

PARADOX OF LEGAL PROTECTION FOR KID INFLUENCERS AND ARTISTS IN INDONESIA: COMPARATIVE STUDY OF US AND FRANCE

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Abstract

Every country has to fulfill legal protection for children. In this digital era, social media have positive and negative impacts on children. The number of children using social media is the third highest, namely aged 5-12 years. The economic exploitation of children reaches 431 cases. This study aims to investigate these 3 cases based on the regulation and comparison with other countries. This qualitative research used Normative Jurisprudence, Case Study, and Statue Approaches. Normative Jurisprudence referred to the Child Protection Law and the Employment Law. The case study involved 3 cases and the status approach compared regulations between the United States and France. This study revealed the urgency of the protection of child labor in the entertainment industry, namely kid influencers and artists who experience legal uncertainty due to the ambiguity and inequality of norms. Elements of the Criminal Act of Child Exploitation were fulfilled with the constraints in the explanation of the "Types of Economic Exploitation Acts" for child influencers or artists. Changes to related laws or legal reform through the Child Labor Law Draft need to consider the United States and France, which have succeeded in providing such protection.

Keyword: *Legal Protection; Child Artist; Kid Influencer; Child Labor; Ius Contitutuem.*

A. INTRODUCTION

In this digital era, the existence of technology, especially for entertainment, become an inseparable aspect of people's lives, including law. Technology affects social lives including economic, lifestyle, and cultural turmoil. The use of these technological products as entertainment¹ such as the Internet increasingly high worldwide, including in Indonesia which reaches 66.5% of the population of this country.²

Table 1. Indonesia’s digital condition in 2024

Item	Number (million)	Percentage (%)
Internet users	185.3 million	66.5%
Social media users	139.0 million	49.9%
Active mobile phone connection	353.3 million	126.8%

The data presented above need to be considered by the government of Indonesia as an anticipation of the massive use of social media. The internet users reached 185.3 million people with a percentage of up to 66.5% of the population in Indonesia in 2024. The Government of Indonesia needs to consider the data above in order to handle the possible implications of the widespread use of social media. Concerning the use of social media as a technological tool, the community may have different perceptions due to the morality of its use which is not in accordance with tradition or provisions.

The increasing number of social media users also occurs in children where 13.4% of social media users are children aged 5 to 12 years. The percentage is quite concerning because the overall data of social media users aged 5-12 years is in the second position. At that age, children get their most important rights and the use of social media can be limited because it can have a negative effect. The negative effect can be seen from their decreased enthusiasm for learning, deviant behavior from information spread through the media, and violations of the law which ultimately result in long-term effects.

¹ Christian Fuchs And Sebastian Sevignani, "What is digital labour? what is digital work? what's their difference? and why do these questions matter for understanding social media?," *Triplec: Communication, Capitalism & Critique. Open Access Journal For A Global Sustainable Information Society* 11, No. 2 (2013): 237–93.

² Datareportal, "Digital 2024: Indonesia global digital insights," 2025, <https://Datareportal.Com/Reports/Digital-2024-Indonesia>

Table 2. Indonesia populations by age

Age Group	Population Percentage (%)
0 – 4 years	7.9%
5 - 12 years	13.4%
13 - 17 years	8.4%
18 - 24 years	11.0%
25 - 24 years	15.2%
35 - 44 years	14.7%
45 - 54 years	12.8%
55 - 64 years	9.4%
65 years and older	7.1%

Social media also effects can also be seen in the entertainment industry where there is child economic exploitation through digital media. A fixed definition of economic exploitation of children has not been found. However, Law Number 23 of 2002 concerning Child Protection and Law Number 13 of 2003 concerning Manpower explains that economic exploitation of children is related to child labor.³ In the development era, child labor is a major issue where child labor activities are practiced to meet material needs or improve abilities. Parents should be responsible for their children and this raises questions about efforts to protect them.⁴ The current trend of child labor is in the digital entertainment field or using technological media which is commonly known as “kidfluencer” or kid influencer.

Practices involving child labor in the entertainment industry are categorized into two, child artists and influencers. Although both are part of child labor, they have significant differences in terms of the platforms used to seek material gain. Child labor practices in the entertainment industry are divided into kid influencers and artists. Although both are part of child labor, both have significant differences in terms of the platforms used. The terms kid influencers and artists refer to workers in the entertainment industry but have differences in the platform for gaining earnings or profit. Child artists are more directed at long-term activities through the big screen, television, and other media platforms. Kid influencers focus more on social media to provide information about their daily activities wrapped in various promotions. Both of them are in great demand because they are fun and get a lot of attention from the public for their expertise in the entertainment industry such as films, models, and music. However, these two types of child labor have implications

³ Adi Saptia Sudirna, “Kajian hukum hak asasi manusia terhadap praktik kid influencer,” *Lex Administratum* 8, No. 5 (2020).

