

Structural Functionalism Analysis On Children Labourers Phenomena In Jember Regency

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Abstract:

The phenomenon of child labourer is a social fact that is difficult to eliminate in society (social system) because it is still functional for social structures such as family, business, and child labourer itself. Various policies and regulations have been made by the government, but the implementation has not been effective in dealing with child labourer issues. The aims of this study is to describe: (1) What is the reason parents do not ask their children to school, even though they are not burdened with the cost of education; (2) What is the reason of the child involve into the world of work; And (3) What is the basic consideration of employers employing children, despite being prohibited by the Manpower Act Number 13 Year 2003 and the Law of the Republic of Indonesia number 1 Year 2000. Based on the theory of structural functionalism, it explained that society is a social system consisting of parts or elements that are interrelated; united in order and balance. Changes that occur in one part cause changes to other parts. The basic assumption is that any structure in the social system is functional and can also be dis-functional to other social structures when the structure has negative consequences. The certain consequences, both functional and dysfunctional have a particular purpose and are recognized by the system element so that it is manifest (manifest function). Other unrecognized elements are latency or having latency function. Through the perspective of the structural functionalism theory, it can be explained that the phenomenon of child labourer is closely related to the functioning and dysfunction of social structures such as family, business, and child labourer itself, and in the process of interaction between structures within a particular social system of purpose. It is a manifest or latency to the balance of the social system, so the phenomenon of child labourer persists and persists in society. This research was conducted in Jember regency, precisely in 3 (three) sub districts, namely Summersari, Kaliwates, and Patrang. The location is based on the consideration that there is an almost equal spread of labourers in the region because each region has the same potential for child labourers for various reasons and considerations. The research design was qualitative exploratory. Data collection techniques used in-depth interviews and participant observation, while the data collection procedure used the snowball sampling procedure. Data analysis technique was descriptive analysis in which the analysis procedure through 3 (three) stages, namely data reduction phase, data display, and conclusion. The observation technique of the research results was done by testing the credibility, transferability, dependability, and confirmability of field data. The respondents were 27 child labourers working in agriculture, industry, services and trade that obtained the following data: (1). The parents' reasons do not ask their children to school because of the high (costly) education costs as much as 20 people (74%); Due to cultural factors (children's family economic support, and have economic value for families) as many as 26 people (96%), and who answered did not know the existence of Law / Convention on the rights of children as much as 27 people (100%); (2) The child reasons involve into the industrial are, to be precise Work is a form of devotion to the parents as much as 27 children (100%); That work to meet the basic needs (pocket money, clothing, and entertainment) as many as 10 children (37%); Working due to conditions at home that are less harmonious (Broken home) as many as 7 children (26%); Since working is the job opportunities that do not require certain skills (skills) as much as 20 children (74%); since the children preferred to work rather than go to school as many as 27 children (100%); Work was as the reasons for cultural value (people appreciate working children rather than unemployed ones) of 27 children (100%); Working is because of the availability of local resources that can be employed as many as 15 children (56%); and the reason for the easy recruitment pattern is 27 children (100%). (3) The basis consideration of employers employing children, are as follows, for the reason that the income paid under the minimum income (under the minimum

income) of 27 children (100%); For the children are more obedient or manageable than adult workers as many as 10 children (37%); As it did not require the contract of labour contract with child labourers or with parents as much as 7 children (26%); And since there was no protest from the parents despite the exploitation of children in the work. Based on the results, it can be concluded that child labourers are still functional for families, employers, and for child labourers itself, but dysfunctional is for regulation in exercising control and supervision on child labourer issues. Manifest function in this study can be seen from the existing and survival phenomenon of child labourers in the social system (community). While the non-functioning of policies and regulations (legislation) as control and social systems control which resulted in the phenomenon of child labourers still exist and survive in society is latency function

Key words: Child Labourers, Parents, Businessman, Functional, Dysfunctional, Latency and Manifest.

1. Introduction

The ILO survey results in 2010 recorded the total number of children aged 5-17 in Indonesia around 58.8 million, of which 4.05 million (6.9%) of whom fall into the category of child labourers. Of the total number of working children, 1.76 million (43.3%) percent were underage workers (13-15 years old). Meanwhile, based on data from the Central Bureau of Statistics (*BPS*) in 2012, in Indonesia, there were more than 4.17 million children aged 13-15 years working in agriculture, on the street, in homes, in home industries, and in other high-risk services for their safety, health, and self-development. The following is presented the number of child labour survey results 2011-2014.

Table 1. Number of Child Labourers in Indonesia *Sakernas* Results in 2011-2014

Gender/Region	Year			
	2011	2012	2013	2014
Man	4.82	4.70	3.13	3.26
Woman	3.62	3.70	2.56	2.26
Urban	3.80	3.47	2.54	2.42
Rural	4.64	4.83	3.13	3.11
Amount	4.23	4.17	2.85	2.77

Source: BPS. Processed from *Sakernas* August 2011-201

Child labourers consist of:

- Child labourer aged 10-12 years, regardless of working hours
- Child labourer aged 13-14 years old, working hours more than 15 hours per week
- Child labourer aged 15-17 years old, working hours more than 40 hours per week

One of the Government of Indonesia's efforts to address child labourer issues launched the "Family Hope Program" (*FHP*). Through this program, until 2015, was successfully remote as many as 80,555 child labourers returned to education. In 2016/2017 it is planned to arrange 17,000 child labourers to be returned to school. The program of child labour through *FHP* is in line with the targets proclaimed by the United Nations, namely in 2025 for the free world of child labour. While Indonesia itself targets in 2022 Indonesia will be free child labour.

