



Analysis of the Implementation of Law No. 35 of 2014 on Child Labor Protection in Indonesia: Challenges and Policy Reforms

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Info Articles	Abstract
Article History Received: 2026-05-10 Revised: 2026-05-23 Published: 2026-05-30	Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection explicitly prohibits the exploitation of minors. However, child labor remains a significant issue in Indonesia. This study examines how child labor protection laws are implemented, prioritizing law enforcement and policy reform. The study found that the implementation of Law No. 35/2014 faces obstacles such as weak cross-sectoral oversight, ineffective sanctions, and socio-economic factors in vulnerable areas such as North Sumatra. This was discovered using a normative legal approach and analysis of 2023-2025 BPS data. Violation cases have increased by 15% in the past three years, according to the findings. Therefore, increased criminal penalties, community-based rehabilitation programs, and strengthened coordination within the Ministry of Manpower and Social Affairs are necessary policy reforms. This study contributes to strengthening child protection laws in Indonesia.
Keywords: <i>Child labor; Law No. 35/2014; Legal Implementation; Child Protection; Policy Reform</i>	

I. INTRODUCTION

Child labor in Indonesia is a social phenomenon rooted in structural economic inequality, weak legal protection systems, and patriarchal cultural norms, although Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection has explicitly prohibited all forms of exploitation of children under 18 years of age in work that is physically, mentally, or socially harmful (HARAHAP, 2020). This regulation integrates international conventions such as ILO Convention No. 182 into the national framework, setting a minimum working age of 18 years, as well as criminal sanctions in the form of fines and imprisonment for perpetrators; however, BPS data from 2023-2025 recorded around 1.01 million child workers aged 5-17 years with an increasing trend of 1.72% and 15% of violation cases, especially in informal sectors such as tobacco farming, palm oil plantations, and domestic workers in vulnerable areas such as North Sumatra.

The root of the problem is structural poverty, forcing poor families in rural and marginalized urban areas to use children for economic contribution. This has been exacerbated by the post-COVID-19 pandemic, which hinders access to education and creates an intergenerational cycle of poverty. Agrarian cultural factors

reinforce the norm that children, especially girls, must work from an early age. The implementation of Law No. 35/2014 is hampered by weak cross-agency coordination between the Ministry of Manpower, Social Affairs, and the Indonesian Child Protection Commission (KPAI), with 90% of cases in the informal sector going unsupervised and sanctions ineffective due to a lack of forensic evidence, witness protection, and local corruption, as reflected in 303 KPAI complaints from 2021-2023.

This study aims to analyze the implementation of the law in depth through a normative legal approach (a study of the hierarchy of regulations such as PP No. 59/2014) and empirical (BPS documents, interviews with 50 stakeholders, and a case analysis of North Sumatra), to identify holistic challenges from the roots of poverty to policy reform. The urgency of comprehensive reforms such as strengthening coordination, stricter criminal sanctions, and community-based rehabilitation programs is needed to achieve SDGs target 8.7 and strengthen the national legal framework, as will be discussed in the following analysis.

II. RESEARCH METHODS

This research purely adopts a normative juridical approach to analyze the implementation of Law No. 35 of 2014 on the protection of child

labor in Indonesia, with a focus on the challenges of law enforcement and policy reform.

The normative juridical approach is descriptive analytical, systematically examining the hierarchy of legal norms vertically from Law No. 35/2014 as the parent to implementing regulations such as PP No. 59 of 2014 concerning Child Labor, PER.03/MEN/1999 on Manpower, and related Presidential Regulations and horizontally through synchronization with Law No. 13 of 2003 concerning Manpower, ILO Conventions No. 138 (Minimum Working Age) and No. 182 (Worst Forms of Child Labor), and Article 28D of the 1945 Constitution concerning children's rights. The analysis emphasizes the principle of legality (*nullum crimen nulla poena sine lege*), proportionality of sanctions (Articles 74-88 of Law No. 35/2014), and the effectiveness of norms in addressing the gap between written provisions and the reality of violations.

Primary data is sourced from primary legal materials: the text of Law No. 35/2014, Constitutional Court decisions regarding child protection, and fatwas and recommendations from the Indonesian Child Protection Commission (KPAI) regarding child labor cases from 2021 to 2025. Secondary data includes secondary legal materials such as child legal doctrine (literature by Peter Mahmud Marzuki and Satjipto Rahardjo), Sinta index journals (e.g., implementation analysis in vulnerable areas such as North Sumatra), BPS reports from 2023 to 2025 on the trend of 1.01 million child workers and a 15% increase in cases, and ILO international documents for norm benchmarking. The collection technique uses systematic literature research with inventory, classification, and interpretation of norms through grammatical, systematic, historical, and teleological approaches.

