

Juridical Analysis Related to the Harmonization of Lahat Regional Government Policy on Childfriendly District With Legal Protection of Exploitation of Child Workers In Lahat Palm Oil Industry in Terms of Law Number 13 of 2003 Concerning Manpower and Lahat District Regulation Number 2 of 2020 Concerning Childfriendly Districts

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Abstract:

This study aims to analyze the harmonization of the Lahat Regional Government's policy on Child Friendly District (KLA) with legal protection against child exploitation in the palm oil industry in Lahat Regency, as well as the extent to which the application of Law Number 13 of 2003 concerning Manpower and Lahat Regency Regional Regulation No. 2 of 2020 concerning Child Friendly District can overcome the problem of child labor in the sector. The research method used is normative juridical, with a statutory approach and analysis of relevant regulations and conceptual approaches. The results show that although there is a KLA policy in Lahat District that focuses on child protection, the implementation of protection against child labor in the palm oil industry still faces challenges, especially in terms of supervision and law enforcement. Harmonization between the Lahat District Regulation No. 2 of 2020 and the Manpower Law needs to be strengthened to ensure that local government policies not only support the Child Friendly District, but also provide maximum protection to children involved in risky work sectors, such as in the palm oil industry. This research suggests the need for better synergy between the local government, law enforcement agencies, as well as the private sector to address the issue of child exploitation and create a safe and decent working environment for children in Lahat District.

Keywords: Policy harmonization, Child Friendly District, child labor exploitation, Manpower Law, Lahat District Regional Regulation

Introduction

Global economic challenges encourage countries to strategize so that their country's economic growth remains stable. Each country tries to maintain a balance between exports and imports. Likewise in Indonesia, the government is currently aggressively increasing palm oil exports. Indonesia is one of the largest palm oil producing countries in the world. Several islands such as Java, Sumatra, Riau, and Kalimantan are the largest palm oil producing areas in Indonesia. From these areas, Indonesia can produce as much as 47 million tons of crude palm oil. This makes Indonesia the largest exporter of palm oil to several countries. Therefore, the palm oil industry requires a lot of labor to support its production. The palm oil industry provides many jobs for the community, especially the surrounding community. This invites people to work in the palm oil industry. Opportunities for the community to get a job are increasing. To date, there are 4.2 million direct workers and 12 million indirect workers, so that the total number of workers in oil palm plantations is 16.5 million. Of the many workers in the palm oil industry, 2.1 million of them are children. Palm oil industry workers strive to produce quality palm oil that can be used and exported to various countries.

Like other workers, workers in the palm oil industry should receive their rights and obligations as workers. In this case, it is important that employers and employees are aware of their rights and obligations. Based on Law No. 13 of 2003 concerning Manpower, an employer is an individual, entrepreneur, legal entity, or other entity that employs workers by paying wages or other forms of compensation. Meanwhile, a

work recipient is anyone who does the work given by the employer who will then be paid or commonly called a worker or laborer. Therefore, an employment relationship arises between the employer and the work recipient. Regarding the employment relationship, Law Number 13 Year 2003 regulates it in Articles 50 through 66. In the employment relationship, the employer must fulfill his obligation to provide what should be the right of the work recipient. But in reality, there are many discrepancies between the two. Palm oil industry workers still experience many problems related to their rights as workers. The challenges that palm oil industry workers still have to face today include:

1. **Working Hours and Overtime Wages**
Many workers in the palm oil industry are employed in excess of the predetermined working hours and even overtime wages from these extra working hours are not paid to workers.
2. **Work Safety**
Workers are also concerned about work safety. Some workers in the palm oil industry often experience poor health conditions. The work of palm oil industry workers is considered to have a high risk. The risk of work accidents and the risk of exposure to occupational diseases caused by chemicals is a concern for employers to pay attention and consider the conditions and work safety of workers.
3. **Low Wages**
The large number of people looking for work is greatly helped by the existence of jobs in the palm oil industry. However, the wages received by palm oil industry workers are still relatively low. Many palm oil industry workers do not yet have a prosperous life.
4. **Gender Equality**
The issue of gender equality is being pursued by the government so that there is no discrimination between male and female workers. However, this is different in the palm oil industry. The many tasks that must be done by workers require every worker to be able to do any task. Both men and women often do the same work. Given the relatively unsafe and vulnerable working environment of the palm oil industry for women, women workers need to be protected with different rights.
5. **Exploitation**
Of the many workers who work in the palm oil industry, some of them often experience exploitation. Exploitation often occurs to palm oil industry workers, especially women and children.

