

Responsibility in Fulfillment of Child Labor Education Rights in Work Relationships

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Implementation of Government Responsibility in Fulfillment of Child Labor Education Rights in Work Relationships

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Abstract

The purpose of this study is to analyze the setting of the education right for child labour in working relationships. The method used in this study is empirical normative. The results showed that the regulation of the fulfillment of the education right for child labour in the working relationship have not been maximal, because there is a legal void in the Employment Law and the absence of synchronization of Law No. 20 of 2003 on the National Education System, Government Regulation No. 48/2008 on Education Funding. The implementation of the 20% education budget has not been achieved so that uneven education is enjoyed. Therefore, a revision of the rules on the fulfillment of educational rights for child labour in an integrated and harmonious working relationship is required.

Keywords: Implementation of Responsibilities, Child Labor, Employment Relations, Education Rights,

INTRODUCTION

Education is part of human rights that have been guaranteed in international law and national law. In international law the right to education is regulated in the Universal Declaration of Human Rights in Article 26 paragraph (1) that everyone has the right to obtain education, at least for the low school level and education must be compulsory. The right to obtain basic education is further implemented in the United Nations International Covenant on Economic, Social and Cultural Rights of 1966 in Articles 13 and 14 which essentially emphasizes that participating countries are obliged to fulfill everyone's right to education and free basic education for all.

The commitment of the Indonesian government²⁰ to the fulfillment of the right to education is to ratify international instruments including the ratification of the International Covenant on Economic, Social and Cultural Rights in Law Number 11 of 2005 and the ratification of the Convention on the Rights of the Child in Law Number 35 of 2014 concerning Child Protection.

The implementation of educating the nation²³ especially prioritized for children as a generation which is concretely further elaborated in the 1945 Constitution of the Republic of Indonesia Article 28 C paragraph³⁴ (1), Law Number 39 of 1999 concerning Human Rights Article 60, Law Number 20 2003 concerning the National Education System Article 6 paragraph (1), Law Number⁴⁶ 35 of 2014 concerning Child Protection in Article 9 paragraph (1) which essentially states that every child has the right to³² education and teaching, even if the child is working, the right to education remains fulfilled as regulated in Law Number 13 of 2003 concerning Manpower Article 69 paragraph¹ (2) letter f. It explicitly shows that there are various laws and regulations that guarantee the fulfillment of children's rights to education as a²¹ form of the Indonesian government's commitment to upholding human rights as regulated in Article 71 of Law Number 39 of 1999 concerning Human Rights, which essentially states that the government is responsible for respecting, protecting, uphold and promote human rights.

However, various government efforts and steps in responding to education reform still have problems, including regulatory conflicts, errors in policy determination and issues of educational fiscal policy, causing many children to be unable to access education services evenly due to the high cost of education, so many children are forced to have to pay for education. drop out of school or drop out and choose to become child labourers.

Referring to the Central Bureau of Statistics report that poverty plays a major role in children's vulnerability to child labour, the ILO Program Officer revealed that a 1 percent increase in poverty could result in at least 0.7 percent increase in child labour. In the processed data of the National Welfare Survey and the National Labor Force Survey it is noted that child labor in 2019 is believed to continue to increase as long as the economy has not been resolved because poverty is one of the main factors for the emergence of child labor, especially in the midst of global poverty conditions due to Covid-19, recorded as many as 24.7 million poor people due to the Covid-19 pandemic which has the potential for the emergence of poor people, and one of the affected groups is children from poor families who have the potential to have difficulty accessing distance learning. Apart from poverty, other factors³¹ play a role, including parents' perceptions of the importance of education, lack of access to education and the low quality of education.

This is confirmed by the report of the Indonesian Education Monitoring Network together with Result International which states that there are three contemporary problems in education, namely the quality of education, education discrimination and schools that are not child-friendly. The implication according to the Indonesian Education Monitoring Network is the

emergence of marginalization of education and the marginalized groups are children from poor families, so that the implementation of basic and free education as guaranteed in the constitution can in fact not be enjoyed equally, especially children from families who cannot afford to influence parents to decide to send their children to school and become workers.

