

Effectiveness of Labor Inspection to Protect Working Children Under Law No. 13 of 2003 on Labor in Bone County

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Abstract:

This study aimed to analyze the effectiveness of labor inspection in the protection of child labor. The method used method by using a case study approach socio-legal, The results showed that (1). Labor inspection effectiveness in preventing child labor in Bone regency showing the supervision has not been effective. This is because the quantity of labor inspectors is still lacking, it is not directly proportional to the number of companies and workers to be monitored, the lack of infrastructure and availability of funds. (2). Efforts to streamline the labor inspection to prevent child labor in Bone regency The main key is the commitment of all parties, especially the local government to make children as a priority in development. Real effort is to create specific regulations related to the ban on child labor, creating an environment that promotes the protection of children, turn on the values and traditions that promote the dignity of the child, explore and mobilize resources to support the implementation of child protection. Other than that, strengthen labor inspection with inspectors establish reporting systems online.

Keywords: *Government, Commerce and Women*

Background

Son of a mandate and the grace of God Almighty yang memiliki rights since birth that should be upheld (Saraswati, 2009). One of them is the right to a guaranteed optimal growth and development both physically, mentally, socially and intellectually. It is expressly stated in the Constitution of 1945 Article 28 B Paragraph (2) that the state guarantees every child the right to live, grow, and evolve and is entitled to protection from violence, exploitation and discrimination.

In Article 2 of ILO Convention No. 182 on the Elimination of Worst Jobs For Child stipulates that the child is male or female aged 18 years and under, as well as in Article 1 of Law No. 13 of 2003 on Labor determines that the child is any person under the age of 18 (eight Twelve) years. And this ensures that children under 18 are prohibited from working.

In essence, children are forbidden to work with such considerations that their time should be used to learn, play, fun, located in a peaceful atmosphere and facilities have the opportunity to achieve its goals in accordance with the development of physical, psychological, intellectual and social. But in reality, the phenomenon of child labor can not be avoided its presence, there are at least three factors that cause child labor, the first is the economic factor. Poverty is a major contributor to child labor in addition to the factors of culture / tradition and kabiasaan family that children from an early age are taught and prepared for life in society later on as an adult without realizing that the parents indirectly have exposed their children as child labor that should not time to work.

Finally, the phenomenon of child labor (child labor) in Indonesia still be found, even children had to drop out of school due to child labor. It is an irony in the community, how no child as a successor to the nation who are entitled to protection, education and good mentoring from families, communities and schools were to be exposed to various risks that dangerous that children who work outside the home are very vulnerable to physical violence , as well as verbal and other issues that are not in accordance with what is expected (Abdussalam, 2015).

On a national scale the data of the National Socioeconomic Survey (SUSENAS) Year 2017 recorded the number of child workers is 2,377,233, consisting of 1,490,904 men, or 62.7%, 886 329 women or 37.3%.) (General Guidelines PPA-PKH 2018), While data from the National Commission for Child Protection, in 2017 there were approximately 4.7 million children aged 10-17 years who worked, among which are absorbed in the job market, they generally work in agriculture, forestry, plantation, fishery, manufacturing industry sector, trade Generally, retailers, restaurants and hotels as well as the services sector, and the rest are on the road (Widiarni, 2017).

In addition, the Chairman of the National Commission for Child Protection, Aris Merdeka Sirait revealed that since 2017 there were approximately 1.7 million children who work on the type and the worst forms. In addition there are also hundreds of thousands of workers dipertambangan child, or a job containing sifat particular danger for children. As well as the exploitation of children who work in karaoke bars and cafes involving children on alcohol, drugs and sexuality perangsang.

At the local level, especially those in Bone regency still encountered the phenomenon of child labor. Based on data from the Indonesian Child Advocacy Giving Forum (FP2AI) Bone District branch reported since the year 2016 to 2018 there were approximately 653 child laborers and currently only about 20% are participating in the PPA-PKH it is still a lot of child labor that have not been detected. In addition, data from the Agency for Employment Region III Bone record 2018 the number of children who participated assistance of 180 people. While child labor is kesleuruhan the period 2012-2018, there were 1,430 people, and the majority of these children are the status of child labor and school dropouts.

The phenomenon of child labor in Bone regency based on the data above indicates there are boys who work with no corresponding ILO Conventions and Article 69 paragraph (2) of Law No. 13 of 2003 on Labor and the Ministry of Manpower and Transmigration Republic of Indonesia Number: KEP .235 / MEN / 2003.

That is, the background of the author to conduct research on: "Labor Inspection Effectiveness in Protecting Perspective of Child Labor Act No. 13 of 2003 on Labor in Bone County".