Seeing that cases of exploitation of women and child workers are increasing, a different perspective is needed to provide solutions so that such incidents do not occur again in the future. Moreover, the exploitation of child labor in the palm oil industry is often considered a common thing. Article 68 of Law No. 13/2003 on Manpower states that employers are prohibited from employing children. In this law, a child means any person under the age of 18 years old. However, there are exceptions for children aged between 13 years and 15 years to be able to work under certain conditions. These provisions are listed in Article 69 of the Labor Law.

The provisions of Article 69 of the Labor Law are an opportunity for children to be able to work or earn income to help the family economy. This is proven by the high number of child laborers in Indonesia, especially in the palm oil industry. There are 2.1 million child laborers working in the palm oil industry. The high interest of children to work should encourage the government to pay more attention to matters related to legal protection to ensure that children's rights are maintained.

Material

Problem

Nevertheless, until now there are still many child laborers in the palm oil industry who experience exploitation. From several examples found, most of them are shadow workers, which means that they are indirectly seconded to the worker's family. One of the real cases occurred with children in the border area of Lahat District, South Sumatra. Employers often dismiss this as exploitation on the grounds that the child workers they employ do not mind being told to work or that some child workers are allowed by their parents to work to supplement the family income. Some children even choose to work out of their own free will.

The high interest of children to work is often used by employers or plantation owners to exploit them. However, the government seems to turn a blind eye to this. Some cases cannot be handled properly and there is no further action from the government to address these cases. This makes the exploitation of

child labor in Lahat's palm oil industry something that is taken for granted by the plantation owners there. This has led to the neglect of children's rights. To tackle this problem, the local government of Lahat district created a regional regulation number 2 of 2020 on child-friendly districts so that children in Lahat can get their rights properly. But in reality, the existence of this regional regulation does not make children stop experiencing exploitation while working in the Lahat palm oil industry. Seeing this phenomenon, the author finds the following problem identification:

1. How is legal protection for child workers in the Lahat palm oil industry who experience exploitation according to Law Number 13 of 2003 concerning Manpower?
2. How is the implementation of the Child Friendly Regency policy in Lahat Regency related to the protection of children involved in work in the palm oil industry?

Literatur Review

A. Exploitation of Children Working in the Palm Oil Industry

According to Law Number 13 of 2003 concerning Manpower, children are allowed to work in accordance with certain provisions stipulated in this Law. In Indonesia, especially in the palm oil industry, there are still many children who help their parents' economy by working. Without realizing it, some of them experience exploitation while working. Exploitation that occurs in children can be defined as the act of using children in a job or other activity in order to obtain benefits from other parties. Such actions can be detrimental to a child's mental health, physical, spiritual, moral and social development. Not only that, exploitation can also be categorized as the arbitrary actions of society or people who are considered adults against children with the aim of seeking profit without regard to the rights inherent in children.

B. The Concept of Child Protection and Child Friendly Districts Related to the Exploitation of Child Labor in the Palm Oil Industry

The practice of working children is a complex problem. Some of the children involved have to work in dangerous conditions with working hours that exceed reasonable limits and without adequate legal protection. The International Labor Organization notes that the agricultural sector is one of the sectors with the highest number of child laborers in the world. This is also found in Indonesia, especially in the Lahat area where the law already prohibits this practice. This shows a gap in law enforcement and a lack of harmonization between local and national policies.

Children are protected by Law No. 35/2014 on Child Protection. For children who are forced to work, their rights are also protected by Law No. 13/2003 on Labor. This policy is supported by the Child Friendly District/City (KLA) program, which aims to realize child rights-based development at the regional level. Lahat Regency is also one of the regions that has implemented this KLA policy through the Lahat Regency Regional Regulation Number 2 of 2020 concerning Child Friendly Districts. This policy focuses on providing special protection for children who are victims of economic exploitation, including children who must work in the palm oil industry sector to help the family economy.

