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A Legal Protection Model for the Resolution of Child Labor Disputes in Companies under Indonesian Employment Law

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Abstract: Child laborers are a vulnerable group facing risks of economic exploitation, excessive working hours, inadequate wages, workplace accidents, unilateral termination of employment, and disruption of their rights to education and healthy growth and development. This study aims to analyze legal protections for child laborers in companies and to formulate a dispute resolution model oriented toward the best interests of the child. The study employs a normative legal method using both a statutory and a conceptual approach. Primary legal sources include labor regulations, child protection laws, industrial relations dispute resolution provisions, international conventions, Constitutional Court rulings, and labor inspection regulations. The research findings indicate that the Labor Law, in principle, prohibits companies from employing children but provides limited exceptions for light work, work for educational or training purposes, and work intended to develop talents and interests. Resolving child labor disputes is insufficient if it relies solely on industrial relations dispute mechanisms, as some cases may involve elements of exploitation, violence, child trafficking, or hazardous work. This study proposes an Integrated Legal Protection Model for Child Labor consisting of four layers: prevention and corporate compliance; child-friendly complaint handling; resolution through dual channels of labor and child protection; and recovery and ongoing monitoring. This model treats the fulfillment of children's rights, the cessation of hazardous work, the payment of labor entitlements, educational rehabilitation, and law enforcement as a single, integrated process.

Keywords: Child Labor, Legal_Protection, Dispute_Resolution, Companies, Labor.

INTRODUCTION

Child labor remains a labor and human rights issue in many countries. The International Labor Organization and UNICEF estimate that nearly 138 million children were engaged in child labor in 2024, including approximately 54 million children working in hazardous jobs. Such work has the potential to threaten children's health, safety, morals, education, and development (Susanti et al., 2025). This situation indicates that economic growth and the development of the business sector have not yet fully eliminated children's involvement in work that is inappropriate for their age and stage of development.

Children hold a special status as legal subjects whose rights are guaranteed by the state. Article 28B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantees children's right to survival, growth and development, and protection from violence and discrimination. This constitutional guarantee is reinforced by Law No. 35 of 2014 on Child Protection, as amended by Law No. 17 of 2016. Child protection must be implemented based on the principles of the best interests of the child, non-discrimination, respect for the child's views, and the guarantee of survival and growth and development (Adila & Permonoputri, 2026; Suparto et al., 2026).

In the field of labor, Indonesia has ratified ILO Convention No. 138 concerning the minimum age for admission to employment through Law No. 20 of 1999. Indonesia has also ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor through Law No. 1 of 2000 (Siregar et al., 2023). These ratifications impose obligations on the state to establish a minimum working age, prevent exploitation, eliminate hazardous work, and provide special protection to children already engaged in employment relationships.

As of July 2026, Law No. 13 of 2003 on Labor remains one of the primary legal foundations governing labor relations in Indonesia. Some of its provisions have been amended through Law No. 6 of 2023 on the Enactment of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law. Provisions regarding child labor are primarily found in Articles 68 through 75 of the Labor Law. In principle, these regulations prohibit employers from hiring children but provide limited exceptions subject to strict requirements (Said et al., 2025).

Problems arise when companies continue to employ children without the consent of their parents or guardians, fail to establish employment contracts, set working hours that exceed legal limits, place children in hazardous environments, pay inadequate wages, or terminate employment without fulfilling the child's rights. Disputes may also arise when work interferes with education, results in workplace accidents, or involves economic exploitation. Children's vulnerable economic, social, psychological, and legal status often leaves them unable to voice objections or assert their rights independently.

Mechanisms for resolving industrial relations disputes have in fact been provided through bipartite negotiations, mediation, conciliation, arbitration, and the Industrial Relations Court. However, these procedures are fundamentally designed for relationships between adult workers and employers. Child workers have different protection needs because they do not yet possess full legal capacity, are vulnerable to pressure, and require support from parents, guardians, social workers, labor unions, legal aid organizations, or child protection agencies (Ngaisah et al., 2026).