Literature Review

Labor Inspection

In the provisions of Law No. 13 of 2003 made clear that the labor inspection is an activity of monitoring the implementation of the application of laws and regulations in the field of employment berdasarjan a kesisteman. Inspectors are state civil officials in the central government, provincial, district / city, given the tasks, responsibilities, authority and full rights stipulated by the Minister of Manpower and Transmigration to carry out supervision of compliance with laws and undanagan in the field of employment. Inspection activities is a series of activities carried out inspectors on companies to match the actual state of the labor inspection object with the legislation in the field of employment in order to act Corrective based procedures and methods that have been established in the labor laws (Husni Then, in 2013).

Employment Law formerly with labor laws. Use of the term labor, workers, and workers basically be distinguished. Under the provisions of Article 1 paragraph 1 of Law No. 13 of 2003 on Labor, are all matters relating to labor at a time before, during, and after the work period. According to Article 1 paragraph 2 of Law No. 13 of 2003 on Labor, labor is any person who is able to work in order to produce goods and / or services, both to meet its own needs and the community.

Under the provisions of Article 1 paragraph 3 of Law No. 13 of 2003 on Labor, worker / laborer is someone working for a wage or other forms of remuneration. Employment law formerly called the labor law which is a translation of *arbeidrechts* There is some argument or restrictions on the definition of labor law.

Child Labor

Understanding child understood by the general public is the second offspring of a father and mother. While various laws and regulations in Indonesia, does not clearly regulate the child criteria. For example, in terms of children according to Law No. 11 of 2012 on System of Juvenile Justice Article 1 (3) explain the definition of the child is over the age of 12 (twelve) years but not yet 18 years old (eighteen) years who allegedly committed crimes ,

In Article 1 (5) of Law Number 39 Year 1999 on Human Rights defines a child means every human being below the age of 18 years old and unmarried, including children who are still in the womb if it is in his interest.

While understanding the child according to Law No. 35 of 2014 regarding Child Protection defines that the child is a person under 18 years old, including children who are still in the womb. On that basis, it was concluded that the children themselves are generally defined as men and women aged under 18 years. This definition is taken in accordance with the legislation, ranging from the CRC, which was ratified in 1990 through Presidential Decree No. 36 Jo Act No. 35 of 2014 regarding Child Protection.

Child labor according to Law No. 13 of 2003 on Manpower on Article 71 states that child labor is children of both men and women who engage in economic activities that interfere with or inhibit the growth process and harmful to physical and mental health of children. Children may be employed with the proviso got permission from the parents and work a maximum of 3 hours a day. According Warsini, called child labor if they meet the indicators, among others: 1. children work every day; 2. exploited children; 3. The child works on a long time; and 4. The school day disrupted / no school.

Forms of Child Labor

Works that contain certain hazardous nature and circumstances: 1. constructing buildings, bridges, irrigation or roads; 2. The work done in wood processing companies such as felling, transporting and unloading; 3. The work of manually lifting and transporting loads over 12 kg for boys and over 10 kg for girls; 4. job in building a workplace that is locked; 5. work done fishing off the coast or in deep water; 6. The work being done in isolated and remote areas; 7. work on the ship; 8. The work done in waste disposal and treatment or recycling of used goods.

Types of Jobs that Jeopardize Children Moral 1. pekerjaan efforts on bars, discos, karaoke, billiards, movie theater, massage parlors or location can be a place of prostitution; 2. work as a model for the promotion of alcoholic beverages, stimulants sexuality and / or cigarettes; From the above it can be concluded child workers are workers who do children, both men and women aged 18 years and under, working in the formal or non-formal to use most of the time and energy to get the rewards, and not for its own sake and others.

Legal Protection Against Child Labor

Basically Article 68 of Law No. 13 of 2003 on Labor requires employers not to employ children, but there are exceptions in the Employment Act which regulates the rights of child workers, as follows: 1. The Child Labor Perform Work Light. Act No. 13 of 2003 on Labor Article 68 explains that for children over the age of 13 (thirteen) years to 15 (fifteen) years old may do light work provided they do not interfere with the development of their physical, mental, and social development the. The Company will employ a child in the sphere of light work, must meet the following requirements: a. written permission from a parent or guardian; b. employment agreement between the employer and the parent or guardian; c. Maximum working time of 3 (three) hours; d. do during the day and do not disrupt the school day; e. occupational Health and Safety; f. a clear working relationship; and g. receive remuneration in accordance with applicable regulations. However, there are exceptions for children who work in a family business, that is not necessary permission from a parent, the working agreement between the employer and the parent or guardian, a clear working relationship and receive remuneration in accordance with applicable regulations.