According to Muchsin, legal protection is an activity to carry out personal protection with a settlement that adheres to the rules and attitudes to create order among humans. Then, according to him, there are two things that distinguish the implementation of legal protection, namely:

1. Preventive Legal Protection
This protection is in the form of preventing an offense by creating regulations and providing restrictions on carrying out the required things.
2. Repressive Legal Protection
This protection is the final form of sanctions such as fines, imprisonment, and other additional penalties that will be imposed when a violation occurs.

C. Harmonization of Law Number 13 of 2003 concerning Manpower and Lahat Regency Regional Regulation Number 2 of 2020 concerning Child Friendly Regency with its Law Enforcement

Policy harmonization is a process of aligning rules from both the national and regional levels. Harmonization is carried out so that policies made can be realized properly to protect the rights of children working in the palm oil industry. In this case, the Labor Law serves to provide limits related to the working age allowed for children and their protection during work. The Regional Regulation of Lahat Regency related to the Child Friendly Regency should be the implementing instrument of Law No. 13/2013 on Manpower.

The practice of exploitation of child labor in the palm oil industry proves the weak harmonization of these regulations. Especially if this happens repeatedly and there is no follow-up, then the harmonization between regulations and law enforcement is also weak. This is also due to the lack of supervision, the lack of data related to the number of child laborers in the palm oil industry, and the low awareness of companies towards children's rights, which hinders the implementation of this harmonization. The development of good supervision SOPs and strict sanctions on business actors and the involvement of local governments in handling this case are needed.

Harmonization is closely related to law enforcement. Law enforcement is a complex and continuous process. In this case, law enforcement does not only involve law enforcement officials but needs intervention from the community or other related parties as legal exponents. According to Soerjono Soekanto, there are several factors that can influence the law enforcement process, namely cultural factors, community factors, legal facilities and infrastructure factors, law enforcement factors, and legal factors themselves.

Methods

Research Type

This research is a normative legal research, which focuses on issues related to legal protection of working children to ensure legal certainty, referring to Gustav Radbruch's view of legal certainty which is a means of ensuring individual freedom from violence or crime. In order to realize that, it is also important to implement related regulations as a harmonization between government policy and law enforcement related to parties who exploit working children. Thus, this study aims to analyze and resolve the legal issues that arise in this study.

Data Analyst

This research uses an analysis that is carried out as a whole and is a unit, by looking for related regulations in laws and regional regulations related to the problem being analyzed. Next, the author compiles the results of the analysis systematically by conducting several interpretations of the laws and regulations to draw conclusions and results from these legal regulations in order to find solutions related to existing legal issues.

Result

According to what has been established, legal protection is important as one of the objectives of the law. Some factors, especially economic factors, make children have to work to help their parents' economy. However, this does not necessarily make the family economy better. Some children experience exploitation when working. The exploitation referred to in this case is not extreme exploitation that can directly make children experience losses. But on the contrary, some things that are considered normal by employers are actually included in exploitation. Working children are vulnerable to situations that interfere with their development. If left unchecked for a long period of time, this can affect the child's development. For this reason, there needs to be strict laws to protect children's rights from being neglected.

Indonesia as a state of law has issued several laws and regulations as a form of legal protection for the community. In this case, children are protected by Law Number 35 of 2014 concerning Child Protection. Moreover, for working children, they are protected by Law Number 13 of 2003 concerning Labor. More specifically focused on the Lahat area, the local government also made the Lahat Regency Regional Regulation Number 2 of 2020 concerning Child Friendly Districts. These regulations cannot protect the rights of children if they are not realized properly. For this reason, as a form of implementation of the above regulations, there needs to be good harmonization between these regulations and the form or process of law enforcement. According to Lilianan Tedjosaputro, law enforcement does not only include law enforcement, but also talks about peace maintenance. This can be interpreted that law enforcement becomes the final process for a law to function properly, namely as a process of compatibility between values or rules with real behavior patterns in order to achieve peace and justice.

