

Policy Evaluation on the Worst Forms of Child Labour in Indonesia: Why Does it Matter?

Bevaola Kusumasari

Department of Public Policy and Management, Faculty of Social and Political Sciences,
Gadjah Mada University, Indonesia

Abstract: The purposes of this study are to map the situation and the profile of the Worst Forms of Child Labour (WFCL) as well as to analyse evaluation on policy implemented by national and local government to eliminate the WFCL in Indonesia. The study mobilizes a number of different sources such as regulations, research reports and scientific papers, combined with personal interviews and focus group discussion with child workers, local government officials, NGO and local community leader who are involved in efforts to eliminate child labour in four selected cities. This study observed that eliminating the WFCL in Indonesia still faces various constraints. Inconsistency between national and local policy as well as lack of synergy and coordination between stakeholders attested to the reality that the government is still ambiguous and not seriously committed to cope with this social issue. Even worse, economic and cultural factors are responsible for the decisions of some families to allow their children to participate in dangerous environment. At the same time, children showed enormous resilience and ingenuity in dealing with their situation and do not see themselves as victims.

Key words: Child labour, worst form of child labour, policy evaluation, ingenuity, situation

INTRODUCTION

Child labour is still a complex issue in Indonesia as reflected in the number and impact on the children growth. From the number of child labour, national survey conducted by BPS (Statistics Indonesia) in 2009 showed that there were 4,528,400 (2,612,600 boys and 1,915,800 girls) children at work. Of those involved in child labours, 1,755,300 (9,771 thousands boys and 7,782 thousands girls) children working in WFCL. Meanwhile, based on SAKERNAS data (The National Labour Force Survey) 2012 shows that the condition of child labour at macro level was found in agriculture and plantation sectors. About 50% of Child labor in the above sectors involved children aged 15, 16 and 17 years old. Somewhat different from ILO data was SAKERNAS data of 2012 which showed that there were more boys working in agriculture and plantation sectors while girls were more involved in the trading sector and public services. In general, children in the category of BPTA end up dropping out of school are often neglected and work in any type of work such as agriculture, plantation, fishery and works on streets. Children working in the worst forms of work evidently experience some violence and are exposed to contamination from hazardous substances. About 985.000 child labours aged 5-15 face the potential danger of being contaminated with hazardous substances, stone dust or extreme temperatures.

Some of ILO documents reveal noticeable development in government commitment to eradicate the phenomenon of the child labour for example, the issuing of the law and ratifying the key United Nations and ILO conventions on forced labour, children labour and rights and protection for children. This commitment is encapsulated in the form of joint aspiration with the motto "Future without Child Labour", a future without child labour global report under follow up to the ilo declaration on fundamental principles and rights at works 2002 as an effort to stop child labour. This global movement is built as a response to the worrying reality of child labour in the world. In Indonesia, the government has made many commitments and efforts toward eradicating child labour. However, the effectiveness of such efforts is in fact, still questionable. The latest database related to the child labour which helps in determining the movement of the number of child labours was reported in 2009 from BPS (Statistics Indonesia). A survey on child labour in 2009 which is still the only one that has ever been done so far. Meanwhile, child labour to this day continues to increase in numbers and internal issues. The absence of data since the release the results of the survey conducted in 2009, makes it pertinent that conducting an analysis is necessary to describe the latest dynamics of child labour based on the latest data. Therefore, an effort to analyse the macro data from any available data sources to monitor the development of the number and the profile of child

labour particularly for the WFCL is deemed necessary. By so doing, it is possible to detect any structural change of the child labour over the last few years. This analysis is very important to observe the effectiveness of the commitment and the strategy in eradicating WFCL in Indonesia.

The effectiveness of the commitment and strategy to eradicate WFCL implemented by relevant stakeholders in Indonesia is very vital for guaranteeing the quality of the lives of children, rights and future including the future of the nation. The involvement of stakeholders, based on International Labour Organization (ILO) should adopt to the language and standards that reflect national policy. This study is an attempt to describe any characteristics, problems and correlation and evaluation of the central and local policies in eradicating any forms of WFCL.

