

Research Article

Legal Protection for Children Subjected to Forced Labor by Their Parents

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Abstract: Forced labor of children by parents remains a serious issue in the protection of children's rights in Indonesia, especially when such practices are justified on the basis of family economic needs. This study aims to analyze the legal provisions protecting children by forced labor by parents and to examine the obstacles to law enforcement. The research method used is normative legal research by a literature review approach, through an examination of relevant laws, legal principles, and legal doctrines. The findings of the research intricate that, legal positive indonesia there are a good constitutional and juridical legal basis in context is 1945 Constitution of the Republic Indonesia, Child Protection Law, Manpower Law and Convention on The Rights of Children which that make forced child labor as an economic exploitation categorization is prohibited. But the success of legal protection continues to run up against both legal and sociological challenges, including the murky borderlines of forced labour within the family, the challenge of proving psychological coercion and poverty-nurtured cultural attitudes towards child labour. Therefore a comprehensive approach, including law enforcement and social policies based on the best child interest is necessary.

Keywords: Child Protection; Economic Exploitation; Forced Labor; Human Rights; Legal Protection.

1. Introduction

Children are legal subjects who, by birth, have fundamental human rights that cannot be reduced under any circumstances. These rights include the right to life, to grow and develop optimally, to obtain an education, and to be free by all forms of violence and exploitation. In the Indonesian legal system, the recognition of children's rights is constitutionally legitimized through Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, that affirms that every child has the right to survival, growth and development, and the right to protection by violence and discrimination. This provision indicates that the state has a constitutional obligation to provide special protection to children as a vulnerable group.

This principle of constitutional protection is in line by the doctrine of the best interests of the child, that places the best interests of the child as the primary consideration in the best interests of the child () in every policy, action, and decision related to children. This principle is binding not only on the state as the policy maker, but also on parents as the parties by primary responsibility for the care and protection of children. Under these circumstances, parents cannot rely on the cover of family authority or economic necessity as an excuse to engage in potentially rights infringing action with respect to children.

Nevertheless, in social reality there is a great distance between the legal norms and children's actual life situation. The family environment, that is ideally seen as a safe and protective space for children, in many cases is actually a place where vulnerability arises. One form of this vulnerability is the practice of forced child labor by parents. This compulsory labor is frequently rationalized as contributing to the family's economy, forming character or teaching responsibility. But in truth, there are many children who work for long hours, carry out heavy and dangerous tasks and lose the opportunity of proper education.

The practice of forced child labor inside of the family has complex characteristics and is often hidden. Unlike child exploitation in the industrial sector or on the streets, that is relatively easy to identify, forced labor by parents often occurs in private spaces and is considered

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part of family dynamics. This situation causes the practice to escape state supervision and is rarely reported as a violation of the law. In fact, the impact is not only physical, but also psychological and social, such as mental development disorders, low academic achievement, and hindered social mobility for children in the future.

Data by the International Labor Organization (ILO) shows that to date, millions of children aged 5–17 are still involved in work activities, by the largest proportion in the informal sector and family businesses. ILO reports over the past five years confirm that children's involvement in family work is often not officially recorded, thereby potentially concealing systemic economic exploitation. Similarly, data by the Central Statistics Agency shows that child labor in Indonesia is dominated by children by poor families, making structural poverty a major factor that drives parents to involve their children in economic activities.

This phenomenon shows that forced child labor cannot be understood solely as a family economic issue, but rather as a human rights and child protection issue. By a legal perspective, the excessive use of child labor while neglecting their rights to education and development constitutes economic exploitation. This exploitation reflects the power imbalance among parents and children, where the children's position of dependence is exploited to fulfill the family's economic interests.

Conceptually, the economic exploitation of children by parents is contrary to the principles of child protection that are recognized nationally and internationally. The Convention on the Rights of the Child affirms the obligation of the state to protect children by economic exploitation and work that is harmful to their health, education, or development.

In the context of national law, this principle has been adopted through the Child Protection Law, that explicitly prohibits all forms of economic exploitation of children devoid of exception in family relationships.