⁴ Aryani Witasari dan Muhammad Sholikul Arif, “Implementasi diversi guna mewujudkan restorative justice dalam sistem peradilan pidana anak,” *Jurnal Hukum* 35, no. 2 (2019): 165.

for legal issues in society because they can have long-term impacts on children regarding their rights such as education, economics, and health. The problem of child labor in the digital era is reinforced by a report from the Indonesian Child Protection Commission regarding the alleged exploitation or trafficking of children through social media with a total of 431 cases during 2021-2023.⁵ This indicates that although entertainment industry can be a way for children to gain popularity, they are also at risk of being exploited which in turn threatens their basic rights as children.

The report is reinforced by the presentation of Baim Cilik, Talitha Curtis, and Rafathar Malik Ahmad.⁶ Baim Cilik and Talitha Curtis were child artists. Now, they are adults and tell their life stories admitting that they do not have any savings and are experiencing financial constraints even though they had worked when they were young. Talitha Curtis was diagnosed with a mental illness after stopping being a child artist. Besides, Rafathar Malik Ahmad has a trauma as his daily life is being covered on his social media.⁷ Law Number 23 of 2002 concerning Child Protection and Law Number 13 of 2003 concerning Manpower regulate and prohibit child labor. Unfortunately, the existing data prove that the economic exploitation of children, especially kid influencers and artists prove the lack of enforcement of children's rights in Indonesia.

Regulation of Child Labor in the Entertainment Industry are quite controversial because the enforcement of child protection has not been implemented properly.⁸ Law Number 1 of 2023 concerning the National Criminal Code has given a signal with the suspicion that general child neglect is not only in economic exploitation but also in criminal acts. The Child Protection Law contains children's rights, types of criminal acts of economic exploitation of children, and the accountability of the parties, but there is no explanation regarding the type. ⁹Furthermore, Law Number 13 of 2003 concerning Manpower can be a special regulation for child workers explains the age of individuals working, the prohibition of working for children.

⁵ Nur Habbie, "KPAI: Ada 481 Pengaduan terkait kasus anak korban pornografi dan cyber crime" *Merdeka.Com*, 2024, <https://www.Merdeka.Com/Peristiwa/Kpai-Ada-481-Pengaduan-Terkait-Kasus-Anak-Korban-Pornografi-Dan-Cyber-Crime-170921-Mvk.Html>.

⁶ Febriana Nur Insani, "Tak cuma talitha curtis, 4 artis tak malu jualan di pinggir jalan, sidik eduard hingga baim alkatiri," *Tribuntrends.com*, 2025, <https://Trends.Tribunnews.Com/2024/12/12/Tak-Cuma-Talitha-Curtis-4-Artis-Tak-Malu-Jualan-Di-Pinggir-Jalan-Sidik-Eduard-Hingga-Baim-Alkatiri?Page=All>.

⁷ Fimela.Com, "Rafathar ngaku tak mau jadi artis, trauma gara-gara diajak foto," *Fimela.Com*, June 8, 2023, <https://www.Fimela.Com/Entertainment/Read/5313685/Rafathar-Ngaku-Tak-Mau-Jadi-Artis-Trauma-Gara-Gara-Diajak-Foto>.

⁸ Erniyanti Erniyanti, "The law enforcement in overcoming underage prostitution crime," *Jurnal Pembaharuan Hukum* 10, no. 3 (5 Desember 2023): 469.

⁹ Fahira Fatmawati And Kayus Kayowuan Lewoleba, "Kidfluencer: Child exploitation in digital space in terms of child protection law," *Journal Of Law, Politic And Humanities* 4, No. 4 (2024): 955–65.

However, it does not explain the working hours, children's rights, and obligations.

The practice of child labor in the entertainment industry does not only occur in Indonesia but also in the United States and France. However, the United States and France are better at dealing with this because they have regulations that have provided legal certainty on this issue. The United States was the first to present the Lagoon Law as the Child Actor Law. This is because of a court decision as an enforcement of the law on children's rights, namely from a criminal complaint by Jackie Coogan to his stepmother for not getting paid while he was a child while starring in the Charlie Chaplin film so that the decision strengthened the creation of the Child Actors Act.¹⁰ France has just created the Kid Influencer Act or Loi n° 2020-1266 on 19 October 2020.¹¹ The regulation is part of the overall law enforcement for social media stars or influencers designed by the French cabinet for the many actions of influencers who carry out social media activities for promotions or dangerous trends to the public.