Prior child labour research: Child labour is considered commonplace issue in developing countries. It exists and persists but particularly difficult to research due to their hidden sometimes illegal or even criminal nature. Contemporary research on child labour is mainly understanding the way in which certain factors, most notably globalisation, trade sanctions, credit markets, poverty and the actions of political agents have an impact on the incidence of child labour. In current economic literature, scholars find that study on child labour is important since, this issue creates many socio-economic problems, especially related to child's education, mental and physical health, safety and welfare, adult labour market and lower adult wages (Arat, 2002).

Child labour is still commonly found in the rural informal sector, particularly in the agricultural and domestic service sectors. The emerge of child labour tend to blame poor parenting and individual household behaviour. However, an immediate ban on child labour as argued by Basu and Van (1998) is not always in the best interests of the child. The children need to work in order to fulfill their basic necessity such as education and nutrition. The changing attitudes to child labour reflect a concern about the predicament of families and their children. More important is that whether policy is available to protect children or instead deprived the children from the basic right to an education need to be study further.

ILO has investigated rapid assessment of the worst form of child labour in 19 countries on 2005. The investigations have discussed very crucial areas including illegal, criminal or immoral activities. However, although there is a body of knowledge, data and documentation on child labour, there are also still considerable gaps in understanding the variety of forms

and conditions in which children work particularly in developing countries. This is especially, true of condition of the worst forms of child labour which by their very nature are often hidden from public sight and examination. What is not often recognized is that child labour can be categorized into more than one form. This study focus on the worst forms of child labour in Indonesia which would include aspects on factors contributing to the emerge of working children and the consistency on national and local policy related child labour and child protection. Both major themes are touched upon in this study.

Literature review

Policy evaluation: Evaluation policies govern the way evaluation is conducted and the use of evaluation results. Evaluation policies convey an organization's intentions to be accountable to constituents, to use evidence in decision making and to encourage organizational learning. Policy evaluation results have influence on determining programs policymakers choose to continue, improve or terminate. Vedung in 2005 adds that policy evaluation is a 'careful, retrospective assessment of merit, worth and value of administration, output and outcome of government interventions intended to play a role in future practical action situation. Extant evaluation literature, mentions effectiveness and goal attainment, efficiency, cost effectiveness, legitimacy, fairness, legal acceptability and coordination as vital elements in policy evaluation. The result of evaluation policy is to see whether the policy has been a failure of a success. Public policy scholars have for long contemplated the meaning and sources of policy failure. Studies on failure often indicate some cases, where policies do not achieve the organisation goals or its effectiveness. A failed policy is described as one that inadequately improves a defined problem (Wallner, 2008). Bovens and Hart (1998) describes a failed policy, it as a policy fiasco which means a case where a significantly negative event is caused at least in part by "avoidable and blameworthy failures of public policy makers". If the weakness of policy is that it does not automatically lead to programmes or action, its strength is its use as an advocacy tool, legitimising the right to challenge existing policies and laws (Gamlin and Pastor, 2009).

The definition of worst forms of child labour: The term 'child labour' according to International Labour Organization (ILO) is often defined as work that deprives children of their childhood, their potential and their dignity and that is harmful to physical and mental development. However, not all works done by children are categorised as child labour. Scholar such as Woodhead

in 1999 highlights child labour as 'social actors, trying to make the sense of their physical and social world, negotiating with parents and peers and making the best of the oppressive and difficult circumstances in which they found themselves and were not simply passive victims, physically and psychologically damaged by their work.

The Forms of Child Labour (WFCL) are defined in ILO Convention No. 182 to include all forms of slavery or practices similar to slavery such as the sale and children trafficking, debt bondage and serfdom and forced or compulsory labour including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties and work which by its nature or the circumstances in which it is carried out is likely to harm the health, safety or morals of children.

In general, the definition of the WFCL in Indonesia according to Law No 1/2000 covers children physically or economically exploited including children employed as sex workers, children employed in the mining sector, children employed as pearl divers, children employed in the construction sector, children employed in jermal (offshore houses built on top of long and thick poles that are sunk into the water), children employed as scavenger, children employed in the production and activity that involve the use of explosives, children working on streets, children employed as domestic servants, children employed in the home industry, children employed in plantations, children employed to cut down trees, process and carry wood and children employed in the industry and activity using hazardous chemicals.