However, various studies in the last five years show that law enforcement against the practice of forced child labor, especially by parents, still faces significant obstacles. These obstacles are not only juridical, such as the unclear boundaries among family assistance and forced labor, but also sociological, such as strong cultural norms and weak public legal awareness. As a outcome, legal protection for children often stops at the normative level devoid of ensuring effective protection in practice.

Based on this description, this study focuses on examining the legal regulations protecting children by forced labor practices by parents in Indonesia and identifying the legal and sociological obstacles in law enforcement. This study is expected to contribute academically to the development of child protection law and serve as a basis for policy recommendations that are more responsive to the best interests of children.

Based on this background, the research questions in this study are as follows: 1) What is the implementation of laws and regulations related to the protection of childhood against parental forced labor based on Indonesia's positive law? 2) What are legal and sociological obstructions in the implementation of child's legal protection idkthows who work their parents by compulsion in Indonesia?

2. Preliminaries or Related Work or Literature Review

Studies on legal protection for children by economic exploitation have developed in both national and international legal literature. A number of researches have characterized child labour as being against human rights as it can block access to some basic needs for children and their rights such as right to education, health, and physical/mental development. This framework of protection under the Indonesian law established in relation to several Laws including the Child Protection Law, Manpower Law, and Convention on the Rights of the Child, which all consider that state must prevent and act against any kind of economic exploitation to children.

A number of studies show that, normatively, Indonesia already has relatively comprehensive regulations, but their effective implementation still faces various obstacles, especially in the informal sector and family environment. Structural poverty, weak supervision, and cultural normalization of child labor are the main causes of continuing economic exploitation. On the other hand, previous studies generally place the perpetrators of exploitation outside the family, so that the dynamics of forced labor by parents have not been analyzed in depth by the perspective of child protection law.

A sociological approach emphasizes that the involvement of children in family economic activities is often perceived as a form of responsibility education, blurring the line among reasonable assistance and exploitation. In addition, the application of *restorative justice* in cases

involving children has the potential to weaken protection if it is not accompanied by adequate monitoring mechanisms, especially when violations occur inside of family relationships.

Based on this literature review, there is a research gap in the form of limited studies that specifically analyze forced child labor by parents as a form of economic exploitation, the suboptimal integration of normative and sociological approaches in law enforcement, and the lack of conceptual boundaries among child assistance in the family and exploitative forced labor. Therefore, this study aims to comprehensively examine the legal regulations protecting children by forced labor by parents and the legal and sociological obstacles to their enforcement in Indonesia.

3. Proposed Method

This study applies a normative legal research method using a *library research* approach. This method was chosen based on the focus of the study, that is directed at examining the legal norms that regulate the protection of children by forced labor practices by parents, including issues related to obstacles in the application and enforcement of the law, devoid of involving the collection of empirical data in the field.

The normative juridical approach is carried out by examining the law as a set of written rules (*law in the books*), that are analyzed through a review of legislation, legal principles, and relevant legal doctrines. By this approach, law is understood as a logically structured system of norms and analyzed comprehensively to gain a comprehensive understanding of the issues under review.

All data used in this study were sourced by secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 35 of 2014 concerning Child Protection, Law Number 13 of 2003 concerning Manpower, and various implementing regulations related to child protection.

Secondary legal materials were obtained by legal literature in the form of Indonesian law textbooks and accredited national scientific journal articles discussing the issues of child labor, economic exploitation of children, and aspects of law enforcement in child protection, by a primary emphasis on the use of scientific journals as the basis for analysis. Tertiary legal materials were used as supporting materials to clarify the definitions, concepts, and legal terminology used in this study.

Data collection was carried out through systematic searching and reviewing of legal literature relevant to the research questions. The collected data was then analyzed using a qualitative-descriptive method, namely by describing and interpreting the legal provisions that regulate the prohibition of forced labor for children and examining the legal and sociological obstacles in its implementation based on published scientific outcomes.

The analysis was conducted deductively, namely by drawing conclusions by general legal provisions to specific issues that were the object of study, thereby obtaining a complete picture of the level of effectiveness of legal protection for children who were forcibly employed by their parents.