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In addition, there is a discourse in the perspective of government policy in Law Number 20 of 2003 concerning the National Education System as the basis for providing education that does not allow child labor so that it has not accommodated the policy of special services for formal education for child workers, both regarding school schedules and curriculum. On the one hand, Law Number 13 of 2003 concerning Manpower allows child labor while attending school with several conditions, although the technical provisions regarding the right to school are still unclear, so the policy adopted is that child labor is recommended to take part in the package system education, of course it still raises some basic problems. including the quality of education and facilities and infrastructure.

Global estimates of the number of child laborers based on ILO data in 2018 reached 200 million people, 75 percent in Africa, 7 percent in Latin America and 18 percent in Asia. In Indonesia, child labor is a reality, referring to data from the Ministry in collaboration with BPS RI in the 2019 Indonesian child profile book, which reports that in 2019 the population of Indonesian children was 79 million people, there were 5.6 million children who worked and 52 percent went to school, half of them dropped out. school and not in school but involved in the world of work. The highest percentage of working children is in Papua, Sulawesi and Nusa Tenggara Timur. Nevertheless, child labor is still spread throughout the province, the lowest percentage is in DKI.

At the regional level, especially in South Sulawesi Province, based on data from the 2019 South Sulawesi BPS, it is known that child laborers in South Sulawesi aged 10-17 years have reached 105.6 thousand people, as many as 80.1 percent live in rural areas and 19.9 percent live in urban areas. . Meanwhile, when viewed by gender category, 65.8 percent are male and the remaining 34.2 percent are girls. According to the Chairperson of the South Sulawesi Child Protection Institute, the presence of child labor in South Sulawesi is the impact of the economic crisis due to the pandemic. While at the district level, especially in Bone Regency, the condition of child labor is quite high, based on data from the Regional III Labor Supervisory Unit of South Sulawesi Province in collaboration with the Bone Regency Social Service, it was recorded that from 2012-2019 there were as many as 4. 201 child laborers or about 1.69 percent of the 249,317 total number of children. Then around 2000 children were successfully returned to school and the remaining 180 child laborers were still in the process of being trained.

Based on these facts, it shows that the phenomenon of the presence of child labor on a global, national and local scale is a reality. The state as the holder of the obligation is responsible for upholding and fulfilling children's human rights in education by providing or facilitating every

child³ access education without discrimination, because essentially all children in Indonesia have the right to education and the government is obliged to finance it. For this reason, like children in general, child workers should actually get the same rights as other children.

METHOD

The type of research used is empirical normative legal research. This means that normative research is supported by empirical data. This type of research is adapted to the formulation of the problem under study, namely studies in the field of law. Legal research with the type of normative legal research is legal research that examines written law from various aspects of theory, history, philosophy, comparative law, structure and composition, scope and material, consistency, general explanation article by article, formality and binding force of a law and the legal language it uses, but examines its application or implementation.

RESULTS AND DISCUSSION

A. The Meaning of Fulfilling Child Labor's Educational Rights in Employment

Education is a constitutional right of every citizen as guaranteed⁴³ in the 1945 Constitution of the Republic of Indonesia Article 28 C paragraph (1) Jo Article 31 which states that:

1. Every citizen has the right to education.
2. Every citizen is obliged to attend basic education and the government is obliged to pay for it.
3. The government seeks and organizes a national education system, which increases faith and piety as well as noble character in the context of the intellectual life of the nation, which is regulated by law.
4. The state prioritizes the education budget at least 20% of the State Revenue and Expenditure Budget and from the Regional Revenue and Expenditure Budget to meet the needs of the implementation of national education.
5. The government advances science and technology by upholding religious values and national unity for the advancement of civilization and the welfare of mankind.