The United States and France have made efforts to protect child workers in the entertainment industry through their regulations, while Indonesia has not applied this. Thus, it is interesting to study. In Indonesia, the regulation does not yet explain the elements of criminal acts from child labor practices in the entertainment industry clearly though economic exploitation of children has been prohibited. The provisions of child labor only explain age which is different from the two countries which explain in detail the rights or obligations of parents and guardians of their children as subjects of workers in the entertainment industry. Moreover, it is not further explained on the provisions of companies or platforms that cooperate with those in charge of children to carry out actions to commercialize children as workers in the entertainment industry. The limitation of these regulations and the conditions of child labor in the entertainment industry as artists or influencers should be able to immediately get legal certainty from the government. Therefore, this study aims to examine the problem and provide recommendations to the government on child labor practices in the entertainment industry in Indonesia.

The discourse on previous research on Child Labor in the Entertainment Industry has discussed this problem but the research purpose is different from this present study. The first study is a national level study discussing Child Labor in the Entertainment Industry focusing on Legal Protection of Kid

¹⁰ Amber Edney, "'I don't work for free': the unpaid labor of child social media stars," *University Of Florida Journal Of Law & Public Policy* 32, No. 3 (2022).

¹¹ Claire Marzo, "Influencers, labour law and social protection: a comparative analysis between france and the United Kingdom," In *The Hashtag Hustle* (Edward Elgar Publishing, 2025), 130–48.

Influencers in Indonesia viewed from normative law.¹² The second study is an international study that examines the relationship between Coogan's law as a child actor law in the United States that can be used for kid influencers.¹³ The third study compares French, English, and American laws on child labor in the entertainment industry.¹⁴ The fourth study is a national study discussing the legal responsibility of parents for acts of economic exploitation of children on social media based on case studies.¹⁵ The fifth study is an international study focusing on the need for Indonesia to create regulations on Kid Influencers but it does not explain the practice of Kid Influencers as an element of legal action such as criminal or civil. Those studies differ from this study because the researcher examines the criminal elements, urgency, and ius contentiduum or the law aspired to from the problem at 2 countries as a reference for regulatory changes.

This study aims to examine and test the legal regulations on economic exploitation of children which are then linked to concrete events such as the cases of Baim Cilik, Talitha Curtis, and Rafathar Malik Ahmad. The researcher found an ambiguity in the enforcement of legal protection for child artists and influencers. This study also aims to create data-based literature examining legal protection from the practice of Child Labor in the Entertainment Industry in Indonesia. Then, the researcher states that Child Labor in the Entertainment Industry is considered in the elements of the crime of economic exploitation of children. In addition, the researcher will provide recommendations in the form of laws that are aspired to based on the two country comparisons described previously. The results of this study are expected to provide a clear comparative literature study for the Indonesian government on the progress of protection and legal certainty for child workers, especially in the entertainment industry.

B. RESEARCH METHODS

This study used a qualitative research method with three approaches, namely the normative legal approach, the statute approach, and case studies. Qualitative methods focused on in-depth analysis of legal phenomena based

¹² Jody Imam Rafsanjani, "Legal protection of kid influencers from child exploitation," *Jurnal Penelitian Hukum De Jure* 22, No. 1 (2022): 93.

¹³ Charlotte Yates, "Influencing 'Kidfluencing': Protecting children by limiting the right to profit from 'Sharenting,'" *Vanderbilt Journal Of Entertainment & Technology Law* 25, No. 4 (2023): 845.

¹⁴ Fishbein Rachel, "Growing up viral: 'kidfluencers' as the new face of child labor and the need for protective legislation in the United Kingdom," *Geo Wash* 54, No. 127 (2022).

¹⁵ Roudetul Jennah And Nur Azizah Hidayat, "Pertanggungjawaban pidana bagi orang tua pelaku eksploitasi anak untuk konten media sosial," *Yustisia Merdeka : Jurnal Ilmiah Hukum* 8, No. 2 (2022): 22–28.

on descriptive data, without using statistical calculations.¹⁶ This method functioned to find normative and socio-legal data in more detail based on sentences. The normative legal approach was to analyze the law based on applicable laws and norms. Meanwhile, the case study examined a concrete case to understand the application of legal norms in practice. The statute approach was to analyze related laws and regulations from other countries as the main source in legal research.¹⁷

C. DISCUSSION

1. The Urgency of Legal Protection for Kid Influencers and Artists in Indonesia

Legal Protection is part of the purpose of the law and it often becomes an issue in the ambiguity or absence of regulations. This legal protection can be provided by anything recognized by law. This can be a certain object, subject, or action.¹⁸ The existence of the law provides confirmation of everything that exists in the country. The government has the responsibility to provide legal protection through various instruments such as regulations and related institutions in handling the implementation.¹⁹ The legal protection aims to protect the rights of each individual based on the applicable regulations that individuals who violate or are affected can run their rights or obligations. However, in the process of implementing legal protection that has been proven to have violated regulations, there is another division called the protection of victims and perpetrators.

