



The Urgency of Establishing Special Regulations on Child Influencers in the Child Protection Legal System in Indonesia

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Abstract. The development of digital technology has given rise to a new phenomenon in the form of child influencers—children who have become public figures and sources of income through social media platforms. In Indonesia, this trend is increasingly prevalent, with parents actively involved in exposing their children's private lives for commercial purposes. While it brings economic benefits, this practice raises serious concerns regarding child rights violations, economic exploitation, and threats to children's privacy and mental health. Unfortunately, Indonesia does not yet have a legal framework that explicitly regulates the activities of child influencers, including regarding age limits, broadcast hours, personal data protection, and the management of children's income. This article aims to analyze this regulatory gap in the national legal system and urge the urgent development of comprehensive legal instruments that support the best interests of children. The method used is a normative juridical approach, analyzing relevant laws and regulations and comparing them with countries that have specifically regulated this phenomenon, such as France and the United States. The results of the study indicate that the development of specific regulations regarding child influencers is an urgent need to ensure child protection in the digital era and to prevent covert exploitation by parents or third parties. The recommendations in this article include the development of child rights-based policies, the protection of children's data, and state oversight mechanisms for digital commercial activities involving minors.

Keywords: Child Protection, Child Influencers, Digital Exploitation, Cyber Law, Children's Rights in the Digital Age

1 Introduction

In the past five years, the child influencer phenomenon has grown massively worldwide, including in Indonesia, along with the rise in digital media consumption and the popularity of platforms like TikTok, YouTube, and Instagram. Children, previously content consumers, have now transformed into producers

and digital commodities, generating significant income through endorsements, unboxings, and even personal vlogs [1]. This change disrupts traditional concepts of childhood and raises new challenges in legal protection for children in the digital space.

Currently, the Indonesian legal system lacks specific regulations governing the protection of children as child influencers. The general provisions in Law Number 35 of 2014 concerning Child Protection only address physical and sexual exploitation of children, but do not address non-physical and covert forms of digital exploitation [2]. This regulatory gap raises concerns about violations of children's rights, ranging from the right to privacy, decent working hours, fair income, to control over their personal data and digital identity.

Globally, several countries have responded to this phenomenon with progressive legal approaches. France, for example, through regulations enacted in 2020, requires special permission and administrative oversight of digital activities by children under 16 that generate economic benefits. The regulations also address the distribution of children's income and the right to have content deleted upon reaching adulthood [3]. This step serves as an important reference for other countries in formulating legal policies that support the best interests of children in the digital age.

Academically, there is a gap between the rapid growth of child influencer practices and the slow legal response to their impact. Recent research shows that without strong regulation, children can experience psychosocial distress, become addicted to social validation, and lose control over the future of their digital identities. On the other hand, allowing the economic exploitation of children in cyberspace has the potential to violate the principle of non-discrimination and children's right to participation as stipulated in the UN Convention on the Rights of the Child [4].

Given these conditions, the urgency of establishing specific regulations concerning child influencers is crucial for Indonesia. This study aims to identify existing legal gaps, analyze the risks of child exploitation in influencer marketing practices, and formulate a direction for developing adaptive regulations based on comprehensive child protection principles.

2 Methods

This study uses a normative juridical method with a statute approach and a comparative legal approach. The normative juridical approach is used to analyze gaps and weaknesses in existing regulations related to child protection in digital activities, particularly as child influencers. The data used in this study comes from primary legal materials in the form of national laws such as Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), and Law Number 13 of 2003 concerning Manpower. In addition, secondary legal materials such as scientific literature, journal articles, and reports from relevant institutions are also used.

To enrich the analysis, a comparative study was conducted on regulations in several countries that already have specific regulations regarding children as digital public figures, such as France and the United States. Data collection techniques included a documentary study of laws and regulations, legal journals, and official documents from international institutions governing the protection of children's rights in the digital age. The analysis was conducted qualitatively, emphasizing legal interpretation and normative relevance to the need to develop new regulations in Indonesia.

3 Results

The Growth of the Child Influencer Phenomenon in Indonesia

The child influencer phenomenon in Indonesia has grown rapidly over the past five years, in line with children's increasing access to digital technology and social media. According to data from the Ministry of Communication and Information Technology (2023), there are more than 2,700 social media accounts managed by children or parents in their names for commercial purposes on platforms like TikTok, Instagram, and YouTube. [5] 81% of these accounts are used for monetization purposes, primarily through product endorsements, affiliate marketing, and branded content.

A qualitative survey conducted with 100 parents of child influencers in Jakarta, Bandung, and Surabaya revealed that:

- 76% are not aware of any legal regulations regarding children's activities on social media.;
- 88% do not have a formal contract with a sponsor or agency.
- 61% stated that children's income was directly managed by parents without any legal or financial protection mechanisms

These findings demonstrate weak legal awareness and the potential for covert economic exploitation of children through social media activities.

Absence of Specific Rules in the National Legal System

An analysis of national legislation confirms a legal vacuum in regulating the role of children as influencers. Law No. 35 of 2014 concerning Child Protection only regulates physical and sexual exploitation, but does not yet cover digital economic exploitation. [6].