Working is not always bad for the child, if the job is light, safety and health, and child's development supported. The regulations on the prohibition of child labour can be seen in Presidential Decree Law Number 59 Year 2002 on the work prohibited for children, as well as the Decree of the Minister of Manpower and Transmigration No. Kep-235 / MEN / 2003 on types of work that endanger the health, safety or morals of children, which in the principle prohibits children to work on certain types of jobs. Furthermore, in the Manpower Act of the Republic of Indonesia Number 13 Year 2003 Article 68 stated that employers are prohibited from employing children unless the work is part of an educational or training curriculum authorized by an authorized official. Article 69 of paragraph (1) is explained that children aged

13-15 years are allowed to do light work, as long as it does not interfere with the development and physical, mental, and social health. Additionally, in paragraph (2) it is explained that employers who employ children in light work as referred to in paragraph (1) directly above must meet the following requirements:

- A. There is a written permission from the parent or guardian;
- B. There is an employment agreement between the employer and the parent or guardian;
- C. The maximum working time is 3 (three) hours per day;
- D. It is conducted during the day and it does not interfere with school time;
- E. There are safety and health guarantees;
- F. It provides the existence of a clear working relationship; and
- G. Children receive incomes in accordance with applicable provisions.

In spite of the Manpower Act Number 13 Year 2003 on the prohibition of employing children already exists, but the facts in the field are still many entrepreneurs who violate the provisions of the Act. Prohibition of employing minors as stipulated in the Manpower Act Number 13 Year 2003 mentioned previously has been in accordance with the Government of Indonesia's commitment to the world declaration of "The Educational For All" (EFA, 1990). Indonesia expressly supports education for all children aged 13-15 years at least obtain quality basic education through 9-year compulsory education program (9 years of fair).

Legal protection of children, in the international, has also been carried out by the International Labor Organization (ILO) Convention Number 138 Year 1973 concerning the Minimum Age for Workable Children may be found in the provisions of Article 3 in particular paragraphs (1) and (3), the minimum age allowed for jobs which endanger the health, safety or morals of children shall be starting on 18 years old, and age to do light work that is 16 years old. This convention has been ratified by Indonesia through Number 20 Year 1999. In addition, the legal protection of children covers under the International Labour Organization (ILO) Convention Number 182 Year 1999 relating to the Prohibition and Immediate Action for the Elimination of the Worst Systems of Child Labour (WSCL), which has been ratified by the State of Indonesia through Law Number 1 Year 2000, specifically it regulates restrictions and prohibitions to involve children in the worst or dangerous jobs.

The following table presents the WFCL according to ILO convention Number 18210 and the Law of the Republic of Indonesia number 1 Year 2000.

Table 2:
The Worst Systems of Child Labor (WSCL)
Prohibited for All Children Under 18 years Old

WSCL required in ILO Convention Number 182	Unsafe work under Indonesian Law (Law Number 1 Year 2000)
<ul style="list-style-type: none"> a) "All of slavery or practice such as slavery, such as children trafficking of, (in boundaries of bondage and slavery) and compulsory labour including forced or compulsory recruitment of children for use in armed conflict; b) Using, procuring or offering of children for prostitution, for pornographic products or for pornographic performances; c) Using, procuring or bidding of children for illegal activities, especially for the production and trade of illicit drugs as defined in the relevant international treaties; d) The work of nature or environment of the workplace is done, to the extent possible to endanger the health, 	<ul style="list-style-type: none"> ▪ Children working in prostitution ▪ Children working in mines ▪ Children who work as pearl divers ▪ Children working in construction ▪ Children working in fishing vessels ▪ Children who work as scavengers ▪ Children involved in production and activities involving explosives ▪ Children working on the streets ▪ Children in domestic work that work in home-based industries ▪ Children working in plantations ▪ Children who work in logging, processing and transporting timber ▪ Children working in industry and any kind of activity or activities that involve dangerous chemicals

<p>safety or morals of children. e) Other unsafe work is detailed in Indonesian law.</p>	
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Source: ILO Convention Number 182 on the Worst Systems of Child Labour was adopted in 1999 and RI Law Number 1 Year 2000 (adopted from Self-Study Guide for Teachers and Education Tutors of Equality "Embracing Child Labour in Education" Agustina Hendriati (2011)

Furthermore, based on the Regulation of the Minister of Education and Culture Number 16 Year 2016 on the amendment to the Minister of Education and Culture, Number 80 Year 2015 on technical guidelines for the use and accountability of School Operational Assistance, specifically emphasized that the Indonesian government: (1). Allocate levies for all students of Elementary School / Outstanding Elementary School in the country and Junior High School/ Outstanding Junior High School / an Elementary and Junior High School of the country against school operating costs; (2). Freeing the levy of all underprivileged learners are from all charges in any form, whether in public or private schools; (3). Alleviate the burden of school operating costs for students in private schools. Policies on the exemption of tuition fees (free schools) for underprivileged families, and regulations on the prohibition of child labour have not been effectively implemented, therefore the phenomenon of child labour remains in the community.

