



Legal Protection of Rights - Child Labor Rights for Violating Employment Requirements Practices (Study at Cigarette and Incense Factory, Wagir District, Malang Regency)

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ABSTRACT

In writing this thesis, the writer discusses the issue of Legal Protection of Child Labor Rights for Violating Employment Requirements Practices. This is motivated by the most basic child problem and much highlighted by related parties is the problem of child labour. Until now, the number of child laborers has not been recorded with certainty. Child labor is spread both in rural and urban areas. According to the chairman of the Community Potential Development Foundation, Adi Eko Warsono, there were at least 1,883 child workers in Malang Regency. This number is expected to continue to increase. Data collected from the Wagir, Tumpang and Pakis sub-districts shows that on average 50 percent of the children are working, with the youngest being 7 years old and the oldest being 18 years old. In Dalisodo Village, Wagir District, for example, the percentage of working children is quite high. Of the 471 children aged 7 to 18 years, 339 of them were already working. Most of them work in factories. In writing thesis, to simplify and understand the problems discussed, the authors use an empirical juridical approach. Then the data is processed and analyzed descriptively. Based on the results of the research, the authors obtained answers to existing problems, namely: the form or characteristics of violations of these work requirements including verbal parental consent, absence of agreement between parents and employers, long working hours, wages that do not comply with the Malang Regency Minimum Wage, occupational health and workplace conditions are not guaranteed.

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1. INTRODUCTION

The most basic child problem and much highlighted by related parties is the problem of child labour. The child labor sector is generally in marginal areas and does not require special skills, such as housemaids, factory workers, jermal workers, newspaper sellers, porters, street vendors, prostitution and odd jobs. Almost all children's work is economically motivated which is based on parents' limitations/absence of funds to meet their daily needs¹.

¹Irwanto, et al. 1998. Children who Need Special Protection in Indonesia: Situation Analysis. Jakarta: PKPM Unika Atma Jaya Jakarta Ministry of Social Affairs, UNICEF.

Referring to the issue of child labor which is one of the important things that must receive attention in Indonesia, because in several actions taken by several parties it turns out that the problem of child labor has not experienced significant progress. Many things drive this problem, including the problem of poverty which has a direct impact on the country's declining economic conditions, making the number of child workers accelerate so that it is difficult to control, not to mention the problem of area size and unequal distribution of population and social inequality that occurs is also an obstacle in process of handling child labor in Indonesia.

Events where children work in order to introduce discipline and instill a work ethic are positive things and have become part of the culture and order of family life. The phenomenon of working children is different from what is known as child labor where children under the age of 18 do continuous work regularly with attachments and conditions to earn income, in other words these children are involved in the formal and informal sectors. This phenomenon is often related to the pace of development of industrialization, especially the finished goods industry and in certain countries child labor is associated with cheap labor which is used to reduce production costs so that there is a tendency for child labor to be exploited.

Until now, the number of child laborers has not been recorded with certainty. Child labor is spread both in rural and urban areas. Child workers in rural areas do more work in agriculture, fisheries, plantations, mining as well as economic activities within the family environment. Child workers in urban areas can be found in companies, households (as domestic helpers or home industry workers or family industries) or on the streets such as newspaper sellers, shoe shiners or scavengers. Some of the work done by these children can be categorized as the worst forms of child labour.

Many reasons were put forward as justification for the existence of these workers. Of the various reasons put forward, poverty and economic conditions are considered to be the main factors driving the existence of child labour. One of the efforts made is to utilize family labor. If female workers, namely housewives, have not been able to solve the problems they are facing, usually even children who are not yet mature are included in supporting the family economy. It is known that more than 100 thousand children in Malang, East Java, did not have a sweet childhood. Some live under poverty, some are even forced to work. They are commonly called PMKS (Sufferers of Social Welfare Problems). TEMPO newspaper reports that tens of thousands of children aged 5-14 years also have to struggle as workers in the informal sector. Generally they work due to the economic situation of the family. Controlling has been carried out in companies that employ underage children. As a result, when the company was terminated, the local community attacked the company concerned.