The practice of child labor in the entertainment industry in Indonesia is included in the study of legal protection because child subjects have more complex rights, especially as workers. In general, legal protection for children refers to international law, namely the Convention on the Rights of the Child (CRC) and the national law mandated in the 1945 Constitution and Law Number 23 of 2002 concerning Child Protection.²⁰ Children who are categorized as workers are further explained based on National Law ratified through Law Number 1 of 2000 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor and Law 2003

¹⁶ Prof Dr A. Muri Yusuf M.Pd, *Metode Penelitian Kuantitatif, Kualitatif & Penelitian Gabungan* (Prenada Media, 2016).

¹⁷ Dr Jonaedi Efendi M.H S. H. I. And Prof Dr Prasetijo Rijadi M.Hum S. H., *Metode Penelitian Hukum Normatif Dan Empiris: Edisi Kedua* (Prenada Media, 2022).

¹⁸ Indah Sri Utari Et Al., "Legal protection for children as victims of economic exploitation: problems and challenges in three major asean countries (Indonesia, Vietnam And Philippines)," *Lex Scientia Law Review* 7, No. 2 (2023): 771–842.

¹⁹ Friska Anggi Siregar And Muslem, "Eksplorasi anak di ruang media; sebuah tinjauan hukum," *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 9, No. 1 (2022): 215–30.

²⁰ Rizki Gusti Perdana And Susilo Wardani, "Pelindungan hukum terhadap konten kreator anak," *Ajudikasi : Jurnal Ilmu Hukum* 7, No. 2 (2023): 431–50.

concerning Manpower. The government has provided technical regulations regarding child labor in talent development through Ministerial Decree KEP.115/MEN/VII/2024. In Indonesia, various regulations governing children's rights have provided legal certainty regarding child labor but there are many questions from the general public regarding the practice of kid influencers and artists. The National Criminal Code (KUHPNas) regulates law enforcement regarding child protection measures and their principles.

The 1945 Constitution and Law Number 23 of 2002 concerning Child Protection have regulated legal protection for the state's responsibility in protecting children and further explain the types of actions that should not be carried out.²¹ Article 28B Paragraph 2 of the 1945 Constitution explains that children have the right to develop by being given protection from violence or discrimination. Articles 58-64 of Law Number 23 of 2002 concerning Child Protection specifically regulate 16 children's rights including the right to education, the right not to be neglected, the right to be protected by law, the right to rest, and the right not to be exploited economically.²² Furthermore, Article 13 Paragraph (1) explains that parents or guardians' responsibilities for children for acts of economic or social exploitation.²³

Article 1 Number 26 stated that children over 18 years old may work. However, Article 69 Paragraph (1) states that children may be allowed to work under various conditions, for example, aged 13-15 years, and may not do work that damages the child's physical, mental, and social well-being. Article 1 Paragraph (2) regulates the obligations of companies that employ children, namely permission from parents, an agreement between the child and their parents, work time limit, not interfering with school, occupational health and safety, and wages according to their area. Kid influencers or artists are also explicitly regulated in Article 71 Paragraph (1), namely in the category of workers to develop interests or talents. Article 46 explains prohibitions for children to be employed with physical, mental, and moral impacts on children. Unfortunately, this regulation does not regulate economic rights and working hours. Meanwhile, various regulations for workers in general, not children, regulate them, even though the principle of this regulation combines cross-sectoral central and regional functions for the workforce.

Law enforcement efforts are regulated in Law Number 1 of 2023 concerning the National Criminal Code (KUHPidana Nasional). Article 34

²¹Muhammad Ngazis And Surahman Surahman, "Legal protection against child exploitation in the digital era based on the perspective of justice," *Jurnal Meta-Yuridis* 7, No. 1 (2024): 34–47.

²² Didi Nazmi And Syofirman Syofyan, "Pengaturan perlindungan hak anak di indonesia dalam rangka mengeliminir pelanggaran hak anak," *Unes Journal Of Swara Justisia* 7, No. 2 (2023): 774–84.

²³ Garry Garry And Beniharmoni Harefa, "Perlindungan hukum anak korban eksploitasi sebagai publik figur di media sosial," *Jurnal Usm Law Review* 7, No. 1 (2024): 129–43.

concerning the Principle of Criminal Responsibility regulates absolute responsibility where each individual can be held responsible for their actions because the general or specific criminal elements have been fulfilled. In this case, the discussion of child labor in the entertainment industry refers to the National Criminal Code as a general regulation and the specific regulations refer to the Child Protection and Employment Law. However, the general regulations in the National Criminal Code for kid influencer practices are only found in Article 341 concerning neglect, so there is legal ambiguity in compiling criminal liability to be claimed through special regulations in the form of the Child Protection Law in accordance with the Principle of *lex specialis derogat legi generali* stated in Article 125.