MATERIALS AND METHODS

This research is an exploratory case study which covers four districts. Data have been gathered in two categories: primary data and secondary data. Primary data were collected through in-depth interviews and focus group discussion. Meanwhile, secondary data were collected from policy documents published by the government and NGOs that are relevant to the case. Of the four regencies covered by the study, key informants who selected included child labour victims, parents, Stakeholders such as teachers, NGO, education agency, health agency, public figures, local action commission and BAPPEDA (Agency for Regional Development). Subsequently, a semi-structured interview was conducted

with child labour victims, parents, stakeholders that have any information about the profile of child labourers and the strategy that is pertinent with respect to eradicating child labor as well as its implementation. Moreover, some victims of child labours were identified based on life histories. The method of life history was used to deeply and comprehensively gain any information about the profile of child labours.

This study focused on the analysis of the situation and the effectiveness of strategy in place to eradicate WFCL particularly the four types of the worst forms which include children working at plantations, commercial sexual exploitation of children, street children and child domestic work. Those four types of child labor were chosen because they are the main sectors where most child labor continues to be used to this day. In this study, four locations were selected based on types of child labourers. Indramayu regency was selected as the location to deepen analysis of cases of child labours involved in commercial sexual exploitation of children. This regency was selected because of the availability of various sources of qualitative data on the involvement of children in working in this regency. Temanggung regency was selected to deepen the case study on child labour in the plantations sector. As the biggest tobacco producer in Indonesia, this regency involves more children in work activities on the plantation and post-harvest. Meanwhile, for the case of street children, Yogyakarta City was selected as the location of the study. This city was selected as from the result of the observation, there are so, many street children that still roam some parts of public places. Lastly, the case study on child domestic worker was conducted in Gunung Kidul Regency which is renowned for being the supplier of household labour to many regions in Indonesia. For this reason, it is likely that possible that there are more children involved in this sector.

RESULTS AND DISCUSSION

The profile and contributing factor of the worst forms of child labour: In general, the profile of the four WFCL can be gauged from the age, education, gender, salary and working hours (Table 1). With respect to the factor of age, the result of this study showed that children involved in the worst forms of labour were largely aged 0-17 years. Meanwhile, for children working on the street, they have been involved in the practice right from the time they were infants. This is because, infants elicit sympathy from members of society who subsequently give money to street children. For the children involved in domestic work, most child labours started working when they were still attending school.

Table 1: Profile the worst forms of child labour in Indonesia

Aspect	Children working on the streets	Children employed as domestic servants	Children employed as sex workers	Children employed in plantations
Age	0-17 years old	12-15 years old	9-17 years old	7-17 years old
Education	Primary school or junior high school (dropout)	Primary school or junior high school (dropout)	Primary school	Primary school junior high school, senior high school (active in school, not continuing, dropout)
Sex	Male and female	Female	Female	Male
Wage	IDR. 50,000-200,000 per day	IDR. 300,000-400,000 per months	Virgin 1-3 million <18 years old in public place, Localization: 300,000-500,000 per person in Hotel >500,000	Children working with parents maximum IDR.15,000 per day Children working for other IDR.15,000-25,000 per day
Work hours	>6 h day ⁻¹	05:00 am to 21:00 pm	19:00 pm to 2:00 am (Karaoke guide) free time for commercial sex workers	0.5-12 hours per day

At the age of 12 years old, children are considered mature to leave the house and work for a living. The same characteristic was evident with respect to child sex workers. They begin serving as sexual workers at an early age and are often forced to get married in order to contribute to family income. All children under 18 year of age who are in prostitution are considered, de facto to be sexually exploited (Montgomery, 2009). In fact, child prostitution constitutes sexual abuse rather than labour.

