egregious forms of child labor, encompassing practices such as slavery, trafficking, and hazardous work. In Indonesia, where child labor remains prevalent across various sectors, notably within agriculture and informal industries, ratifying this convention would furnish the government with a robust legal framework to combat such exploitative practices effectively. It would empower Indonesian authorities to institute stringent protections for vulnerable children, safeguarding their safety and well-being.

Moreover, as a member state of the International Labour Organization (ILO), Indonesia bears a responsibility to uphold the rights of all workers, including children. By ratifying Convention No. 182, Indonesia signals its unwavering dedication to fulfilling its obligations under the auspices of the ILO's mandate, while also actively contributing to the global endeavor to eliminate child labor. This proactive stance reaffirms Indonesia's prioritization of protecting its most vulnerable citizens—the children—and underscores its readiness to take decisive action to confront the scourge of child labor within its borders.

Additionally, ratification of Convention No. 182 would not only fortify Indonesia's domestic legal framework for child protection but also foster enhanced international cooperation and collaboration in addressing child labor issues. It would enable Indonesia to engage more effectively with other nations, international organizations, and civil society groups to exchange best practices, share pertinent information, and mobilize resources to combat child labor on a global scale.

In essence, Indonesia's ratification of ILO Convention No. 182 transcends mere moral obligation—it emerges as a strategic necessity intertwined with the nation's commitment to advancing human rights, fostering social progress, and contributing to the global campaign to eradicate child labor. By endorsing this convention, Indonesia reaffirms its unwavering dedication to safeguarding the rights and well-being of its children, thereby charting a path toward a brighter, more equitable future for the entire nation.

### **LEGAL FRAMEWORK OF CHILD LABOR PROTECTION IN INDONESIA AFTER THE RATIFICATION OF ILO CONVENTION NO. 182**

After the ratification of ILO Convention 182, Indonesia embarked on a series of measures to bolster its legal framework and safeguard children from harmful labor practices. National action plans were introduced to combat child labor, emphasizing prevention, protection, and rehabilitation strategies. Amendments to labor laws raised the minimum age for employment and prohibited hazardous work for children under 18, aligning with the provisions of the convention. They additionally, strengthened enforcement mechanisms, including increased workplace inspections and awareness campaigns, aimed to ensure compliance with child labor laws.

Furthermore, education reforms were prioritized to enhance access to quality education and reduce dropout rates among children, thereby mitigating the risk of them entering the workforce prematurely. Social protection programs were expanded to support vulnerable families and prevent children from being pushed into labor due to economic hardship. The ratification of ILO Convention 182 underscored Indonesia's commitment to protecting children's rights and brought about significant legislative changes to strengthen child labor protections.

According to Philipus M. Hajdon, legal protection measures can be divided into two types of means, namely preventive protection and repressive protection. Preventive protection refers to actions taken to prevent legal violations or crimes from occurring. This includes efforts such as education, establishment of regulations, supervision, and implementation of policies aimed at preventing violations of the law (Amnesty International, 2016)

Meanwhile, repressive protection refers to actions taken after a law violation or crime has occurred. This includes legal action, law enforcement, courts, and sanctions against perpetrators of law violations.

Both preventive and repressive protection are an integral part of legal protection efforts to ensure compliance with the law and justice for all individuals and groups in society.

Preventive legal protection is an approach offered by the government through its laws and regulations to prevent activities that could harm children while they work. In the context of child labor, this means providing preventative legal protection to reduce the risks and dangers that may be faced by children involved in the world of work. This preventive effort aims to create a safe work environment that is in accordance with the interests of children, as well as to avoid their exploitation and abuse in the workplace. Thus, preventive legal protection is a proactive step from the government to protect children's rights and prevent violations of their welfare (Kaimudin, 2019).

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Subsequent legislation, such as Law No. 23/2002 and Law No. 35/2014 on Child Protection, incorporated provisions from the convention to enhance child labor protections. These laws addressed various aspects, including the prohibition of the worst forms of child labor and provisions for working conditions and wages. Despite these advancements, challenges persisted, particularly in sectors like agriculture, where child labor remained prevalent.

One of the primary strategies for addressing the issue of child labor, aside from directly prohibiting and preventing children from entering the workforce, is to adopt an economic approach (Wafda, 2019). A key focus lies in implementing poverty alleviation programs targeted at parents through various governmental initiatives. These programs aim to uplift families out of poverty, thereby reducing the necessity for children to engage in labor activities to support their households. By tackling the root causes of child labor, such as poverty, governments can work towards creating environments where children can pursue education and other developmental activities instead of being forced into work prematurely (Sohidin, 2020).

However, the ratification of ILO Convention 182 marked a very important way forward in Indonesia's efforts to eradicate child labor and uphold children's rights. It signaled a commitment to aligning national laws with international standards and ensuring better protection for children from exploitative labor practices. While challenges remain, including enforcement issues and socio-economic barriers, ratifying the convention represented a significant milestone in the ongoing fight against child labor in Indonesia.