1.2. Research Problems

Based on the previous description, the problems to be answered through this research, is; (1) What is the reason parents do not ask their children to school, even though they are not burdened with the cost of education; (2) What is the reason of the child involve into the industry; and (3) What is the basic consideration of employers employing children, despite being prohibited by the Manpower Act Number 13 Year 2003 and the Law of the Republic of Indonesia number 1 Year 2000.

1.3. Objectives and Significant of the Research

The objectives of this research are: (1). to describe the reasons parents do not ask their children to educational institutions, even if they are not burdened with the cost of education; (2). to describe the reasons of the child involve into the industry; and (3). To describe the basis for consideration of employers in employing child labours, even though it is conflicting to the Manpower Act Number 13 Year 2003 and the Law of the Republic of Indonesia number 1 Year 2000.

2. Literature Review

Child labour is a term that is often debatable, although both are used to replace the term child labour. The definition of Child Labour under ILO Convention Number 138 is a child who works on all kinds of work that is physical, mentally, intellectually and morally harmful or disturbing. Children aged 12-14 are considered to be child labourers unless they perform light duties (ILO, 2002). Manpower Act Number 13 Year 2003 Article 68 stated that child labour is any person under the age of 18 years. While articles 69, 70 and 71 explaining the authorizations for 13-15-year-olds are allowed to do light work as long as they do not interfere with physical, mental, and social development and health. Whereas for a child aged 15-18 years old can be employed but should not be exploited to work on the worst forms of risks to the health, safety and morale of the child. (Article 2 Verse 3 Kepmenakertrans Number Kep-235 / Men / 2003 and ILO Convention Number 138 and ILO Convention Number 182).

Social facts about child labour cannot be separated from the social system where the child is located. In the theory of structural functionalism (Parson, 1951; Merton, 1974; Soepeno, 1999; Holmwood, 2005;) it was explained that society is a social system composed of interrelated parts or elements, unified in order and balance. Changes that occur in one part can cause changes to other parts. Furthermore, Merton (1974: 83) and Soepeno (1999: 57) elucidated that the basic assumption is that every structure in the social system is functional to the other, also dis-function for other structures when the structure has negative consequences. Certain consequences, both functional and dysfunctional have a particular purpose and are recognized by the system element so that it is manifest (manifest function). Other unrecognized elements are latent or have latency function (George Ritzer, 2010: 21; Soepeno, 1999: 79).

The concept of function, in this case, is understood as a result of changes in structure and/or social institutions that can be observed toward adaptation and adjustment of social systems. While the concept of dysfunction, as well as the social structures and institutions that contribute to the preservation of social facts, these social structures and institutions can also give negative effects to the social system. The advocates of this theory argued that the object of sociological analysis based on the social fact paradigm is social roles, institutional patterns (social order), social processes, group organization, and social control (Merton 1975: 25; Ritzer 1988: 97).

The social facts around child labour based on the theory of structural functionalism perspective can be explained that the social fact of child labour is an established social reality (institutionalized) relating to the existence of social structures and institutions around it. The transformation of the function of a family institution as an institution of child care into an economic institution has an impact on the emergence of child labour. In this case, the child is an element of social structure that acts as the breadwinner of the family to sustain the economic needs of the family. Therefore functional child labour is for the family. For entrepreneurs, the existence of child labour is also functional, with the employment of underage children entrepreneurs benefit since the incomes paid are cheap. In place of for the child, working is functional to meet the basic needs (pocket money, clothes and entertainment purchases), it is also dysfunctional since the child will lose the time to learn, play, and interact with family members. Especially, if a child is exploited in his work, it can have an impact on his physical and mental health. The positive and negative impacts associated with child labourers have a particular purpose and are recognized in the social system, which is the function of the manifest. While the positive and negative effects that are not accepted by the social system (the existence of child labourers) are called latency functions.

Clark, J and Modgil (1998); Craib (1992), and Gingrich (1999) described in detail the features of the manifest function, to be precise (1). The function of the manifest is clearly visible, public, ideological, real, natural, having the intent of common sense: (2). The manifest function is an explanation of actors in structures that are useful for assessing or clarifying social facts, groups and events, (3). The manifest function is also understood by something desired from an action or social order. While the latency function is undesirable or hidden from an action or social order.

One of the factors causing children to work in the world is poverty. According to Gan's explanation (in Rizzer 1992: 29); Hafidz (1982); Lenski (1966), and Nandi (2006), he elucidated that the existence of child labour is a social reality due to the socio-economic structure of a community. Child labour is a community group that is indeed conditioned by a small group of communities that have certain interests. Moreover, it is also possible that there are other reasons why "child labourers" is "giving up" to existing structural conditions, and the culture of employing minors in various sectors of employment in the community is preserved, despite various regulations (laws and government regulations) prohibited it (Indrawati, 2011; Purnomo, 2011; Philipus, 1987, and Astriani, 2016). This latency function can be expressed only by deeply understanding the concept of latency function, that is, a "behind" the reality of the child labourers life (Soepeno, 1999, Parson, 1951, Parson and Shils, 1976).