In general, people in Indramayu perceive working as commercial sex workers as something that is not a taboo. They tend to see it as a normal thing. People there call sexual work as a profession that generates money (luruh duit) which means literary to work in order to generate wealth. Luruh duit is a tradition that has been inherited and still pervasive to this day. The phenomenon of luruh duit clearly shows the behaviour of acceptance and the openness of Indramayu people towards the sex worker profession. Consequently, there is social sanction towards those involved in luruh duit. On the contrary, a sexual worker creates prestige for those involved as well as their families when they register success as viewed from the perspective of improvement in their economic condition. To that end, in this regency luruh duit continues to be a trend that is pursued in order to become rich as fast as possible making it possible for an individual to contribute to improvement in the social status of the family. In education, the majority of child labourers have low level education attainment; in fact some did not graduate from primary school. Families do not consider education as important in improving their wellbeing. In this case, it is the family that forces children to dropout from school in order to work to earn a living.

The third factor is gender. The WFCL involves boys and girls and depends on the type of work with domestic work or as sex workers dominated by girls being dominated by girls. On the other hand, boys mostly work in plantations. As women and girls are close substitutes in the household work, the employment of mothers has more impact on the employment of their sons than their

daughters. Conversely, mother's employment may have big impact on daughters' job if women's networks contribute to better circulation of information about female occupation (DeGraff *et al.*, 2009). The street children in Yogyakarta City often look creased, long-haired and shabby. Based on gender, the ratio of girls and boy among street children in Yogyakarta is approximately one to one.

Salary is the fourth factor. Income earned by child labourers varies. In general, street children in Yogyakarta work as singing beggars or scavengers and earn between IDR50,000 and IDR 200,000 a day. Meanwhile, the highest wage children employed as sexual workers earn particularly for virgin girls goes as high as 1-3 million. However, once they are no longer virgins, the rate they are paid for their services plummets to around IDR 300-500 thousands. Meanwhile, those working as domestic helpers will earn the first salary of around IDR300,000- 400,000 which can increase by IDR100,000 after the first three month period. Meanwhile, child labour at the plantation working for their parents frequently do not earn wages or if they work for others, the wage falls within the range of IDR15,000-25,000 a day.

Lastly is working hours. On overage, the working hour for the WFCL in 4 selected areas is in 12 h in a day. In doing any daily activities the street children tend to work in groups and stay on the street for a maximum of 6 h in a day. Children employed as domestic servants worked the longest hours that hovered over 16 h in a day. Child labour in this sector has a low bargaining position, which hampers any efforts to refuse demands of employers to do activities even when they are too exhausted. With respect to children who are involved in sexual labour work starts from 19 until the next morning. The uncertainty of working hours for child labours leaves little room for any adequate rest which as results of this study indicate, leads to poor health.

Factors that influence children to become workers can be categorized into two: internal and external (Table 2). Key internal factors include demand on the child to contribute to family income for poor families, broken

Table 2: Contributing factors to the worst forms of child labour in Indonesia

Children working on the streets	Children employed as domestic servants	Children employed as sex workers	Children employed in plantations
Coming from poor families	Coming from poor family	Coming from poor family	Management of tobacco land use
Broken-home	Dropout	Low level of education	The value of children as economic commodities for the family
Social influence, drug abuse	Influence from the environment	Consumptive culture	Peer group stimuli
Culture "more children, more sustenance"	"Consumptive" life style	Promiscuity	
	Girls and those getting married soon are vulnerable to work as domestic servants	Consumptive life style	
		Early marriage	
		Luruh duit culture	
		The economic values of daughter	

homes, families with many children, value of children as an economic commodity, dropout rate of children and early marriage.

Most of the street children in city are from poor families that have many children or broken homes. The economic condition of the poor family pushes parents to persuade even force their children to help out by contributing to earning family income. Consequently, such pressures lead children to become domestic workers involved in the sexual world and working on the street or plantation. Factors on population growth and resources' exploitation are the most influencing for poor people. Therefore, large families with few resources use human capital to finance the life of family (DeGraff *et al.*, 2009).

The factor of children being perceived as an economic commodity of family is the main reason that behind the phenomenon of child labour on plantations. One of the phenomena in this research is the existence of inculcation of values into children to play the role as one of the economic actors in the family. The family instils into children the value of helping each other in the family with respect to working in the plantation sector. In reality, children consider helping parents including helping any work in the plantation sector as an acceptable obligation they have to fulfil as a matter of fact for children working in the plantation sector helps them to contribute to meeting economic needs of their families. The family farm environment in agriculture often makes, it difficult to recognize and acknowledge the presence of systematic exploitation of children in such a setting. The fact that children work on family farms is categorised as family solidarity and the amount of time children spend on working implies that children do not have time to attend school, hence loss of education.

