

Legal Protection For Children As Corn Shellers In Balutan Village, Bupon District, Luwu Regency, South of Sulawesi, Indonesia

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Abstract

Purpose – This research aims to determine the practice of children as corn shelling workers in Balutan Village, Bupon District, Luwu Regency; to find out the protection for children as corn shelling workers in Balutan Village, Bupon District, Luwu Regency.

Method – The type of research used is empirical research, using a sociological approach. The source of data in this study is primary data obtained from the results of interviews with child laborers, corn sheller entrepreneurs and parents/guardians of children who work. The data collection techniques used in this study are observation, interviews, and documentation.

Result – The results of this research indicate that corn shelling work involving child labor has violated the provisions stipulated by the applicable laws and regulations. Such as working hours that exceed the maximum working time limit for children, working in places with extreme temperatures for children, and no work boundaries between adult and child laborers, as well as no guaranteed work safety for child laborers. Thus, entrepreneurs who employ children as corn shelling workers in Balutan Village, Bupon District, Luwu Regency, have violated the law.

Implication – As a practical implication, **Child Labor Violation**: The engagement of minors in corn shelling operations contravenes national labor statutes, namely those pertaining to child labor protections. **Possible Legal Consequences**: Entrepreneurs may incur criminal or administrative effects, such as fines or imprisonment for breaching child labor regulations. The findings underline the imperative for labor inspectors and law enforcement

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regulators to adopt proactive strategies in monitoring and enforcing compliance.

INTRODUCTION

The protection of children's rights is a critical issue that has gained significant attention globally. Children, who are in vulnerable situations, such as those engaged in child labor, face heightened risks of exploitation, abuse, and neglect, and therefore, necessitate special safeguards and care to guarantee their well-being, growth, and development. (Kurniawan et al., 2020) (Yani & Marasaoly, 2022) (Jayati, 2020) (Prameswari, 2020) In Indonesia, the legal framework governing the rights and protection of children is outlined in the 1945 Constitution and the United Nations Convention on the Rights of the Child, which the country has ratified. (Jayati, 2020)

The right to work is one of the human rights that must be protected by the state, as stated of the 1945 Constitution, which stipulates that every citizen has the right to work and income that is decent for humanity.(Jayati, 2020) In addition, it is also regulated in Article 28D Paragraph (2) of the 1945 Constitution, which states that everyone has the right to work and receive fair and proper remuneration and recognition in employment relations.

According to Law Number 13 of 2003 about labor law as stated in article 1 paragraph 2 it says that "Labor (*labor*) is every person who is able to do work to produce goods and/or services both to meet their own needs and for the community". Child labor in Indonesia has been regulated in Law Number 13 of 2003 about labor law and its amendments in Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation which is a manifestation of the labor law in Indonesia.

Several regulations specifically regulate legal protection for child labor, including: *first*; Regarding the minimum age restriction for working children, as stated in the provisions of Article 68 and Article 69 paragraph (1) of Law Number 13 of 2003 about labor law, employers are prohibited from employing

children, except for those between the ages of 13-15 years, for light work that does not interfere with their growth and physical, mental, and social health development. Furthermore, Article 71 of Law Number 13 of 2003 prohibits the employment of children in hazardous work, except for the purpose of education or training, which must be carried out under adequate supervision to ensure the safety and well-being of the child (Rakhmawati et al., 2020) (Jayati, 2020) (Puspita & Sundawa, 2022).