In conducting a social analysis of child labourers using structural functionalism theories that need to be observed are as follows: (a). Different social types are both whole and part; (B). Various types are due to these patterns for empirically determined empirical requirements, and (c). It is the process by which a pattern arises and has consequences for the element system as well as the whole. By describing the shape of the analysis will be met the requirements of functional analysis (Merton, 1974 in Soepeno 1999: 83).

The use of the theory of structural functionalism as an explanation tool of social reality as described aforementioned by Merton (1974) and Elster (1990) that should be directed to the full mutual consequences of the parts of the system as a whole, when the parts and all of them have the necessary conditions system resilience. The conditions must be established empirically. This is since only through a clear understanding of actual requirements or concrete systems, the need for social structure can be defined as a useful criterion for discovering the consequences, or functions of social elements. Furthermore, if the analysis of the consequences of the elements is a characteristic of functional analysis, then the details of causal processes generated in one particular element have consequences for both the other and the system as a whole.

The social facts of child labour in this study, what is meant by elements of the social system is the socio-economic family, the availability of employment in the community, the values and cultural norms of society, as well as an educational institution. All of them have functional and dysfunctional characteristics of the

existence of child labourers. Analysis of the relationship between elements of the social system is done to describe the causal relationship to obtain a picture of: (1). The reason parents do not ask their children to educational institutions, even though they are not burdened with the cost of education; (2). The reason children involve into the industries; And (3). Description of the basic consideration of employers accepting and employing minors albeit contrary to the Employment Act Number 13 Year 2003 and the Law of the Republic of Indonesia number 1 Year 2000.

Factors caused children to work does not happen by it, but it was caused by several factors. Factors cause that there is originating within the child and because of the influence of the environment bordering to the child. Broadly speaking factors causing children to work in the industries can be categorized into two groups, namely the driving factors and pull factors ([/http://id. Wikipedia .org/wiki/Pekerja Anak](http://id. Wikipedia .org/wiki/Pekerja_Anak)).

The driving factor is a factor that comes from within the child that encourages the child to perform activities such as the choice of plunging into the industries. Basic considerations of children choose to plunge into the industries, according to the theory of action Max Weber (1958); Ritzer and Douglas (in Soepeno, 2016), categorized in 4 (four) alternatives; (1). The act of instrumental rationality, that is the action which is done by rational thinking and by doing something effort so that it can reach the expected goal; (2). The act of value rationality is the action which is carried out by rational thinking and by harmonizing in various values; (3). Traditional action, ie action, is done spontaneously in the sense without going through further thinking. Since the action is done a long ago or hereditary without rational thinking; and (4). Effective action, ie actions that are done because of emotional impulse, of course this action is done without going through rational thinking.

While the pull factor is a factor that comes from outside the child self, among others, is the requirement to become a worker is not too difficult, it is not required special skills in work, and the incomes earned can meet the needs although the amount is not great (Rokhani, 2005; Suhendi and Wahyu, 2001; Sukesi, 1992; Sumitro, 1993). Then, these factors become the reason for the industries and employers to accept children as workers. In addition, it is to low-cost earnings, child labour tends to be less demanding, and more obedient or obedient to instructions provided by adults.

Factors that cause the child to choose to work in the industries include poverty, social culture, education, urbanization, changes in production processes, and weak supervision on the implementation of labour regulations (Mawardi, 2015; Danita, 2011; Edy, 1985, and Efendi, 2004). The poverty of the family affects the productivity of work to be low, less nutrition, health care less, so this resulted from reduced work capacity, fatigue, susceptibility to accidents and illness. Low parental income, causing the child was forced to track the footsteps of his parents to work even the children are without having the skills. Poverty experienced by the family resulted in the child becoming a "victim" of family exploitation. The condition of the shortcomings and economic pressures facing the family is often the main cause of the child being forced to work (Damartoto, 2008; Dharmawan, 2007, and Hafid, 2004).

Socio-cultural factors associated with the phenomenon of child labour is inseparable from the reality that exists in society, which culturally views the child as a potential family that is obliged to serve the parents. Working children are considered as dutiful children and can lift the dignity of parents. Such kind of a culture, the real position child has the rights and must be protected to be neglected. (Debi, 2014; Danita, 2011; Nindita, 2012 and Ulum; 2013).

Education as a factor causing children to come into the industries begins with low parental education, the limitations of economics and tradition, so many parents take shortcuts for their children to quit school and better work on the grounds. The parent's reasons were (a). Women do not need the high school, (b). The cost of education is expensive, (c). High schools eventually become unemployed. Low levels of education and economic disempowerment that caused parents tend to be reactionary about their child's future so they did not think of the benefits of higher schools for improving the well-being of children in the future. the situation that encourages children to come into the workforce (Iqbal, 2004; Hariadi, 1987; And Danita, 2011).