Provisions regarding the rights of citizens to education³³ as affirmed in the constitution, become the basic law in ensuring the realization of one of the state's goals in the preamble of the 1945 Constitution of the Republic of Indonesia, paragraph IV, namely the intellectual life of the nation. Therefore, the government is obliged to make all Indonesian people smart and have good knowledge so that the realization of an advanced nation. One indicator of the realization of an advanced nation is through quality education.

Therefore, it is the responsibility of the state⁵ in this case the government and local governments in formulating policies and establishing laws and regulations related to the fulfillment of the

rights of citizens to enjoy education, including the responsibility for financing free education as stated in Article 13 and Article 14 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which has been ratified by Indonesia in Law No. 11 of 2005, confirms that the states parties to this covenant recognize that in order to strive for the full realization of these rights:

1. Basic education should be compulsory and freely available to everyone. Further education in its various forms, including technical and advanced vocational education in general, should be made available and open to all by all appropriate means, and in particular through the provision of free education.

2. Higher education should be made available to all equally on the basis of ability with appropriate means, and in particular through the gradual provision of free education.

3. The development of a school system at all levels should be actively pursued, an adequate scholarship system should be established and the material conditions of teaching staff should be continuously improved.

Article 14 of the Covenant on Economic, Social and Cultural Rights stipulates that every State party to the present Covenant which at the time of becoming a participant has not been able to provide free basic education in urban areas or other areas under its jurisdiction, must endeavor within two years to develop and determine a detailed action plan to be implemented gradually, and within a reasonable time must implement the principle of compulsory free education for all, which must be included in the action plan.

The affirmation related to the urgency of compulsory basic education as emphasized in Article 13 paragraph (2) in conjunction with Article 14 of the ICESCR Covenant, then stated in two General Comments on the right to education, namely Comment No. 11 of 1999 and Comment No. 13 of 1999. Comment No. 11 of 1999 focuses on Article 14, namely compulsory and free basic education, while General Comment No. 13 of 1999 focuses more on Article 13, namely general provisions on education.

In General Comment No. 13 of 1999, the Committee on the Rights of Social and Cultural Affairs obtained the correct interpretation reference of the term primary education as regulated in ICESCR Article 13 paragraph (2), in the World Declaration on Education for All which states that the system for providing basic education for children outside that family is elementary school. In addition, in the article, there are words mandatory and free. The definition of compulsory and free refers to General Comment Number 11 of 1999 concerning Plans of or Primary Education article 14 of the International Covenant on Economic Social and Cultural Rights.

Referring to the rights guaranteed in the ICESCR in this case the right to basic education, international human rights legal discipline introduces a "minimum core obligation" or minimum

principal obligation that must be fulfilled and implemented by the state. The minimum Core Obligation consists of two principal forms of state bonds based on the ICESCR, namely obligation of result and obligation of conduct. Obligations of conduct are obligations or obligations of the state to do something, all efforts and all actions to recognize, to promote, to respect, to protect and fulfill, to facilitate and provide for the enjoyment of eco-social rights.

There are several steps taken by the state, in this case the government, in order to support the obligation of conduct, namely:

1. admit (to recognize)
2. Promote
3. Respect
4. Protect
5. Fulfill

The Ecosob Rights Committee advocates for 4 (four) instruments that must be fulfilled by every state party in the field of education, in accordance with its international human rights obligations, namely the state must make education available, accessible, acceptable and can be adapted (adaptable). Therefore, the indicators to measure the fulfillment of state obligations towards education accessibility under the International Covenant on Economic, Social and Cultural Rights, hereinafter abbreviated as ECESCR, are education must be accessible, education must be available, education must be acceptable and the ability to adapt.

