



PROCEEDING

ICISLAW 1st International Conference on Islamic Law
Postrgraduate Of Islamic State Institut Of Bone- 2019



Watampone, 30 November 2019

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Effectiveness Of Supervision Of Childrenren Workers Based On Law Number 13 Of 2003 Concerning Labor In Bone District

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Abstract This study examines the effectiveness of labor inspectors in protecting childrenworkers in Bone District. The main problem is how effective the implementation of the supervisory function is by labor inspectors in protecting children labor in Bone District and what efforts are being taken in making effective the implementation of the supervisory function on children labor in Bone Regency.

In answering the main problems in this study, the method used was an empirical juridical approach, in this case reviewing the laws and regulations, especially their implementation in the field related to the protection of children labor according to Law Number 13 of 2003 concerning Labor, as for the collection techniques The data used were interviews and interviews to get primary data. While secondary data obtained through literature search or reference through literature studies. Then the data analyzed descriptively qualitatively to obtain conclusions about the existing problems. The results showed that the effectiveness of supervision of children labor was not optimally implemented due to the limited number of supervisors, in this case eight supervisors to supervise around 400 companies. In addition, the resources of the supervisory apparatus are limited so that supervision is not so effective. The most important is the limited facilities and infrastructure, including labor pengaaws do not have a shelter or shelter for children labor, so that in the process of coaching is done at the UPT Labor Inspection office. As a result, guidance and assistance are more formalistic, so that childrenren who undergo rehabilitation after being returned to their parents return to work.

Keywords: *In answering the main problems in this study*

I. INTRODUCTION

Childrenren are a trust and a gift from God Almighty who have basic rights from birth that are worthy of high regard. One of them is the right to

obtain guarantees of optimal growth, physical, mental, social and intellectual, as affirmed in the Constitution of the Republic of Indonesia Article 28 B paragraph (2) that the state guarantees every children the right to survival, growth and development and are entitled to protection from violence, exploitation and discrimination.

In order for childrenren to be able to bear these responsibilities, it is necessary to get the widest opportunity to grow and develop optimally, both physically, mentally and socially. Therefore, efforts should be made to protect the law and guarantee their rights so that they can live, grow and develop optimally, especially for working childrenren.

In essence, working for childrenren is not justified because the time childrenren should be used to learn, play, have fun, be in a peaceful atmosphere and get the opportunity and facilities to achieve their goals in accordance with their physical, psychological, intellectual and social development.

However, not all childrenren are born into a complete family with an adequate economy. In fact, there are still childrenren who are economically disadvantaged which causes them to have to give up their play time by working. For this reason, children labor is something that cannot be avoided. To that end, the government has forgotten the protection and guarantees of children labor, ratifying ILO Convention No. 182 concerning the Elimination of Worst Work For Childrenren, and setting a working age limit for childrenren over 18 years, and setting working hours that is half a day with the same salary as adult worker.

2. Providing technical information and advice to employers and workers in order to achieve the implementation of Law No. 13 of 2003 concerning Manpower.

3. Reporting to parties in charge of fraud and misappropriation of Law Number 13 of 2003 concerning Manpower

In Bone District itself, the implementation of the labor inspection function is within the Bone III Regional Labor Supervisory Unit in collaboration with the Bone Regency Manpower Office, particularly the industrial relations division. In Bone, the number of labor inspectors was 8 thousand, with details of 2 supervisors from Sinjai, 1 person from Soppeng Regency, 3 representatives from Bone Regency and 2 people from Wajo Regency. The office is domiciled in Bone Regency, overseeing 4 districts, namely Bone Regency, Sinjai Regency, Wajo Regency and Soppeng Regency, with 800 companies being supervised.

The condition of supervisors which is still minimal, of course, is not directly proportional to the number of companies that will be monitored, becoming one of the obstacles in the ineffective supervision activities. In addition, facilities and infrastructure are still limited, including the absence of a shelter that functions to accommodate and provide assistance and guidance for children workers who participate in the PPA-PKH program. Of course, contrary to the provisions of Presidential Regulation No. 21 of 2010 which requires each province, district / city to prepare shelters that are equipped with facilities such as beds, eating equipment, learning facilities, sports, places of worship and first aid kits. in addition, each shelter must accommodate a maximum of 30 childrenren.

However, in Bone Regency. The shelter itself is placed in the Labor Inspection Unit, with the number of childrenren participating in the 2018-2019 PPA-PKH program, of course the PPA-PKH program activities are very ineffective. In addition, the lack of coordination between supervisors and also related agencies is due to the dominance of different supervisors, also related agencies always throw

responsibility under the pretext that the main task of supervision and protection is in the UPT of Labor Inspector. As a result, there is no official and uniform data related to the number of children laborers in Bone Regency, let alone the supervisory duties only in the formal sector, not in the informal and informal fields. Whereas the fact that the most childrenren work in the informal and informal sectors and the majority are minors, of course there is the potential for violations of the provisions of Article 68 of Law Number 13 Year 2003 concerning Manpower.

Article 68 of the Manpower Act essentially prohibits companies from employing minors, with the exception of Article 69 which allows minors to work, as long as they get permission from their parents, carried out during the day and does not interfere with school time. However, most children workers are veiled and not reported, so their rights are not protected as mandated in Law No. 13 of 2003 concerning Labor.

For this reason, the need for synergy between institutions or agencies in efforts to prevent and protect children workers from the actions of employers who employ them as affirmed in Article 75 of Law Number 13 Year 2003 concerning Labor Jo Law Number 35 of 2014 concerning Children Protection, in Article 11, which basically means that every children has the right to rest, and take advantage of free time, associating with peers, playing, recreation in accordance with their interests, talents and intelligence for self-development.

In order to realize the above provisions, the government, society and NGOs are responsible for developing, supervising and protecting children labor, through children protection institutions, religious institutions, non-governmental organizations, social organizations, social organizations, the business world, the mass media and the world of education, , so that childrenren are legally employed, are safe from exploitation and hazards in the workplace, so that the provisions of the ILO Convention, Act Number 13 of 2003 concerning Labor, Presidential Regulation Number 21 of 2010 concerning Labor Inspection and Presidential Regulation Number 59 Year 2002