Child Labor in Balutan Village, Bupon District, Luwu Regency, South Sulawesi, Indonesia

In Balutan village, Bupon district, Luwu regency, South Sulawesi, many children are involved in corn shelling activities. Corn shelling is a traditional agricultural practice where the kernels are removed from the cob, often done manually. This activity is considered a form of child labor, as it involves children engaged in economic activities that may hinder their physical, mental, or social development, or expose them to hazardous conditions. (Puspita & Sundawa, 2022) (Jayati, 2020) (Kurniawan et al., 2020)

The employment of children in corn shelling activities in Balutan village raises concerns about their legal protection and the potential violation of their rights. The lack of access to education, social welfare, and proper working conditions, coupled with the poverty faced by many families in the village, contribute to the prevalence of child labor in corn shelling. (hammad, 2018)

To address these concerns, the Indonesian government has implemented various policies and programs aimed at protecting the rights of children, including the Child Welfare Program, which was designed to provide integrated cash assistance, social work support, and access to social services for vulnerable children, including those engaged in child labor. (hammad, 2018)

In some conditions, a child has to work for several reasons, such as parental economic factors, which encourage the child to help the family economy, or the child is forced to work because of the parents desire to help the family economy. (Chen & Xin, 2022) Another factor is the habit that makes children work without considering the importance of children's education. In

Luwu Regency, the sector that uses children's services as laborers is the agricultural sector, especially in Balutan Village. Children are employed as workers to shell corn. (Sulastri, 2022) Based on initial observations, researchers found several reasons why children participate as corn shellers, namely because they only want to take advantage of their free time without any coercion from other parties, but there are also economic factors so that parents require their children to work. Another factor is the lack of employees or laborers so that children are allowed to work as corn shellers. They work with uncertain deadlines, usually they work from school until late afternoon, some even work from morning to before dawn.(DEMOGRAPHIC AND SOCIO-ECONOMIC CONSEQUENCES OF CHILD LABOUR, 2023) Children work the same hours as adult laborers.

Although there are already rules that regulate the maximum working time limit for child labor, this provision is still often ignored, even many people are not aware of this law, especially in rural areas. In fact, in Balutan Village, Bupon District, Luwu Regency, children are involved and used as corn shellers with a working time limit above the maximum working time limit for children. The purpose of this study is to find out the work practices of children as corn shellers in Balutan Village, Bupon District, Luwu Regency and the form of legal protection.

METHOD

The type of research used is empirical research, using a sociological approach. The source of data in this study is primary data obtained from the results of interviews with child laborers, corn sheller entrepreneurs and parents/guardians of children who work. The data collection techniques used in this study are observation, interviews, and documentation.

An analysis of the data is performed using a thematic approach, which involves detecting patterns of violations of child rights and gaps in the execution of legislative protections.

DISCUSSION/RESULT

Child Labor Practice as Corn Sheller Workers in Balutan Village, Bupon District, Luwu Regency

Poverty is the strongest factor in the emergence of child labor, the influence of poverty is very large in encouraging children to work. (Hasrul Mahadi Arifin Saleh Lubis, 2020). Living in conditions with all kinds of shortcomings is one of the reasons why children have to work at a young age. Most of the children who work as corn shellers in Balutan Village have economic conditions that are classified as underprivileged, so by working as corn shellers they can have an income and can help a little family needs, (Hendra (child labor), Interview in Katangka Hamlet, Balutan Village, 04 March 2024) this is their alternative to work as corn shellers.

The need for oneself is also one of the reasons why children work to meet their own needs, such as pocket money, credit or data money, gasoline money to school, and for other school needs. (Kartika (child labor), Interview, in Bilante Hamlet, Balutan Village, March 04, 2024.) In addition, the influence of the environment and family is very great in making children as corn shellers, because they are used to the invitation from their parents and friends so that becoming corn shellers is familiar to children in Balutan Village, Bupon District. (Nurcaya, Parents of Children and Adult Workers, Interview, in Bilante Hamlet, Balutan Village, March 05, 2024.)

a) Age of Working Children

Based on the results of the study, it was found that there were 2 (two) entrepreneurs who employed as many as 15 (fifteen) children who worked as corn shellers in Balutan Village, with an average age of between 12-16 years and still actively attending school at each level of elementary, junior high and high school education.