The meaning of availability as a state obligation that must be fulfilled requires the government to build schools and provide the necessary resources to develop educational institutions. The constitution stipulates the importance of education in Article 28 C paragraph (1) of the 1945 Constitution of the Republic of Indonesia and Article 31 of the 1945 Constitution of the Republic of Indonesia that education is the right of every citizen. Therefore, the government is obliged to ensure the availability of educational services as the responsibility of the state. The right to education must include the right to school placements and school spaces of adequate capacity.

Accessibility refers to the ability of all individuals physically and economically to access and obtain education without discrimination. Referring to the provisions in the Ecosob Covenant, it is emphasized that the availability of educational facilities and infrastructure is the main requirement so that access to education is provided by the state through the government. Acceptability is interpreted as high quality education for all educational institutions is a must as an absolute requirement to ensure the achievement of goals. For this reason, it is necessary to carry out educational supervision in order to control quality. In addition, there are regulations that set standards for the quality of education at the Elementary School level, namely:

1. Standard of basic school facilities and infrastructure
2. Content standard
3. Process standard
4. Rating standard
5. Graduate competence standard
6. Management standards
7. Standards of educators and education personnel
8. Financing standard

In essence, the components mentioned above are citizens' rights as well as state obligations that have been guaranteed in international law and national law. At the global level, including in Article 26 of the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights set by the United Nations on December 16, 1966 Article 13 and Article 14 as binding rules for every country that is a member of the United Nations in the context of enforcement of the right to education. Moreover, one of UNESCO's missions is education for all, but the expansion of education concentrates on increasing demand for schooling, while the quality of education itself is not given priority.

B. Implementation Government Responsibilities in Fulfilling Child Labor's Educational Rights in Employment Relations

With regard to the implementation of government policies on the fulfillment of the right to education of child laborers in employment relations, it is defined as the implementation of the obligations of government affairs in fulfilling the human rights of education for citizens which is inherently contained in the Universal Declaration of Human Rights in Article 26 and the Economic and Social Covenant Articles 13 and 14, which requires participating countries to provide basic education for children, free education and availability of institutions, accessibility and adaptability, are indicators that must be conditioned to fulfill gradually to achieve and improve their fulfillment in the field of education as well as a positive obligation that is explicitly imposed on the state.

The phenomenon of the presence of child labor is still a national problem and no region in Indonesia is sterile from child labor. Referring to the data in the Indonesian Children's Profile book, it shows that the percentage of working children aged 10-17 years with schooling status is 60.16 percent, while 38.97 percent of working children are not in school and spread across all provinces in Indonesia, the highest province of child workers who do not schools are in Papua and the lowest is DIY. However, there is not one province that is free from child labor, especially the province of South Sulawesi.

The phenomenon of child labor at the district/city level is one of the objects of research in this case Makassar City as the city with the highest child labor and then Bone Regency as one of the largest districts in South Sulawesi Province and is included in the category of districts that choose very low IM in Indonesia. In addition, one of the most densely populated areas is the child population, it is recorded that the number of children in Bone Regency in 2019 according to age groups, especially children under 18 years old, from 0-18 years old, is 1,322,792 people. This number shows that the number of children scattered in the study area is quite high, so that this research area is very vulnerable and has the potential for children to drop out of school or drop out of school due to several factors, including economic factors.

Referring to the 2019 Bone Regency BPS data, the HDI is very low, at number 23 out of 24 regencies/cities in South Sulawesi Province. One indicator of the low HDI in Bone Regency is in the low education sector as evidenced by the high dropout rate. The high dropout rate in Bone Regency is caused by several factors including economic, geographical and socio-cultural factors. In general, children drop out of school in the research locations due to family poverty so that children choose to earn a living or work. Child labor in Bone Regency is generally of school age, in this case aged 12-17 years who are still in elementary and junior high school.