Based on data from the Malang Manpower Office, there are 17,585 child workers or 4 percent of 448,181 children aged 5-14 years. Of that number, 6,415 of them were girls. Meanwhile, based on data from the Office of Social Affairs and People's Welfare, as of December 2003, there were 90,513 PMKS children, an increase of 43.6 percent from 2002. Of these, 87,813 were neglected children. The rest, 2,082 naughty children, 141 neglected toddlers, and 477 street children. In 2002, there were 37,303 abandoned children, 1,511 naughty children, 154 neglected toddlers, and 524 street children.

One of the main triggering factors for the number of underage children who work is none other than the convenience offered by companies in recruiting workers. Cigarette factories, for example, do not limit age, educational standards, or special skills. On the other hand, the factory promises attractive facilities, such as pick-up and drop-off of workers accompanied by a hefty wage. Another factor, namely the economy, most of them come from poor families. They work to help ease the economic burden that must be borne by their respective parents.

Another thing that should be noted is the minimum number of schools, such as in Wagir, where the distance between residence and school buildings is very far, which makes some children lazy to go to school. Moreover, with the economic strength of their families, these children can only go to school on foot. The hard and rough work they do also has an impact on their health.

Employing children is basically a bad thing in Indonesia, however, such a situation has existed since Indonesia was still colonized by the Dutch government. The history of protection for working children began during the Dutch colonial era, which was marked by the issuance of several laws and regulations that regulated the prohibition of employing children. However, the efforts made in the

context of providing protection for working children are more focused on protection for working children and are not specifically aimed at eliminating child labour.

Juridically, Indonesia already has a set of laws and regulations to guarantee children's rights and reduce the impact of work on children, namely the 1945 Constitution, ratification of ILO Convention No. -Worst Forms of Child Labor, Law No. 23 of 2002 concerning Child Protection and Law No. 13 of 2003 concerning Employment. Even though there are a set of regulations that protect child labour, the tendency for the quality of child labor problems from year to year is to experience developments in complexity towards the worst forms of child labor which are exploitative and endanger the physical, mental, moral, social and intellectual growth and development of children.

2. RESEARCH METHOD

In writing this scientific paper in order to obtain an optimal result, a research method is needed that is in accordance with the theme of the discussion. In this regard, the research methods used in this scientific work are as follows:

2.1 Research Approach

The approach used in this study is empirical juridical, to examine forms of practices violating work requirements at the Graha Makmur Cigarette Factory and Yosua Incense Factory, Jedong Village, Wagir District, Malang Regency, and the obstacles faced by the Malang Regency Manpower Office and related parties as well as efforts carried out in protecting the rights of child workers who work at the Graha Makmur Cigarette Factory and Yosua Incense Factory, Jedong Village, Wagir District, Malang Regency.

2.2 Research sites

Based on the scope of the problems that have been described, the research location chosen was in Wagir District, Malang Regency, especially at the Graha Makmur Cigarette Factory and Yosua Incense Factory, Jedong Village, Wagir District, Malang Regency. The reason for choosing the research location was because the cigarette and incense factories contained several child workers and there were several violations of work requirements both by the employer and the child workers themselves.

2.3 Data Types and Sources

a. Data Type

The data in this study were divided into two parts: Primary Data: Primary data in this study included violations of work requirements at the Graha Makmur Cigarette Factory and Yosua Incense Factory, Jedong Village, Wagir District, Malang Regency, and the obstacles faced by the Malang Regency Energy Service Office. and related parties as well as the efforts made to protect the rights of child workers who work at the Graha Makmur Cigarette Factory and Yosua Incense Factory, Jedong Village, Wagir District, Malang Regency. b. Secondary Data: Secondary data in this study includes archives on the number of working children recorded at the BPS, the Malang Regency Manpower Office, magazines and articles in the mass media and electronic media.

b. Data source

Sources of data in this study are divided into 2, namely: a. The primary data source, in this study, was obtained directly from the results of field research (empirical), namely those originating from information from competent parties, in this case child workers who work at the Graha Makmur Cigarette Factory and Yosua Incense Factory, Jedong Village, Wagir District, Malang, parents, entrepreneurs, and the District Labor Office. Malang. b. Secondary data sources in this study were obtained from the PDIH Faculty of Law, University of Brawijaya, the central library of the University of Brawijaya Malang, the Malang City Library, archives from the BPS and the Malang District Labor Office, as well as browsing from the internet.