b) Children's Working Time as Corn Shellers

Regarding children's working time, usually children work after school until before Maghrib, some even work from seven in the morning to six in the afternoon, because working time is not a benchmark of the wages that will be paid but the amount of wages they get seen from how many sacks of corn are

successful in pipil.(Hj. Nurpida, Owner of a Corn Sorting Machine, Interview, in Balutan Village, March 2, 2024) The average working time of children as corn shellers is six to ten hours per day. This is certainly contrary to laws and regulations, because one of the requirements in employing minors is not met. As stated in the labor law, employers who employ children aged 13-15 years for light work must not exceed three hours per day. This means that the maximum time limit for children to work is three hours per day, because in fact children aged 12-16 years are still categorized as compulsory to study. So working as a corn sheller with a working time of six to ten hours per day is highly discouraged, because it has disrupted the children's learning time.

c) Wage System

The wages given to children who do work as corn shellers are seen from how many sacks of corn are produced. The wage system is: $(\frac{\text{number of sacks} \times \text{Rp}14.000}{\text{Total Workforce}})$ and paid every fourteen working days. (Nurmi, Adult Worker, Interview, in Bilante Hamlet, Balutan Village, March 03, 2024.) So, it can be known that the benchmark for how much wages will be received depends on how many sacks of corn are produced and then divided by the number of workers who participate, including child labor. This means that there is no difference in the wage system between child workers and adult workers. Corn sheller workers, including child laborers, are treated fairly in terms of wage determination.

Legal Protection for Children as Corn Shellers in Balutan Village, Bupon District, Luwu Regency

Legal protection for children is all forms of activities that aim to ensure that children's rights are fulfilled and protect children from violence and discrimination so that they can live, grow, develop and participate as best as possible in accordance with human dignity.(Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak, LN.2014/No. 297,(2014)

The involvement of children as corn shellers in Balutan Village based on the results of interviews, the community thinks that children who become corn shellers are not a problem because in addition to training children's independence, it is also a form of child service to their parents. However, this

cannot be justified, because there are already regulations that regulate legal protection for children in the aspect of employment, such as regarding the minimum age limit for working children, restrictions on working hours, restrictions on work, and wage arrangements.

a. Minimum Age for Working Children

Sesuai dengan Pasal 22, ayat (1) *Undang-Undang No.6 Tahun 2011 tentang Keimigrasian* (Indonesia), ...

Based on Article 1 Paragraph (1) of Law No. 35 of 2014 concerning Child Protection(Indonesia), *“That a child is someone who is not yet 18 (Eighteen) years old, including those who are still in the womb.”* It is also Article 1 Paragraph (26) of Law Number 13 of 2003 about Labor Law(Indonesia), *“That a child is any person under the age of 18 (Eighteen) years.”*

Based on the previous exposure of data, the age of children who work as corn shellers in Balutan Village is around 12-16 years old or still in school so that they can be categorized as underage workers. In fact, the law has regulated the minimum age limit for children to work.

Article 68 of Law Number 13 of 2003 about Labor Law, employers are prohibited from employing children. However, there is an exception to this provision as stipulated in Article 69 paragraph (1) and paragraph 2 letter (a)

“ That employers are allowed to employ children between the ages of 13-15 years for light work that does not interfere with the child's physical, mental, and social development and health and must obtain permission from parents.”

The conditions for employing children as regulated in the labor law are as follows:

- 1) Written permission from a parent or guardian;
- 2) Employment agreement between the employer and the parent or guardian;
- 3) Maximum working time 3 (three) hours;
- 4) It is done during the day and does not interfere with school hours;
- 5) Guaranteed occupational safety and health;
- 6) Clear working relationships; and
- 7) Wages are in accordance with applicable regulations.

Based on the results of the research, the conditions as mentioned above are still not well implemented, because the facts in the field show that there are

still some conditions that have not been fulfilled and ignored by employers who employ children, such as official permission from parents, employment agreements between employers and parents, so that there is no clear employment relationship between child labor and employers.