Previous research has shown that the implementation of child labor protection still faces obstacles in the form of weak oversight, a lack of legal awareness, informal employment relationships, and children's limited ability to demand that their rights be upheld. Other studies suggest that the protection of working children must involve the government, parents, employers, and the community within a single protective framework to ensure that children's right to education is upheld (Ramadhan & Chaidar, 2025; Umar & Basyarudin, 2025). Nevertheless, a model is still needed that specifically integrates industrial relations dispute resolution mechanisms with child protection mechanisms, labor inspection, law enforcement, and victim rehabilitation.

Based on these issues, this study addresses two main questions. First, what form does legal protection for child laborers in companies take under labor laws and regulations? Second, what model for resolving child labor disputes can ensure the fulfillment of labor rights while simultaneously protecting the best interests of the child? This study is expected to produce a model that is not only oriented toward dispute resolution but also toward prevention, cessation of violations, victim rehabilitation, and the prevention of repeat violations.

METHODS

This study employs a normative legal research approach. Normative legal research treats law as norms found in legislation, court decisions, legal principles, legal doctrines, and other legal materials related to the issue under study (Irwansyah, 2020). The research focuses on the synchronization of regulations regarding child labor, child protection, the resolution of industrial relations disputes, and oversight of companies.

The approaches used consist of a statutory approach and a conceptual approach. The statutory approach involves examining the 1945 Constitution of the Republic of Indonesia, the Labor Law and its amendments, the Child Protection Act, the Industrial Relations Dispute Resolution Act, regulations regarding hazardous work for children, ILO conventions, Constitutional Court rulings, and labor inspection regulations. The conceptual approach was used to analyze the concepts of preventive legal protection, repressive legal protection, the best interests of the child, access to justice, and victim redress.

The legal materials used consist of primary and secondary sources. Primary sources include laws and court decisions directly related to child labor. Secondary sources include books, journal articles, reports from national and international institutions, and previous research findings. Legal materials were collected through literature reviews and legal document searches.

The legal materials were analyzed qualitatively using a descriptive-prescriptive method. Descriptive analysis was used to explain the applicable regulations and dispute resolution mechanisms. Prescriptive analysis was used to formulate a model of legal protection that should be implemented by companies, the government, labor inspectors, child protection agencies, and industrial relations dispute resolution bodies.

RESULTS AND DISCUSSION

The Status of Child Laborers in Labor Law

Legal protection can be divided into preventive and repressive protection. Preventive protection aims to prevent violations from occurring, while repressive protection is provided after a violation has occurred through dispute resolution, the imposition of sanctions, and the restoration of the victim's rights. In the context of child labor, both forms of protection must be implemented simultaneously because children require prevention before being placed in employment as well as protection when their rights have been violated (Anwar & Restikasari, 2025).

The Labor Law defines a child as any person under the age of 18. Article 68 prohibits employers from hiring children. This prohibition indicates that the fundamental principle of Indonesian labor law is to keep children out of work that could hinder their education, endanger their safety, or interfere with their development (Nadhifah et al., 2025).

This prohibition is not absolute, as Article 69 provides an exception allowing children aged 13 to 15 to perform light work. Such work may only be performed provided it does not interfere with the child's physical, mental, and social development and health. Companies that employ children in light work must obtain written permission from a parent or guardian, enter into an employment agreement with the parent or guardian, limit working hours to a maximum of three hours, conduct work during daylight hours, ensure it does not interfere with school hours, guarantee occupational safety and health, establish clear employment terms, and provide wages in accordance with applicable regulations.

These requirements are cumulative. This means that it is not sufficient for a company to merely obtain parental consent; it must fulfill all the established requirements. Parental consent also cannot be used as a justification for assigning a child to hazardous work or work that interferes with their education. The family's economic interests cannot override the company's obligation to ensure the child's health, safety, education, and development.

In addition to light work, children may perform work that is part of an educational or training curriculum. Children participating in such activities must be at least 14 years old, receive clear work instructions, be provided with guidance and supervision, and be afforded occupational safety and health protections. This arrangement must be distinguished from apprenticeships or disguised employment relationships. Companies must not use education or training as a pretext to obtain cheap labor from children.

Children may also perform work to develop their talents and interests. Companies are required to ensure direct supervision by a parent or guardian, a maximum workday of three hours, and working conditions that do not interfere with their physical, mental, and social development or their school schedule. Further protections for children working to develop their talents and interests are set forth in the Decree of the Minister of Manpower and Transmigration No. KEP.115/MEN/VII/2004 (Awalokita et al., 2025).