2.4 Population and Sample

a. Population

The population in this study were child workers who worked at the Graha Makmur Cigarette Factory and Yosua Incense Factory, Jedong Village, Wagir District, Malang Regency.

b. Sample

The sample used in this study is based on the purposive sampling method (based on research objectives). The sample respondents in this study included: 22 child workers from cigarette factories and 8 children from incense factories in Jedong Village, Wagir District, Malang Regency; 1 foreman from the incense factory in Jedong Village, Wagir District, Malang Regency; Employees of the Department of Manpower in the Labor Supervision and Protection Section. Malang Regency as many as 3 people.

2.5 Data collection technique

Primary data was collected by means of directed interviews in the form of a list of questions and held a systematic debriefing related to the existing problems based on the research objectives.

Secondary data obtained by means of literature study. This literature study was carried out by searching the literature, by copying, studying and citing data from existing sources, namely in the form of archives from the BPS, the Malang Regency Manpower Office, literature, articles and research results related to legal protection of human rights. child labor rights for violations of work requirements, including existing and relevant laws and regulations regarding this matter.

2.6 Data analysis technique

The data analysis technique used to achieve the objectives in this study is a qualitative description, which is carried out by displaying single or multiple tables to describe and analyze qualitatively, namely by describing the conditions of the object under study in the field, then the problems that arise will be reviewed and then analyzed in depth based on the theories that have been presented in the literature review and laws and regulations until a final conclusion is obtained that can provide an alternative solution to the problems in this study.

3. RESULTS AND DISCUSSIONS**3.1 Description of Child Labor in Cigarette and Incense Factory in Wagir District****a. Incense Factory**

In this study the author conducted research at an incense factory, namely the Yosua Incense Factory owned by Mr. Indra W, founded in 1998 in Jaten Hamlet, Jedong Village, Wagir District, Malang Regency. The number of workers in the incense industry is \pm 25 workers consisting of 17 adults, namely 15 women and 2 men, while there are 8 child workers, namely 5 girls and 3 boys. Most of them come from outside the region, such as in the Turen and Bedali areas. But there are also local residents who work in the Incense industry. The system for recruiting child workers in the incense industry is carried out in a simple way between the foreman and the party concerned. Usually the children who work in the incense industry are invited by friends, neighbors or even their own parents who had already worked there and most of them did not go to school. Therefore they are invited to help earn a living rather than being unemployed at home.

The workers in the incense industry start working from 08.00 to 16.00. The work performed by child laborers is the same as that of adult workers, starting with picking and cleaning biting, administering medicine, drying it to rotting. All these processes are carried out by each worker. So that it is felt to be quite tiring and very disturbing to the development of children because there is no division of labor. Coupled with the absence of definite rest hours, the working conditions are very apprehensive where air circulation is lacking, and the absence of protective equipment such as masks because remembering that their work deals a lot with the dust that comes from powdered incense medicine. So that not a few workers who complain of shortness of breath.

b. Cigarette factory

Apart from the incense industry, there are also cigarette factories in Wagir District, and the number is not small. Based on data from the Wagir District Office and the Malang Regency Manpower Office, it is estimated that there are \pm 10 cigarette factories standing in Wagir District, one of which is PR. Bintang Mas Wijaya, PR. Batu Karang, PR. Prosperous, PR. Parijoto, PR. Graha Makmur, PR. Sorghum Warehouse, PR. Immortal Pigeon, PR. Teak Mesem and PR. Coffee. Of these cigarette factories, there are 4 cigarette factories that are classified as large because the number of workers ranges from 500 to 1,000 workers, namely PR. Rock, PR. Bintang Mas Wijaya, PR. Teak Mesem and PR. Sorghum Warehouse.