The Ministerial Decree No.115/MEN/VII/2024 can be considered a special regulation on the practice of child labor, especially kid influencers and artists. This involves work done at an early age, where children have interests according to their abilities and creative souls. ²⁴The regulation implies that children should not work at an early age unless they meet the criteria explained above. Furthermore, in this case, children's opinions must be respected, and treated with maximum physical, mental, intellectual, and social care. They also must get an education without any coercion from anyone to take the job or vice versa. Furthermore, the decree explains the working hours for children under 13 years old and under 15 years old, namely 3 hours per day and/or 15 hours per week and 8 hours per day and/or 40 hours per week respectively. This is still not a good reference based on the researcher's interpretation.

The legal protection for child labor in the entertainment industry is lacking in terms of claims related to the type of criminal act of economic exploitation, the difficulty of enforcing working hour regulations, children's economic rights, the role of the government, and the accountability of the parties for something bad to children from work agreements in the entertainment industry. The Ministerial Decree No.115 / MEN / VII / 2024 has legal ambiguity regarding the principle in the legislation, namely *lex superior derogat legi inferiori*. Regulations with a low hierarchy must not conflict. Unfortunately, the Ministerial Decree KEP.115 / MEN / VII / 2024 is a derivative of Law Number 13 of 2003 concerning Manpower which states that children under 13 years may not work. However, the ministerial decree allows this action so that this ministerial decree should be tested materially again and aligned with Law Number 13 of 2003 concerning Manpower. Then, the Ministerial Decree No.115/MEN/VII/2024 states that children may work with their rights respected. However, in some cases in this study, the opposite is

²⁴ Neneng Pratiwi Zahra And Fifi Ayu Lestari, "Eksplorasi anak yang bekerja di industri hiburan dan kaitannya dengan pelanggaran HAM: exploitation of children working in the entertainment industry and its link to human rights violations," *Rechtszekerheid* 1, No. 2 (2024): 175–84.

stated. The enforcement of legal protection for child workers in the entertainment industry is still unclear.

2. Elements of Economic Exploitation of Children in Indonesia's Entertainment Industry

The practice of child labor in the entertainment industry is protected by regulations but they have a clear ambiguity in its principles.²⁵ The highest law regulating this matter has an ambiguity regarding economic exploitation because many alleged cases in Indonesia have not gone through the resolution of legal institutions. It is very difficult to determine the act of economic exploitation in the practice of child labor in the entertainment industry because legal certainty is only given by the panel of judges. Some case studies that have been explained earlier can be used as material for enforcing legal protection for child labor practices in the entertainment industry in Indonesia. The enforcement of child protection refers to Law Number 23 of 2002 concerning Child Protection which regulates the elements of violations of economic exploitation in order to provide legal certainty for child labor practices in the entertainment industry.²⁶

This study involved 3 cases, namely Talitha Curtis, Baim Cilik, and Rafathar Malik Ahmad based on Law Number 23 of 2002 concerning Child Protection. The three cases are linked to the crime of economic exploitation according to Article 761 of the Child Protection Law. However, Article 13 of the Child Protection Law states that parents must protect children from acts of economic and sexual exploitation. The clause states that parents are required to protect children from acts of economic exploitation so that the responsibility lies with their parents and in these three cases, children as entertainment industry workers are still under their parent's care. Talitha Curtis and Baim Cilik were child workers but they did not get their rights. In addition, Rafathar Malik Ahmad was traumatized by his parents. This study is expected to be a consideration for the government to pay attention to the rights of child laborers.

Article 761 of the Child Protection Law states that "Everyone places, allows, does, orders to do, or participates in economic and/or sexual exploitation of children". This article does not explain further regarding the type of economic exploitation so it requires interpretation to determine whether these elements are fulfilled. This article consists of 3 elements,

²⁵ Andi Kawijaya, Agus Budi Santoso, And Ajeng Risanawati Sasmita, "Pertanggungjawaban tindak pidana eksploitasi seksual dan ekonomi terhadap anak dibawah umur menurut Undang-Undang nomor 35 tahun 2014 tentang perlindungan anak (Studi Putusan Nomor 331/Pid.Sus/2021/Pn.Yyk)," *Eksaminasi: Jurnal Hukum* 3, No. 3 (2024): 118–30.