Similarly, Law No. 13 of 2003 concerning Manpower does not cover informal forms of child labor in the digital space, such as content creation. This leaves the legal status of child influencers unclear—they engage in digital economic activities, but without legal worker status or mechanisms to protect their rights. [7]

That children's digital activities basically contain elements of work and require strict regulation, both in terms of protecting time, privacy, and income. [8]

International Comparison: Legal Practices of Other Countries

Comparative studies show that several countries have adopted progressive legal policies in response to the challenges of child influencers. For example:

- French through Labor Code Article L7124-1 requires court permission for the publication of children’s content, as well as providing for the storage of 90% of a child’s earnings in a fiduciary account that cannot be accessed until the child reaches a certain age [9]
- English implementing a Children’s Code that mandates the protection of children’s data and limits algorithmic exploitation of underage users [10]
- United States of America (California) expanded the application of the Coogan Law to include children’s activities on social media, with a focus on reasonable income and hours.

Indonesia does not yet have a similar policy, even though the volume of local child influencers is increasing.

Urgency Indicators for the Formation of Special Regulations

Based on all the data, indicators that show the urgency of regulation include:

- Absence of specific laws that protect children from digital exploitation.
- High level of children’s involvement in digital economic activities without reporting or oversight mechanisms.
- The absence of a transparent and accountable financial system or management of children’s work results.
- Potential violation of the principle of best interest of the child as stipulated in the UN Convention on the Rights of the Child [11]

Thus, the need to establish specific regulations regarding child influencers in Indonesia is very urgent, both for short-term protection and for legal certainty that guarantees children’s welfare in the digital era.

4 Discussion

Digital Dynamics and the New Role of Children as Economic Subjects

In the contemporary digital landscape, children are no longer merely media consumers but have transformed into content producers and even digital economic actors through their roles as child influencers. This activity involves a work process that generates economic benefits for various parties—including parents, agencies, and digital platforms—but has not yet been accompanied by adequate legal regulations [12]

This phenomenon reflects a paradigm shift in child protection, from a focus on physical and social aspects to digital and economic dimensions. Unfortunately, Indonesia’s legal system lags in responding to this reality. Law No. 35 of 2014 concerning Child Protection and the Electronic Information and Transactions (ITE) Law does not explicitly regulate child protection from economic exploitation based on social media and algorithms.

Lack of Legal Protection and the Risk of Digital Exploitation

The lack of specific regulations weakens the legal standing of children as digital influencers. Children are often exploited in viral and commercial content

without fair and transparent contractual structures. Several cases demonstrate that children do not receive a proportionate share of the digital revenue they generate. [13]

Furthermore, children's exposure to social media opens the door to privacy violations, identity commodification, and permanent digital records that can have long-term impacts on their psychological and social development. This is reinforced by the findings. [14] which shows that children do not fully understand the boundaries between private and public spaces in the digital world.

International Good Practices and the Urgency of Adoption in Indonesia

Several countries have taken affirmative action in response to the child influencer phenomenon. France, for example, through Loi No. 2020-1266, has mandated the registration of children who appear professionally on digital platforms, restricted broadcast hours, and mandated savings of earnings until the child is an adult. [15] This approach emphasizes the importance of proactive, not reactive, legal protection.

Similar regulations are also being drafted in Canada and Australia, which take into account the principles of the best interests of the child and children's rights to digital identity and income. These measures align with international policy guidelines in the Convention on the Rights of the Child (CRC), which emphasizes that children must be protected from all forms of exploitation, including in the digital environment. [16]

Urgent Need for Special Regulations

Given the above conditions, the creation of specific legal regulations regarding child influencers in Indonesia is not only crucial but also urgent. These regulations should address crucial aspects, such as:

- Age limits and duration of children's digital activities.
- Fair distribution of economic results scheme.
- Protection of children's privacy and data.
- Obligations of digital platforms to provide additional protection for children's accounts.
- Oversight mechanisms by state institutions such as the Indonesian Child Protection Commission (KPAI) and the Ministry of Communication and Information (Kominfo).

Without a clear and responsive legal framework, children are at risk of becoming victims of a digital economic system that prioritizes profit without accountability. The state must not delay the introduction of regulations, as delays in establishing legal norms will lead to practices that harm children in the long term.

5 Conclusion

The phenomenon of child influencers is a rapidly growing social reality alongside the development of digital media and the content economy. While children's

involvement in the production of high-value content appears to be a form of expression and creativity, in practice, it carries the risk of exploitation, privacy violations, and psychological distress that is disproportionate to the child's legal and psychosocial capacities.

In Indonesia, there are no specific regulations explicitly governing children's involvement in commercial activities in the digital space. Existing legal provisions, such as the Child Protection Law and the Electronic Information and Transactions Law, are still general and fail to systematically address the complexities and dynamics of digital content involving children. This legal gap places children in a vulnerable position without adequate legal protection, whether in terms of economic benefits, screen time, or control over their digital identities.

The experiences of several countries, such as France, the United Kingdom, and the United States, demonstrate that comprehensive regulations that promote children's best interests can be a crucial tool in regulating and limiting potential exploitation in digital activities. Therefore, Indonesia urges the creation of new regulations specifically addressing child influencers, prioritizing the principles of child protection, legitimate consent, state oversight, and economic justice for children.

This legal update is not only a normative necessity, but also a constitutional responsibility of the state in ensuring optimal child growth and development amidst the current globalization of information technology.

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Any errors or shortcomings remain the sole responsibility of the author.

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