The cigarette factory in this study was PR.GM owned by KG, established in 1998 which is located in Sidorahayu Village, Wagir District, Malang Regency. The status of the owner is an individual with a total of 88 workers currently, consisting of 5 men and 83 women, while the number of child workers is 22 people and all are women. Working hours are 7 hours/day or 40 hours/week. The wages received by workers vary because it depends on the amount of product produced, where the highest wage rate is IDR 600,000 and the lowest wage rate is IDR 497,000 per month. But in reality there are still workers, especially child workers whose wages are below Rp. 300,000 per month. Public facilities such as bathrooms, dining areas and union offices are available in the factory,

Indeed, administratively we will not find a child working in a cigarette factory, this is because the employer does not want to take the risk if this is found out by the supervisor from the Malang Regency Manpower Office. However, this does not rule out the possibility of children being involved in cigarette factories and the number is not small.

Overall, the number of child workers interviewed was 30, consisting of 8 child laborers who worked in incense factories and 22 child laborers who worked in cigarette factories in Wagir District.

From the total number of respondents, it was found that the gender was more female, namely 27 respondents (90%) consisting of 22 child workers from cigarette factories and 5 children from incense factories, while the number of male workers was 3 children (10%), namely from incense factory. It is estimated that the number of male workers is less than that of female workers.

The majority of respondents started working when they were 15 years old (36.67%). Then continued those who were 16 years old (30%) and the youngest here were those who were 13 years old (13.33%), from the information obtained there was indeed no definite age limit to determine when a child had started to be trained to work. But in general, the earlier it is usually considered, the better because the child will get added value in the eyes of society. Moreover, this is supported by the family's poor economic situation, so inevitably a child is involved in production activities and is forced to quit school or cannot continue to a higher school.

The average respondent only graduated from elementary school, which was around 63.33%, then followed by those who graduated from junior high school, which was only around 36.67% and the average respondent lived in Jedong Village. This is reinforced by existing data in Wagir District, which shows that the population based on education level in Jedong Village in 2006, at the age of 7-15 years who did not attend school there were around 552 children and who did not finish elementary school there were 396 children out of a total of 1307 child at this age. If we look at it, it is clear that there are still many children who cannot continue on to higher education or drop out of school, for several reasons from the family. If we correlate this with employment, it will be seen that children who do not continue their education are most likely to work.

The phenomenon of working children is actually not a new thing, especially among rural communities who usually train children to work at an early age. At first, working children might just help their parents complete household chores. Most parents in rural areas generally think that giving jobs to children from an early age is part of the child's learning process to be independent, for example respecting time or work and being responsible.

In its development, it turns out that children are not only involved in domestic work, but work in the public sector in order to earn money like adult workers or their parents. This change occurred due to the increasing pressure on the needs experienced by poor families, so that many of them were forced to utilize their family members, including their children, to help find a source of income to support the family economy.

A child worker who works in a cigarette factory on average can produce 4,500 cigarettes per day, where per 1,000 cigarettes is Rp. 3,100. , THR and if workers are sick or on holidays they are still paid, but if orders are low, then they are less than that, as has been the case lately. Information on work in the cigarette factory in question is usually obtained from friends, family who have previously worked in the place concerned, neighbors and even the factory foreman himself who is directly involved in looking for child workers to be employed in the factory. The recruitment process is carried out simply without any conditions that must be met by child labourers.

The child workers are required to work faster and must be correct, if they make a mistake besides being deducted from their work wages they will also be scolded by the foreman. Children who work there generally have to deal with very long working hours, low wages, face the risk of work

accidents and health problems or being abused, bullied and abused by adults. In other words, working children are generally forced to be involved in unpleasant situations, without proper protection and also do not receive adequate compensation.

At a glance, the reasons why children at an early age have to be involved in productive activities and even have to drop out of school, are mostly due to economic factors. However, apart from economic factors, there are actually other things that cause or cause children to be forced to drop out of school and then work. In Jedong Village, Wagir District, for example, it is common among poor families to train their children to work from an early age.