Discuss

1. Legal Protection for Child Workers in the Lahat Palm Oil Industry Who Experience Exploitation According to Law Number 13 of 2003 concerning Manpower

1.1 Provisions for Working Children According to the Manpower Law

The phenomenon of children working is familiar in Indonesia. We can find many children of various ages doing various jobs. According to the Big Indonesian Dictionary (KBBI), a child is a young human being,

only six years old. The definition of a child is also listed in various laws and regulations in Indonesia.² According to Article 330 of the Civil Code, a child is a person who has not reached the age of 21 years and has not married. Then, the definition of a child is also included in Article 1 Point 1 of Law No. 35 of 2014 concerning Child Protection which writes that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb. As well as every person under the age of 18 (eighteen) years according to Law No. 13 of 2003 concerning Manpower.

In carrying out their role as children, children have obligations and rights. Obligations arise when children are placed in several environments such as families, schools and public places or communities. In addition to obligations, rights are also attached to children as human beings. Every child has fundamental rights such as:

1. The right to life
The right to life is certainly a basic right for every human being including children. Children have the right to be born and get a decent life.
2. The right to develop and participate
After that, children also have the right to experience development in themselves both physically and mentally and have the right to participate in various things to support their growth. One way to realize children's right to grow is to provide adequate social and educational life and make optimal use of the time children have.
3. The right to protection
Then, the right to protection is also attached to children. This right is related to the fulfillment of other rights. To obtain their rights, children have the right to be protected.

Looking at the obligations and rights attached to children, children are basically under the supervision of their parents or guardians. Parents or guardians are responsible for the growth of their children. In addition to parents or guardians, the environment is also very influential in the growth and development of children. The environment is the second important factor after the family in the physical and mental development of children. Such is the case of children in Lahat, South Sumatra who live in the palm oil industry. Some of them work in the palm oil industry for various reasons. Usually, children work in the palm oil industry because of the family's economic limitations and the influence of the surrounding environment, especially family members or their parents who have already worked in the palm oil industry. Over time, children choose to work on their own without being told and not with their parents. The opportunity to gain knowledge and expand their knowledge is hampered so that some children end up dropping out of school. Working is certainly not an obligation for children, and workers are obliged not to employ this is also in line with Article 68 of Law No. 13 of 2003 which states that employers are prohibited from employing children. Nevertheless, children are still given the freedom of choice to do what they like and want. In this case, it should be noted that the definition of working children and child laborers is different.

Working children are regulated under the Labor Law. This law regulates that children can still do the things they like by providing restrictions so that children's rights can also be protected. Children can still be allowed to work with the following exceptions:

Table 1 Legal Provisions for Working Children According to Law Number 13 Year 2003 on Manpower.

ARTICLE	PROVISIONS
Article 69	(1) Children aged between 13 (thirteen) and 15 (fifteen) years are allowed to do light work as long as it does not interfere with their physical, mental, and social development and health.
	(2) Children are allowed to do light work under the conditions as stipulated in this paragraph.
Article 70	Children shall perform work in an educational or training environment area authorized by the competent authority.
Article 71	Children are allowed to engage in work to develop their talents and interests where the employer must fulfill the conditions as stipulated in paragraph 2.
Article 72	Children are allowed to work if the child's workplace is separated from the workplace of adult workers/laborers.
Article 74	Children are allowed to work if they are placed in an adequate workplace and must not be placed in the worst jobs as

1.2 Categories of Exploitation of Child Labor in the Lahat Palm Oil Industry

The Central Bureau of Statistics released the latest data on May 6, 2024. It was recorded that the number of children aged 10 to 17 years working in South Sumatra Province was still at 2.33% in 2023. Although this percentage decreased compared to 2022, when compared to several other provinces in Indonesia, this figure is still quite high. This indicates that the level of children's willingness to work in South Sumatra is still relatively high. Moreover, Law No. 13/2003 on Manpower also provides exceptions for some children to work. This opens up opportunities for employers to employ children improperly. Children in the Indonesian palm oil industry are prone to exploitation. Exploitation is the use of others for selfish gain, exploitation, extortion, and is not good behavior. Child exploitation can be defined as the use of children to generate maximum profit. There are several types of exploitation of children when working, including:

Table 2 Categories of Exploitation of Children Working in the Lahat Palm Oil Industry

Action Category	Definition	Exploitation that occurs in child labor in the Lahat Palm Oil Industry
Physical Exploitation	The act of misusing children's energy when working. Children are subjected to heavy and inappropriate work. This can interfere with children's physical health and some heavy work also causes physical injuries such as cuts, abrasions, bruises, and so on.	Doing heavy work such as lifting lots of palm oil and working in dangerous palm oil manufacturing plants. This exposes some of them to hazardous substances such as dust or vapor, fire, gas, and chemicals. In addition, they also have to deal with extreme cold and heat. This exposes them to physical health problems and barriers to physical development.
Social Exploitation	The act of utilizing child labor is said to be social exploitation when the work done by the child hampers the child's development, especially mentally and emotionally.	Some of them do not get proper education. Most are at risk of dropping out of school because the social and mental burden they carry is too heavy. They have to do two things simultaneously: study and work. Plus the work they do is not what children should be doing. As a result, their social development is also hampered.
Economic Exploitation	The act of excessive/arbitrary utilization of children for economic interests.	With erratic working hours, they are paid low wages.

Without realizing it, children are vulnerable to exploitation by close people, family members, or the surrounding environment. As is well known, in Indonesia's palm oil industry, many children work in a family environment that does not realize that working hours, wages, and all actions that affect the physical, mental, and emotional development of children also need to be considered. Most of them ignore this so that many of the children in Lahat, South Sumatra, especially in the oil palm plantation area have dropped out of school, and do not grow up like other children with proper education.

1.3 Realization of Legal Protection Against Child Workers in the Palm Oil Industry for Acts of Exploitation

Workers are entitled to social protection and also legal protection. Social protection and norms for workers are related to wages and workers' social security. As we know that child workers experience exploitation in

this regard. Wages and workers' social security should be their rights as long as they work in the Palm Oil Industry. Wages are the reward they should receive for the work or services they have done. This is also related to the reason why they work. Most of them work because of economic pressure with the hope that if they work, they can add to their family's economy. If the wages given are not appropriate then it is useless for them to choose to become child laborers with the various exploitation they experience. Then, social protection also includes social security. The provision of compensation money as a substitute for their reduced income when they are sick or have a work accident. Given the dangerous environmental conditions of the palm oil industry, child laborers should also have the right to receive this social security protection.

Workers are legally protected by the Labor Law. Legal protection is protection related to dignity and human rights either by statutory provisions or rules/ rules that can protect each other. The Employment Law should exist with the aim of utilizing labor optimally and humanely, as well as being part of the realization of equal employment opportunities and the provision of decent employment in accordance with the needs of workers. In addition to regulating the technicalities of workers and employers, the Labor Law should also exist to provide protection and welfare for workers, including child laborers in the Lahat palm oil industry. In particular, normatively, child workers are protected by Article 68 jo. Article 69 of the Labor Law. And also the Child Protection Law. According to Law No. 23/2002 on Child Protection, child protection is a human right that must be guaranteed, protected and fulfilled by parents, family, community, state, government and local government. In more detail, Article 1 paragraph 2 explains that child protection is all activities to ensure and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with the dignity of humanity, and receive protection from violence and discrimination. For this reason, in addition to the Labor Law, the Child Protection Law should also be able to protect child laborers in the Lahat palm oil industry. Although not explicitly regulated regarding legal protection for the exploitation of child labor, the Child Protection Law still provides child protection with the following articles:

1. Article 13

Stipulates that parents, guardians, or any party is responsible for the right of children to obtain protection, one of which is related to economic exploitation.

2. Article 59

Stipulates that the Government and other state institutions are obliged and responsible for providing special protection to children from minority groups and who experience economic and/or sexual exploitation, as well as to children who experience physical and mental violence.

3. Article 66

Stipulates that the government and the community must provide protection for children to avoid all forms of child labor abuse, both in domestic work and industrial work.