The correlation between the early marriage and children employed as sex worker is when the child is not married yet she or he will be viewed as the one under age and has a right to be protected by parents. However, if the girl is married as soon as possible she legally will be considered to be mature and her behaviour is no longer becoming her parents' responsibility. Early marriage is one of the efforts to release any economic burdens in family. It becomes a solution for any economic problems and becomes something common and tradition for most of

societies in Indramayu. Besides, many families in Indramayu still have a perspective that daughter is the family asset. Most of the times, a daughter is married with the rich but old man to eradicate poverty or to pay their loan. As a result, the profession as the sex worker then becomes the foothold to improve the economic condition. Many girls in Indramayu are considered to be capable of being successful in enhance the economic status of family then making then the role model for other girls in the village including becoming the symbol of family prestige.

On the other hand, external factors include consumptive and promiscuity which propel children to become entrapped in the WFCL. It seems undeniable that modernity is a source of entrapment that is driven being consumption oriented. Intense advertisement of various products which is easily accessible in both urban and rural areas is another contributing factor. To that end, many members of society associate consumptiveness with modernity. However, since, the economic condition of families sometimes makes consumption of various modern products impossible, they sometimes resort to alternative ways to meet their expectations.

Getting involved in the circle of child labour in the domestic work sector which is relatively simple compared to other professions is one of such way. Based on results of this research, domestic workers often have the latest gadgets or hand phones or even motor vehicles they buy using their monthly salaries to project their existence among family members and social environment.

The emerged problem: Issues on the WFCL are still shrouded in complexity. Children have to be ready to become targets of negative stigma from society for the work they do and the loss of the rights for growth and development as well as aspiration rights. Children involved in child labour have no power to resist let alone object to the unfavourable condition they face. Thus, unless solutions to the problem occur, children slavery will be the inevitable consequence (Berlan, 2009). Besides, children also lose their rights their social negative perception that is vented out against street children. Consequently, street children have become victims of discrimination and mistreatment from society while at school in their families and in society.

Table 3: Impact of the worst forms of child labour in Indonesia

Children working on the streets	Children employed as domestic servants	Children employed as sex workers	Children employed in plantations
Vulnerable to dropout	Low wages	Physical, psychological and sexual violence	Dropout from school
Vulnerable to drug abuse, alcohol, pms/HIV AIDS	Uncertain working hours	Vulnerable to alcohol and drug abuse	Minimum protection from parents
Loss of the rights for growth and development of child	Physical and psychological violence	Vulnerable to any infectious sexual and HIV AIDS diseases	The loss of growth and development of children
Negative stigma from society	Rights violence for socialization	Exploitation by apparatus, thugs and procurer	Potential for health threat
		Negative and discriminative stigma	Habit for smoking cigarette and staying late

Child labourers are also vulnerable to dropping out of school, drug abuse, alcohol and HIV/AIDS which is a problem that children working on the street and children employed as sex workers showed (Table 3). Moreover, street children often become victims of physical and psychological violence. This is not to mention other forms of deprivation that include low incomes they earn and uncertainty of their working hours are all classical issues children employed as domestic servants face. This research also observed that girls at very young age are also vulnerable to become domestic servants. This is strongly related to the work they do at their places of work which is part of their daily lives. The problem also lies in the attitude of some parents who consider sending their children to work as domestic servants as an act that helps the family to ease its economic burden.

Working hours is one of the essential elements that must be tackled in regulating employment. Regulation of the number of hours an individual works in a day is the essence of this. Uncertainty of the limits that a regulation has in guaranteeing the rights of workers from any deprivation of time outside working hours is an issue that came to light in this study. No children employed in plantations in Temanggung who were informants in this research worked in a large-scale company. They all worked in their own families or neighbouring lands. However, working in the farmland of their own families, did not mean that child labour worked <3 h. In other words, working on the family farm or in the house, posed the danger that children could work for more 3 h a day. The average number of working hours for the child labour in the realm of the family or neighbour ranged from half day to 12 h in a day.

