

THE DILEMMA OF CHILD LABOR IN SOUTH KALIMANTAN: BETWEEN ECONOMIC NECESSITY AND THE RIGHT TO EDUCATION

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Abstract

This study examines the phenomenon of child labor in South Kalimantan, focusing on the underlying economic and social factors that drive children into the workforce. The research employs a qualitative approach, utilizing interviews and field observations in Banjarmasin and Martapura. Findings indicate that child labor is primarily driven by economic hardship, with children engaging in various jobs such as street vending, entertainment, and market labor to support their families. Despite legal protections, many children face difficulties in accessing education due to their work commitments. The study highlights the urgent need for government intervention, emphasizing policies that balance economic support for families while ensuring children's right to education. The implications of this research suggest a more comprehensive social protection strategy and increased public awareness to address child labor effectively.

Keywords: Dilemma, Worker, Child, South Kalimantan

Abstrak

Penelitian ini mengkaji fenomena pekerja anak di Kalimantan Selatan dengan menyoroiti faktor ekonomi dan sosial yang mendorong anak-anak masuk ke dunia kerja. Penelitian ini menggunakan pendekatan kualitatif dengan metode wawancara dan observasi lapangan di Banjarmasin dan Martapura. Hasil penelitian menunjukkan bahwa keterlibatan anak dalam pekerjaan terutama disebabkan oleh kesulitan ekonomi, di mana mereka bekerja sebagai pedagang kaki lima, penghibur jalanan, dan buruh pasar untuk membantu perekonomian keluarga. Meskipun terdapat perlindungan hukum, banyak anak mengalami kesulitan dalam mengakses pendidikan akibat kewajiban kerja mereka. Studi ini menekankan pentingnya intervensi pemerintah dengan kebijakan yang dapat menyeimbangkan dukungan ekonomi bagi keluarga serta memastikan hak anak untuk mendapatkan pendidikan. Implikasi penelitian ini mengarah pada strategi perlindungan sosial yang lebih komprehensif dan peningkatan kesadaran publik dalam mengatasi pekerja anak secara efektif.

Kata Kunci: Dilema, Pekerja, Anak, Kalimantan Selatan

INTRODUCTION

Children are a trust that Allah entrusts and must be taken care of properly so that the next generation can continue the relay of life successfully. Success in carrying out this mandate includes aspects of education, social environment, food and clothing needs, to matters relating to the hereafter.

The word of Allah swt in QS At-Tahrim [66], verse : 6 emphasizes that every believer should always pay attention to himself and his family, including his children, so as not to fall into the valley of hell. That is for matters relating to the hereafter.

In the worldly context, a household leader should pay attention to the sustainability of his children's education so that it reaches the minimum level set by the government, namely nine years of compulsory education.

In addition to education, it is equally important to supervise children's social environment so that they do not fall into associations that can damage their physical, mental and moral character.

As for the children's clothing needs, they must also be met so that life in the household becomes calm, peaceful and peaceful in navigating the ark of life.

Keeping the family well-maintained in a general sense, including children, is the duty of parents, especially fathers as the backbone of the family. The recommendation to provide for oneself and one's family is an honor for a father. Basically, working to earn a living is a noble task of a man that is highly recommended in Islam. However, on the other hand, it turns out that not only adults are actively trying to make a living, but there are also children who play an active role in supporting the family economy. The life of a child who is actually full of joy in the world of play has turned into a hard life in an effort to earn a living.

The dilemma of children working to earn a living is common in poor families, even though all these business activities are quite hard work for children. Children's world, which should be a world of play and learning, must turn into a world of hard work, full of challenges.

By paying attention to the condition of child laborers in South Kalimantan, it is necessary to find the best solution for them, both in terms of government policy regulations and community responses to child laborers who actively participate in advancing the economy of families and communities.

VARIOUS REGULATIONS ON CHILD LABOR

According to the Labor Law, Number 13 of 2003 Article 1 "Workers or laborers are everyone who works by receiving wages or other forms of compensation".

The Labor Law, Number 13 of 2003, explains that the working-age population is the population aged 15 years and over. The data obtained from BPS South Kalimantan Province shows that the largest labor force by age group is in the age range of 30 to 49 years. The data from the

labor force under the age of 15 (children) is not recorded in the report.¹ The omission of child labor data is possible due to the assumption that children should not be burdened with various jobs like adults. Children are assumed to be "underage" so that their rights need to be protected by law.