4. Results and Discussion

Legal Regulations on the Protection of Children by the Practice of Forced Labor by Parents in Indonesia

Legal regulations on the protection of children by forced labor practices by parents in Indonesia are based on the paradigm that children are legal subjects and holders of human rights that must be protected by the state, society, and family. The main basis for this protection stems by Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, that affirms the rights of children to survival, growth and development, as well as protection by violence and discrimination. This constitutional norm is not only declarative in nature, but also creates a legal obligation for the state to establish a set of laws and regulations that guarantee effective protection for children, including by economic exploitation inside of the family environment.

As an implementation of this constitutional mandate, Law No. 35 of 2014 on Child Protection serves as the primary legal instrument in preventing and combating the practice of forced child labor. This law marks an important paradigm shift, namely that the relationship among parents and children is no longer viewed solely as a private matter immune by legal

intervention, but rather as a legal relationship subject to the principle of *the best interests of the child*. This principle affirms that every action taken by parents towards their children must be measured based on its impact on the fulfillment of the rights and interests of the child, not solely on the interests of the family.

The guarantee of protection for children by economic exploitation is explicitly regulated in Article 13 paragraph (1) letter b of the Child Protection Law, that states that every child has the right to protection by economic and sexual exploitation. This provision punishes economic abuse and exploitation of the child regardless of who committed it. Therefore, parents cannot claim parental authority to rationalize the abuse of children's labor in a manner that denies them education, health and development.

The prohibition of child economic exploitation is reinforced through Article 76I of the Child Protection Law, that states that everyone is prohibited by placing, allowing, committing, ordering, or participating in the economic exploitation of children. The use of the phrase "any person" has a broad legal meaning, covering parents, guardians, and other parties who have authority over children. In this context, parents are positioned as legal subjects who have greater responsibility because they are morally and legally obliged to protect children by all forms of harmful treatment.

The consequence of this prohibition is that forced labor by parents can no longer be understood as an internal family matter or merely an ethical violation, but rather as an act by criminal implications. The Child Protection Law stipulates strict criminal sanctions for perpetrators of economic exploitation of children through Article 88, in the form of imprisonment and significant fines. In addition, this law provides for heavier penalties if the perpetrator is a parent, guardian, or party who has a family relationship by the child. This aggravation reflects the principles of *abuse of power and abuse of trust*, because the perpetrator is considered to have abused their dominant position and the trust that should have been used to protect the child.

In addition to the child protection regime, labor laws also play a role in preventing forced labor practices against children. Law Number 13 of 2003 concerning Manpower, in principle, prohibits the employment of children under the age of 18 as stipulated in Article 68. Exceptions are only granted for light work under strict conditions, including that it does not interfere by the child's education, health, and physical and mental development. This provision confirms that the involvement of children in forced and economically oriented work is against the law, even if it is done by the consent or instruction of parents.

Strengthening the protection of children by forced labor practices also stems by international law. Indonesia ratified the Convention on the Rights of the Child under Law No. 12 on 1990, which requires the state to protect children from economic exploitation. Article 32 of the Convention on the Rights of the Child stipulates that states parties shall recognize and have an obligation to take legislative, administrative, social and educational measures to ensure children are protected from work that is hazardous or prevents their education. In the context of national law, this provision serves as an international standard that must be reflected in policy and law enforcement practices in Indonesia.

Normatively, legal regulations in Indonesia have formed a relatively comprehensive framework for child protection. This protection is not only repressive in nature through the imposition of criminal sanctions, but also preventive through the state's obligation to provide education, social assistance, and mechanisms for monitoring child labor practices. However, various recent studies show that the existence of strong legal norms has not been fully followed by effective implementation, especially in cases of forced child labor occurring inside of the family environment. This shows that the main challenge no longer lies in the absence of norms, but in the effectiveness of law enforcement and the state's courage to enter the family sphere in order to ensure the best interests of the child.