Based on data from the Regional III Labor Supervisory Unit of Bone, Wajo, Soppeng and Sinjai noted that around 400 child workers in Region III, specifically in Bone Regency, in 2019 there were around 220 child workers with details of 177 child workers aged 12-13 years, and 13 child laborers aged 14-17 years, the rest are children aged 18 years. Child workers generally work in the informal sector, especially in the plantation, agriculture and fisheries sectors. In general, the work schedule is part time and is carried out from morning to evening, so there is the potential to drop out of school or interfere with the right to school.

The high number of child laborers in South Sulawesi Province, especially in two districts/cities, in this case Makassar City and Bone Regency. The real condition of child workers with the status of elementary school (SD) and junior high school (SMP) students, is generally spread out in the informal sector with the status of workers in an employment relationship as evidenced by the existence of the employer¹² type of work, wages and working time. However, the problem is that the working conditions as regulated in Law Number 13 of 2003 concerning Manpower Article 69 paragraph (2), especially in letters e and f have not been fulfilled, namely the working time in the morning which should be in the afternoon and working hours in the afternoon. more than 3 hours per day which should be a maximum of 3 hours per day.

The policy of withdrawing child workers to return to formal schools or school package systems with priority near their respective areas of residence has not been optimally implemented, because there are still many formal schools that happen to be in the children's domicile areas who are not willing to accept students on the grounds that their schools are reputable and do not want to reduce their school's reputation due to the presence of dropouts,

In interviews with activities in South Sulawesi Province, it was revealed that child workers who study at the PKBM they manage have very little time to study and some even only have about 15 minutes to study because they are asked to return to work. This of course has consequences for the ineffectiveness of education taken by child workers in PKMB, so that many choose to stop continuing their studies with the package system.

This shows that the provision of education for child laborers is still not optimal in realizing the country's goals in this case educating the nation's life, because there are still some citizens who have not enjoyed education equally as has been guaranteed in the constitution Article 28 C and Article 30 paragraph (1), (2), and (4) the 1945 Constitution of the Republic of Indonesia, so that the right to obtain quality education only belongs to economically fortunate citizens of course not in accordance with the provisions of Law Number 20 of 2003 concerning the National Education System Article 6 paragraph (1) basically stipulates that every citizen has the right to quality education which is still far from expectations.

In interviews with labor inspectors, both provincial and district/city, revealed that in 2020 there was no official data on the number of child laborers, because the PPA-PKH program as a medium for inspectors to record and monitor the condition of child labor annually was removed due to pandemic considerations. On this basis, labor inspectors have not been able to release official data on the condition of child labor in 2020.

Based on the results of the researchers' observations, it was found that several elementary and junior high school age children worked from morning to evening and even into the evening, especially children who worked as parking attendants. This condition shows that online learning is definitely neglected, especially in the interview with the author it was revealed that the reason for working during the pandemic is to pay for food and the cost of buying a mobile phone to study online.

Referring to the conditions of child labor as described earlier, it is inconceivable if in one district/city the average number of child laborers and school dropouts is more than 200 children. Of course, the future of the nation is potentially threatened if the next generation is not prepared from now on to become a superior and quality generation. However, the presence of child labor raises problems including:

1. The process of growth and development of children is hampered physically, mentally, socially and morally.
2. Children are vulnerable to acts of economic exploitation
3. Neglect of the right to education.

Education for all through the free basic education program has not been realized to date. In South Sulawesi Province, the implementation of basic education as an effort to support the

fulfillment of the right to education, in essence this program is a political promise that is always conveyed by candidates for governor as well as candidates for mayor as well as candidates for regents. The program is commonly known as free education.

The free education program, in principle, is an arrangement that is in line with the fulfillment of international standards which require that basic and free education be provided by increasing the availability and openness of facilities and infrastructure as well as opportunities to obtain education for the people in South Sulawesi Province. The implementation of free education in South Sulawesi Province is effective from 2009-2017. Starting in 2018, the implementation of free education has stopped.

This has implications for regencies/cities in South Sulawesi Province including in Bone Regency as one of the research locations, in an interview with the Education Secretary, revealed that the implementation of free education in Bone Regency only runs from 2014 to 2017, so that in 2018 the implementation of free education no longer effective due to the cessation of the allocation of funds from the provincial government.