Regarding how to determine the category of minors, there are several regulations that explain the definition of children, including: Law No. 4 of 1974 on Child Welfare, Law No. 3 of 1997 on Juvenile Courts, and Law No. 23 of 2002 on Child Protection.

The explanation of the regulation can be clarified by the following articles:

- a. Law Number 4 of 1974 concerning Child Welfare. Article 1 paragraph (2) states that "A child is someone who has not reached the age of 21 (twenty-one) years and has never been married". This law categorizes minors as those before the age of 21.
- b. Law Number 3 of 1997 concerning Juvenile Courts. Article 1 paragraph (1) states that "A child is a person who in the case of a delinquent child has reached the age of 8 (eight) years but has not reached the age of 18 (eighteen) years and has never been married".
- c. Law Number 23 of 2002 on Child Protection, Article 1 paragraph (1) states that "A child is someone who is not yet 18 (eighteen) years old, including children still in the womb".

In Law Number 4 of 1974 concerning Child Welfare. Article 1 paragraph (2) states that the category of minors is aged before reaching the age of 21 years. In this regulation, it can be understood that under the age of 21 years, they are still classified as children.

Meanwhile, Law Number 3 of 1997 concerning Juvenile Courts. Article 1 paragraph (1) states that "A child is a person who in the case of a Juvenile has reached the age of 8 (eight) years but has not reached the age of 18 (eighteen) years and has never been married". In this regulation, it can be understood that what is classified as a child is between the ages of 8 and 18 years and has never been married. Thus, even if they are 15 years old but have been married, they are considered adults.

Meanwhile, Law Number 23 of 2002 concerning Child Protection, Article 1 paragraph (1) states that "A child is someone who is not yet 18 (eighteen) years old, including children still in the

¹ BPS Kalsel Province, Labor Profile of South Kalimantan Province February 2018, (Karya Bintang Musim, 2018), p. 36.

womb". In this article, it is explained more broadly that even babies in the womb can be classified as children until the age of 18.

For the research phenomenon that will be examined in more depth, the rules of Law Number 3 of 1997 concerning Juvenile Courts are more suitable to be used as a standard for determining the age limit of children, which is between the ages of 8 and 18 years and has never been married.

CHILD LABOR IN SOUTH KALIMANTAN (DILEMMA BETWEEN WORK AND EDUCATION)

Employing minors is a deprivation of children's rights. Therefore, this kind of action must be prevented because it violates the law and even local regulations, especially the local regulation of Banjarmasin city (No. 12/2014). The issue of child labor must receive serious attention and be addressed in a systematic and planned manner.

From some of the respondents that the author obtained in several places in Banjarmasin and Martapura, it is very concerning and saddening. On the one hand, it is necessary to appreciate those who are so persistent in earning a living, but on the other hand there is a feeling of pity and pity for their conditions that are too forced to enter the world of work even though they are in poor condition and full of risks.

Some of the jobs done by these children are: clowning to entertain young children, selling balloons, selling young coconuts, selling at the traditional market and selling ice teler on the side of the road.

1. As a clown to entertain small children.

The community's response is not so concerned about the presence of child laborers because it does not cause commotion, even the shop owners allow them to scavenge for sustenance and so do the shop visitors who are partly willing to voluntarily give them money.

On the other hand, the presence of the government is expected because persuasive measures to discipline them must be accompanied by proactive measures to embrace them so that the economic problems of poor families can be alleviated. Decisive action sometimes does not solve the problem and even makes things worse.

When asked to take a photo, they always covered their faces with clown masks, perhaps because they were a bit embarrassed, so they covered their faces several times even though it was explained that there was no bad intention. There may also have been a sense of uncertainty as to whether these questions and interviews would be the same as Satpol PP's actions in trying to

discipline them. But in the end, they were willing to tell us a lot about their home life, which is still in an unstable economic condition, especially due to the prolonged impact of the pandemic, which still does not look like it will end.

His father and mother also work as clowns for different locations. At the beginning of the appearance of the clowns, their income was quite good, but with the proliferation of clowns everywhere, their income automatically became thinner because of the many clowns who were equally trying to survive with this profession. The hope of these children to help their parents is very good, but conditions like this should receive special attention from the government so that children's rights are protected and their parents can be helped by various government programs, both central and regional.

2. Selling traveling balloons

These two children work selling balloons with their sister along A.Yani Street, Banjarmasin. She doesn't carry many balloons, but the distance is quite long. Their rented house is located at Jl. Alalak Berangas, Banjarmasin.

The reason he chose to sell along Jalan A.Yani is because many people pass by in this area so there is a high probability that people will be interested in buying the balloons he sells.