Legal and Sociological Barriers to the Enforcement of Legal Protection for Children Forced to Work by Their Parents

Although the legal framework for child protection in Indonesia has been formulated in a relatively comprehensive manner, the practice of law enforcement against forced child labor by parents still shows a gap among written legal norms (*law in the books*) and the reality of their application (*law in action*). This gap shows that the existence of strict legal regulations does not automatically guarantee effective protection for children, especially when violations occur in the private sphere of the family, that is difficult for state oversight mechanisms to reach.

By a legal perspective, one of the main obstacles lies in the absence of clear operational boundaries regarding the concept of "forced labor" in the context of family relationships. The Child Protection Law does include the terms "economic exploitation" and "work that is harmful to children," but it lacks specific measures to differentiate between child participation in legitimate work assisting one's family and exploitative forced labor. Such flexibility provides some space for interpretation among the law enforcement officers working by cases that take place within the informal economy or in family run enterprises.

The problem is exacerbated by the nature of forced child labor inside of families, that often does not involve overt physical violence. Coercion is more often carried out through psychological pressure, emotional manipulation, and the internalization of children's sense of responsibility for the family's economic situation. In a criminal justice system that still emphasizes formal proof and conventional evidence, this form of non-physical coercion is difficult to identify and prove. Devoid of adequate forensic psychological assessment, law enforcement officials often find it difficult to prove the elements of coercion and exploitation.

Another legal obstacle relates to the tendency to apply restorative justice disproportionately. In practice, law enforcement officials often opt for amicable settlements on the grounds of maintaining family unity and harmony. This approach is essentially well-intentioned, but in cases of repeated and systemic economic exploitation of children, the application of restorative justice devoid of clear guidelines has the potential to sacrifice the best interests of the child. Children are at risk of being returned to the same environment devoid of any guarantee of a change in their parents' behavior or effective monitoring mechanisms.

By a sociological perspective, structural poverty is a dominant factor that drives parents to force their children to work. In families by low levels of welfare, children are often positioned as economic assets to help meet household needs. Data by the Central Statistics Agency over the past five years shows that the majority of child workers come by poor or vulnerable families, so that the involvement of children in work activities is perceived as a survival strategy, not as a violation of children's rights. This condition creates a dilemma among meeting short-term economic needs and protecting children's rights in the long term.

Cultural factors and social norms further reinforce sociological barriers to law enforcement. In a number of communities, child labor is still considered part of the process of character education, work ethic formation, or the inheritance of family skills. This view is reinforced by social constructs that place children as the property of their parents, so that state intervention in family affairs is often seen as excessive. As a outcome, the community tends to be permissive and reluctant to report child exploitation practices occurring in their neighborhood.

Structural barriers are also evident in the post-legal action stage. The security of the law followed with appropriate social rehabilitation and economic support for children and families is, more often than not, just a mirage. Insufficient rehabilitation facilities and psychological recovery services and poor coordination among child protection agencies expose them to re-exploitation. Devoid of sustained social intervention, criminal sanctions against parents have the potential to worsen the family's economic condition and indirectly harm the child again.

Furthermore, inadequate public awareness of the law is a significant barrier. There are a lot of things parents don't know that you cannot force children to work. Ignorance of the law and lack of education on child rights allows for economic exploitation to be socially acceptable. In this context, *the law has not fully functioned as a tool of social engineering* capable of changing the mindset and behavior of society.

Overall, various legal, sociological, and structural obstacles in enforcing legal protection for children who are forced to work by their parents show that a normative approach alone is not sufficient. There is a need for integration among strict and sensitive law enforcement regarding children's rights, increased public awareness of the law, and social and economic policies that favor poor families. Devoid of a holistic and sustainable approach, legal protection for children risks remaining at the normative level devoid of being able to guarantee the best interests of children in practice.

5. Comparison

A comparison with the state of art on child labour and protection highlights the significance as well as the specificity of this contribution. National and international studies have usually given priority to child labor as a social economic issue significantly rooted in poverty, lack of schools, and State weakness in supervising rural areas as well as the informal and

formal work. Most of these studies have targeted on child labor outside the family work, including plantation, factory and street work service. In those circumstances, the offenders are typically employers or companies or others that use children as a means of income.