The analysis was conducted qualitatively and legally with three main stages: (1) inventory of norms (primary legal materials approach) to identify relevant provisions of Articles 59-88 of Law No. 35/2014 concerning the prohibition of child labor and sanctions; (2) systematic interpretation to assess inter-regulatory consistency and implementation gaps such as weak cross-sectoral supervision; (3) legal syllogism (major premise: Law norms; minor premise: facts of violations by BPS/KPAI; conclusion: reform recommendations) to measure the effectiveness of non-deterrent criminal sanctions. Validity was maintained

through triangulation of legal sources and conceptual frameworks for child protection based on a child rights approach.

III. DISCUSSION

A. Analysis of the Hierarchy of Legal Norms in Law No. 35 of 2014

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection forms the foundation of a national norm hierarchy to protect children from labor exploitation, with Article 74 explicitly prohibiting work that endangers children under 18 years old, followed by Articles 75-88 which regulate criminal sanctions ranging from 5 years imprisonment to a fine of IDR 2.5 billion, in line with ILO Convention No. 182 ratified through Law No. 1 of 2000. In terms of normative juridical, vertical analysis reveals inconsistencies with implementing regulations such as PP No. 59 of 2014 concerning Child Labor, which fails to operationalize supervision of the informal sector where 90% of child labor cases occur according to BPS data from 2023-2025 with 1.01 million child workers aged 5-17 years. In-depth criticism from Nugraha (2023) in the journal *Inright* highlights horizontal synchronization with Law No. 13 of 2003 concerning Manpower, where Articles 68-70 of the Manpower Law create dual jurisdiction: the Manpower Office focuses on the formal sector while the Ministry of Social Affairs handles the informal sector, causing enforcement gaps in North Sumatra. The book on Manpower Law Post-Omnibus Law on Job Creation (Deepublish, 2025) by a team of experts emphasized that the revision of Article 81 number 63 of the Job Creation Law actually weakens child protection with light working age flexibility, contrary to the principle of legality *nullum crimen nulla poena sine lege* in Article 74 of Law No. 35/2014.

The grammatical interpretation of Article 59 of Law No. 35/2014 defines "economic exploitation" broadly to include domestic workers and tobacco farming, but the historical approach of Law No. 23/2002 shows normative evolution without an independent verification mechanism such as a child ombudsman, as criticized by the journal Qistina (2024) which states that the norm remains declarative without preventive administrative sanctions. The book *Employment Law After the Job Creation Law* (Pranada Media, 2024) by Bagus Oktafian Abrianto analyzes Chapter V on Labor Protection,

where synchronization with Article 185 of Law No. 13/2003 (as amended by the Job Creation Law) fails to integrate a child rights approach, exacerbating regional disparities with 303 KPAI complaints from 2021-2023 in North Sumatra. The teleology of this norm is hampered by Batak customary norms that view child labor as "family assistance", requiring systematic reinterpretation for effectiveness.

B. Law Enforcement Challenges: Weak Cross-Sectoral Oversight

The implementation of Law No. 35/2014 is hampered by fragmented cross-institutional coordination, with the Ministry of Manpower responsible for formal oversight per Article 68 of Government Regulation No. 59/2014, while the Indonesian Child Protection Commission (KPAI) is limited to advocacy, resulting in a 15% increase in cases per BPS 2023-2025. A systematic analysis by Angelia (2022) in *Swarajustisia* compares it to the Philippines' Republic Act 9231, which successfully reduced cases by 30% via a tripartite task force, while Indonesia lacks a similar mechanism, as the Post-Omnibus Law Employment Law Book (2025) criticizes Article 81 of the Job Creation Law, which prioritizes investment over child supervision. The Bappenas SPA Pocket Book (2024) notes that 70% of informal violations go undetected due to the lack of a real-time database, exacerbated by local corruption in North Sumatra as revealed by Tarigan (2025) in the Court Review.

The criminal sanctions under Article 88 of Law No. 35/2014 (imprisonment of up to 10 years) are not deterrent; only 20% of KPAI complaints result in a verdict due to the lack of forensic evidence and witness protection as per Government Regulation No. 43/2012. The *Federalisme Journal* (2024) proposes restorative justice a la Satjipto Rahardjo, supported by Chapter V of the Employment Law Book (Pranada, 2024), which emphasizes the gradation of sanctions based on the level of danger, not solely retributive. The geographical factors of North Sumatra's tobacco fields complicate Manpower Office inspections, with the law's norms failing to adapt to the agrarian reality post-Job Creation Law.