Companies are prohibited from involving children in the worst forms of child labor. This prohibition includes work in the form of slavery or similar practices; the exploitation of children for prostitution, pornography, gambling, or the production or trade of narcotics and addictive substances; and work that endangers the health, safety, or morals of children. The types of work that endanger children are detailed in the Decree of the Minister of Manpower and Transmigration No. KEP.235/MEN/2003 (Alang et al., 2025; Ginting et al., 2025).

Work involving dangerous machinery, chemicals, extreme temperatures, high-noise environments, construction, mining, work at heights, underground work, or environments that could potentially undermine a child's morals is, in principle, prohibited for children. Even when a child has reached the age of 15, employers are still prohibited from assigning them to types of work that endanger their health, safety, and morals.

These regulations demonstrate that the legality of child labor is not determined solely by age. The assessment must also encompass the type of work, working hours, work environment, impact on education, employment relationship, parental consent, workplace safety, and the potential for exploitation. Therefore, the examination of child labor disputes must begin by assessing whether the employment relationship was legally permissible from the outset.

Types of Disputes Faced by Child Workers

Child labor disputes in companies can take several forms:

First, disputes regarding wage payments, such as non-payment of wages, unilateral deductions, payment below the agreed-upon amount, or wage disparities without justifiable grounds. These disputes fall under the category of rights-based disputes because they relate to the exercise of rights established in employment agreements or laws and regulations.

Second, disputes regarding working hours. Companies may employ children beyond the three-hour daily limit, employ them at night, or require them to work overtime. Violations of working hours are not only a matter of industrial relations but also a violation of the special protections afforded to children.

Third, disputes regarding occupational safety and health. Children may suffer accidents due to the use of machinery, chemicals, unsafe work environments, or the unavailability of personal protective equipment. The resolution of such cases must include coverage of medical expenses, payment of entitlements, rehabilitation, and an investigation into the company's liability.

Fourth, disputes regarding education and growth and development. Work that causes a child to miss school, drop out of school, experience severe exhaustion, or suffer psychological developmental disturbances cannot be considered a normal employment relationship. The interests of education and growth and development must take precedence over the company's production interests.

Fifth, disputes regarding termination of employment. A company may terminate a child's employment without paying wages or other entitlements that have accrued. Even if the child's employment relationship is found not to meet legal requirements, the company must not profit from its own violation of the law. The child's right to wages for work already performed, medical expenses, and compensation for damages must still be addressed.

Sixth, cases involving elements of economic exploitation. Article 76I of the Child Protection Law prohibits any person from placing, allowing, committing, ordering, or participating in economic or sexual exploitation of a child (Astuti et al., 2025; Matthews et al., 2026). If coercion, threats, withholding of wages, child trafficking, violence, or the worst forms of child labor are found, the case cannot be resolved solely through company mediation. The case must be reported to labor inspectors and law enforcement authorities.

Mechanisms for Resolving Industrial Relations Disputes

Law No. 2 of 2004 classifies industrial relations disputes into disputes over rights, disputes over interests, disputes over termination of employment, and disputes between labor unions within a single company. In cases involving child labor, the most common disputes are rights disputes and termination of employment disputes (Susanti et al., 2025).

Resolution must begin through bipartite negotiations between workers and employers. In the context of child labor, negotiations should not be conducted by the child alone. The child must be accompanied by a parent or guardian, a labor union, a legal representative, a social worker, or another party knowledgeable about child protection. If a parent has a conflict of interest—for example, if the parent benefits from the child's employment—an independent representative must be provided (Adila & Permonoputri, 2026).

Bipartite negotiations must be concluded within a maximum of 30 working days from the start of negotiations. If an agreement is reached, the parties draft a joint agreement that is registered with the Industrial Relations Court. The agreement must ensure that the child's rights are fulfilled and must not contain clauses that release the company from liability for criminal or administrative violations.

If the bipartite negotiations fail, one or both parties may file the dispute with the competent labor authority, attaching evidence that the bipartite negotiations have taken place. Further resolution may be pursued through mediation, conciliation, or arbitration, depending on the nature of the dispute.