²⁶ Mitzi Diva Meliana, Amabelle Fellyta Diantono, And Luisa Griselda Giferi, "Urgensi perlindungan hukum terhadap eksploitasi anak dibawah umur (Melalui Media Sosial)," *Researchgate*, October 22, 2024.

namely everyone, exploiting the economy, and benefiting themselves which must be examined so that they get results from the crime. Child labor in the entertainment industry can be considered criminal acts if those elements have been fulfilled. Legal efforts and the judge's decision based on the legal event are then linked to the facts in the trial. Every crime has an objective or external element of the perpetrator and a subjective element or the perpetrator's self that is attached so that it can be included as being done by her/him.²⁷

The first element is 'who' refers to the legal subject who commits a crime so that she/he must be responsible for her/his actions. The subject in Article 761 of the Child Protection Law is a human individual (natuurlike person) or legal entity (recht peron) who is considered to have understood or is legally competent so that her/his actions can be accounted for.²⁸ In the case of child labor in the entertainment industry, if the economic exploitation of children is proven, the first element or the subject who can be held responsible for the action is not only the parent or guardian but also the company. Regarding the three cases, the parents of child workers, especially those who are suspected of neglect Talitha Curtis and Baim Cilik, can be held accountable if these children make a report because they said their parents have full control of the result of their work in the entertainment industry. Meanwhile, in the case of Rafathar Malik Ahmad who felt traumatized, he can report the alleged crime because there is a subject who is suspected of carrying out the economic exploitation of children.

The second element is "placing, allowing, doing, ordering to do, or participating in economic and/or sexual exploitation of children". This element has various actions as a basis for reporting. The above acts can have no relationship or have a relationship to each other and even can be made into one ongoing event which must be accounted for by the subject "everyone".²⁹ In the case of Talitha Curtis and Baim Cilik, some long events can be used to claim that their parents' actions constitute economic exploitation. In the case of Talitha Curtis, she admitted that she had to work at a young age even though she did not feel comfortable because it was her responsibility as a child and her parents' parenting style placed her in such actions. Meanwhile, Baim Cilik's case is quite different because he has been an actor since he was 5

²⁷ Suryo Sri Pamungkas, "*Tindak pidana eksploitasi ekonomi oleh orang tua terhadap anak kandung di wilayah Jakarta Selatan*" (Bachelorthesis, Fakultas Syariah Dan Hukum Uin Syarif Hidayatullah Jakarta, 2024).

²⁸ Andi Dian Rezki Ramadhan, "*Analisis yuridis tindak pidana eksploitasi ekonomi dan seksual terhadap anak melalui aplikasi mi-chat (Studi Kasus Putusan No.685/Pid.Sus/2022/Pn.Sby)*" (Other, Universitas Hasanuddin, 2023).

²⁹ Pahlepi Wan Muhammad Reza, Arjuna Hendra, And Efritadewi Ayu, "*Pertanggungjawaban pidana terhadap orang tua yang melakukan eksploitasi ekonomi kepada anak sebagai pengemis (Studi Kasus Kota Batam)*" (Masters, Universitas Maritim Raja Ali Haji, 2021), [Http://lib.umrah.ac.id](http://lib.umrah.ac.id).

years old and his parents directed him to have dialogue practices until late at night and even forced him to do so in the middle of the night. On the other hand, Rafathar Malik Ahmad, through his parents' narrative, felt disgusted with various activities to be recorded on the camera so his parents forced him to do these actions.

The third element is the economic exploitation of children. This element is still ambiguous in the entertainment industry. Various other regulations only explain exploitation without economics. Exploitation is an action that should not be done to children. Generally, exploitation is stated in Article 1 Number 7 of Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking which states that "Exploitation is an act with or without the consent of the victim which includes but is not limited to prostitution, forced labor or service, slavery or practices similar to slavery, oppression, extortion, physical, sexual, reproductive organ exploitation, or unlawfully moving or transplanting organs and/or body tissue or utilizing a person's energy or ability by another party to gain material or immaterial benefits."³⁰ Based on the three cases above, there is coercion in physical activity, utilizing the energy, and ability of a person on another party to gain benefits so those cases are considered to fulfill these elements.

The economic exploitation of children could be found in the two subjects, namely Talitha Curtis and Rafathar Malik Ahmad. A survey conducted by the United Nations International Children's Emergency Fund (UNICEF) in 2020 also strengthened the researcher's suspicions, proving that children who are abused in exploitation can have higher levels of stress or anxiety than children of the same age, which then has an impact on their future.³¹ Talitha Curtis experienced changes in weight and lifestyle due to depression after working as a child artist. This proves that the economic exploitation of children can be materially detrimental and damage children's morals. This condition can also happen to Rafathar Malik Ahmad because based on the statement of his family, he was traumatized and had high emotions when being asked to make an advertisement. Thus, his family did not dare to invite him to promote or work in activities in the entertainment world.

The fourth element is "benefits", a form of activity obtained materially or immaterially as in the explanation of exploitation in general.³² In the case

³⁰ Refanny Arsyika Chandra, "*Tindak pidana eksploitasi terhadap anak oleh anak (Studi Kasus Pengadilan Negeri Garut Nomor: 7/Pid.Sus-Anak/2022/Pn.Grt*" (Bachelorthesis, Fakultas Syariah Dan Hukum Uin Syarif Hidayatullah Jakarta, 2024).

