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Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Legal Protection of Children against Digital Exploitation in Social Media Content

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Abstract. *This study discusses the legal protection of children against commercialization practices in social media content, focusing on two problem formulations: the forms of digital exploitation of children in social media and the legal protection under Law Number 35 of 2014 regarding such practices. This research is motivated by the rise of the phenomenon of kid influencers, commercial sharenting, and the use of children as objects of content that generate economic benefits, popularity, and public attention for adults. These practices have the potential to violate children's rights to privacy, protection from exploitation, and healthy growth and development. The research method used is normative juridical with a legislative approach, a conceptual approach, and a literature review of journals, books, and relevant laws and regulations. The results of the study indicate that forms of digital exploitation of children in social media content arise through the commodification of children as content, the practice of kid influencers, commercial sharenting, violations of digital privacy, objectification of children, and the risks of economic and sexual exploitation. Meanwhile, Law Number 35 of 2014 has provided an adequate normative basis through the prohibition of economic and/or sexual exploitation of children, the obligations of the state and parents to protect children, and the threat of criminal penalties for perpetrators. However, the implementation of these protections still faces obstacles in the form of a lack of technical regulations specifically addressing the commercialization of children on social media, low family digital literacy, and weak oversight of digital platforms.*

Keywords: *Commercialization; Digital; Exploitation; Law; Protection.*

1. Introduction

The development of digital technology has made communication and information easier, including for children. However, despite its benefits, social media has also become a fertile ground for child exploitation, often overlooked. Early exposure to the internet without

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supervision increases the risk of children becoming victims of various forms of online violence and manipulation.

Data from the Central Statistics Agency (BPS) in 2024 stated that 39.71% of young children in Indonesia already use gadgets or mobile phones, and 35.57% have access to the internet.¹In addition, of the entire Indonesian population aged 5 years and above, 72.78% will access the internet in 2024.²The latest data from the Ministry of Communication and Digital (Komdigi) in 2025 also shows that 48% of the total 229 million internet users in Indonesia are children and adolescents under 18 years old, which reaches around 110 million users.³This fact confirms that the issue of protecting children's personal data is a crucial issue that requires serious attention from the state, considering that 60% of cases of sexual exploitation and child labor involve social media.⁴

Child exploitation refers to the use of children for personal gain, whether economic, sexual, or social. In the context of social media, forms of exploitation range from explicit sexual abuse to covert practices such as "sharenting," or the excessive sharing of a child's personal information for popularity or financial gain.⁵

Forms of child exploitation on social media include: Cyberbullying: Bullying through digital media that damages children's psychology, Online Grooming: The perpetrator's approach to building relationships with children for sexual purposes, Sextortion: Sexual blackmail after the perpetrator obtains the victim's intimate objects, Distribution of CSAM (Child Sexual Abuse Material): Production and distribution of child sexual content, Commercial Sexual Exploitation of Children (CSKA): Children are used in prostitution or pornography for profit, Risky Sharenting: Parents unknowingly expose their children's private lives excessively.⁶

¹Central Statistics Agency (BPS), Indonesian Telecommunication Statistics 2024, Jakarta: Central Statistics Agency, 2024, pp. 45-48.

²Central Statistics Agency (BPS), "Percentage of Population Aged 5 Years and Over Who Have Accessed the Internet in the Last 3 Months 2024," Indonesian Telecommunication Statistics 2024, Jakarta: BPS, 2025.

³Ministry of Communication and Digital (Komdigi), "48 Percent of Indonesian Internet Users Are Children Under 18 Years Old," Jakarta: Komdigi, 2025, <https://www.komdigi.go.id/berita>.

⁴Muhammad Rausyan Fikri, Amin Rahmad Panjaitan, and Anggi Egi Anggraini, "Child Exploitation in the Media Space; A Legal Point," Al-Qadha: Journal of Islamic Law and Legislation, Vol. 9, No. 1 (2022): 215-230, <https://doi.org/10.32505/qadha.v9i1.4060>.

⁵ Hadi Supeno, Beware of Child Exploitation (Jakarta: Pustaka Alumni, 2010), pp. 15-18.