Mediation is the most appropriate avenue for child labor disputes because it can be used for disputes regarding rights and termination of employment. Conciliation can be used for disputes of interest, termination of employment, and disputes between labor unions. Meanwhile, arbitration may only be used by mutual agreement of the parties for disputes over interests and disputes between labor unions within a single company. Thus, disputes regarding child workers' wages are not appropriately resolved through arbitration because they fall under disputes over rights.

If mediation or conciliation does not result in an agreement, the child worker—through a representative or legal counsel—may file a lawsuit with the Industrial Relations Court. The court must consider the child's status as a vulnerable group, rather than merely applying the contractual relationship between the worker and the company. The proceedings must take into account the confidentiality of the child's identity, psychological condition, right to education, and the child's ability to provide testimony.

In disputes regarding termination of employment, Constitutional Court Decision No. 168/PUU-XXI/2023 strengthens worker protections. If bipartite negotiations do not result in an agreement, termination of employment may only be carried out after a final and binding decision has been issued by an industrial relations dispute resolution body. This principle also applies when the worker facing termination is a child.

Weaknesses in Existing Legal Protections

Although various regulations have provided protections, their implementation still faces a number of shortcomings:

First, child workers' employment relationships are often not based on written documents. Companies may refer to children as assistants, freelance workers, trainees, or children who are simply helping out. Such designations can be used to avoid the obligation to pay wages and provide labor protections.

Second, not all companies have complaint mechanisms that are accessible to children. Internal complaint channels are generally designed for adult workers and do not yet take into account children's language, psychological condition, need for confidentiality, and need for support. As a result, children tend to remain silent out of fear of losing their jobs, facing threats, or not knowing which institutions can provide assistance.

Third, bipartite negotiations assume a relative balance of power between workers and companies. This assumption does not always apply to child laborers. Children have limited knowledge, lack the capacity to take legal action independently, and are often economically dependent on both the company and their parents.

Fourth, there is a fragmentation of authority. Wage disputes and termination of employment fall under the jurisdiction of labor agencies, while exploitation and violence involve child protection services, social services, the police, the prosecutor's office, and other agencies. The lack of coordination can result in victims having to provide statements repeatedly and experiencing delays in receiving protection.

Fifth, dispute resolution tends to focus on the payment of financial entitlements. In reality, child laborers may require health services, psychological rehabilitation, educational reintegration, the return of personal documents, temporary shelter, and social support. A settlement that merely pays wages is insufficient to restore the child's well-being.

Sixth, settlement agreements can be misused to cover up violations. Negotiations between companies and families must not be used as a means to absolve parties of criminal liability if cases of exploitation, child trafficking, violence, or the worst forms of child labor are discovered. Child protection is a matter of public interest and therefore cannot be left entirely to agreements between the parties (Nurhayati et al., 2024).

Integrated Legal Protection Model for Child Workers

Given these shortcomings, an Integrated Legal Protection Model for Child Workers in Companies—hereinafter referred to as MPHT-PA—is needed. This model integrates preventive protection, complaint mechanisms, industrial relations dispute resolution, child protection, law enforcement, and victim rehabilitation (Amalia et al., 2025). The model consists of four layers, namely:

a. *Corporate Prevention and Compliance Layer*

The first tier is implemented before a child is placed in a job. Companies are required to verify the child's age based on valid identification documents. Verification must not be based solely on verbal statements from the worker or parents. Companies must also conduct a risk assessment of the type of work, equipment, materials, environment, working hours, and their impact on the child's education.

If the work falls under a permitted exception, the company must obtain written consent from the parent or guardian, a written employment agreement, a job description, working hours, wage rates, occupational safety guarantees, and a schedule that does not interfere with school. The company must ensure that the child does not work overtime, does not work at night, and is not assigned to work alongside adult workers in hazardous production areas.

Companies must establish a child protection policy applicable to the board of directors, management, employees, vendors, and subcontractors. This policy must, at a minimum, include a prohibition on exploitation, age verification mechanisms, a list of prohibited jobs, complaint procedures, a prohibition on retaliation against whistleblowers, and an obligation to report suspected cases of the worst forms of child labor (Alang et al., 2025).

b. *Layers of Reporting and Emergency Protection*

The second tier begins when a report or allegation of a violation is received. Companies must provide complaint channels that are easily accessible, confidential, use simple language, and allow reports to be submitted by children, parents, coworkers, teachers, labor unions, or the public.