Urbanization is the cause of the phenomenon of child labourers, because of child labour, generally, comes from rural areas. Since the origin (rural) area is deemed to be unable to provide guarantees for economic improvements. Thus, many people who seek their fate to big cities in the hope of earning a higher income, with the exception of the economically shackled parents, invite their children to be employed in the service sector are in urban areas (Arfida, 2003; Astiti, 1986; and Dwiyaniti, 2005).

The development era demands on the sophistication of technology to make some companies in the production process using advanced technological tools. Hence, a lot of jobs that should be done by experts to be completed faster with only a very short amount of time done by a machine, the only remaining work is rough and odd jobs that turn out many children are taken to be employed. With low earnings and protection guarantees jobs are minimal since it is still considered a child who does not know anything and is required to always follow the rules made by the company in their workplace (Danita, 2011; Wiryanti, 2004, and Hariyadi, 1987).

The weakness of the supervisors on the implementation of the child protection law in Indonesia has resulted in the rehabilitation of children to grow and develop properly, spiritually, physically and socially less well-treated (Pilipus, 1987, and Sulastri, 2004). Allowing children to become labourer is a violation of the child rights, especially the development right. Child labor spends some of its time on the job, which causes them no longer have the opportunity to obtain education, engage in activities related to art and culture, lost free time allowing them to socialize with peers, and tend to be in dangerous situations for its survival (Gray, 2000; Susanti, 2003).

According to Law Number 23 Year 2002 about child protection, it is clear that the child has 4 basic rights which include: survival rights, development rights, protection rights and the rights to participate in the various interests of his life. The right to grow-up is the right of the child to obtain the education, information, leisure, art and cultural activities, freedom of thought, belief and religion, and the right of the child to special care, treatment and protection.

The results of Nety's (2011) and Susanti (2003) studied relating to the factors of attraction for child labourer. They concluded that the application of discretion clauses in various labour laws often resulted in different interpretations and even provided a legal loophole in the exploitation of child labour. It is found in the Labor Law, namely Law Number 13 Year 2013, and Labor Law Number 25 Year 1997. The socio-economic situation of the majority of people is on the poverty leading to the occurrence of enculturation "child labourers to help the family" which is very influential on the children growth and development in a healthy. Suharto. K (2005) and Usman (2002) in his research concluded that 65.5 percent of child labour is the unpaid family worker. This fact actually confirmed two things. First, most child labour is a "victim" of family exploitation. Second, the government's success in reducing the number of child labourers or stopping the exploitation of children is largely determined by the awareness and participation of the family head. On condition that they are confined in the wrong sight that the child is a factor of labour production, so the exploitation of children will continue. Undeniably, the conditions of deprivation and economic pressures facing the family are often the main cause of the child being forced to work. Thus the nature of child labour is basically inseparable from family economic reasons, lack of regulatory application (Law), and not functioning optimally value and norm as a social control system in society.

3. Research Method

This research was executed in Jember regency using qualitative exploratory design. The design was selected since the researchers has not obtained preliminary data on how much (population) the number of child labourers in Jember regency, and in which sector the underage child work. Data collection techniques obtained by in-depth interviews and observations, while the data collection procedure was snowball sampling. The collection procedure began on interviewing one child labourer (as the first respondent met), then the interview was continued to the next child labourer according to the first respondent's instructions. After the interview with the respondent was completed, the researchers continued the interview to the parents and the employer who worked on the child, and so on until getting saturated data.

Data analysis technique was descriptive analysis (Moleong, 1994, Sutopo, 1988), while the distribution of data related to child job types and sectors were analyzed by using the simple statistic that was the percentage (%). The first step on descriptive analysis data process started with reduction, namely the selection process focusing, simplification, and abstraction of data that exist in the field note. This process took place throughout the course of the research and during data collection. Data reduction is part of the analysis to reinforce, shorten, focus and discard unnecessary things, so that final conclusion can be obtained. The second step was display data, namely presentation of good data and systematically in the form of matrices images, tables, etc. so that the final conclusion of research can be obtained. The third step was the taking out of conclusions, which from the beginning of data collection, researchers had to understand about

the data obtained, and then the data was verified to get good results. Third step analysis of the data activities were interactive with the process of data retrieval as a cycle process and it's interrelated both before, at the time, and after the implementation of data collection moving from data reduction activities, show data, and drawing conclusions. observation results were done by testing credibility, ability transfer, dependability, and confirmability (Lincoln and Guba, 1985; and Moleong, 1988).

4. Findings And Discussion

4.1. Overview of the Condition of Child Labour in Jember

To obtain an overview of child labour in Jember regency, the following are presented on the actual conditions of child labourers in 3 (three) sub-districts, namely: (1). Sumbersari; (2). Kaliwates, and (3). Patrang. The selection of location in 3 (three) districts was based on the consideration that, in the region, there is an almost equal spread of labourers. Equitable distribution of child labourers in these three regions is due to each region having the same potential for child labour with various reasons and considerations.

