

INDONESIA

MODERATE ADVANCEMENT

In 2023, Indonesia made moderate advancement in eliminating the worst forms of child labor. The Ministry of National Development Planning, together with the United Nations Children’s Fund, published the first ever Landscape Analysis on Children with Disabilities in Indonesia that includes recommendations for addressing and preventing the exclusion and exploitation of children with disabilities. The government also allocated \$150,000 for social rehabilitation programs for child survivors of human trafficking. Furthermore, the Ministry of Manpower increased the budget for the labor inspectorate from \$15.1 million in 2022 to \$22.7 million in 2023, using the additional funds to conduct inspections and investigations, as well as to build the capacity of labor inspectors. However, the Ministry of Manpower continues to lack the financial resources and personnel necessary to fully enforce child labor laws throughout the country. In addition, Indonesia’s prohibitions against child trafficking are inconsistent with international standards because the Law on the Eradication of the Criminal Act of Trafficking in Persons requires that the use of threats, force, or coercion be established for the crime of child trafficking to have occurred. Finally, Indonesian law is not consistent with international law as the National Education System Act allows students to be charged fees for education.

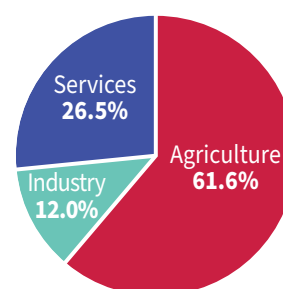


PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Statistics on Children’s Work and Education

Children	Age	Percent of Population
Working	10 to 14	3.7% (816,363)
Hazardous Work by Children	15 to 17	Unavailable
Attending School	10 to 14	92.4%
Combining Work and School	10 to 14	2.1%

Working Children by Sector, Ages 5-14



Some children in Indonesia are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Some children also perform dangerous tasks in plantation agriculture, including in palm oil and tobacco production.

Overview of Children’s Work by Sector and Activity



Agriculture

Production of palm fruit, including by applying fertilizers,† spraying pesticides,† and harvesting and loading fruits.† Planting, watering, harvesting, and applying fertilizer† to tobacco, and curing, tying, and carrying tobacco leaves into storage units in the post-harvesting phase.† Producing rubber† and working in the fishing sector, including on fishing vessels,† in processing facilities, and on offshore platforms.†



Industry

Construction,† producing footwear, and mining,† including the mining of gold and tin.



Services

Domestic work, horse jockeying, and street work, including working as sidewalk food vendors, begging, busking, and street performing.



Categorical Worst Forms of Child Labor‡

Commercial sexual exploitation, sometimes as a result of human trafficking. Forced domestic work, fishing, and mining. Used in illicit activities, including the sale, production, and trafficking of drugs, each sometimes as a result of human trafficking.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor per se under Article 3(a)–(c) of ILO C. 182.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in Indonesia's implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Ensure that threats, the use of force, and coercion do not need to be established for the crime of child trafficking to be proven.

Include in the list of hazardous occupations and activities prohibited for children all sectors and activities in which hazardous child labor is known to occur, including jockeying in horse racing.

Specify in the labor law's light work provisions the activities in which light work may be permitted for children.

Establish by law free basic public education by removing provisions that permit schools to charge fees, and ensure that free basic public education is provided to all students regardless of citizenship or residence status.

Enforcement

Ensure that labor inspectorate funding is sufficient to cover office infrastructure, transportation, and fuel requirements to enable labor inspectors to carry out inspections.

Increase the number of labor inspectors from 1,467 to 9,047 to provide adequate coverage of the labor force of approximately 135.7 million workers.

Legally authorize labor inspectors to conduct inspections in the informal sector, including on private farms and homes, and ensure that labor law enforcement officials have a mechanism to assess civil penalties.

Provide all criminal law enforcement personnel with adequate training on child labor regulations and relevant criminal laws.

Strengthen the labor inspection system by conducting unannounced inspections and by ensuring that routine inspections are targeted toward sectors in which child labor is known to occur.

Publish information and data on criminal law enforcement annually.