³¹ Windi Juwita Sari, "Bahaya eksploitasi terhadap masa depan anak," *Guruku: Jurnal Pendidikan Dan Sosial Humaniora* 2, No. 4 (2024): 121–34.

³² Yudha Mardinata, Nashriana Nashriana, And Vera Novianti, "*Perlindungan hukum terhadap anak yang menjadi korban eksploitasi ekonomi di kota Palembang*" (Undergraduate, Sriwijaya University, 2023).

of Talitha Curtis, her parents received a number of benefits ranging from finance, clothing, food to secondary needs from her work. Unfortunately, when she was not working, she was abandoned so she had a mental illness. In the case of Baim Cilik, his activities as a child artist made him get material benefits such as a house and a total wealth of more than IDR 1 billion. Unfortunately, he did not get that when he was an adult, even some assets had been sold. On the other hand, Rafathar Malik Ahmad can be considered 'good' because he still enjoys the benefits even though he feels traumatized. Cases of child workers in the entertainment industry who do not get their rights and are indirectly exploited by their parents should encourage the government to consider these regulations to avoid other similar cases.

3. Ius Constituendum for the Protection of Child Workers in the Entertainment

Industry or Alleged Violations of Kid Influencer Exploitation The practice of child labor in the entertainment industry is an example of the lack of government roles in protecting children. Children should be able to become individuals who prioritize their education as stated in the Child Protection Law arguing that child workers can improve economic conditions with claims to increase interests or talents but in fact, parents get benefits. The government needs to set the limitation. Entertainment industry companies and parents of child workers in the entertainment industry used Ministerial Decree No.115/MEN/VII/2024 to set aside the Child Protection Law because it can be a technical basis for allowing the practice. However, the three cases above prove that the decision cannot be implemented properly, and even children become victims of the practice. Talitha Curtis suffers from physical and mental trauma as her parents forced her to work as a child artist. Baim Cilik lost his income even though he had worked since he was little and had to stop his education. The last, Rafathar Malik Ahmad felt traumatized by being highlighted as a kid influencer.

The issue of child labor in the entertainment industry is not something new in the United States and France. These two countries have had problems with children in the entertainment industry where the United States faced allegations of neglect of child artists and France had problems with digital workers including kid influencers since regime changes in 2020. On the other hand, Indonesia still has unclear laws on children in the entertainment industry, while the United States and France have succeeded in creating preventive protection in an effort to provide legal certainty clearly, carefully, and systematically.³³ The United States succeeded in creating the Coogan Law

³³ Rizki Adi Pinandito dan R. Sugiharto, "The legal protection for children in conflict with the law through virtual courts: implementation of united nation convention on the rights of the child," *Jurnal Akta*, (2023).

or Child Actors which then can be used as the basis for kid influencers, while France has created a special law for kid influencers. Indonesia only refers to practical or technical regulations on Ministerial Decree No.115/MEN/VII/2024 and the legality is still questionable.

Table 3. Comparison of Child Labor in the Entertainment Industry by Countries

Locations	United States	France	Indonesia
Regulations Governing Child Labor in the Entertainment Industry	Family Code – Fam, Division 11. Chapter 3. Contracts in Art, Entertainment, and Professional Sports or The California Actor’s Bill (Coogan Act)	Kid Influencer Law or Loi n° 2020-1266 du 19 October 2020	Law No. 23 of 2002 concerning Child Protection
Child Age	18 years and can change according to the permission of the relevant authorities	13 years and can change according to the permission of the relevant authorities	18 years
Working Time	3 hours	8 hours	8 hours
Off time	No information	14 hours	No information
Economic Rights	15% of income is for children through savings	Remuneration of 5% for deposits	No Further Information
Education Rights	Allowing children to be absent for 3 consecutive days may be sued	Mandatory to attend school with a provision of 6 hours	No Further Information
Criminal Penalties	Five years’ probation and loss of custody	Sentenced to 5 years	Economic exploitations sentenced to a maximum of 10 years

In the United States, Child Labor Law in the entertainment industry has provisions explained in the Coogan Law. The Coogan Law is a transformation of child slavery law adopted by traditional England and first created by the

State of California. This traditional law in the United States is worse than the law in Indonesia because it allows child slavery and is fully given to the father. In 1930, there was a lawsuit by Jackie Coogan against his mother for spending all his wealth as a child artist. The most interesting provision of the Coogan Law is not related to the legality of economic exploitation of children because the long history of the United States has not questioned such actions. However, the material benefit is where children have full rights to their wealth while working. The Jackie Coogan court decision was the beginning of a new chapter in the enforcement of the law on the economic exploitation of children. Article 6752 of the Family Code 2020 states that parents are required to provide 15% of the child's income to a separate account based on a letter of agreement with the relevant authorities.³⁴ Then, Article 48260-48260 states that parents can be sued by the school for not including children as workers to fulfill their educational rights. Unfortunately, Coogan's Law does not provide an age limit because child artists are workers of interest or talent but it is better to be 18 years old with a working time of 3 hours.³⁵