Based on data collecting by snowball sampling technique conducted in Sumbersari, there were 12 children under 15 years old, in Kaliwates was 10 children, and Patrang was 8 children. The distribution of child labourers in 3 (three) districts is presented in the following table.

Table 3. Number of Respondents Based on Research Location

No.	Research Location	Total	Percentage
1	Sumbersari	9 children	33%
2	Kaliwates	10 children	37%
3	Patrang	8 children	30%
	Total	27 children	100%

Source: Primary data processed on 2016

The previous data show that the number of respondents who sampled the research taken with snowball sampling technique as much as 30 respondents. The distribution of child labour was almost equally distributed in 3 (three) sub districts in Jember, it was because each sub district had the same potential to attract children to work. 15 children or 56% of children were between 10-12 years old, 9 years of child labour age was 2 (two) children or 7%, labourers aged 13-14 years were 6 children or 22%, and 15 years old was 4 children or 15%. The data can be seen in the following table.

Table 4. Data on Child Labour by Age Group

No	Age	Number of Child Labourers	Percentage
1	9 year old	2 children	7%
2	10-12 year old	15 children	56%
3	13-14 year old	6 children	22%
4	15 year old	4 children	15%
	Total	27 children	100%

Source: Primary data processed on 2016

The data showed that some of the working children in the agricultural sector were 52% or 14 children, 22% were in the industrial sector, or 6 children and 26% or 7 children were in the service sector.

The agricultural sector is mostly located in Summersari and Patrang, while the industrial and service sectors were located in Kaliwates.

Table 5. Data of Child Job Types in Jember District

No	Job Types	Number of Child Labourers	Percentage
1	Agriculture	14 children	52%
2	Industry	6 children	22%
3	Service and Industry	7 children	26%
	Jumlah	27 children	100%

Source: Primary data processed on 2016

Employment in the agricultural sector, in this case, was paddies, *polo wijo* (corn, beans and soybeans), and tobacco. The type of job was in accordance with the existing cropping pattern in Jember, namely; 3-4 months for paddies, 3-4 months later for corn, beans and soybeans, and next 6 months for tobacco. Hence, in one year child can work continuously in the agriculture sector. The types of jobs in the industrial sector, in this case, were home industry such as cassava tile production, cassava chips, and suwar-suwir (Jember special food). While the service sector that was involved in child labour was shopkeepers, selling meatballs, car park attendants, and security.

Dealing with the educational background of child labourers, the information was obtained those child labourers who did not finish or drop out primary school as many as 12 children or 44%. The children finished primary school that did not go to junior high school as many as 5 children or 19%, a dropout of junior high school as many as 6 children or 22%. Moreover, dropout of senior high school level as many as 4 children or 15%. Data on the educational background of the labourers can be tabulated, as follows.

Table 6. Data on Child Labourers by Education Level

No	Child Labor Education	Total	Percentage
1	Dropout of Elementary School	2 children	7%
2	Stop on Elementary Level	15 children	56%
3	Dropout of Junior High School	6 children	22%
4	Stop on Junior High Level	4 children	15%
	Total	27 children	100%

Source: Primary data processed on 2016

Based on the data previously, 23 child labourers or 85% should still be at the level of basic education. This factual condition is actually not in accordance with the principles of legal protection of children, whether regulated in the Manpower Act Number 13 Year 2003, Law Number 23 Year 2002 on the Protection of Children, the principles of child protection under the International Labor Organization (ILO). In addition, the Convention on the Rights of the Child, and Permendikbud Number 16 Year 2016 on BOS funds were to support the 9-year fair program.

4.2. The Parents Reasons Do Not Educate Children

Data on the economic condition of the child labourers families showed that from 27 respondents all came from underprivileged families. The incomes of per capita of child labourer families was still below the Minimum Regional Income (MRI). For East Java Province MRI in 2016 based on Regulation of the

Minister of Manpower and Transmigration Number 7 Year 2013 amounting to Rp 1,273,490. The field data on per capita income of parents as an overview of the socio-economic conditions of working children's families are presented in the following table.

Table. 7. Per-capita Family Income (Parents) Child Labor

No	Family Income	Respondent Total	Percentage
1	Rp. 500.000-750.000	12 children	44%
2	Rp. 751.000- 1.001.000	8 children	30%
3	Rp. 1.002.000-1.273.490	7 children	26%
Total		27 children	100%

Source: Primary data processed on 2016

The low family income, as set in the previous table, makes parents unable to allocate fees for the education of their children. Through interviews with most of the parents of child labourers, they realized that education is very important for the future sustainability of their children, and they understood that the government has provided educational assistance through *BOS* funds. However, in schools practice still charge fees parents, especially for various reasons. Eventually, their children had to stop school, then the children work to earn additional income because of cost factors. Only a small percentage of parents of 19% or 5 people think that education is important. While 81% or 22 parents think that education is unimportant, they prefer to keep their family alive by sending their children to work to earn a living. From the ILO's data, it showed that on average, working children contribute about 20% -25% of family income. Some even, they sustain 75% more parent's income (Demartoto, 2008). Rizqa Fithriani (2011) conducted a research and she concluded that the provision of education incentives from the government, such emphasizing on education costs has not been effective in reducing the number of child labourers.

