

## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATION

#### A. Conclusion

If we examine what has been explained, what is very different from Indonesia is how Indonesia and France prevent and overcome child labor in their respective countries. From what has been explained before, we can conclude that:

1. In laws and regulations that discuss the protection of underage workers in Indonesia and France discuss:
  - a) Labor Law Chapter X, Article 68, paragraph 2 explains that every entrepreneur is prohibited from employing an underage child. Underage children are allowed to work if they meet the conditions described in articles 69, 70, 71, 72 and article 74.
  - b) The actions that have been taken by Indonesia in overcoming and preventing the actions of underage workers who are exploited are creating laws that regulate minors not to work with the exception of the provisions described, creating independent institutions based on Law Number 23 of 2002 article 74 which known as the KPAI and contributing to international conventions, incorporated in the International Labor Organization, UNICEF, etc.

- c) From what has been explained before, France has also explained about children as labor in the French Labor Code (Code du Travail) in articles D4153-15, L4153-1, and L3161-1.
  - d) Regarding the actions that have been carried out by France on a national scale is by establishing a law that regulates all policies regarding child labor and improves the working conditions and eradicates of cases of child labor. Not only that, nationally France also guarantees the National Fair Trade Commission procedure production that does not involve any kind of child exploitation. On an international scale, France supports the movement of initiative aimed at combating child labor promoted by United Nations.
2. From what was explained in the previous chapter, we can draw conclusions on the differences and similarities of French law along with government actions in both countries in protecting children in their country in the case of exploitation of child labor:
- a. The similarity between Indonesia and France in protecting children in their country from child exploitation in the form of child labor can be seen from the laws of these two countries. Some of the articles in the French and Indonesian labor laws that have in common are Article D4153-15 of France which has similarities with Manpower Article 69, Article L4153-1 on Code du Travail (Labor Code). have in common with Article 70 of Manpower Act No. 23 of 2003 which explains that a child can do work in a work place that is part of the training and part

of the education and interests of the child. Article L3161-1 Code du Travail (Labor Code) which explains that a child will be considered a worker if he meets these requirements. This article has similarities with Article 70 paragraph 1, and Article 73 of the Manpower Act No. 23 of 2003.

- b. In addition to several articles and legal sounds that have similarities, the legal products of France and Indonesia that have similarities are the existence of independent institutions in their respective countries which are engaged in the protection of children's rights. If in Indonesia has the Indonesian Child Protection Commission (KPAI), then France has a similar independent institution, *Defenseur des Droits Republique Francaise* (Rights Advocate Republic of France).
- c. In addition to the two things that have been mentioned, the similarities between the two countries are their contribution in fighting child labor nationally, Indonesia has created The Ministry of Law and Human Rights (KEMENHUMHAM RI) and France has created The Ministry of Justice. Internationally, Indonesia and France have ratified ILO Convention No.138 on Minimum Age Convention which explains the age limit for working for a child. In addition to the ratification, the two countries have in common as the country member of the ILO. Not only that, Indonesia and France also have similarities where they were participants in the Convention on Rights of the Child signed by France on January 26th 1990 and ratified on August 7th 1991. Indonesia

ratified this convention on the January 16th 1990 and ratified the The Law of the Republic of Indonesia Number 10 of 2012.

- d. While differences in these two countries can be seen from the actions taken to protect underage workers nationally and internationally. Legally, France provides characteristics for activities or work for child workers which are only permitted in the hotel sector, restoration, caterers and reception organizers, bakeries, coffee tobacco and drinking establishments, pastries, butchery, delicatessen products, the dairy-creamery, the fish, selling natural flowers, garden canterers, grain mills, shows and establishment in other sectors are primarily engaged in the manufacture of food products. It is understandable that from Indonesian law it does not provide a detailed explanation of what places are recommended for a child to work. In conclusion, it can be concluded that the French Code of Labor (Code du Travail) is more detailed about child labor compared to Indonesian law so that conclusions can be drawn from the law explaining in more detail that anyone is expected to be unable to find an excuse to violate the law. Detailed.

## **B. Recommendation**

From what has been explained, the researcher suggest a number of recommendations for the Indonesian government with the aim of tackling and preventing children from being exploited in this country:

1. Indonesia needs to follow some of the things that France is doing in protecting children by tightening regulations with providing alternatives sectors of work that can be recommended for children in Indonesia if they want to do work. This is intended to minimize children from working in the same place as adults and can be minimize the rate of exploitation and workplace accidents that can occur at any time
2. The researcher recommends that has to supervise every sector of work which is suspected of employing underage children with dangerous conditions, such as in tobacco industries. From what has been explained, there are several cases of results from Human Rights Watch report regarding children working in the tobacco sector and it would be very dangerous for children to work in the tobacco industry.