What is happening to the child labours at the tobacco plantation is in line with the portrait of the child labour in the agricultural sector as written in the 2002 edition of the ILO entitled Bitter Harvest: Child Labour in Agriculture saying: That the rural children tend to become economically active at an early age. These children are not only exposed to health risks associated with rural poverty but also associated with agricultural work. Overall, the

effects for children are denial of their human rights and wellbeing, deprivation of their right to health, safety, education and overall childhood and denial of a decent future.

The health risk is the threat for the children involved in prostitution. For females, they face the danger of being exposed to Cervix Cancer if they engage in sexual intercourse below 20 years old. In addition, child labor involved in sexual work can be exposed to other sexually transmitted infections particularly HIV/AIDS which is also very high for engaging in frequent unsafe sexual intercourse. The low bargaining position of sexual workers means that they fail to convince male partners/guests to use condoms during the sex transaction. In fact, the girls do understand the risk of unsafe free sexual behaviour only that the classical problem lies in the unwillingness of guests to use condoms. Otherwise, if girls object their guests will go and find other sexual workers who are willing to obey their demands. As revealed local KPAD data showed, the highest risk factor for the prevalence of HIV&AIDS in Indramayu comes from unsafe sexual intercourse. Unfortunately, although, children showed enormous resilience and ingenuity in dealing with their situation, they did not see themselves as victims (Berlan, 2009).

Policy concerning wfcl in Indonesia: Shore and Wright (1997)'s narrate that policies can act as narratives that serve to validate or defend the present or as rhetorical devices and discursive development that function to empower some people and silence others. To further protect the rights of children, Indonesia has ratified several ILO Conventions through Law No. 20/1999 on the Ratification of ILO Convention No. 138 concerning with minimum wage for admission to employment and Law No. 1/2000 on the Ratification of ILO Convention No.182 concerning with the prohibition and immediate action for the elimination of the WFCL. Child labour poses a problem to many parties, hence its impact is multi-sector in nature. To that end, the policy to regulate and control child labour should be inter-sectorial policy in nature. Several efforts have been made to keep down the number of child workers; however, because of the uncondusive economic condition such efforts have not yielded any

Table 4: The correlation among policies

Correlation points	Description
Central Government, Key Policies: Regulation No. 1 year 2000 on the Ratification of ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	
Correlation with other policies	Regulation No. 23/2002 on Protection of children. President Decree No. 59/2002 on National Action Plan towards the Eradication of the Worst Forms of the Child Labour (RAN PBPTA). Presidential Decree (regulation?) No. 87/2002 on the National Action Plan towards the eradication of the exploitation of commercial sex for children. Presidential Decree (regulation?) No. 88/2002 on the National Action Plan towards the Eradication of Woman and Child Trafficking. The Minister in charge of Coordinating People's welfare regulation No. 25/KEP/MENKO/KESRA/IX/2009 on the National Action Plan for the Eradication of Crime of Human Trafficking and the Sexual Exploitation of Children 2009-2014. The Law No. 13/2003 on Empowerment. The Minister of Manpower and Transmigration decision statement No. KEP-235/MEN/2003 on the types of work that can Endanger Health, Safety and Morality of Children. Minister of Domestic Affairs letter No. 560/1134/PMD dated 7 August 2003 on child protection. Guidance for the mitigation of child labour for the manpower supervisor staffs. Minister of domestic affairs letter No. 410/2032/SJ dated 11 August 2005 on efforts to improve any child labour
Indramayu Regency, Key Policy: Local Regional Regulations of 3rd No. 7 Year 1999 on Prostitution	
Correlation with other policies concerning the existence Local Government Regulation	The Temanggung District Regulation No.27/2012 on Manpower Implementation
Yogyakarta City, Special District of Yogyakarta Province Main Policy: Yogyakarta Special Provincial Regulation No. 6/2011 on the Protection for the Street Children	
Correlation with other policies and the Existence of Local Regulation	Yogyakarta Special Province regulation No.7/2007 on the Government Affairs becoming the Authority of Special District of Yogyakarta Province (Provincial Sheet of 2007 on the Government Affair becoming the Authorities of Special District of Yogyakarta Province (Provincial Sheet of Special District of Yogyakarta Province Year 2007 Number 7); (a lot of ambiguity). The Yogyakarta Special Province regulation No.31/ 2012 on the procedure of outreach and fulfilling the rights working street children. The Major of Yogyakarta City Decree(regulation? Decision statement?) No. 321/KEP/2013 on the formation of task force on the prevention and handling of crimes on human Trafficking in Yogyakarta City
Gunung Kidul Regency, Key Policy: Gunung Kidul District Regulation No. 33/2012 on the Local Government Action Plan towards Child-Eligibility in Gunung Kidul District	
Correlation with the other policies and the existence of other local regulation	The Gunung Kidul District head decision statement No. 51/KPTS/2006 on the Formation of a Task Force on the Mitigation of Woman and Child Trafficking in Gunung Kidul fiscal Year 2006; Gunung Kidul District head decision statement No. 243/KPTS/2011 on the Formation of Task Force for Child-Eligible in the district; District head decision statement No. 45/KPTS/2012 on the Centre for Integrated Service delivery on the networking for the empowerment of woman and Children in Gunung Kidul District