Looking at the Labor Law and the Child Protection Law, the level of exploitation of child labor in the Lahat palm oil industry should decrease and even be prevented so that there are not many children in Lahat who experience the same thing. In this case, it requires the awareness of palm oil plantation owners in Lahat to stop employing children there. Moreover, the owners must also stop exploiting children who want to work on oil palm plantations.

Article 74 number (1) of the Labor Law clearly states that anyone is prohibited from employing and involving children in the worst forms of labor. In number (2) letter (d) it is clarified that the worst work referred to is one of them related to work that can endanger the health, safety, or morals of children. Especially if you look at the environment in the palm oil industry which is not good for children both physically and socially, palm oil plantation owners should not allow children to work even though children work out of their own desire because they want to help the family economy. In this case, parents also need a policy to be able to provide understanding to children not to participate in working in oil palm plantations because it can endanger the health and safety of children and remind them that their duty as children is to study and not work.

As a result of the acts of exploitation that occur to children working in the palm oil industry in Lahat, it is important that the form of legal protection for children working in the palm oil industry in Lahat is realized in two ways:

1. Preventive government efforts

- Socializing the application of regulations to business actors in the palm oil industry not to employ children outside of the provisions in Law Number 13 of 2003 concerning Manpower.

- Conducting socialization to the community that as much as possible children should not be allowed to work in the palm oil industry if they are forced to work then their rights as children should not be neglected.
 - Conduct periodic supervision of factories and plantations in the palm oil industry so that working children are protected from exploitation.
2. Repressive government efforts
- Provide strict sanctions for palm oil plantation owners who employ children improperly in accordance with applicable laws and regulations.

2. Implementation of the Child Friendly District Policy in Lahat Regency Related to the Protection of Children Involved in Employment in the Palm Oil Industry

2.1 Establishment of Lahat Regional Regulation Number 2 of 2020 to Create a Child Friendly Regency

Apart from the Labor Law, local governments are also asked to tighten regulations related to children contained in local regulations. The Local Government is one of the institutions that play an important role in realizing the implementation of legal protection for child laborers in the Lahat palm oil industry. Legal protection is provided by the Government through its legal instruments such as applicable laws and regulations. Local governments are given the broadest possible authority based on the principle of regional autonomy. Regional autonomy is the right, authority, and obligation of autonomous regions to regulate and manage their own government affairs and the interests of local communities. The Regional Government is given the right to regional autonomy, one of which is to focus more on forming prosperity for the people of the region. The formation of regional regulations is a form of authority given to local governments to organize regional autonomy with further elaboration related to higher laws and regulations. Lahat Regency Regional Regulation Number 2 of 2020 concerning Child Friendly Districts was formed based on Presidential Regulation Number 25 of 2021 concerning Child Friendly Districts / Cities (KLA). This Presidential Regulation aims to accelerate and expand the achievement of child-friendly cities/districts where every city/district in Indonesia is expected to become a city that is comfortable, safe, and supports children's growth, and realizes children's rights optimally. Moreover, local governments are also expected to focus on addressing and protecting children from violence, exploitation and discrimination. Several regions then made Regional Regulations related to Child Friendly Districts. Lahat Regency is also one of them. However, it is important to note how the local government implements this regional regulation. It could be that this regional regulation was made only to fulfill that according to Presidential Regulation No.25 of 2021 every region must have a regulation related to KLA. The existence of this regional regulation should reduce and prevent the exploitation of children working in Lahat's palm oil industry.

Returning to the purpose of making this regulation, Article 3 of this regulation explains the objectives of this Child Friendly District. Article 3 paragraph 1 writes that in general, a Child Friendly District aims to build District Government initiatives that lead to efforts to transform the concept of children's rights into policies, programs, and activities to ensure the fulfillment of children's rights in the District. The rights are elaborated in Article 7 of this regulation, which includes children's rights:

1. Civil rights and freedoms
2. Family environment and alternative care
3. Basic health and welfare
4. Education, utilization of leisure time and cultural activities
5. Special protection

The special protection referred to in number 5 includes protection for children who experience situations of exploitation.