Children must not be interviewed alone. Interviews must be conducted in the presence of a parent or guardian who has no conflict of interest, a legal representative, a social worker, or a child protection officer. The child's views must be heard without pressure, intimidation, or victim-blaming questions.

If there is a suspicion of hazardous work, the company is required to immediately remove the child from such work without forfeiting the right to wages already earned. A child who has sustained an injury must immediately receive health care. If there is a threat to safety, the company and the government are required to provide temporary protection and prevent retaliation against the child or their family.

At this stage, evidence must be secured, such as employment agreements, attendance records, proof of wage payments, communication records, surveillance camera footage, accident reports, school documents, and witness statements. Securing evidence is necessary so that resolution does not depend solely on the company's admission (Anwar & Restikasari, 2025).

c. *A Two-Track Resolution Approach*

The third tier utilizes a dual-track approach, namely the industrial relations dispute track and the child protection or law enforcement track.

The industrial relations track is used to resolve civil and labor rights issues, such as wage payments, compensation, medical expenses, termination of employment, and other unfulfilled rights. The process is carried out through bipartite negotiations, dispute registration, mediation or conciliation, and the Industrial Relations Court.

The child protection track is used when cases involve exploitation, violence, child trafficking, hazardous work, coercion, abuse of power, or the worst forms of child labor. Such cases must be reported to labor inspectors, regional technical implementation units for the protection of women and children, social services, the police, or other authorized agencies.

Both channels can proceed simultaneously. Wage payments made through mediation do not preclude the possibility of a criminal investigation. Conversely, criminal proceedings must not hinder the payment of children's labor rights. This distinction is important because children's private rights and companies' public responsibilities have different foundations and objectives (Nadhifah et al., 2025).

d. *The Layer of Recovery and Ongoing Oversight*

The fourth layer positions recovery as part of dispute resolution. Recovery is not limited to monetary payments but includes health services, psychological rehabilitation, educational reintegration, age-appropriate training, the return of personal documents, social protection, and family support.

Children who dropped out of school due to work must be supported to return to formal education or equivalent education programs. If the family depends on the child's income, the government needs to connect the family with social assistance programs, economic empowerment initiatives, or job training for adults. These efforts are necessary to prevent children from returning to hazardous work.

Labor inspectors must conduct follow-up inspections to ensure companies comply with agreements or rulings. Labor inspections currently also refer to Minister of Manpower Regulation No. 11 of 2026 on Procedures for Labor Inspection. Inspections are not limited to a single case but also examine the potential presence of other child laborers, vendors employing children, and weaknesses in the company's systems (Astuti et al., 2025; Clark & Jno-Charles, 2025).

Principles for Implementing the Model

The implementation of the MPHT-PA must be based on the principle of the best interests of the child. Every decision must consider its impact on the child's safety, health, education, psychological well-being, family relationships, and future. An agreement that provides economic benefits but keeps the child in hazardous work cannot be considered a resolution that aligns with the child's best interests.

The second principle is child participation. The child must receive information regarding the case, their rights, settlement options, and the consequences of each decision in language they can understand. The child's opinion must be considered in accordance with their age and level of maturity. However, participation does not mean placing the entire burden of decision-making on the child.

The third principle is nondiscrimination. Protection must be provided without distinction based on gender, family background, educational status, ethnicity, religion, disability, or employment status. Children who work without a written agreement are still entitled to protection.

The fourth principle is confidentiality. A child's identity must not be disclosed to the public without a valid basis. Companies, mediators, supervisors, advocates, and law enforcement officials must maintain the confidentiality of the child's documents and statements to prevent the child from experiencing stigma or bullying.

The fifth principle is prompt resolution. A process that drags on too long can worsen the child's economic and psychological condition. Therefore, reports of child labor must be given priority, especially when they involve safety, violence, or hazardous work.