Provide resources for the collection and centralization of national data on child labor, mandate reporting by precincts, and specify which child labor crimes are referenced in the collected data.

Sufficiently fund the anti-trafficking task forces at the national, provincial, and local levels to conduct investigations and carry out their intended mandates.

Social Programs

Conduct research to better understand the number of children engaged in child labor and its worst forms and the activities in which they are engaged, and ensure the research includes information on child laborers between the ages of 5 and 10. Harmonize research findings with findings from international and local NGOs and use the findings to inform social policies and programs.

Develop and implement social programs to address and prevent child labor among internal and external migrant populations, including migrant child labor in offshore fishing, mining, domestic work, construction, the sale and transportation of illicit drugs, and in commercial sexual exploitation.

Remove educational barriers and make education accessible for all children by taking measures to remove school fees, expanding birth registration and national identification for refugees and Indonesian children without proper birth documentation, and increasing resources for students with disabilities.

Publicly report results of the Minimum Service Standards of Basic Education Program and the Community Learning Centers Program.



CHILDREN AT HIGHER RISK

Research indicates that both internal and external migrant children in Indonesia, particularly girls, are vulnerable to child labor, including being recruited illegally for work and commercial sexual exploitation. Undocumented migrant children are reportedly vulnerable to child labor in offshore fishing, mining, domestic work, construction, the sale and transportation of illicit drugs, and the commercial sex industry. Children of refugees and asylum seekers residing in Indonesia—including Rohingya people fleeing violence and oppression in Burma and poor conditions in the refugee camps of Bangladesh—are also at risk of child labor in these sectors. Furthermore, Indonesian citizens are being increasingly displaced internally due to natural disasters and conflict; children below the age of 18 comprise approximately 30 percent of these internally displaced people and are at increased risk for child labor.



BARRIERS TO EDUCATION ACCESS

Although the National Education System Act mandates free education, the law also permits schools to impose additional fees on students to cover items such as books, uniforms, transportation, and other non-tuition costs, which may hinder the ability of students, particularly those from low-income families, to attend school. Refugee children and Indonesian children without proper birth documentation or government-sponsored identification cards also face barriers to accessing education, because Indonesia’s formal education system is only accessible to citizens and individuals who have been officially granted residency. In addition, children with disabilities reportedly have higher rates of non-registration due to stigma and poverty.



LEGAL FRAMEWORK FOR CHILD LABOR

Indonesia has ratified all key international conventions concerning child labor. However, Indonesia’s laws do not meet international standards on the prohibition of child trafficking because the law requires that the use of threats, force, or coercion be established for the crime of child trafficking to have occurred. Additionally, Indonesia’s law that establishes free public education does not meet international standards as it requires students to pay certain fees in order to attend school.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, 15 Years		Law on the Ratification of ILO C. 138; Article 69 of the Manpower Act
Minimum Age for Hazardous Work, 18 Years		Article 74 of the Manpower Act; Article 2 of Ministerial Decree on Jobs that Jeopardize the Health, Safety, or Morals of Children
Identification of Hazardous Occupations or Activities Prohibited for Children		Annex F of Ministerial Decree on Jobs that Jeopardize the Health, Safety, or Morals of Children
Prohibition of Slavery, Debt Bondage, and Forced Labor		Articles 74 and 183 of the Manpower Act; Articles 1–6 and 17 of the Law on the Eradication of the Criminal Act of Trafficking in Persons; Article 83 of the Law on Child Protection
Prohibition of Child Trafficking		Articles 1–6 and 17 of the Law on the Eradication of the Criminal Act of Trafficking in Persons; Article 83 of the Law on Child Protection
Prohibition of Commercial Sexual Exploitation of Children		Articles 74 and 183 of the Manpower Act; Articles 81 and 82 of the Law on Child Protection; Section 3 of the Law on the Ratification of the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography; Articles 4–12 and 37 of the Law on Anti-Pornography; Articles 293 and 297 of the Penal Code

Legal Framework for Child Labor (Cont.)