The provision of free basic education in Bone Regency is supported through the School Operational Assistance fund, which is a program from the central government aimed at providing facilities and infrastructure and improving the quality of education. Although it is realized that there is no matching fund from the district/city government in supporting education financing other than the School Operational Assistance fund.

Furthermore, in an interview with the Head of SD, it was revealed that the provision of compulsory and free basic education was sourced from the central government through the School Operational Assistance fund. The School Operational Assistance Program is one of the central government programs in the field of education as an effort to support the fulfillment of compulsory and free basic education as mandated by the constitution and laws. The School Operational Assistance Fund is the central government's assistance to schools and places of independent learning, both public and private, in all provinces in Indonesia.

However, in reality it is still found that children from poor families have to drop out of school because of the cost of education and are forced to work to help the family economy. In an interview with an SM observer of children and women in Makassar City, he revealed that currently the school participation rate is still very low. It was further revealed that the high dropout rate in South Sulawesi Province was due to poverty and expensive education costs, which were one of the causes of the emergence of the phenomenon of child labor in this area.

This fact shows that the free education launched by the government, as a consequence of the ratification of the ICESCR, has not been fully implemented properly by schools, both public and private schools, of course it is contrary to the Regulation of the Minister of Education and Culture Number 8 of 2020 concerning Technical Guidelines for the Use of Operational

Assistance Funds. The school stated that the financing component of the School Operational Assistance fund covers the costs of teaching and learning activities, which include operational, maintenance, extracurricular costs, incentives for educators and education staff.

Based on the provisions in the article, there should be no levies imposed on students and their parents, no matter how small, especially for private schools that receive free funds. In an interview with one of the principals at the research location, he emphasized that one of the obstacles faced was the need for facilities and infrastructure as well as the very large salaries of honorary employees and teachers, while the School Operational Assistance funds distributed by the government were not sufficient to cover the needs of the school. implementation of education in several public and private schools. In fact,

In line with basic education which has been affirmed in Law Number 20 of 2003 concerning the National Education System, it is stated that the national education system gives every citizen the right to obtain quality education. Therefore, in addition to compulsory and free basic education, the availability of facilities and infrastructure to support education is an integral part in carrying out compulsory and free 9-year basic education. The quality of education in educational institutions in schools is also indicated by the availability indicator as stated in General Comment Number 13 of 1999, namely the availability of adequate facilities and infrastructure in the education process.

Realizing that the achievement of the implementation of the fulfillment of the right to education for child workers in South Sulawesi Province which has not been maximized and not been in accordance with the targets mandated in Article 13 of the ICESCR, cooperation between the central and regional governments is needed even though decentralization has been implemented as regulated in Law Number 9 Year 2015 concerning Regional Government.

The participation of the government and the community is also very much needed in the supervision of the free basic education program that has been launched by the government in fulfilling children's rights to education, especially supervision of the use of free education funds and school operational funds so that there is no misuse or abuse. Thus, the child's right to education in accordance with the spirit of fulfilling the right to education based on the ICESCR can be implemented and realized as it should.

C. Policy Obstacles to Fulfilling the Right to Education of Child Labor in Employment Relations Hubungan

In realizing the commitment to ensure the fulfillment of the rights of child workers to obtain education, the government establishes a labor inspector based on Article 178 paragraph (1) which states that labor inspection is carried out by a separate work unit in the agency whose scope of duties and responsibilities in the manpower sector is at the central government province, and district/city governments.