De jure, the state is obligated to uphold children's rights in accordance with international obligations, as reflected in various provisions of Indonesian national law that have been ratified. However, de facto, the state has failed to effectively implement the contents and provisions of these ratified laws. This discrepancy is evident through numerous examples of ongoing violations of children's rights, such as the employment of children, despite strong opposition to such practices under international conventions (Tahamata, 2018)

This discrepancy highlights a significant gap between the legal obligations of the state and its actual implementation and enforcement. Despite the legal framework being in place to protect minors from engaging in labor, the level of state responsibility in ensuring the protection of children's rights, particularly in preventing child labor, remains relatively low. This observation underscores the need for greater efforts to bridge the divide between legal obligations and practical implementation to effectively safeguard the rights of children in Indonesia.

Ratifying international treaties holds paramount importance for nations for various reasons. Firstly, such ratification signifies a country's dedication to upholding globally recognized standards and principles, crucial for maintaining its reputation and credibility on the international stage. Moreover, many international agreements are designed to safeguard and advance human rights, encompassing fundamental entitlements such as the right to life, freedom of expression, and protection against discrimination. Consequently, endorsing these treaties serves to ensure the preservation of individual rights at the domestic level. Additionally, participation in international treaties fosters cooperation among nations, facilitating information exchange and collaboration across diverse realms such as trade, environmental protection, and security. This, in turn, fosters mutual advantages and enhances countries' capacity to address issues transcending national borders. Ultimately, as integral members of the global community, countries bear a collective responsibility to engage in collaborative endeavors to tackle pressing global challenges, ranging from climate change and illicit trade to armed conflicts. Hence, ratifying international agreements stands as a tangible demonstration of fulfilling this shared obligation.

The ratification of ILO Convention 182 by Indonesia represents a significant stride forward as it establishes a robust legal framework for shielding children from various forms of perilous labor and exploitation that imperil their well-being. Embracing this convention will effectively fortify protections for children against the gravest forms of exploitation, such as slavery, human trafficking, and work jeopardizing their health and safety. Additionally, as a member state of the International Labour Organization (ILO), Indonesia is bound to adhere to international standards safeguarding workers' rights, including those of children. Thus, ratifying ILO Convention 182 serves as tangible evidence of Indonesia's steadfast commitment to fulfilling its international obligations. Furthermore, this step holds the potential to significantly enhance the welfare of children in Indonesia by curbing their involvement in hazardous labor and exploitation, while concurrently opening avenues for accessing quality education and opportunities for optimal growth and development.

## V. CONCLUSION AND RECOMMENDATION

### Conclusion

Before the ratification of ILO Convention No. 182, Indonesia grappled with the widespread issue of child labor, particularly in hazardous agricultural environments and informal sectors. Despite existing regulations, enforcement was weak, and children faced significant risks to their health and well-being while engaged in laborious tasks. The absence of clear regulations and ineffective law enforcement mechanisms exacerbated the peril faced by child workers, highlighting the urgent need for stronger

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protections and enforcement measures. However, despite these challenges, Indonesia demonstrated efforts to regulate and mitigate the exploitation of children in the workforce, showcasing its commitment to addressing child labor issues.

After the ratification of ILO Convention No. 182, Indonesia embarked on a series of measures aimed at bolstering its legal framework and safeguarding children from harmful labor practices. National action plans were introduced, emphasizing prevention, protection, and rehabilitation strategies, while amendments to labor laws raised the minimum age for employment and prohibited hazardous work for children under 18. Strengthened enforcement mechanisms and increased workplace inspections aimed to ensure compliance with child labor laws, while education reforms and expanded social protection programs sought to mitigate the risk of children entering the workforce prematurely due to economic hardship. The ratification of ILO Convention No. 182 marked a crucial step forward in Indonesia's efforts to combat child labor, aligning national laws with international standards and ensuring better protection for children from exploitative labor practices.

### Recommendation

It is recommended that the Indonesian government prioritize the effective implementation and enforcement of the ratified ILO Convention No. 182 to combat child labor comprehensively. This entails closing regulatory loopholes and strengthening monitoring mechanisms to ensure compliance with child labor laws, particularly in high-risk sectors like agriculture. Additionally, investing in education infrastructure and social protection programs remains crucial to prevent children from being pushed into the labor force due to economic hardship. Moreover, collaboration with international organizations, civil society groups, and other nations can facilitate the exchange of best practices and resources to address the root causes of child labor and foster sustainable solutions. By taking proactive measures and sustaining efforts to protect children's rights, Indonesia can pave the way for a brighter and more equitable future for its youth, ensuring they are free from exploitation and empowered to pursue education and personal development.

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