results. The increasingly complex social problems have contributed to plunging and keeping child workers in the worst forms of work. In line with the above issues and as part of the implementation of the law on the Ratification of ILO Convention No 182, the National Action Plan for the Elimination of the WFCL was drafted and involved various components under the Committee of the National Action for the Elimination of the WFCL set up under Presidential Decree No 12/2001.

The National Action Plan for the Elimination of the WFCL serves as guideline for the implementation of the National Program for eliminating the WFCL. The fundamental difficulty to plan activities or make programs for the elimination of the WFCL relates to the absence of reliable data on the number of child workers and the extent of child labour related problems in the worst jobs. This certainly is understandable considering that the geographical condition, types of work and forms of work in one area that are different from that of in other areas.

Based on Law No. 1/2000 on the Ratification of ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the WFCL, the worst forms of child labour mean first, all forms of slavery or the like such as the sale and trading of child, debt

bondage and serfdom as well as forced employment or compulsory employment, Including the forced and compulsory mobilization of children to an armed conflict. The second one relates to the use, supply or offer of children for prostitution, pornographic production or pornographic shows and the third one is in the use, supply of offer of children for forbidden activity, particularly drug production and trading as laid down in the relevant international treaty. The last one relates to work, its nature and location both of which are hazardous to the health, safety and morale of children.

The existence and correlation between central and local policy on WFCL: Both central and local governments have shown good commitment to efforts toward eliminating WFCL through a series of policies and regulations that have been issued so far. Table 4 depicts the coordination of national and local policy in detail.

Inconsistency of policies: One of the features of policies on eradication of WFCL that becomes evident is the high inconsistency between one and the other. It is such inconsistency that serves as justification for some circles

to consider government policies on the WFCL as inconsistent and reflect the lack seriousness in eradicating WFCL.

First: There is inconsistency between regulations on child protection and manpower. Regulation No. 23/2000 on child protection stipulates that every child under the care of parents, trustee or other parties who bear responsibility to take care/nurture him or her, must be protected from any forms economic and sexual discrimination and exploitation. Besides, Article 23 of the 1945 Constitution affirms that state and government guarantee and control the protection, maintenance and prosperity of children through the ensuring that the rights and obligation of parents, trustees or other people with legal responsibility over them bear responsibility for the children. Nonetheless, Manpower Law No.13/2003 on manpower does not have provisions that support the spirit on protecting children from WFCL that is stipulated in the regulation. Though, Article 68 of Manpower Law forbids the enterprise to hire children, the same provision gives an exception for children aged between 13-15 year old to do any simple work as long as such work does not have adverse effects on physical, health, mental and social development. Moreover, for an enterprise to hire children for the simple work, must fulfil the requirements that include obtaining a written permission from parents or trustee having in place a work agreement between the entrepreneur and the parents or trustee; working time for a maximum 3 h a day; work must be carried during day and does not disrupt school activities; ensure safety and health at work, existence of clear work relationship and provide proper wage in accordance with standard for such work. To that end, the manpower contradicts the notion of zero tolerance on child labour.