Speaking from the ethical and moral perspective of children, it is realized that children should not work, let alone work in dangerous sectors, because their world is learning, playing, having fun in a peaceful, fun atmosphere and getting opportunities and facilities to achieve their goals in accordance with their physical development, psychological, intellectual and social. However, due to poverty, traditions, changes in the production process, scarcity of education and inadequate regulations prohibiting the practice of child labour, involvement and indirectly forcing children to engage in productive activities is unavoidable. This is also experienced by children in Jedong Village, Wagir District, especially those who work in the industrial sector

3.2 Forms of Violation of Terms of Employment

The problem of child labor is very dilemmatic, on the one hand, people really need jobs from companies to earn income to help support the family's economy, while on the other hand, employers are prohibited from employing underage children unless there are certain conditions that must be met first. want to employ children. Compared to large industrial entrepreneurs, medium and small industrial entrepreneurs prefer child labor over adult workers because their productivity levels are not much different from adult workers, but their bargaining position is much weaker. Due to their weak bargaining position, not only do child workers not demand much, but the amount of wages can also be kept below their productivity level. these conditions, according to the results of Irwanto's research (1995) it proves that it is not the type of work that determines the amount of wages but the status as a child that causes it. It is very possible that many child workers work in the formal sector even though they have illegal status so it is also natural that they are out of reach and/or become members of a trade union. It is possible that there may be violations committed by employers regarding the fulfillment of child labor rights, in addition to that there are also violations of work requirements, namely as stipulated in Article 69 paragraph (2) of Law No. 13 of 2003 concerning Manpower states: it is very likely that there are many child workers in the formal sector even though they have illegal status so it is also natural that they are out of reach and/or become members of a trade union. It is possible that there may be violations committed by employers regarding the fulfillment of child labor rights, in addition to that there are also violations of work requirements, namely as stipulated in Article 69 paragraph (2) of Law No. 13 of 2003 concerning Manpower states: it is very likely that there are many child workers in the formal sector even though they have illegal status so it is also natural that they are out of reach and/or become members of a trade union. It is possible that there may be violations committed by employers regarding the fulfillment of child labor rights, in addition to that there are also violations of work requirements, namely as stipulated in Article 69 paragraph (2) of Law No. 13 of 2003 concerning Manpower states:

Entrepreneurs who employ children for light work as referred to in paragraph (1) must meet the following requirements: h) Written permission from parents or guardians; i) Work agreements between employers and parents or guardians; j) Maximum working time of 3 hours; k) Done during the day and does not interfere with school time; l) Occupational safety and health; m) There is a clear working relationship; n) Receiving wages in accordance with applicable regulations.

From the formulation of the article it can be concluded that before doing work children aged 13-15 years or who are not yet mature, must fulfill the requirements as stipulated in article 69 paragraph (2) and article 72 of Law Number 13 of 2003 concerning Manpower. Based on the research results that we can see in table 3, it shows that the number of children between the ages of 13 and 15 is 21, so they must fulfill the requirements set out in Article 69 paragraph (2), but in reality these provisions have been violated. Meanwhile, the remaining 9 children aged over 15 years to under 18 years do not have to meet these requirements, but they are still protected by not mixing children's workplaces with adults' workplaces.

The forms or characteristics of the practice of violating work requirements are as follows: Oral consent from parents only; There is no work agreement between the Employer and the Parent/Guardian; Conditions of Long Working Hours; Disturbing the Health of Child Workers and Uncomfortable Working Conditions; Wages that do not comply with the provisions of the Governor of East Java Decree No. 188/318/KPTS/013/2006 concerning District Minimum Wage 2007.

3.3 Forms of Legal Protection for Child Labor Rights

In general, there are several notes that can be drawn from the results of this study that the presence of child workers in cigarette and incense factories in Wagir District is a cause and effect of parents' inability to send their children to school, so that instead of being unemployed at home they use their time to work. Indirectly, children who work in cigarette and incense factories have lost their rights as children because working makes them unable to enjoy the world of children, a place where children enjoy their days with full of excitement, the joy of playing and going to school. . In principle, there are 4 children's rights, namely the right to life, the right to protection, the right to growth and development and the right to participate. Education, for example, is one of the child's growth and development rights for the provision of him in the future.