Technically, the implementation of labor inspection is regulated in Presidential Regulation Number 21 of 2010 which confirms the establishment of an integrated, coordinated and integrated labor inspection system unit which is carried out by labor inspectors appointed by the Ministry of National Manpower which is carried out by a separate unit, namely the Central level Manpower Work Unit province and district/city, which functions to:

1. Supervise the implementation of Law Number 13 of 2003 concerning Manpower.
2. Provide technical information and advice to employers and workers in order to achieve the implementation of Law Number 13 of 2003 concerning Manpower.
3. Reporting to the competent authorities on fraud and irregularities against Law Number 13 of 2003 concerning Manpower.

In South Sulawesi Province, the real condition of the Labor Inspectorate is not evenly distributed. Currently, it has only reached about 13 regencies/cities by dividing it into five control areas, namely Region 1 covering Palopo City, East Luwu, Luwu Utama and Belopa; Region II includes the cities of Pare-Pare, Sidrap and Pinrang, Region III includes the districts of Bone, Soppeng, Wajo and Sinjai; Region IV covers Bulukumba, Gowa, Tana Toraja and Bantaeng Regencies. Region V Maros, Pangkep and Makassar Regencies.

Each supervisor in each region consists of 8 functional supervisors recruited from the Manpower Office staff who first attended the training/training then were appointed and appointed as supervisory functional employees. Bone Regency, the number of labor inspectors is 8 people, with details of 2 supervisors from Sinjai, 1 person from Soppeng Regency, 2 supervisors representing Wajo Regency and 3 supervisors representing Bone Regency. His office is headquartered in Bone District, Jalan Ahmad Yani.

Based on the number of supervisors, the number of companies to be monitored is of course not directly proportional, let alone 8 people overseeing 4 districts. In Region III Bone, the number of companies that will be monitored is 800 companies, with details of 400 companies in Bone Regency, 100 companies in Soppeng Regency, 200 companies in Wajo Regency and 100 companies in Sinjai Regency. The condition of the supervisors, which amounted to 8 people, was certainly not very effective in carrying out supervision.

After the withdrawal of supervisory authority to the province, one of the obstacles faced, especially regarding coordination. In an interview with one of the labor inspectors, he revealed that in order to carry out supervisory duties effectively, he was faced with the problem of having the supervisory authority withdrawn to the province instead of being the main task of the regency/city so that from the bureaucratic aspect it became a separate obstacle, for example the head of the supervisor and members of the supervisory board did not all live in the workplace.

In an interview with one of the staff, he revealed that the Head of Supervisor has an office once a month and usually at the beginning of the month, of course it will hamper the administration of public services. In the Regional III Supervisory Unit of South Sulawesi Province, for example, the number of supervisors is 8 people, 3 supervisors are domiciled in Bone Regency while 5 supervisors live outside Bone Regency. The condition of supervisors who are not all permanently domiciled in Bone Regency is one of the obstacles that slows down the bureaucracy, especially in responding to case handling, supervision is not effective and efficient because the response to handling tends to be slow, especially for areas that are far from the city such as Bontocani.

Constraints from the aspect of facilities and infrastructure also become the basis for ¹the difficulty of fulfilling the right to education for child workers, especially the absence of available shelter facilities that function to accommodate and provide assistance and guidance for child workers who participate in the PPA-PKH program. Shelter is a physical building where facilitation and mentoring activities are carried out for beneficiary children.

Referring to the provisions of the PPA PKH that the criteria for shelter are that there must be in every district/city, equipped with sleeping equipment, eating utensils, learning facilities, sports facilities, places of worship and first aid kits The capacity of one shelter accommodates 30 children and there are 3 companions in each shelter. The type of shelter can be in the form of Job Training Centers, Government and Private Owned Centers, Training Centers and others. Although ideally there is a special building provided for PPA-PKH program activities.

In interviews with the facilitators, it was revealed that the facilitators are tasked with assisting children during the quarantine process at the shelter, each facilitator assisting 20 children, their main function is to persuade and invite children to return to school. The honorarium payment process is taken from the PPA PKH fund which is an annual program of the ministry. The task of the facilitator ends after the coaching process is complete.