In other words, for whatever reason, employing child labor not acceptable. The manpower law creates opportunities for child labor, albeit under certain tight requirements. Such requirements, however can only apply in the formal sector while most children work in the informal sector making the implementation of provisions that are aimed at protecting child labor difficult. Research findings corroborate such evidence. In Temanggung most children work on plantations that belong to their parents, hence such work is regarded as providing support to their families. The same was evident with respect to child labor working as domestic helpers in Gunung Kidul. Meanwhile, the case of street children in Yogyakarta City, street children who by and large hail from underprivileged families, hence are forced to do such work in order to support incomes of their families. Child labor in Indramayu where children work as commercial sex workers is not any

different. To that end, it is very easy for whoever wants to use child labor to obtain written permission from parents. That said, the same can be said to apply with respect to the pre-condition that an entrepreneur can employ child labor as long as work agreement between parents and entrepreneurs is in place. In the context of the informal sector, an entrepreneur can be likened to a master in the case of domestic helpers/maids and procurer with respect to commercial sex workers. Nonetheless, another that may hamper the implementation of the provisions that relate to requirements to use child labor as laid out in the manpower law may be difficult to implement in the context of a domestic helper/maid and commercial sex workers. To that end, ensuring that rights of child labor under such circumstances will be difficult. The same applies with respect to street children and the child labour on plantations.

Second: The law on the protection of children defines a child as an individual under 18 years old including those in foetus. On the other hand, manpower act regulates children aged between 13 and 15 years old who are capable of doing any simple work as long as such work does not disrupt their physical health, mental and social growth and development. To that end, the manpower act allows space for children aged between 15 and 18 years old to work. The delimitation of children in the context of WFCL falls in 15-18 years old bracket. Thus, the manpower act creates a gap in the protection of children from the perspective of WFCL.

Third: There is inconsistency between the law on child protection and marriage laws. The Law on Marriage No.1/1974, stipulates that marriage is only allowed if, the male has reached the age of 19 years and the woman is 16 years old. Even then, the consummation of marriage for individuals who are under 21 years old is only possible after permission from parents (father and mother). The issue here then is that for woman under 18 years who is married but still categorized as a child is employed in the informal sector where she is likely to become a victim of the WFC. Thus, inconsistency in regulations implies that the eradication of WFCL and strategy towards an Indonesia that is free from Child Labour in 2022, still face a number of complex issues.

CONCLUSION

Findings in this study, support the discourse on child labour literature that in poor countries children often form part of collective family strategies to support livelihoods of their families. Crises facing families or

society may force children to drop out of school in order to earn income, while compulsory schooling may push children into part-time work to cover school costs. Children working under supervision of their parents is another internal issue that is very critical. Such child labor is condoned by cultural practice in Indonesia even in cases involving hazardous work. Children employed in the family and work in the locality are more vulnerable to exploitation as enforcing government regulations is not stringent.

Issues that arise in the course of the study that relate to child labour with respect to the WFCL affirm that children are not viewed as the members of family in which work is part of a child's socialization and the question of who does what is not decided in isolation but as part of a family strategy. Although, the combination of government, civil society and publicity campaign have helped to generate unified front and commitment toward elimination of child labour, contradiction between the manpower law and the law on the protection for children rights, poor law enforcement, absence of social protection for children have contributed to the marginalization of children in society far from what they deserve by right as citizens of the state.

Reducing poverty and improving educational attainment are some of the long term policies that are capable of eliminating the (WFCL). Additionally, mainstreaming the issue of the WFCL in Indonesia is deemed important in strengthening protection of children by the state. Such mainstreaming can be achieved through cooperation of various stakeholders in conducting tasks and functions right from program formulation to implementation.

As regards mainstreaming, comprehensive policies and programs to deal with children labour in domestic work can be achieved through mobilization of resources and financial resources from the government.

Mainstreaming the issue of the WFCL in policy is in line with the moral and political commitment of the government toward eradicating the WFCL in Indonesia.

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