From a normative point of view, previous studies have also recognized that Indonesia already has quite a complete legal regime, including constitutional rights, the Child Protection Law and Manpower Law and ratification of CRC. But such research frequently evaluates the effectiveness of regulation in broad terms, without considering what happens when parents themselves turn out to be the perpetrators on the other side of a binary relationship. As a result, the dimension of forced child labor within the family sphere has not been thoroughly analyzed as a distinct legal issue.

Compared to these existing studies, this research offers a more focused and specific contribution by placing parents as potential legal subjects of economic exploitation under criminal law. This study emphasizes that the parent–child relationship does not eliminate criminal responsibility when elements of coercion and exploitation are fulfilled. By analyzing the aggravation of sanctions for perpetrators who have authority and direct responsibility over the child, this research highlights the principle of abuse of power within the family context an aspect that is rarely elaborated in prior scholarship.

What is beyond is that while much contemporary research abstracts normative legal analysis from sociological analysis, this work marries the two. It is through an analysis of legal grey areas, evidentiary barriers that are related to psychological coercion, structural poverty and cultural acceptance of child labor, that the article does not only consider the shortcomings of statutory law (law in the books) but uncovers the disconnect between enforcement climate (law in action). This comprehensive view offers further insight into why intense legal norms do not necessarily lead to effective protection.

In addition, compared to previous discussions that often frame children's involvement in family work as a cultural or educational issue, this research introduces clearer conceptual boundaries between reasonable family assistance and exploitative forced labor. It in turn assists validating the doctrinal interpretation of "economic exploitation" as a term under child protection law in Indonesia, and upon which more concrete operational tools for further law enforcement could be build.

In this way, the modicum of new knowledge that this analysis contributes is in: (i) re articulating forced child labor by parents as a distinct form of criminal economic exploitation occurring within the family; (ii) interrelating normative and sociological analyses for making sense of enforcement gaps; and (iii) evidentiary grounding for theoretically 'clearer' legal contours and policy reform in furtherance of children's best interests.

6. Conclusions

Summary of main results/recommendations The focus of the study is on legal protection for children who become victims of forced labor by their parents under the current framework in Indonesian law. Normatively, the study concludes that Indonesia has very strong constitutional and juridical standing in protecting children against economic exploitation. Generally Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia is the constitutional guarantee to every child for protection, which further implemented in Law Number 35/2014 concerning Child Protection, Law Number.13/2003 concerning the Employment and Ratification on The Convention Rights Of Children. By these norms forced child labor as an exploitation of children is explicitly stipulated and parents are not excluded as possible perpetrators but ONLY more serious penalties for the employed offender, who has this responsibility for the care of the child.

The results support the investigation's aim of evaluating whether and how effectively this protection is provided by law to children's form of labour imposed on them by their parents. Although the normative framework is quite exhaustive and in line with the best interests of the child, there is a wide gap between law in the books and law in action which emerges from this study. The lack of clear, operationalised demarcation lines for forced labour within the family, proof problems in establishing psychological coercion and influence of structural poverty and cultural norms that allow for child labour these protective provisions are diluted in practice. There is, therefore, a gap between the legal architecture and law in action of the research argument that forced child labour is economic exploitation.

The results of this study suggest that to improve child protection, it is important not only to develop and comply with norms and standards, but also to implement more effective approaches. The study adds to child protection literature by demonstrating the necessity to

situate criminal law response within broader social and economic interventions. It highlights that, whilst legal reform itself is necessary, it must occur in conjunction with poverty reduction efforts, awareness raising activities and the strengthening of institutional capacity to bring about real protections for children's rights.

Nevertheless, this study has certain limitations. It is primarily normative and doctrinal in nature, relying on statutory and conceptual analysis rather than empirical field data. As a result, it does not fully capture the lived experiences of affected children or the practical challenges faced by law enforcement officers. Therefore, further research is recommended to conduct empirical and comparative studies, particularly those examining case practices, judicial decisions, and cross-country models of child protection. Such research would help formulate a more applicable, effective, and sustainable framework for addressing forced child labor within the family context.

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