The decision to stop going to school is usually a unilateral decision by the parents regardless of the desire or achievement talent possessed by the child himself. As a result, they lose motivation to pursue further education. The large percentage of children who drop out of school due to parental pressure and economic conditions is clearly inconsistent with or contrary to the 1945 Constitution and Law Number 39 of 1999 concerning Human Rights, especially Article 60 paragraph (1), Article 9 paragraph (1) of the Law. Law Number 23 of 2002 concerning Child Protection, where every child has the right to receive education and teaching in the framework of personal development according to his interests, talents and level of intelligence. Guarantees regarding education have been regulated in our constitution, namely article 28C of the 1945 Constitution which states that everyone has the right to develop himself through meeting his basic needs, has the right to get education and acquire science and technology, art and culture in order to improve the quality of his life and for the welfare of mankind. Then in Article 31 paragraph (1) states that every citizen has the right to education. And article 31 paragraph (2) explains that every citizen is obliged to attend basic education and the government is obliged to finance it. It should be noted that to ensure the fulfillment of this right to education, the 1945 Constitution has provided an education budget of at least 20% of the APBN and APBD (article 31 paragraph (4)).

In fact, there is a prohibition for employers to employ children as regulated in Article 68 of Law No. 13 of 2003 concerning Manpower. However, the provisions referred to in Article 68 can be waived, with the existence of work conditions for children. As stipulated in article 69 paragraph (2) of Law Number 13 of 2003 concerning Manpower. although the conditions are as follows: written permission from parents or guardians; Work agreement between employer and parents or guardians; Maximum working time 3 hours; Done during the day and does not interfere with school time; Occupational Health and Safety; There is a clear working relationship; Receiving wages in accordance with applicable regulations.

The results showed that the cigarette and incense factories in the Wagir area did not meet the requirements as stipulated in the laws and regulations mentioned above. Many violations occurred there, including the absence of a work agreement between employers and their parents, long working hours, disrupted occupational safety and health and wages received not in accordance with applicable regulations. So that indirectly child workers do not get their rights to rest and take advantage of free time, associate with children of their own age, play, have recreation and be creative according to their interests, talents and level of intelligence for self-development (article 11 of Law Number 23 of 2002 concerning Child Protection).

And if these working conditions are violated, they will receive sanctions as stipulated in article 185. This law contains a criminal formula for anyone who violates the provisions of article 68 and article 69 mentioned above, is subject to imprisonment for a minimum of 1 (one) year and a maximum 4 (four) years and/or a fine of at least IDR 100,000,000 and a maximum of IDR 400,000,000.00.

Child labor who works in cigarette and incense factories in this study is also included in the worst form of labor for children, because the work they do will indirectly affect the development of children such as economic activities, carried out regularly, continuously with long working hours. and

bound in a work relationship that is clear or not so that this will cause the child's development both mentally and spiritually to be disrupted and the child's rights are not fulfilled. So that legal protection is needed so that their rights can be fulfilled. Based on article 20 of Law No. 23 of 2002 concerning Child Protection states, the state, government, community, family and parents are obliged and responsible for implementing child protection.

The Malang Regency Manpower Office has tried to socialize and conduct various counseling about employment in general, including the issue of employing children in business activities. In concrete form, they have made several work programs in dealing with child labor, namely as follows: Labor Protection, Institutional Development, Coaching in Companies.

3.4 Obstacles and Efforts to Protect Child Labor Rights

a. Barriers to Protecting Child Labor Rights

It must be honestly admitted, that when talking about the existing rules and regulations, we actually have clear references and provisions on how to deal with the problem of working children or children who are forced to work. It's just that the problem is, the so-called rule of law, no matter how many of them, will not be of much use if they are actively used and referred to by the authorities to provide assistance to working children. In addition, it must be admitted that enforcing the rules is not an easy thing because there are several obstacles that often hinder it, as stated by Mr. Imam, as Supervisor from the Malang Regency Manpower Office:

"The obstacles faced so far are First, the lack of awareness of the poor and entrepreneurs about the bad or negative consequences for working children and the future of the children themselves. Second, there are some employers who actually take advantage of the labor market situation, especially children because they are usually willing to be given lower wages. Third, child labor in companies generally changes and is difficult to trace because of age games and so on. In addition, there are obstacles in the surrounding community, especially with the parents of the child workers themselves, namely by considering economic problems to meet the needs of daily life, they involve children to work. There is a lack of support and cooperation with related parties (in this case the Office of Social Affairs, the Office of Education, NGOs, etc.).