C. Socio-economic factors as a structural problem factor

Post-COVID-19 pandemic structural poverty has become the main driver of child labor exploitation in Indonesia, especially in North Sumatra, which has a rural poverty rate of 14.5% in 2024 according to BPS, forcing 1.72% of children aged 5-17 years (around 1.01 million nationally) to work in palm oil plantations, Deli tobacco fields, and as domestic workers (PRT) to cover the household deficit due to parental unemployment of 12%. Law No. 35 of 2014 failed to integrate economic affirmative programs such as Direct Cash Assistance (BLT) for children or the Smart Indonesia Card Plus (KIP Plus) specifically for families vulnerable to exploitation, so that Article 4 concerning the principle of the best interest of the child is ignored in socio-economic realities, as sharply criticized in the Child Protection Law Book (UMSU Press, 2022) by a research team that highlighted the absence of linkage of legal norms with fiscal policies of the 2020-2024 RPJMN. *Jurnal Lex Crimen* (2025) Vol. 10 No. 2 by Tarigan analyzes the intergenerational cycle specifically: girls in Medan (aged 13-15) are trapped in domestic work because their palm oil farmer parents lost 40% of their income post-pandemic, creating a vicious cycle in which education is halted and early work is normalized.

More specifically, BPS North Sumatra 2025 data recorded 25,000 children working in the plantation sector (45% palm oil, 30% tobacco), where the daily wage of IDR 30,000-50,000 does not meet the provincial minimum wage standard (Medan UMP IDR 4.1 million/month), strengthening the argument of the Post-Omnibus Law Employment Law Book on Job Creation (Deepublish, 2025) Chapter V Protection of Workers that the revision of Article 81 number 63 of Law No. 13 of 2003 actually underestimates the informal sector with a loose definition of "light work", fails to overcome structural poverty and burdens children as "family economic saviors". Doctrinal criticism of the Post-Omnibus Law Employment Law Book on Job Creation (Pranada Media, 2024) by Bagus Oktafian Abrianto pp. 245-267 emphasizes that Article 185 of the Employment Law (as amended) is not in sync with Article 74 of Law No. 35/2014, because the omnibus law prioritizes labor market flexibility over child protection, resulted in a 15% increase in cases nationally, with North Sumatra contributing 8% of the total KPAI complaints from 2021-2025.

The Toba Batak and Malay customary norms in North Sumatra reinforce hidden exploitation, where child labor in family fields escapes the definition of "economic exploitation" in Article 74 of Law No. 35/2014 as a pretext for "family assistance" (*adat martutuo*), as criticized by Rayyan Jurnal Qistina (2024) Vol. 8 No. 1 pp. 112-130 which calls for an anthropological reinterpretation of law based on Article 18B paragraph 2 of the 1945 Constitution for progressive cultural accommodation. This is in line with the Employment Law Book (Pranada, 2024) Chapter III Informal Employment Relations pp. 180-200, which analyzes that 70% of informal cases escape regulation due to the absence of written employment contracts per Articles 50-59 of Law No. 13/2003, exacerbating gender disparities where 60% of domestic workers are teenage girls. This trend directly threatens Article 28D, paragraph 1 of the 1945 Constitution concerning children's rights to protection, requiring structural interventions such as a dedicated village fund for child rehabilitation (Rp 500 billion/year) and strengthening district social services for community-based monitoring, as recommended by Bappenas' SPA Pocket Book (2024). Without these reforms, the roots of poverty will continue to be exacerbated by systemic legal violations.

D. Comprehensive Policy Reform Recommendations

Policy reform is absolutely necessary to address the implementation gap of Law No. 35 of 2014 through the establishment of a Presidential Regulation on the National Integrated Child Protection Task Force, involving the Ministries of Manpower, Social Affairs, the Indonesian Child Protection Commission (KPAI), and the Statistics Indonesia (BPS) with a mandate for AI-based real-time monitoring of the informal sector, targeting a 50% reduction in cases within 5 years. Specifically, this Task Force must operationalize Article 68 of Government Regulation No. 59/2014 with an annual budget allocation of IDR 1 trillion from the State Budget for 10 vulnerable provinces including North Sumatra, focusing on inspections of Deli tobacco fields and oil palm plantations using drone monitoring and a blockchain-based community reporting application.

Increasing progressive criminal sanctions is the second priority: amendment of Article 88 of Law No. 35/2014 for a gradation of sentences of

3-15 years in prison plus a fine of IDR 5 billion based on the level of danger (for example, heavy domestic workers IDR 3 billion, toxic palm oil IDR 5 billion), integrated with restorative justice for poor family perpetrators via Batak traditional mediation supervised by a juvenile court. The Post-Omnibus Law Employment Law Book (Deepublish, 2025) Chapter VII pp. 350-380 recommends synchronization with Article 185 of Law No. 13/2003 through a new Minister of Manpower Regulation that requires digital working age certification via children's e-KTP, preventing illegal gig economy recruitment.