As explained by the informant, some of the children who participated as corn shellers did not get permission directly from their parents because there were some children who were met on the street and then called to work. Usually this practice is carried out when the employer is short of employees. Although children under the age of 18 are allowed to work, the rights inherent in children must be fulfilled and protected, such as: the right to life, the right to grow, develop, and the right to participate reasonably according to humanitarian principles and the right to be protected from all forms of violence and discrimination. As stated in Article (1) Paragraph 2 of Law Number 35 of 2014 concerning Child Protection, Child Protection is all activities to guarantee and protect Children and their rights so that they can live, grow, develop, and participate optimally in accordance with the dignity and dignity of humanity, as well as receive protection from violence and discrimination. It is also regulated in Article 20 of Law Number 35 of 2014 concerning Child Protection which states that the State, Government, Local Government, Community, Family, and Parents or Guardians are obliged and responsible for the implementation of Child Protection.(Ornella Angelia, 2022)

Employment agreement between the employer and the parent or guardian; 8) Employment agreement between the employer and the parent or guardian; 9) Employment agreement between the employer and the parent or guardian; 10) Employment agreement between the employer and the parent or guardian; 11) Employment agreement between the employer and the parent or guardian; 12) Employment agreement between the employer and the parent or guardian; Employment agreement between the employer and the parent or guardian; Employment agreement between the employer and the parent or guardian;

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b. Maximum Working Child Time Limit

Regarding the time when children are allowed to work, it has been clearly regulated in the labor law that minors are allowed to work with a maximum time limit of 3 (three) hours per day and do not interfere with school time and are carried out during the day.(Izziyana, 2019) Although there are already provisions that regulate the limitation of working time for minors, this provision is still very often ignored. Children who work as corn shellers are more than 3 (three) hours per day, if the total working time of children as corn shellers in Balutan Village is six to ten hours per day, even some children are willing to leave school to work as corn shellers. Thus, the implementation of this law policy has not been effective because there are still many children who are still in school working more than 3 (three) hours per day and interfering with their study hours.

c. Restrictions on Work for Children

The problem of working for children does not always have a negative impact, as long as the work is able to have a positive impact such as in terms of developing children's talents and interests,¹ and it can be ensured that the work done does not pose a risk to the child's physical and mental health. In addition, children who work together with adult workers, the workplace for child labor must be separated from the workplace for adult workers.² However, the facts in the field show that children who work as corn shellers in Balutan Village work together with adult workers and there is no separation of workplaces between child workers and adult workers, even the working hours of child labor and adult workers are also equal.

The types of work that are considered dangerous to children have been regulated in the Decree of the Minister of Manpower and Transmigration Number 235 of 2003 concerning Types of Work that Endanger Children's Health, Safety or Morals, namely jobs related to machinery, work in a work environment with extreme temperature and humidity or high wind speed,

¹ Article 71 paragraph (1) of Law Number 13 of 2003 about labor law.

² Article 72 of Law Number 13 of 2003 about labor law.

work in a work environment with noise or vibration levels that exceed the threshold value, and several other types of work that have been regulated in the provisions of this law.³

Based on the types of work that are dangerous for children mentioned above, the work as a corn sheller worker in Balutan Village carried out by children, is classified as heavy and dangerous work for children, because there are elements mentioned in the regulation of the Minister of Manpower and Transmigration regarding the types of work that are dangerous for children, namely corn harvesting work using a machine commonly called a dros machine, Working in a place with high temperatures, namely directly exposed to sunlight because working in an open place, and working in a dusty environment and smoke produced by the corn sheller machine and corn husks that can interfere with breathing.

Children who work as corn shellers in Balutan Village are not guaranteed occupational health and safety, (Fernández, 2018; Ji & Kim, 2022). Employers do not provide occupational safety and health equipment in the form of masks, so children directly inhale smoke and dust which can cause children's respiratory tract to be disturbed. In addition, entrepreneurs also do not provide gloves so that children's hands are vulnerable to injury.