⁶ Siregar, FA, & Muslem. (2022). Child Exploitation in the Media Space; A Legal Review. Al Qadha: Journal of Islamic Law and Legislation, 9(1), 215-230. <https://doi.org/10.32505/qadha.v9i1.4060>

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A growing and specific phenomenon within the context of this research is the commercialization of children through social media platforms, particularly TikTok. The phenomenon of kid influencers and sharenting has the potential to digitally exploit children for economic gain. The lack of legal protection and oversight poses risks to children's rights to privacy, education, and well-being.

2. Research methods

The type of research the author uses is normative legal research. Normative legal research is a research process that examines and studies law as norms, rules, legal principles, legal doctrines, legal theories, and other literature to address the legal problems being studied.⁷

This research uses a statutory approach, focusing on legal regulations related to the legal problem or issue being studied. It also uses a conceptual approach, drawing on the views and doctrines developing within legal science.⁸

3. Results and Discussion

3.1. What are the forms of digital exploitation of children in social media content, especially in the practice of commercializing children on social media?

Digital exploitation of children in social media content can be understood as the practice of using children to generate economic, social, or symbolic benefits through digital uploads, without placing the best interests of the child as the primary consideration.⁹ In this context, children are positioned as objects of content production, whose primary value lies in audience appeal, engagement, and monetization opportunities. This phenomenon is evident in the form of kid influencers and commercial sharenting, where children's daily lives are recorded, disseminated, and packaged into marketable content in the digital space.¹⁰

This exploitation practice doesn't always manifest itself in overt violence, but rather occurs covertly through content that appears positive, humorous, or educational. On many social media accounts, children are portrayed as part of a fun family narrative, but behind this lies a financial agenda that involves increasing followers, views, advertising partnerships, and endorsements.¹¹

⁷Muhaimin. 2020. *Legal Research Methods*. Mataram: Mataram University Press. pp. 47-48.

⁸Ibid

⁹Op.Cit.. Siregar, FA, & Muslem. (2022). *Child Exploitation in the Media Space*

¹⁰Hastutik, RN (2024). *Sharenting activities and child commodification practices (netnographic study on the TikTok account @ndhiraa07)* [Undergraduate thesis, Diponegoro University].

¹¹Ibid

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Thus, digital exploitation of children does not only involve physical coercion, but also involves the manipulation of children's representation for the commercial interests of adults.¹².

One of the most obvious forms is the exploitation of children as content. In a netnographic study of certain TikTok accounts, repeatedly posting children's activities was shown to generate high engagement, resulting in the children's popularity becoming economic capital for the account.¹³At this point, children are no longer present as subjects whose rights are protected, but rather as a medium for producing attention and profit. This demonstrates the loss of a crucial principle: the best interests of the child. It also demonstrates that the digital space has transformed parenting relationships into economic relationships vulnerable to child rights violations.¹⁴.

Another prominent form is the kid influencer, where children are used as influencers to promote certain products or brands. Research into the kid influencer phenomenon shows that this practice can be categorized as child exploitation if it results in overwork, psychological stress, or neglect of children's needs for play, learning, and development. In practice, children are directed to appear as models, promotional messengers, or the face of a product, while the economic benefits are mostly enjoyed by parents, content management, or brand owners.¹⁵.

Commercial sharenting is also an important form of digital exploitation to examine. Initially understood as a habit of parents sharing their children's moments on social media, sharenting has evolved into a commercial practice where the child's popularity is exploited for personal gain. Studies on sharenting activities show that regular posts about children can create a positive image for parents while also opening up opportunities for endorsements, sponsorships, and account monetization.¹⁶In such situations, children's private lives are moved into the public sphere and transformed into economic value that is continually reproduced.

Digital exploitation of children is also evident through privacy violations and the sharing of personal data. When parents or creators post their names, faces, locations, daily routines, schools, habits, or other sensitive information, they are creating a permanent digital footprint

¹²Sari, CCF, & Pratama, Y. (2024). Legal Protection against Child Exploitation Through the TikTok Digital Platform. *Legal Treatise*, 20(2), 91-101.

¹³Op.Cit.. Siregar, FA, & Muslem. (2022). *Child Exploitation in the Media Space*

¹⁴Indonesian Child Protection Commission. (2021). *Child exploitation in the digital era*. Jakarta: KPAI.

¹⁵AYAL, T. (2025). *LEGAL ANALYSIS OF THE KID INFLUENCER PHENOMENON AS A FORM OF CHILD EXPLOITATION THROUGH SOCIAL MEDIA* (Doctoral dissertation, Hasanuddin University).