To achieve a Child Friendly Regency, the Lahat Regional Government organizes Child Friendly Schools, Child Friendly Health Services, and Child Friendly Villages. In this case, the author focuses on government efforts for child-friendly schools. With the existence of regulations related to child-friendly schools, it is hoped that children in Lahat Regency will not be left behind in terms of education because they have to work to help their parents' economy. Not only that, this Regional Regulation also regulates sanctions related to each party, namely, every person, business world, school, or health service facility organizer who violates several provisions as written in Article 23 concerning Administrative Sanctions.

2.2 Policy Implementation of Lahat Regional Regulation Number 2 of 2020 Related to the Protection of Children Involved in Employment in the Palm Oil Industry

The efforts of the Lahat Regency government are indeed the right steps to overcome exploitation of children, one of which is the exploitation that occurs in child laborers in the palm oil industry. However, this step has not been able to stop the exploitation of child laborers in Lahat's palm oil industry. After the regulation was made, it was recorded that from 2021 to 2023 the percentage of working children aged 10 to 17 years in South Sumatra Province was still above 3%. At the peak of 2023, one of the workers in Lahat told us about the conditions of workers in the Lahat palm oil industry, including child laborers. The palm oil industry in Lahat has workers who are mostly migrant workers from West Nusa Tenggara (NTB) and East Nusa Tenggara (NTT). Most of them come with their families and their children become laborers in Lahat's palm oil industry and do not receive proper education.

Similar to Lahat, Sambas also has problems in the child labor sector in the palm oil industry. There is often exploitation of child laborers. The Sambas District Government is also working on the same thing. The Sambas District Government made Sambas District Regulation Number 2 Year 2022 on the Protection of Women and Children from Violence. The regulation explains that local governments are obliged to set policies and implement these policies as a form of protection for children who experience violence and exploitation, including the violence referred to in Article 2 of this regulation. The Sambas Regional Government saw that there was an increase in child labor in 2021, which was 3.50%, so the government is working on how to prevent this from continuing. The realization of child labor protection is also supported by Sambas District Regulation No. 1 of 2023 on Child Friendly Districts and West Kalimantan Governor Circular Letter No. 800/2032/NAKERTRAN, as well as the design of the Child Labor Free Oil Palm Plantation Sector to ensure that companies are free from child labor. Therefore, by 2023, the percentage of child labor will decrease to 1.80%.

This Regional Regulation will not be effective if it is not implemented together with law enforcement. Law enforcement is a process to harmonize the subject of law with the object of law. Where the subject of law in this case is the government as the maker of regulations or regulations and child laborers who have the right to social and legal protection. The legal object in this case is the law or related regulations underlying the protection of the rights of child laborers in the Lahat palm oil industry. In addition, law enforcement is also an effort to realize justice, legal certainty, and social benefit. Thus, there needs to be direct action by the government to be able to reduce the number of exploitation of child labor in the Lahat palm oil industry. Not only the socialization of regulations but also direct socialization to the Lahat area to see and directly review the conditions of the workers there.

In Lahat's regional regulation on the Child Friendly District, there are several articles that differentiate it from regional regulations related to KLA in several other regions. Article 6 states that the business world is responsible for participating in child protection efforts. Moreover, number 2 letter (a) states that the business world is responsible for avoiding violations of children's rights and handling the adverse effects of each business and letter (c) which states that the business world is responsible for not employing children in work that deprives children of their childhood, potential and dignity.

Then in Article 13 there is also an article that regulates Child Friendly Schools. It is written that child-friendly schools are established at the basic education level and types of general, religious and special education through formal, non-formal and informal channels. Paragraph (2) states that each village or sub-district should have at least one early childhood education institution that can take the form of kindergarten and the like. The Lahat local government is also responsible for facilitating children to be able to carry out the 9-year compulsory education through private education providers and the community.

Seeing that there is an article that regulates child-friendly schools, this means that even though children in Lahat Regency must continue to work as a form of fulfilling the family economy in order to obtain living welfare, one of which is related to school fees, they can still carry out early childhood education and also 9 years of compulsory education which is the responsibility of the government to provide or facilitate so that children can continue to work and also go to school.