The reason she works for money is to pay the rent on her house because her father has passed away. He lives with his mother and sister in a rented house located at Jl. Alalak Berangas, Banjarmasin. You can imagine how ironic it is to see the persistence of these two children walking tens of kilometers just to help their mother pay the rent.

It is even more heartbreaking to learn that his schooling can no longer continue (stop) due to the family's economic reasons. Such conditions sometimes leave parents with little choice but to ask their children to step in to help pay for their daily needs.

The hope of these two children to help their mother is very noble, but conditions like this should receive special attention from the government so that the rights of children remain protected and their parents can be helped by various government programs, both central and regional. The presence of the government to intervene directly is very much needed by people like this.

3. Helping his father sell young coconuts

For this girl, while working to help her father, she could also play at his stall. Her father sells young coconuts for Rp.7,000 each. In particular, red coconuts are sold for Rp.10,000, which

is more expensive than ordinary coconuts because they are believed to cure blood sugar and so on.

The coconut stall is open from 8am to noon around 12pm, but sometimes it can run out faster because many customers buy it. He also has regular customers who order up to almost 50 seeds when needed to sell ice with a mixture of young coconuts.

What's interesting about this boy is that in his free time from online school, he still manages to help his father sell his coconut water, even if it's just by preparing plastic bags for his father's peeled coconut water. It's not heavy work, just helping his father and also being entertained when there are no customers coming. The position of the stall on the side of the road makes it crowded with visitors. Sometimes there are customers who are kind enough to give money for their children's snacks, although not much at least this is their appreciation for children who are still small but diligent in helping their parents.

This portrait of child labor is a miniature of the condition of a part of Banjar society that is accustomed to "small" jobs for children to join their parents in earning a living. It is not straightforward for them to work, but from it the child can learn a lot about the meaning of working and struggling to make a halal living.

This is the time when the child has a playmate. While playing, helping his father in a small way is a good mental attitude for children. Children are trained to be self-sufficient from an early age, trying to find halal sustenance with a variety of diverse professions.

The father often advises his son in his spare time when there are no customers buying coconuts, moments like this are felt to be very important to teach children positive things for their future.

Although he does not earn much, his mental attitude and religious teachings to always be grateful are clearly visible on his face. He also passes this on to his son who is still in elementary school. Filling children's activities by helping parents sell is not wrong, it will even have a positive impact when filled with things that are beneficial for their mental development later. Children's education, which is still online, is enriched by the insight of their parents when they are together when selling, which is a very inspiring thing to emulate.

For the Martapura area, three respondents were interviewed around the Batuah market and on the side of the highway.

Markets are synonymous with the people's economy. The existence of the people's market is currently being eroded by the swift flow of global trade, which is realized by the rise of modern retail around the people's market, making people switch from buying basic necessities in the market and replace it with shopping in modern markets with various facilities. This condition

makes the people's market increasingly abandoned, so that the people's market inevitably has to change in accordance with the times.

Batuah People's Market is a market that was born from the community's need for daily necessities. This market first appeared and then was organized by the government under the Trade Office. Batuah Market which is a people's market whose location is integrated with the Cahaya Bumi Selamat (CBS) market, the Culinary Tourism Area (KWK), and the Tomb of Guru Sekumpul as a religious tourism object is also integrated with the Al-Karomah mosque. This integrated market location is also supported by the market management system under the Batuah Market Regional Company (PD) which actually has greater tourism potential if managed better.

Pasar Batuah is also adjacent to one of the well-known religious tourism destinations in South Kalimantan, namely the Tomb of Guru Sekumpul, making this market potential to be developed and branded as one of the shopping tourism destinations in South Kalimantan.

At this Batuah Market, there are several children who are still of school age selling various foodstuffs, such as onions, chili peppers, tomatoes and so on.

4. Selling in traditional markets

For a child, selling has been his profession since a few years ago. This can be seen when many customers who buy his sales are served swiftly and quickly. Even though it is not his own sales, he treats it like his own in the sense of "full responsibility".

His trading activities start in the morning at 08.00 am until dusk at 18.00 pm. Although his income is not much, it is enough for his daily needs as an immigrant.

He was one of the trustees of his boss who financed the business. Surely his trust was earned from his long journey when he was entrusted with the task of selling his boss's merchandise.

Although he is busy selling merchandise, he still has time to go to school, which is currently online. The online school activity gives her plenty of time to sell at the market.