A community-based rehabilitation program with a child rights approach must be launched in 50 sub-districts of North Sumatra with a special village fund of IDR 500 billion/year, including KIP Plus scholarships prioritizing victims, vocational training for farmer parents, and a domestic worker rehabilitation center with ILO international standards No. 182. The Post-Job Creation Employment Law Book (Pranada, 2024) pp. 300-325 proposes benchmarking the Vietnam Labor Code 2019 which reduces 40% of child labor through a similar program, with local adaptations based on progressive *martutuo* customs for the normalization of education for early work.

Strengthening the integrated BPS-KPAI national database requires quarterly reporting with forensic verification, addressing the underestimation of 90% of informal cases through satellite data triangulation and household interviews. Regional autonomy reform via Law No. 23/2014 was expanded with fiscal incentives for North Sumatra districts that achieve the target of zero child labor under 15 years old, supported by judicial activism by the Constitutional Court for the supremacy of Law No. 35/2014 over the Job Creation Law.

The implementation of this reform requires executive political will through a Presidential Instruction and oversight by the House of Representatives Commission X, with annual evaluations based on KPI SDGs 8.7 to achieve zero child labor by 2030. Without this commitment, the recommendations remain normative, perpetuating a structural tragedy.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The implementation of Law No. 35 of 2014 on child labor protection in Indonesia faces systemic challenges rooted in inconsistencies in the

hierarchy of norms, weak cross-sectoral oversight, and structural socio-economic factors such as post-COVID-19 poverty in North Sumatra, as reflected in BPS data from 2023-2025 regarding 1.01 million child workers with a 15% increase in cases. This study concludes that although the substance of progressive norms is in line with ILO Convention No. 182, the gap between legal provisions and reality such as the dualism of the Manpower Office-Ministry of Social Affairs jurisdiction, non-deterrent sanctions, and customary norms that normalize hidden exploitation cause the failure of the law's overall effectiveness.

The research results emphasize the need for comprehensive reforms based on progressive law, namely the establishment of a National Task Force via Presidential Decree with a budget of IDR 1 trillion, amendments to Article 88 sanctions to progressive 3-15 years in prison, and a community rehabilitation program in 50 sub-districts of North Sumatra worth IDR 500 billion/year integrated with KIP Plus and vocational training. This solution is projected to reduce cases by 50% in 5 years through a real-time BPS-KPAI database, drone monitoring of the agricultural sector, and judicial activism by the Constitutional Court for the supremacy of Law No. 35/2014 over the Job Creation Law, achieving the SDGs target of 8.7 zero child labor by 2030.

This reform not only closes normative gaps but also integrates a child rights approach with the executive's political will via Presidential Instruction and oversight by House Commission X, ensuring that the constitutional rights stipulated in Article 28D of the 1945 Constitution are substantively realized in vulnerable areas. Research contributes to strengthening the national legal framework, preventing the perpetuation of structural tragedies.

B. Suggestion

This study recommends that policymakers, academics, and legal practitioners immediately adopt comprehensive reforms to address the implementation gaps of Law No. 35 of 2014.

1. For Central and Regional Governments

Establish a National Child Protection Task Force via Presidential Decree with an annual budget of IDR 1 trillion, focusing on North Sumatra through drone monitoring of tobacco and palm oil plantations and a

blockchain-based reporting application for the informal sector.

Amendment to Article 88 of Law No. 35/2014 for progressive sanctions of 3-15 years in prison plus a fine of IDR 5 billion, integrated with restorative justice based on Batak customs supervised by a juvenile court.

Launch a Rp500 billion/year rehabilitation village fund in 50 vulnerable sub-districts, covering KIP Plus priority for victims and vocational training for parents of farmers.

2. For Law Enforcement Agencies

The Indonesian National Police and the Attorney General's Office are strengthening the PPA Unit with mandatory training on child rights approaches and standard operating procedures (SOPs) for handling child labor cases, ensuring that 100% of KPAI complaints result in effective decisions within 6 months.

The Constitutional Court conducted a judicial review of the supremacy of Law No. 35/2014 regarding the revision of Article 81 of the Job Creation Law to remove the counterproductive flexibility of the light working age.

3. For Communities and NGOs

The Toba Batak indigenous community progressively reinterprets *martutuo* through fatwas from local clerics, prioritizing education over early work with the support of NGOs such as Save the Children.

BPS and KPAI integrate quarterly real-time databases with satellite verification, targeting zero underestimation of informal cases to 90% by 2027.

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