¹⁶Op.Cit.. Siregar, FA, & Muslem. (2022). *Child Exploitation in the Media Space*

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that can have long-lasting impacts on a child's future.¹⁷ Research on child protection through the digital platform TikTok confirms that sharenting can diminish children's right to privacy and cause negative psychological effects. Therefore, privacy issues are not merely a matter of digital ethics, but also part of protecting children's fundamental rights.

Another form of exploitation is the objectification of children. In much content, children are constructed as cute, adorable, or viral to maintain public attention. This pattern turns children's bodies, expressions, and behaviors into commodities designed to fit the logic of social media algorithms.¹⁸ As a result, children are at risk of experiencing performative pressure, which is the urge to constantly perform according to audience expectations, rather than according to their natural development.¹⁹

Digital exploitation of children can also intersect with sexual and economic exploitation in the media space. Literature on child exploitation in the media space shows that social media has become a new platform for modern forms of exploitation, including sexual exploitation, bullying, and the use of children for the benefit of others. Even when content is not explicitly sexual, the risk of abuse can arise from comments, redistribution, or unauthorized use of children's images by others.²⁰

In terms of patterns, the practice of commercializing children on social media typically follows a similar path. First, children are made the center of attention in content. Second, content is uploaded repeatedly to maintain traffic and visibility. Third, audience engagement is converted into economic gain through advertising, sponsorships, affiliates, or platform monetization. Fourth, children's images are shaped as part of a family branding strategy or parental personal branding. In this scheme, children lose their position as autonomous subjects and often function more as tools for producing digital economic value.

The factors driving the digital exploitation of children are quite complex. Platform algorithms tend to incentivize emotional, humorous, and easily viral content, thus increasing the potential for children's content to spread. On the other hand, low parental digital literacy means many are

¹⁷Mitzi Diva Meliana S., & Hartanto at.all (2024). The urgency of legal protection against the exploitation of minors (through social media). *Journal of Law, Administration, and Social Science* 4(3), 385-397

¹⁸Kayus Kayowuan Lewoleba, & Khairunisa Syalsabila. (2024). Analysis of the Role of Society and Legal Protection for Kids Influencers as Another Form of Child Exploitation. *VISA: Journal of Vision and Ideas*, 4(3), 1509 – <https://doi.org/10.47467/visa.v4i3.3125>

¹⁹Op.cit AYAL, T. (2025). LEGAL ANALYSIS OF THE KID INFLUENCER PHENOMENON AS A FORM OF CHILD EXPLOITATION THROUGH SOCIAL MEDIA

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unaware that repeated posts about children can pose long-term risks. Furthermore, specific regulations regarding kid influencers and commercial sharenting in Indonesia are still lacking, creating a regulatory gray area that increases the opportunity for exploitation.

From a normative perspective, this practice contradicts the principles of child protection because it ignores children's rights to privacy, normal development, and protection from exploitation. Research related to legal protection against child exploitation in the digital era shows that actions that benefit others and harm the child's best interests constitute a violation that requires serious attention.[3] Therefore, the commercialization of children on social media needs to be understood not as a neutral activity or simply a family expression, but as a practice that must be tested through the principle of the child's best interests.

3.2. How is the legal protection for children based on Law Number 35 of 2014 regarding the practice of commercializing children in social media content?

Legal protection for children based on Law Number 35 of 2014 regarding the practice of commercializing children in social media content is based on the principle that children are legal subjects who must receive protection for their rights to life, growth, dignity and privacy.²¹ From this perspective, the practice of commercializing children cannot be viewed as merely a family entertainment activity, because when children are used as promotional tools, sources of traffic, or objects of monetization, then the economic interests of adults have entered the area protected by child protection laws.²² Therefore, Law Number 35 of 2014 must be read as an instrument that requires the state, parents, and digital platforms to prevent all forms of economic and sexual exploitation of children.²³

Normatively, this legal protection is based on the provisions of Article 4, Article 9, Article 13, Article 76I, and Article 88 of Law Number 35 of 2014. These articles indicate that children have the right to live, grow, develop, and receive protection from exploitation and violence. In the context of social media, this norm means that any action that turns a child into a commercial

²¹Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

²² Op.Cit.. Siregar, FA, & Muslem. (2022). Child Exploitation in the Media Space

²³AKBAR, MUHAMMAD ALI (2024) REVIEW OF PROTECTION OF CHILD VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION THROUGH SOCIAL MEDIA BASED ON LAW NUMBER 35 OF 2014. Diploma thesis, Islamic University of Kalimantan MAB

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object must be tested based on whether the action violates the child's rights, harms psychological development, or benefits another party disproportionately.²⁴.