Article 74 and Article 75 of Law No. 13 of 2003 on Manpower. Article 74 reads: (1) whoever is prohibited to employ and engage children in the tasks of the worst, (2) the jobs worst referred to in paragraph (1) shall include a) all the work in the form of slavery or the like, b) all the work who use, procure or offer a child for prostitution, production of pornography, pornographic performances, or gambling, c) all the jobs that use, provide or involving children for the production and trade of alcoholic beverages, narcotics, psychotropic substances and other additives; and / or d) all of the work that endangers the health, safety or morals of children. (3) the kinds of jobs that endanger the health,

Research Methodology

The research location is in Bone regency, South Sulawesi. Based on the formulation of the problem and research objectives, the type of research is a field research (field research). The method used is a case study research approach used is socio-legal (law of sociological research). Sociological research is research on the effectiveness of the law in force, in which the study examines the legal materials in the form of law as a symptom of society as a social institution or patterned behavior (Muslan, 2009). This is a descriptive study. Primary data sources, namely Ketrenagakerjaan and Transmigration Office of South

Sulawesi province c / q Region III Unit labor inspectors Bone and Manpower and Transmigration Bone County. The data obtained through interviews, observations or reports in the form of a document which is then processed by the researcher. Secondary data sources, the data obtained from official documents, books related to the object of research, the results of research in the form of reports, thesis, dissertation and legislation.

Results And Discussion

Effectiveness of Labor Inspection in protecting child labor in Bone regency

In measuring the effectiveness of labor inspection to prevent child labor in Bone regency did not regardless of the purpose of the establishment of labor inspectors in Article 176 of Law Number 13 Year 2003 concerning Labor which is to reduce the number of violations of the Law No. 13 of 2003 on Labor, so that industrial relations goes well. Provision of technical implementation labor inspection issued Presidential Regulation No. 21 of 2010, which confirms the formation of the unit of system labor inspection integrated, coordinated and integrated conducted by supervisor ketengakerjaan appointed by the Ministry of Ketengakerjaan National carried out by a separate unit that Unit of Work Employment at central, provincial and district / city.

Each supervisor each region consists of eight functional supervisors recruited from the staff of the Department of Labor who first follow the training / training then removed and appointed as members of the supervisory function. In Bone regency, the number of Labor Inspection of 8 people with the details of two supervisors of Sinjai, one person from Soppeng, 2 supervisors and representatives of Wajo District 3 representative supervisor Bone County. Bone regency office focused on Jalan Ahmad Yani.

Terms of number of supervisors by the number of companies that will be supervised of course is not proportional, especially 8 oversee four districts. In Region III Bone alone, the number of companies that will be watched by 800 companies with details of 400 companies in Bone regency, 100 companies in Soppeng, 200 companies in Wajo and 100 companies in the District Sinjai. The regulatory conditions that amounted to 8 orangtentu is not very effective in monitoring. This was admitted by Mr. Ishak as inspectors from the District of Bone that sometimes they are overwhelmed oversight, but ideally one supervisor should oversee 5 companies sajatiap month. In addition, the agenda of regular meetings throughout the supervisor assigned only once in a week Wednesday held an internal meeting to discuss the oversight. Other than that,

Plus infrastructure is owned is still very limited, especially the lack of available means of shelter that serves to accommodate and provide guidance and mentoring for child workers who participated in the PPA-PKH program. Shelter is a physical building where facilitation and mentoring of children beneficiaries of PPA-PKH. Adapun criteria shelter is a must have in every district / city, equipped with a means of bedding, utensils, study facilities, sports facilities, places of worship and supplies P3K. the capacity of the shelter to accommodate 30 children and there are 3 people pednamping each shelter. Type its shelter could be in the form of Training Center, Center for Government-owned or private, Training Center and others, although ideally there are special buildings reserved for PPA-PKH program activities.

However, the implementation of the program of PPA-PKH its shelter centralized in the Office UPT labor inspectors with facilities and poor infrastructure certainly does not meet the standards, consequently the program PPA-PKH not be effective because ideally one shelter to accommodate 30 children, but in fact only made barriers to accommodate about 180 children for PPA-PKH program by 2018. While the total of children participating in the program PPA-PKH in 2012-2018 there were approximately 990 children in the program yangikut PPA-PKH, and in 2018 left as many as 180 children of course all have to be accommodated in the shelter.

Efforts made in effecting the labor inspection to protect child workers in Bone regency

Act No. 13 of 2003 on Manpower is one solution in the protection of workers and employers about their rights and obligations of each party. Labor protection stipulated in Law No. 13 of 2003 on Labor Article 67-101 include the protection of workers with disabilities, children, women, working time, health and safety, wages and welfare. Thus, Act No. 13 of 2003 was very significant in regulating the rights and obligations for workers and employers in the implementation of a mechanism of the production process.