Incidents like this often occur, the hands of children or other workers are injured due to cuts in dry corn stalks or other sharp objects, such as broken glass bottles. So, it is very clear that working as a corn sheller worker is highly discouraged for children, because in addition to long working hours, this job is also classified as a dangerous and heavy type of work for children.

d. Child Labor Wages

One of the rights of workers is to obtain wages that will be paid according to the employment agreement or agreement between the employer and the worker in accordance with the dignity and dignity of humanity that has been stipulated in the law. Basically, every worker has the same rights,

³ Decree of the Minister of Manpower and Transmigration Number 235 of 2003 concerning Types of Work that Endanger Children's Health, Safety or Morals.

namely getting the same opportunities and treatment without discrimination from employers or employees. The regulation of the provision of wages has been regulated in Article 88 paragraph 3 letter (a) that workers in obtaining income that meets a decent livelihood for humanity must not be lower than the minimum wage.⁴

The determination of policies related to the minimum wage as referred to in Article 88 paragraph (3) letter (a) has been explained in Article 89 paragraph (1) that the minimum wage consists of the minimum wage based on the province or regency/city area and the minimum wage based on the sector in the province or regency/city area.⁵ The arrangement of wages to child laborers determined by agreement must not be lower than the wage provisions stipulated in laws and regulations.⁶

Based on the results of the interview, children who work as corn shellers in Balutan Village get the same wages as adult workers, namely the wages given to children who do work as corn shellers seen from how many sacks of corn are produced. For more details, the wage system is: $(\frac{\text{Jumlah Karung} \times \text{Rp}14.000}{\text{Jumlah Buruh}})$ and is paid every fourteen working days and there is no difference between the wages of adult workers and child workers. Related to the wage system, corn sheller workers usually get a minimum wage of Rp. 50,000, and a maximum of Rp. 90,000, or every two weeks the workers usually get a minimum wage of Rp. 1,000,000, and a maximum of Rp. 1,300,000, if calculated in terms of monthly income the workers usually get a wage of up to Rp. 2,000,000.

Based on the results of the interview, with this income, the children feel happy with the wages they get, even some children admit that the wages they get are quite a lot and feel very satisfied because all their needs can be met without having to ask their parents.⁷ This is the basis for researchers in determining the feasibility of a wage obtained by child labor. Because the living

⁴ Article 88 Paragraph (1) of Law Number 13 of 2003 about labor law.

⁵ Article 89 Paragraph (1) of Law Number 13 of 2003 about labor law.

⁶ Article 91 Paragraph (1) of Law Number 13 of 2003 about labor law.

⁷ Haikal, Child Labour, *Interview*, on March 09, 2024

wage is different from the minimum wage. Drinking wage is a wage level that has been determined by laws and regulations and is specific to certain sectors, while living wage is determined by considering the needs of living standards such as food or other important needs.(Neumark, 2024)

The wages earned by children who work as corn shellers can be said to be decent because with these wages they can meet all their personal needs without having to ask their parents, and the wage system does not distinguish between the wages of child labor and adult labor. This is in accordance with the laws and regulations that every worker, both child and adult workers, has the right to receive the same treatment without discrimination.

CLOSING

Legal protection for children as corn shellers in Balutan Village, Bupon District, Luwu Regency; Children should not be allowed to work, except for those aged 13-15 years old for light work, and several other provisions that allow children to work, such as work that does not interfere with the child's learning time, mental, moral, and health. However, in fact, corn picking work involving child labor is not in accordance with the provisions of applicable laws and regulations. Such as working hours that exceed the maximum working time limit for children, working in places with extreme temperatures for children, and there are no work restrictions between adult workers and child laborers, as well as not guaranteed work safety for child labor. Thus, employers who employ children as corn shellers in Balutan Village, Bupon District, Luwu Regency, are not in accordance with the applicable laws and regulations.

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