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection explicitly states in the following table summary:

Article 1 number 2	Child Protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate optimally in accordance with human dignity and honor, and receive protection from violence and discrimination.
Article 20	The State, Government, Regional Government, Community, Family, and Parents or Guardians are obliged and responsible for implementing Child Protection.
Article 21 paragraphs (1)–(4)	The State, Government and Regional Governments are obliged and responsible to respect, fulfill, protect and guarantee the fulfillment of Children's Rights without discrimination.
Article 26 paragraph (1)	Parents are obliged and responsible for caring for, nurturing, educating, and protecting their children; developing their children according to their abilities, talents, and interests; preventing marriage at a young age; and providing character education and instilling moral values in their children.
Article 59 paragraphs (1)–(2)	The Government, Regional Governments and other state institutions are obliged and responsible for providing special protection to children, including children who are exploited economically and/or sexually.
Article 64	Special protection for children in conflict with the law is carried out through humane treatment, separation from adults, provision of legal aid, avoidance of publication of identity, and provision of assistance and other rights in accordance with statutory regulations.
Article 66 letters a–c	Special Protection for Children who are exploited economically and/or sexually is carried out through the dissemination and/or socialization of provisions of laws and regulations, monitoring, reporting, and imposing sanctions, as well as the involvement of various parties in eliminating exploitation of Children.
Article 67A	Everyone is obliged to protect children from the influence of pornography and prevent children from accessing information containing pornographic elements.
Article 69A letters a–d	Special protection for child victims of sexual crimes is carried out through reproductive health education, social rehabilitation, psychosocial assistance, as well as protection and assistance at every level of examination.
Article 71D paragraph (1)	Every child who is a victim as referred to in Article 59 paragraph (2) letters b, d, f, h, i and j has the right to apply to the court for the right to restitution which is the responsibility of the perpetrator of the crime.
Article 76I	Every person is prohibited from placing, allowing, carrying out, ordering or participating in economic and/or sexual exploitation of children.
Article 88	Any person who violates the provisions as referred to in Article 76I shall be punished with imprisonment of up to 10 (ten) years and/or a maximum fine of IDR 200,000,000.00.

The most basic form of legal protection is preventive protection. This protection is realized through a strict legal prohibition against the economic and/or sexual exploitation of children, as

²⁴Op.cit.. Sari, CCF, & Pratama, Y. (2024). Legal Protection against Child Exploitation Through the TikTok Digital Platform

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stipulated in Article 76I of Law Number 35 of 2014. This prohibition is important because the practice of commercializing children on social media often occurs repeatedly, covertly, and is justified in the name of content creativity. With this prohibition, the state has established a limit that children may not be used as a means of producing profit, including through video uploads, product promotions, or digital endorsements.²⁵

Preventive protection is also evident through the obligation of parents to care for, nurture, educate, and protect children from all forms of violence and exploitation.[1] In a study of sharenting on the TikTok platform, it was found that parents can be the main perpetrators of child commercialization, because uploads of children's activities are often done routinely to maintain account popularity and monetization opportunities.[4] This situation shows that legal protection is not enough to only target external perpetrators, but must also be directed at parents who use family relationships as a gateway for digital exploitation.²⁶

The next form of legal protection is repressive protection through criminal enforcement. Article 88 of Law Number 35 of 2014 provides criminal penalties for perpetrators of economic and/or sexual exploitation of children. In research on child exploitation on social media, this criminal provision is understood as a means to punish perpetrators while simultaneously emphasizing that economic interests must not override children's rights. This means that when the commercialization of children is carried out in a real way and causes harm, the state has a legal basis to take criminal action against the perpetrators, whether parents, content managers, or parties who benefit from the exploitation.²⁷

In addition to criminal sanctions, Law Number 35 of 2014 also provides a special protection mechanism for child victims. Article 64 emphasizes that children have the right to protection from discriminatory treatment, economic and/or sexual exploitation, and identity protection. In the context of social media content, this provision is relevant because excessive exposure to children's faces, names, routines, and personal lives can pose the risk of stigma, bullying, and digital identity abuse. Therefore, legal protection does not stop at punishing the perpetrator, but also includes restoring the dignity and security of children as victims.