Various processes based prevention of child labor and local governments have dluncurkan tested as part of the child protection framework and the framework of a larger labor. The types of monitoring process was

developed to be integrated into local government functions and use the usual existing education committees, gender, labor and social planning that already exists as a coordination basis (or administration) them.

For substances with more emphasis on the need for more specialized legal framework and specific at the district / city on the need for prevention and control of child labor as the implementation of Law No. 13 of 2003 on Manpower in Article 75 which essentially requires the government to tackle child labor.

In addition, efforts in terms of structure (infrastructure), of course, the most urgent thing to be pursued is increasing the number of inspectors, improving the quality of supervisory resources and a companion in the form of education, training, workshops regarding the supervision and mentoring. In addition, the availability of adequate infrastructure especially the availability of shelter or a physical building used as a medium or container in the successful implementation of child labor prevention programs through the PPA-PKH program. Certainly no less important is the availability of adequate budgeting that support the success of the implementation of the PPA-PKH program.

Then the last effort that is building a culture of coordination and synergy between public and private institutions with the awareness that the protection of child labor is a joint responsibility. Culture coordination at the district level course involving local governments with technical executing unit, in charge of employment agencies, departments in charge of education, official in charge of children observers and non-governmental organizations as well as the direct involvement of the community.

Labor Inspection in preventing child labor will require political commitment and may involve the development of a new organizational structure and procedural changes in the existing management information systems Main Partners in Child Labor Monitoring Child Labor Monitoring is not possible without the active cooperation and involvement of supervisors ketena- gakerjaan, employers' organizations, trade unions, non-governmental organizations, community groups and parents. Child labor monitoring involves all partners and foster the evolution of the alliance multisektoral untuk reduce the risks and hazards in the workplace.

Child labor monitoring by independent institutions established by the regents remained active cooperation and involvement of labor inspectors, employers' organizations, trade unions, non-governmental organizations, community groups and parents. Child Labor Monitoring involves all partners and foster the evolution of multi-sectoral alliance to reduce the risks and hazards in the workplace.

Child labor monitoring can begin as a simple process in an area / specific areas and then gradually become larger and linked to national efforts exist to combat child labor.

Synergy is necessary given the quality and quantity of labor inspectors in the area have not mencukupi. Bahkan some personnel in place on the unit that does not have oversight authority ketengakerjaan. Untuk that required increased cooperation between the ministry and the provincial government in order to restore professionalism in the area of labor inspectors so that they can work optimally, The lack of quantity and quality of labor inspectors become ineffective constraints penagfwasan during ..TO was one of the efforts that can be done is that the government needs to evaluate and plan additional supervisory requirements nationally per year. This is in accordance with the mandate of Presidential Regulation No. 21 Year 2010 concerning the labor inspectors particularly in Article 16 in order to create security, safety, and welfare of child labor.

A number of the above efforts are starting to show encouraging results. Based on data from labor inspectors and the District Employment Office, there has been a decline in the number of child workers is significant in Bone. Jika District in 2012-2018 there were approximately 1,430 children who participated assistance, this time left 180 people anak. Namun, increase the participation of parents and teachers in schools rated yet managed to help reduce the number of child laborers significantly, because after melwetai mentoring program and returned to education and to the child's parents to return to work and be employed.

Therefore, despite various attempts have been made to make Indonesia free of child labor especially those in Bone regency is still very long. One factor is the economy and poverty, lack of access to education, family perception of education as well as the dynamics of the demand for labor is still considered to be barriers total abolition of child labor.

Conclusion

Labor inspection effectiveness in preventing child labor in Bone regency showing the supervision has not been effective. This is because the attendant labor inspectors in quantity is less, not directly proportional to

the number of companies and workers to be monitored, in addition to the facilities and infrastructure that support surveillance has not been adequately include the lack of shelter used as a special place to conduct program activities PPA-PKH sebagai wrong an effort to prevent the spread of child labor. Availability of funds inadequate, staff were quite well as a bureaucratic culture that still lack basic contributed to making the effectiveness of supervision was inadequate.

Efforts to streamline the labor inspection to prevent child labor in Bone regency The main key is the commitment of all parties, especially the local government to make children as a priority in development. Real effort is to create specific regulations related to the ban on child labor, creating an environment that promotes the protection of children, turn on the values and traditions that promote the dignity of the child, explore and mobilize resources to support the implementation of the anak.Selain protection,strengthen labor inspection with inspectors establish reporting systems online to allow companies to make a report regarding the implementation of child protection workers to cooperate and coordinate all the agencies terkait.Mengingat coordination with the regional center for employment in exercising supervision are less effective when the number of stakeholders are already stipulated in Presidential Decree No. 21 of 2010 Concerning Unit Unit labor inspectors, This is done in order to more optimal labor inspection, effective and beneficial to stakeholders and ensure the implementation of labor norms in the company or in the workplace.

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