It is realized that the salaries and transportation of facilitators are minimal, especially since their status is ad hock. Of course, it becomes a separate obstacle in supervising and making effective guidance for the children being accompanied, including in terms of monitoring the continuity of children's education, because after the children are withdrawn from the world of work and included in the world of education, In fact, it is actually possible to continue to intensively monitor the condition of child labor in schools but because there are no more assistance costs and transportation costs, the facilitators will automatically no longer carry out their duties, even if it is only in the aspect of morality as a form of moral responsibility towards the children being accompanied so that their studies continue. .

Regarding the lack of funds for assistants or facilitators, according to the Supervisory Board of South Sulawesi Province, it was revealed that not only facilitators were faced with funding problems, but supervisors were also always faced with funding problems and transportation

costs, especially when conducting inspections in supervisory areas where the terrain was very difficult. For example, in Region III, the surveillance areas include Bone, Soppeng, Wajo and Sinjai.

In Bone Regency itself, there is one sub-district that must be reached by passing through two districts namely Bonto Masunggu District, having to pass through Gowa and Pengkep Regencies with transportation of 150 thousand rupiah per supervisor, which is certainly not very effective. In addition, there is also one sub-district that is very difficult to reach by two or four-wheeled vehicles, namely Bonto Cani District. The same thing was revealed by the Provincial Supervisory Agency in an interview that revealed that Gowa Regency is one of the districts that has areas that are difficult to reach and more or less the same as Region III must pass through several districts to arrive at the area, with limited transportation sometimes supervisors have to spend money personally in carrying out supervisory duties.

Due to the various obstacles faced, the government's responsibility has not been optimal in seeking the fulfillment of the right to education for child workers as a result there are still millions of Indonesian children who are forced to work in both the formal and informal sectors and their need for compulsory and free basic education is neglected.

CONCLUSION

Fulfillment of the right to education for child labor in employment is a mandatory basic right that has been guaranteed in international law and national law which should be implemented by all countries, especially the Indonesian government as one of the ratifying countries. However, the implementation of the government's responsibility in fulfilling the education rights of child workers in employment relations has not been maximized due to legal substance, legal structure and legal culture.

REFERENCE

- [1] AdriDesasfuryantoAbdussalam, *HukumKetenagakerjaan*, RestuAgung, Jakarta, 2015
- [2] AdnanBuyungNasution, *ArusPemikiran dan Kosntitusionalisme Hak Asasi Manusiadan Demokrasi*, The University of Michigan, 2007.
- [3] CristianDomince, *theInternationalResponsibilityofStatesforBreachofMultilateralObligations*, Oxford Journal, Ejlil, 1999
- [4] BukuKemenakertransTahun2020dalam pemaparan memperingati hari duniamentang pekerjaanak, 12 Juni 2020
- [5] EmmanuelSudjatmoko, *HakwargaNegaradalamMemperolehPendidikan*, JurnalKonstitusi, Volume7, Nomor 1 Tahun 2010.
- [6] IInKaritaSakharina, *KewajibanNegaraTerhadapPemenuhanHak AtasKecukupanPanganyangLayak di Indonesia (Suatu tinjauan terhadap kovenan internasional tentang hak ekonomi, sosial dan budaya)*, PustakaPenaPress, Makassar, cetakanI, 2016.
- [7] SudiknoMertokusumo, *MengenalHukumSuatuPengantar*, Liberty, Yogyakarta, 2003.

- [8] Tri Windiarso et., al, *Profil Anak Indonesia 2019*, Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (KPPPA), Jakarta
- [9] Tomasevki, Clarifies these obligation stating that governments are thus obliged to ensure with immediate effect that primary education compulsory and available free of charge to everyone, or to formulate a plan and seek international assistance to fulfill this obligation as speedily as possible. Tomasevki, 2004, Report, supra note, 35, at para. 23.
- [10] Tim Dosen IP IKIP Malang, *Administrasi Pendidikan*, Malang, 2011

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