²⁵Op.cit AYAL, T. (2025). LEGAL ANALYSIS OF THE KID INFLUENCER PHENOMENON AS A FORM OF CHILD EXPLOITATION THROUGH SOCIAL MEDIA

²⁶Op.Cit. Hastutik, RN (2024). Sharenting activities and child commodification practices (netnographic study on the TikTok account @ndhiraa07)

²⁷Op.cit. Kayus Kayowuan Lewoleba, & Khairunisa Syalsabila. (2024). Analysis of the Role of Society and Legal Protection for Kids Influencers as Another Form of Child Exploitation

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Legal protection must also be viewed from the perspective of state responsibility. Research on legal protection against child exploitation through the digital platform TikTok shows that the state has an obligation to protect children's privacy rights and emphasizes the responsibility of parents and the government to fulfill children's rights. On the other hand, other research confirms that the implementation of legal protection in the field still faces obstacles such as a lack of public understanding, weak oversight, and the absence of technical regulations specifically governing the endorsement or commercialization of digital content for children.

In practice, legal protection for children also requires synergy between regulation, law enforcement, and family digital literacy. Law Number 35 of 2014 provides a strong normative foundation, but its success depends heavily on implementation. Studies on child exploitation on digital platforms indicate that sharenting can diminish children's right to privacy and negatively impact their psychological well-being. Therefore, legal protection must be accompanied by education for parents to understand the ethical and legal boundaries of publishing children's content.

Thus, legal protection for children under Law Number 35 of 2014 regarding the practice of commercializing children in social media content encompasses three main layers: prevention, enforcement, and recovery. Prevention is achieved through prohibitions on exploitation and foster care obligations that protect children; enforcement is achieved through criminal provisions against perpetrators; and recovery is realized through special protection of the identity, security, and rights of children as victims. This framework demonstrates that Indonesian positive law has actually provided an adequate foundation, although its effectiveness is still heavily influenced by parental awareness, state oversight, and digital platform compliance.

4. Conclusion

The digital exploitation of children in social media content, particularly in the form of commercialization, does not always appear in the form of visible violence. This practice often occurs covertly through content that appears positive, entertaining, and educational, but contains an economic orientation that prioritizes the profits of adults over the best interests of children. Based on studies that have been conducted, there are at least six forms of digital exploitation of children in social media content, namely: (a) commodification of children as content, where children are used as a medium to generate attention and income through repeated and massive uploads; (b) the phenomenon of kid influencers, namely the use of children as influencers who promote certain products or brands for the economic benefit of parents, content management, or sponsors; (c) commercial sharenting, namely the habit of parents repeatedly sharing children's activities on social media which then turns into a practice

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of account monetization; (d) violation of privacy and open distribution of children's personal data in digital public spaces; (e) objectification of children through content that positions children's bodies, expressions, and behavior as visual commodities to satisfy the tastes of algorithms; and (f) the risk of exploitation that can intersect with sexual crimes and the misuse of children's digital identities by irresponsible parties. In terms of patterns, the commercialization of children on social media generally follows a relatively systematic path: children are placed at the center of content, posts are made consistently, engagement is managed to build popularity, and traffic is converted into economic gain. The main driving factors include platform algorithm incentives, low parental digital literacy, and the absence of technical regulations specifically prohibiting the commercialization of children in digital content formats. Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection has provided a fairly basic normative framework to respond to the practice of commercialization of children in social media content. This legal protection works through three layers: First, preventive protection. Prohibition of economic and/or sexual exploitation of children; Second, repressive protection through criminal enforcement; and Third, protection through remedial and special protection. However, the effectiveness of this legal protection still faces several obstacles. First, there are no technical regulations that specifically regulate commercial sharenting, kid influencers, and endorsements involving children in Indonesia. Second, parents and the public still have limited understanding of the legal boundaries surrounding the uploading of children's content on social media. Third, oversight of digital platforms remains limited, allowing commercialization to occur on a massive scale without systematic oversight.

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