The sixth principle is the prohibition of retaliation. Companies are prohibited from threatening, intimidating, reducing wages, dismissing, or imposing sanctions on children and those who report violations. Protection for witnesses and whistleblowers must be part of the company's internal policies (Ginting et al., 2025).

Responsibilities of the Parties

Companies are responsible for conducting age verification, ensuring the legality of employment, providing a safe work environment, paying wages, limiting working hours, protecting children's education, and providing complaint mechanisms. These responsibilities also apply to workers placed through vendors or third parties.

Parents or guardians are responsible for protecting the child's interests and must not give consent for hazardous work. Parental consent cannot validate work prohibited by law. When parents have a conflict of interest, an independent representative must be appointed to represent the child's interests.

Labor unions can help identify child labor, provide support, represent children in negotiations, and report violations to labor inspectors. The role of labor unions is crucial because children often do not understand a company's organizational structure or complaint mechanisms.

The government is responsible for oversight, inspection, guidance, law enforcement, and victim rehabilitation. Coordination is required among labor agencies, child protection agencies, social services, education agencies, the police, the prosecutor's office, legal aid organizations, and local governments (Awalokita et al., 2025).

The Industrial Relations Court is responsible for ensuring that dispute resolution is not based solely on the formalities of an agreement but also takes into account the vulnerability and special rights of children. In cases involving indications of criminal acts, the court or mediator must forward the information to the appropriate authorities without waiting for the entire industrial relations dispute process to be completed.

This integrated legal protection model emphasizes that the resolution of child labor disputes cannot be treated exactly the same as disputes involving adult workers. Children have a dual status: as workers with labor rights and as children in need of special protection. Therefore, the resolution must integrate the payment of entitlements, the cessation of exploitation, law enforcement, educational rehabilitation, rehabilitation, and oversight of companies (Akano & Ahmad, 2025).

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Legal protection for child laborers in companies is fundamentally regulated by the Labor Law, the Child Protection Law, the Industrial Relations Dispute Resolution Law, and international conventions ratified by Indonesia. These regulations stipulate that employers are, in principle, prohibited from employing children, except for light work, educational or training activities, and work aimed at developing talents and interests under strict conditions. Companies are also prohibited from involving children in work that endangers their health, safety, morals, education, and growth and development.

Disputes involving child labor may include non-payment of wages, excessive working hours, workplace accidents, termination of employment, disruption of education, and economic exploitation. Resolving these disputes through industrial relations mechanisms alone is insufficient, as child workers hold a special status—both as workers and as children in need of special protection. Therefore, resolution must be achieved through an integrated legal protection model that encompasses prevention, child-friendly complaint mechanisms, resolution through both labor and child protection channels, law enforcement, and victim rehabilitation.

The integrated legal protection model prioritizes the best interests of the child as its guiding principle. Dispute resolution must ensure the payment of all labor rights, the cessation of hazardous work, physical and psychological recovery, the continuity of education, protection from retaliation, and oversight of the company. Thus, the success of child labor protection is measured not only by the achievement of an agreement between the company and the workers but also by the fulfillment of the child's rights, safety, education, and future.

Recommendations

Companies need to implement specific child protection policies through age verification of workers, written employment agreements, restrictions on working hours, mapping of hazardous work, guarantees of occupational safety and health, and the provision of easily accessible and confidential complaint mechanisms. Companies must also ensure that vendors, subcontractors, and business partners do not unlawfully employ children.

The government needs to increase regular labor inspections, particularly at companies and in business sectors at risk of employing children. Coordination among the Department of

Labor, the Department of Child Protection, the Department of Social Affairs, the Department of Education, the police, labor unions, and legal aid organizations must be strengthened so that dispute resolution can be carried out quickly, in a coordinated manner, and without placing a burden on the child.

In every dispute resolution process, child workers must be accompanied by a parent or guardian, a social worker, a labor union representative, or a legal advocate who has no conflict of interest. Resolution through consultation or mediation must not be used to eliminate criminal liability if there are elements of exploitation, violence, child trafficking, or the worst forms of child labor.

In addition to legal resolution, the government and companies need to provide recovery programs that include health services, psychological rehabilitation, educational reintegration, social assistance, and family economic empowerment. These efforts are necessary to prevent children from returning to hazardous work and to ensure they have the opportunity to grow and develop appropriately.

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