Based on the results of the study it was found that in a company that employs children, every month it must make a report to the Manpower Office, namely regarding the number of working children, the age of the children, the type of work, length of work and wages received in accordance with the minimum wage. However, in the Cigarette and Incense Factory in Wagir District where the research was conducted, there were no reports of child labour, even though they employed them. Understanding the obstacles in the implementation of child labor protection must be overcome as effectively as possible. Based on the summary of the results of interviews with several related parties, namely in this case the Office of Education, the Office of Social Affairs, and the Office of Manpower, there are several important obstacles that will be presented here which are relatively in nature and related to certain situations and conditions, namely regarding:

b. Efforts to Protect Child Labor Rights

"The efforts that have been made by the Malang Regency Manpower Office in protecting the rights of child workers are Pro Justicia, namely by giving warning letters to troubled employers and the establishment of the KPPPA (Committee for the Protection of Women and Child Workers), starting from the national level to with the City/District which includes related offices and NGOs dealing with the problem of child and women labour, besides that it is also supported by the existence of work programs to deal with child labour.

Handling the problem of child labor is a big job that requires a lot of time, money and effort, because the root causes of child labor are very complicated and complex. The various efforts that are developed usually refer to the conditions and situations in which the child worker is located, including efforts to encourage compulsory education at a certain level and for free, minimum age restrictions for working are forms of tolerance according to the existing situation. The government and its staff are very interested in alleviating the condition of children in accordance with the mandate of the constitution, but without community participation, of course, it will not produce optimal results. Parties that can play a role and take responsibility include the government itself through existing

departments and institutions, legislative bodies, professional and employer organizations, NGOs, trade unions, universities, mass media, religious and community leaders.

4. CONCLUSION

Based on the results of research on child workers who work in cigarette and incense factories in Wagir District, several conclusions can be drawn, namely as follows:

- a. The form of violation of work requirements, namely as stipulated in article 69 paragraph (2) and article 72 of Law Number 13 of 2003 was almost entirely violated by 30 respondents, namely only children aged 13-15 years with a total of 21 people, while the rest 9 children only violated the provisions of article 72 of Law Number 13 of 2003. The forms or characteristics of violations of work requirements that were committed were regarding parental consent which was made verbally, there was no work agreement made between parents and employers, conditions of working hours that were very long, unhealthy and uncomfortable working conditions for child workers, plus the child's workplace is mixed with the adult's workplace and the wages received are below the Malang Regency Minimum Wage.
- b. Legal protection for the rights of child laborers working in cigarette and incense factories in Wagir District is still not optimal. Even though there are laws and regulations that regulate and from the Disnaker - Malang Regency have made several programs in handling child labor by conducting various counseling and outreach about employment in general including the issue of employing children in business activities, but still not showing optimal results and has not shown a bright spot in its alleviation.
- c. Obstacles faced by the Malang Regency Manpower Office so far are First, there are many companies spread across 33 districts of Malang Regency, where the number of supervisors in the Manpower Office is very limited. Second, there are some employers who actually take advantage of the labor market situation, especially children because they are usually willing to be given lower wages. Third, child labor in companies generally changes and is difficult to trace because of age games by falsifying KTPs. Fourth, lack of support and cooperation with related parties.
- d. Efforts that have been made by the Department of Labor of Malang Regency in protecting the rights of child workers are with Pro Justicia, namely in the form of a warning letter and the establishment of KPPPA (Committee for the Protection of Women and Child Workers), which starts from the national level up to the City/District which includes related agencies and NGOs dealing with child and women labour, in addition to that the Manpower Office itself already has several work programs in dealing with child labour.

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