An additional factor that is the parents' reason do not ask their children to school, to be precise choosing to hire their children is the cultural value factor of the community as the dependent home of the parents (family) in the elderly. The another reason is that the child had certain economic value for the family to help the family economy, and parents' ignorance about The Children's Convention & the Law on Children. Although, in this convention declared the rights of children such as survival right, development right, protection right, and rights to participate in various her life interests as well as the law on children. Moreover, article 88 stated that "Every person who exploits children in the economic and sexual form of a child with the intent to benefit himself or others shall be punished with imprisonment for a maximum of 10 years or a fine of Rp. 200.000.000,00. Parents admit that they do not know the rules and conventions.

The research result by Fifik Wiryani (2004) concluded that the violations committed by employers or employers are as tolerated by the parties related to the legal protection of child labour, such as law enforcement officers. In addition, the officials' government is generally allowing violations of labour law norms in order to guarantee legal protection of child labourers.

Table. 8. The Parents' Reason Do Not Educate Their Children

No	The Parents' Reason Do Not Educate Their Children	Total of the Parents	Percentage
1	The high cost of education	20 children	74%
2	Cultural factors (Children's family economic support, and have economic value for the family)	26 children	96%
3	Less aware of any Law / Convention on the rights of the child.	27 children	100%

The factor of most parents' reasons does not educate their children to the school that is the structural poverty of the family. Structural poverty is the poverty that arises because of the inability of the system and social structure in providing opportunities that enable the poor to work. The social structure is not able to connect the community with the available resources, provided by nature, and the government as well as the surrounding community (Rahmatullah, 2010; Waskito, 2010).

This poverty is functional to the social system and can keep the structural social order at the necessary balance point. It is said to be functional since the poor are needed to "do" jobs that some people can not do, ie the jobs that child labourers do. In order to maintain the status quo in the perspective of structural functionalism, it is required that the presence of social coatings be explicitly able to separate and classify status and position, and the role of a person in accordance with the social classes in society.

The families poverty of child labourers in this study also explains that the dysfunction of the family as one of the closest institutions of children having a significant influence in their development as human beings. In the family, there are certain functions and values adopted, which are part of the social construction applicable in a particular region or community (www.landasanteori.com). As a closest institution for children, families have several functions, namely: function as a home for basic physical needs (eg food, drink, nutrition, clothing), fulfillment of psychological needs (affection, compassion, attention), fulfillment psychological needs (affection, affection, attention), home of rest, and home of recognition and planting of certain values.

Based on the discussion, it can be concluded that the purpose of the family asks their children to work is to earn a living. The family do not educate their children to school even though the government has borne the cost of education through *BOS* funds, and the dysfunction of the family as an institution that can not meet the psychological and biological needs for children. The structural functionalism of the empirical fact is called a manifest function. While the latency function of the facts is the existence of a patterned and maintained cultural values that justify the phenomenon of dysfunction of families for their children in society. On the other hand, the families who employ minors are justified by the existing cultural values system and maintained in the social system.

The findings in this study are in line with Nandi's results (2006 which concluded that poor families are forced to mobilize family resources to collectively meet the needs of life. Such conditions encourage underage children to be forced to work. Social facts related to the parents' reasons for their children education are similar to Nandi (2006) who concluded that working children are not to meet their own needs, but rather to help meet the economic needs of the family.

4.3. Reasons Children Involve in Industries

The interviews results conducted on respondents in 3 (three) sub-districts that obtained data on the children reasons involved in industries are as follows: (1). An act is for devotion to parents; (2). It meets the basic needs fulfilment (pocket money, clothes and entertainment related needs) since parents can not fulfil it; (3). The social children activities with other child labour friends, due to the house that is less harmonious (broken home); (4). The existences of job opportunities do not require certain skill requirements (skills), (5). It is less attractive schools; (6). The cultural factor is the view of some people who value the working children more than the unemployed; (7). The availability of local resources can be employed for children; (8). The pattern is an easy recruitment.

Table 9. Reasons for Working Children

No	Children Reasons	Total Participants	Percentage
1	An act is for devotion to parents	27 children	100%
2	It meets the basic needs fulfilment (pocket money, clothes and entertainment related needs)	10 children	37%
3	The social children activities with other child labour friends, due to house that is less harmonious (broken home)	7 children	26%
4	The existences of job opportunities do not require certain skill requirements (skills)	20 children	74%
5	It is less attractive schools	27 children	100%
6	It is the cultural factor	27 children	100%
7	The availability of local resources can be employed for children	15 children	56%
8	The pattern is an easy recruitment	27 children	100%

Source: Primary data processed on 2016

Based on the data in table 9, 27 child labourers (100%) stated that the reason for entering the workforce since it is an act of devotion to parents. They are not interested in attending school, due to cultural factors (ie, social perspective is respectful for working children than unemployed), and it is the easy recruitment pattern. Furthermore, 74% or 20 children involved in the industries because they are not required to have the skills or expertise as requirement 15 children or 56% of the reasons children work because of available local sources that can be employed. While 26% or 7 children the reason involved in the industries due to family conditions that are less harmonious (broken home).