Child Labor Laws and Regulations	Meets International Standards	Legislation
Prohibition of Using Children in Illicit Activities		Articles 74 and 183 of the Manpower Act; Articles 67, 78, and 89 of the Law on Child Protection
Minimum Age for Voluntary State Military Recruitment		Article 28 of Law on the Indonesian National Armed Forces
Prohibition of Compulsory Recruitment of Children by (State) Military		Article 28 of Law on the Indonesian National Armed Forces
Prohibition of Military Recruitment by Non-state Armed Groups		Article 3(d) of Law on the Ratification of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
Compulsory Education Age, 15 Years		Article 48 of the Law on Child Protection; Articles 6 and 34 of the National Education System Act
Free Public Education		Articles 1, 12 Section 2(b), and 34 of the National Education System Act

Indonesia’s prohibitions against child trafficking are inconsistent with international law because the Law on the Eradication of the Criminal Act of Trafficking in Persons requires that the use of threats, force, or coercion be established for the crime of child trafficking to have occurred. Although Indonesian law does specify the conditions under which light work may be undertaken and limits the number of hours for light work, it does not list the activities that constitute light work. Furthermore, horse jockeying, which has been documented as physically dangerous to children, is not included on the list of hazardous work prohibited for children. In addition, although the National Education System Act provides for free basic education, Article 12, Section 2(b) of the Act also requires students to pay prescribed fees unless those fees are waived. Additionally, free, compulsory education is only guaranteed for citizens and individuals who have been officially granted residency. The failure to provide for completely free basic education for all children may increase the risk of children’s involvement in the worst forms of child labor.

 **ENFORCEMENT OF LAWS ON CHILD LABOR**

In 2023, labor and criminal law enforcement agencies in Indonesia took actions to address child labor. However, a lack of comprehensive and reliable enforcement data hindered enforcement efforts.

Agencies Responsible for Child Labor Law Enforcement

Ministry of Manpower: Through the Directorate General of Labor Development and Supervision, enforces the country’s labor laws relating to child labor through labor inspections and formulates policies, standards, norms, guidelines, and mechanisms on labor inspections. Provides information to employers on child labor laws and works with law enforcement officials to prosecute child labor violators. Through the Directorate of Norms Supervision of Women and Child Workers, responds to complaints of child labor by telephone, fax, or e-mail. Refers children found during inspections to the local Women’s Empowerment and Family Planning Body or to the Integrated Service Center for Empowering Women and Children for social services. In 2023, the Ministry of Manpower conducted regular inspections, as well as complaint-based inspections. The Ministry also reportedly initiated a program to eliminate child labor on palm oil plantations in 16 provinces including South Sumatera, Riau, Jambi, North Sumatera, West Kalimantan, East Kalimantan, and Central Kalimantan.

Indonesian National Police (INP): Handle investigations involving child trafficking. Conduct inspections and raids, and make arrests in response to crimes, including those related to the worst forms of child labor. Maintain an informal database of cases involving child trafficking. However, the government lacks a centralized system for aggregating information on its criminal law enforcement efforts. The decentralized nature of criminal law enforcement data and voluntary system of reporting by precincts contributed to incomplete criminal law enforcement information related to the worst forms of child labor. In 2023, the National Police partnered with the International Organization for Migration to conduct a training on investigations into trafficking in persons crimes for law enforcement agencies.

Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	Yes	Has a Complaint Mechanism	Yes
Able to Assess Civil Penalties	No	Imposed Penalties for Child Labor Violations	Unknown
Routinely Conducted Worksite Inspections	Yes	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	Unknown
Unannounced Inspections Permitted	Yes	Imposed Penalties for Worst Forms of Child Labor Crimes	Unknown

Between January 2023 and September 2023, **1,467** inspectors conducted **14,458** worksite inspections, finding an **unknown** number of child labor violations. It is also **unknown** whether investigations into suspected cases of the worst forms of child labor were conducted, prosecutions were initiated, or perpetrators were convicted.



COORDINATION, POLICIES, AND PROGRAMS

Key Mechanism to Coordinate Government Efforts on Child Labor

Indonesia established a mechanism to coordinate its efforts to address child labor.