When working with others, she must be able to manage her time so as not to clash with her school activities, which are currently in the second grade of junior high school. Lessons at the junior high school level are still not too heavy compared to high school, but his activities in the market are actually heavier than his school. Because in the market environment, this child must adapt to market people who are adults. Sometimes he is the butt of jokes for people in his workplace. This means that the community responds very well to him, because he is good at adapting and getting along in the market where he works.

Sometimes this child is teased with jokes about marriage even though he is still far from

the age of marriage. But he took it all in his stride, full of laughter. His attitude that was not inferior made him much liked by the surrounding merchants.

When this boy was asked, he didn't tell me much about his family, he was more engrossed in his sales. He followed the market price carefully. He memorized all the prices of what he was selling, not missing a single one.

What's interesting about this child is that his dreams for the future are very optimistic. He does not expect to continue selling like this, there is a desire to develop his business so that he can be independent, have his own capital, have his own stall and so on. But it all needs a process and patience so that the current condition is used as a stepping stone for a better future.

5. Selling vegetables

This child has been selling in the Batuah market neighborhood in Martapura for quite some time. He doesn't sell much, just vegetables, onions, tomatoes and various kitchen necessities. Although not many, they are often sold and sought after by customers because they are daily necessities.

She is currently in the second grade of Madrasah Tsanawiyah. His learning activities continue even though they are online. He has the opportunity to help his father sell when school hours are not yet in session, so when it is time to go to school even though it is online at this time, his father replaces him to look after the stall.

This child has 6 siblings, including a large family. For some people there is a slogan "many children, many sustenance". The belief that sustenance is in the hands of Allah means that there is no need to worry about the children's needs, Allah is the one who provides everything.

As the eldest sibling, she has more responsibility to help her parents and siblings. Of course, with the existing abilities and limitations, she tries her best to utilize everything available, both time and energy. Her cheerfulness and optimism towards the future is a gift that must be grateful for and needs to be nurtured in order to encourage her younger siblings.

For this child, the makeshift conditions he is currently living in are a stepping stone so that later in life he will be able to survive in the face of various trials of life, because the current conditions are provisions to train his mentality to be more resilient and strong in looking to the future.

6. Selling es teler on the side of the road.

Es Teler NTB Lombok can be seen in several places around Jalan A.Yani. The presence of Es Teler NTB Lombok gives its own color to the culinary taste in the Banjar district area. Enjoying Es Teler NTB is different, because there is the addition of red sticky rice in it

What caught the researcher's attention was that a young boy was selling on the side of the

A.Yani road, Km. 19,5. He was a migrant from Lombok who had only been in the area for three months. When he arrived at his selling place, he was the only one there. While serving her ice mix, we chatted about her schooling, which had apparently stopped at grade 5. It's unfortunate but that's his condition, hopefully later he will be active again in school.

This child feels that life in Banjarmasin is slightly different from his home area. Adapting to a new situation that is different from his place of origin does take time. For a child of his age, adjusting to his surroundings will happen quickly, especially since he is a cheerful person who likes to tell stories even though his Banjar language is still not fluent

This child still doesn't have many playmates her age because the neighborhood where she lives doesn't have many children her age. If he could go to school again, then of course there would be many friends who are in the same age as him. His parents hope so too, but because economic conditions are still difficult for them, the intention to send him to school has been delayed.

The joy on this child's face is still visible, even though the life he lives today is almost the same as adults who have to work hard to earn a living because of the demands of life.

The world of play and learning that should have been part of his life had to be adjusted to the conditions of his parents who had difficulty in finding money for his school fees.

In addition to the school fees that parents have to think about, even the cost of daily food is difficult considering that our economic conditions have not yet recovered after being hit by the covid19 outbreak which affected all sectors of life, including the economy and education.

His father's hope to continue sending his son to school still remains. He hopes for a helping hand from the government or anyone who is willing to cover his son's school fees.

CONCLUSSION

Various forms of work for children in Banjarmasin and Martapura can be seen in the market and in the center of the crowd, including: entertaining people by being a clown, selling balloons, helping their father sell coconuts, selling vegetables at the market and helping their father sell ice mix on the side of the road.

The motivation for these children to work varies, with some working because they want money for their own needs. Others work because they want to help their parents.

Employment for children is a necessity for parents who are not financially well-off. However, their education must still be a concern for all parties.

The role of the government in general in dealing with child labor can be seen in the educational aspect, namely by providing scholarships for underprivileged children. The role of the community and family specifically in responding to these child laborers is to appreciate them in various ways, such as: buying their sales and sometimes giving cash to the child.

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