According to Grotberg (2000) about the child decides to involve the workforce, it shows that child labour has 3 (three) resilience factors, namely: (1). external power (I Have), personal power (I Am), and interpersonal skills (I Can). Having external support (I Have), ie the support of family (parents) to work, are able to survive despite having to work with all the risks they may face, able to develop existing resilience resources that have a relationship based on trust, has structure and rules at home, has an independent drive, has role models, obtains health services, education, security and welfare.

It is able to develop personal power (I am), which is loved and liked by others (family members, employers and co-workers), can love and empathize with others, be proud of themselves, independent and responsible, and have hope, as well as trust in a better future. While the ability of interpersonal (I can), namely the ability of child labourers to manage various stimulation, measure self-temperament and also others, is also able to express or communicate his feelings to the family and also others. Elfrianto (2007) on his research concluded that children feel besides getting money every week, through working playmates. There are useful activities that can help parents, and get work experience.

4.4. Employers' Considerations on Employing Children Aged 13-15

Based on the interviews results with the employers in the agriculture, industry, services and trade sectors where the children are employed, the information on employers' reasons for employing children aged 13-15

years is as follows: (1). Low-cost earnings, (2). Easy to set (passive); (3). No contract of employment; (4). No complaints (protests) from parents on the exploitation of children.

Table 10. Employers' Consideration of Employing Children

No	Employers' Consideration	Total of Respondents	Percentage
1	Low-cost earnings	27 children	100%
2	Easy to set (passive)	10 children	37%
3	No contract of employment	7 children	26%
4	No complaints (protests) from parents on the exploitation of children	20 children	74%

Source: Primary data processed on 2016

Based on the results of data obtained through observation and interviews, it proves that in the practice of working relationship between employers and child workers found some form of the deviation of work requirements as determined in Article 69 paragraph (2) of the Manpower Law. The violation of the required use of child labourers is not solely due to the mistakes of employers who employ children. However the child labourers or their parents who do not want the fulfilment of the requirements as stipulated in the provisions of Article 69 paragraph (2) of the Act Employment as described below.

First, the employer does not have written permission from the parent/guardian, in which the terms of working hours, payment, and overtime pay. In addition, the employer does not undertake activities that interfere with the child's physical, mental or social development.

Second, the employer does not make a work agreement. Based on information from entrepreneurs in 3 (three) sub-districts engaged in home industry or small industries, they basically stated that there is no written agreement made between employers and their parents/guardians working. The contents of the work agreement are; a number of earnings received, what they should do and what time they should work. The notification is only set on the bulletin board. While under applicable terms, each prospective worker or worker must obtain clear, in writing information that is understandable in relation to the conditions of employment, the earnings to be received, before the worker begins to work. Moreover, the earnings that they will receive on each time when they receive payment.

Third, the prohibition of long working hours is also breached. The facts indicate the average working hours of children is 8 (eight) hours a day. It is starting at 08.00 until 15:00. There are even depending on the job, such as hawkers drinks and snacks, the tendency of working hours until the afternoon (at 17.00) because the producer sells.

Fourth, workplace conditions are less conducive and at risk of disrupting the health of child labourers, especially those working in industrial sectors, such as health risks from airless rooms and industrial smoke. Psychological disorders such as verbal abuse, harsh words, and social life disorders such as relationships with peers, the frequency of meeting with neighbours or the family are reduced or limited, especially if the workplace mix with adults. The mixing of a child's workplace with an adult workplace should not be done, as this is contrary to Article 72 of the Manpower Law. The Law provides that in the case of a child employed as an adult worker, the child's workplace must be separated from the workplace of the adult worker.

Fifth, earnings are not in accordance with applicable provisions. Earnings paid to child labour are still below the Minimum Area Income (MAI), which MAI for Jember regency in 2016 is Rp 1,273,490. While the average earnings received by child labourers in accordance with their work field can be seen in the following table.

Table 10. Average Income of Child Labor in Jember Regency

No	Types of Jobs	Average Income	Number of Labourers
1	Agriculture	Rp. 500.000 - Rp. 650.000;	14 children
2	Industry	Rp. 500.000 – Rp. 700.000	6 children
3	Service and Commerce	Rp. 400.000 – Rp. 500.000;	7 children

Source: Primary data processed on 2016

Incomes earned by child labourers in the previous table may be reduced due to violations by child labourers. For example, they are not coming to work (unless the reason for illness and evidence from a doctor), they remove or destroy the equipment, and they do for other disciplinary offences.

5. Conclusion

Based on the research results, it can be concluded that the existence of child labour is still functional for families, employers, and child labour itself. However, it is dysfunctional for the regulation in carrying out its control function on child labour issues. The consequences that arise from the still functioning of child labour in the social system, and dysfunctional regulation in performing the function of control over the problems of child labour cause the phenomenon of child labour is difficult to be eliminated in the social system. This fact shows that the existence of child labour has a manifest function for society (social system). While the ineffectiveness of the application of regulation as an instrument (tool) supervising the problem of child labour, and the rejected regulation by the social system is called the latency function.

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