Indonesian Child Protection Commission (KPAI): Monitors the implementation of the Child Protection Law and child protection policies and provides recommendations on child protection to the President of Indonesia. Includes the Ministry of Women Empowerment and Child Protection (MoWECP); Ministry of Social Affairs (MoSA); the Ministry of Education, Culture, Research, and Technology; the Ministry of Health; Ministry of Agriculture; the Ministry of Law and Human Rights; the INP; and the National Narcotics Agency. In 2023, KPAI conducted activities related to child rights and protection, including issuing recommendations to local and regional governments and to ministries relating to child protection, child labor, and rights fulfillment.

Key Policies Related to Child Labor

Indonesia established policies that are consistent with relevant international standards on child labor.

National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labor: Provides a policy framework for the elimination of child labor, including its worst forms. Though the Plan formally expired in 2022, reports indicate that the third phase of the NPA remains in effect until further notice. This phase focuses on developing a set of recommendations with international and local NGOs, increasing awareness-raising and advocacy efforts, and integrating child labor in formulating sectoral policies and regulations. Reporting was unable to identify actions undertaken by the Government of Indonesia to implement the Plan during the reporting period.

National Action Plan for the Prevention and Handling of Trafficking in Persons:[†] Adopted in 2023 and aims to prevent and address human trafficking, including the trafficking of children, by working through the Central Task Force, Provincial Task Force, and District/City Task Force.

[†] Policy was approved during the reporting period.
[‡] The government had other policies that may have addressed child labor issues or had an impact on child labor.

Coordination, Policies, and Programs (Cont.)

Key Social Programs to Address Child Labor

Indonesia funded and participated in programs that include the goal of eliminating or preventing child labor. However, reporting indicates that the government does not use data consistently to inform its social programs.

[†] Program is funded by the Government of Indonesia.
[‡] The government had other social programs that may have included the goal of eliminating or preventing child labor.

Cash Transfer Programs:[†] Provide conditional cash transfers to help with formal and informal education opportunities and health expenses for vulnerable groups, including children who experience homelessness, abandoned children and infants, children facing criminal charges, children with disabilities, and child laborers who dropped out of school. Includes the Healthy Indonesia Card (*KIS [Kartu Indonesia Sehat]*), which serves 100 million Indonesians who are struggling to meet basic needs, thereby reducing their risk of child labor; the Smart Indonesia Program (*KIP [Kartu Indonesia Pintar]*), a card that provides educational grants to all school-age children whose families have a Family Welfare Card or meet eligibility criteria covering both formal and informal education; Child Social Welfare Program (*Program Kesejahteraan Sosial Anak*), which provides conditional cash transfers to children; Family Welfare Card (*Kartu Keluarga Sejahtera*), which provides a bank account and consolidates all financial assistance programs, including children’s education and health funds, for low-income families; and the Family Home Program (*PKH [Program Keluarga Harapan]*), which provides conditional cash transfers for children’s education to the poorest 5 percent of households. During the reporting period, the Government provided educational grants to 20.1 million students from poor families through its cash transfer programs.

Education Programs:[‡] School Operation Assistance (*Bantuan Operasional Sekolah*) grant program, funded at \$4.8 million (78 billion *rupiah*) during the reporting period, compensates schools for the loss of income from waiving school fees for poor and vulnerable children in primary, junior secondary, and senior high schools. Minimum Service Standards of Basic Education Program improves access to quality public education by limiting the distance of primary and junior secondary schools from children’s households, specifying minimum teacher-student ratios, and identifying minimum teacher education qualifications. Community Learning Centers provide education for children of migrant palm oil workers. Research indicates that all three programs were active during the reporting period, but the government did not report specific activities conducted to implement them.

For information about USDOL’s projects to address child labor around the world, visit dol.gov/ILABprojects

 **WORKER RIGHTS SPOTLIGHT**

In Indonesia, the right to strike is legally restricted and the government did not always effectively enforce provisions of the law protecting freedom of association or preventing antiunion discrimination. Without these rights, workers may not be able to advocate for their interests or report labor abuses, including the exploitation of children in the workplace.

For references, please visit dol.gov/ChildLaborReports