Harmonization between regulations and law enforcement needs to be implemented by all parties, both the regulations in terms of law enforcement, and also stakeholders such as oil palm plantation owners and local governments. in order to create legal certainty for child laborers in the palm oil industry in Lahat, South Sumatra. Legal certainty is one of the characteristics where the law can function as a rule that is obeyed. It is hoped that child laborers in the Lahat palm oil industry can obtain legal certainty from the government for the exploitation they experience while working.

Conclusion

Final Thoughts

From the discussion above, it can be concluded that there are still many child laborers in the palm oil industry in Lahat, South Sumatra. Child laborers also experience exploitation, both physical exploitation and social exploitation while working in the palm oil industry. The impact or influence of this exploitation makes children experience physical health problems and is also hampered in social growth. Like workers in general, child laborers in the Lahat palm oil industry are also entitled to social protection. The high risk of work for children in the palm oil industry means that child laborers need to be protected both in terms of wage eligibility and work safety. Not only that, child laborers in the Lahat palm oil industry are also entitled to legal protection. In this case, Law No. 13/2003 on Manpower and Law No. 35/2014 on Child Protection have the capacity to provide legal protection for child workers in the Lahat palm oil industry. Moreover, the Lahat District Government has also made regional regulations related to this matter. Moreover, there are also sanctions that regulate both administrative sanctions and criminal sanctions related to parties who exploit children in the Lahat palm oil industry. But in reality, this has not stopped the exploitation of child laborers in the palm oil industry in Lahat, South Sumatra.

Legal protection will be much more effective if there is harmonization between these regulations and the realization of law enforcement. This harmonization also needs to be implemented by all parties, both the regulations in terms of law enforcement, and also stakeholders such as oil palm plantation owners and local governments. The existence of relevant regulations does not necessarily stop the exploitation of child labor. This must be accompanied by the realization of the government in enforcing these regulations in order to provide legal certainty for child laborers, especially in the palm oil industry in Lahat, South Sumatra.

Based on the theory of legal certainty from Jan M. Otto, legal certainty can be achieved by providing clear and clear, consistent, and easily obtainable or accessible rules of law and must be issued by state power and have three characteristics, namely, clear, consistent, and easy to obtain.²⁴ For this reason, the provisions in the Manpower Law and the Lahat Regional Regulation alone are not enough to provide legal certainty for children working in the Lahat palm oil industry, there needs to be clarity and consistency from the local government to implement these rules through supervision and concrete programs such as the exclusion of school hours for children who have to work to help their parents, or the existence of catch-up schools provided by the government so that children are not left behind in their education.

Advice

From the phenomena that occur in the discussion above, according to the author's opinion, it is necessary to socialize policies related to employment to the community, especially the community who are employers and recipients of work and the community in districts or villages, such as one of them is Lahat Regency. So that this regulation can be known by the wider community. Not only socialization related to regulations, the government should also carry out periodic checks to several palm oil industries to ensure whether the palm oil industry has operated in accordance with the SOP. Moreover, the government also needs to focus on child laborers who work in the palm oil industry. Even though child laborers work out of their own free will, parents, the surrounding environment, and also the government must still ensure that they get their rights as children, especially in terms of health and education.

Children's physical and mental health needs to be maintained so that children grow up to be better than their parents who are mostly laborers in the palm oil industry. Education also supports this. The government needs to ensure that there is access to proper education for child laborers. The priority for children in the Lahat palm oil industry should be learning and not working. In this case, related parties such as parents, palm oil plantation owners, and local governments must work together to create a palm oil industry environment that is free from child exploitation and child labor. In particular, periodic supervision of oil palm plantations in Lahat is the main task of the local government to prevent child labor. In addition, this periodic supervision is also carried out so that there is no gap for oil palm plantation owners to employ children, let alone exploit children who work for economic reasons.

To be able to guarantee the rights of working children, it is necessary to have inter-institutional supervision. One of them is supervision between the local government, local educational institutions, and oil palm plantation owners/employers. This is a form of effort so that children who work on economic grounds can still work in accordance with the provisions in the Labor Law and can also continue to carry out learning activities.

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