France has more specific regulations of the Kid Influencer Law or Loi n° 2020-1266 du 19 October 2020. This law is in line with the objectives of the current era to provide protection against child labor practices in the entertainment industry which is continuously increasing in various cities. This regulates the working hours in the entertainment industry including kid influencers, platform obligations, and criminal provisions stating violations of child exploitation.³⁶ Article L. 3162-1 explains that children have working hours of 4 hours/day or 35/week. Besides, children are given a break of 14 hours/day and 2 consecutive days off. Moreover, children are not allowed to work at night between 8 and 6 in the morning, but for entertainment, if they really have to work in the middle of the night, they must get provisions from the relevant authorities with a 30-minute break every hour. In the platform's provisions, the distribution of children's content must use accurate detection if it is suspected to be dangerous for children, and no provision for children's personal data. Even, Articles L. 7124-22 to L. 7124-24 and L. 7124-30 explain that parents or platforms that do not comply with the regulations can be imprisoned for 5 years with the provisions of employing children under 13

³⁴ Marina Masterson, "When play becomes work: child labor laws in the era of 'kidfluencers,'" *University Of Pennsylvania Law Review* 169, No. 2 (1, 2021): 577.

³⁵ Tasya Shavina Putri And Elisabeth Septin Puspoayu, "Perbandingan hukum ketenagakerjaan indonesia dan amerika serikat terkait eksploitasi ekonomi pekerja anak di industri hiburan," *Novum: Jurnal Hukum* (2026): 562–71.

³⁶ Caroline Waldo, "Don't forget to like, follow, and regulate: an argument for the expression of protections for child social media influencers," *University of Michigan Journal Of Law Reform* 57 (2024): 537.

years without written permission from the Child Labor Service, carrying out prohibited activities, and violating child's working hours or break times.³⁷

Supervision over the implementation of child labor laws in the entertainment industry in those countries varies. The United States uses a letter of agreement that must be given to the relevant authorities, namely the Ministry of Manpower and must first be approved by the court. If the court has approved the letter for child labor in the entertainment industry, then the letter is given to the Ministry of Manpower to be reviewed and to supervise the actions of the parties that violate children's rights.³⁸ However, in France, it is not much different. The supervision involves the Ministry of Manpower, more specifically certain agencies under it to supervise the benefits, activities, and health of children during their work activities³⁹. This supervision has not been practiced in Indonesia, so the Ministry of Manpower needs to respond to this problem. The government can prepare regulations and supervise the regulations based on the principles of criminal law and if there are actions that are violated by the parties, the Ministry of Manpower will handle it.

The government of Indonesia can use the two laws above as a basis to immediately create regulations on economic exploitation of children and then linked to child labor in the entertainment industry. Preparing a special law for child labor as a whole and include a chapter on child labor in the entertainment industry for child artists or kid influencers is important. However, if the Manpower Law cannot be amended, there must be a new regulation in the form of a Child Labor Law. The government can amend the Ministerial Decree No.115/MEN/VII/2024 by considering the Child Protection Law and the Manpower Law. The draft can be in the form of the Legality of Child Artists or Kid Influencers, Children's Rights or Obligations, Children's Age, Working Time, Platform or Care Accountability, and efforts to enforce it by providing obligations for related institutions to care more about children's rights, especially economic rights after being declared legally competent. The draft can be *Ius contitutum* to protect children's rights where the government so far has been considered not to provide certainty on this issue.⁴⁰ The existence of this regulation not only provides protection but also makes supervision and platforms more responsible for child labor actions including criminal acts to be more careful in the future.

³⁷ Mikayla B. Jayroe, "Kidfluencers: new child stars in need of protection," *Arkansas Law Review* 76 (2024): 771.

³⁸ Libby Morehouse, "The kids are not alright: a look into the absence of laws protecting children in social media," *Loyola of Los Angeles Entertainment Law Review* 44, No. 2 (2024): 74.

³⁹ Asyilla Shafa Aline Faza, Sinta Dewi Rosadi, And Betty Rubiati, "The urgency of protecting the privacy rights of kidfluencers on social media in indonesia in relation to the 1989 convention on the rights of the child," *Jurnal Hukum Sehasen* 10, No. 2 (2024): 517–24.

⁴⁰ Fatin Hamamah, "Analisis yuridis sosiologis terhadap perlindungan anak dalam kasus eksploitasi pekerja anak," *Jurnal Pembaharuan Hukum*, 2015.

D. Conclusion

Legal protection for child labor, especially in the entertainment industry for influencers or artists, has been clearly stated in the Constitution, the Child Protection Law, the Manpower Law, and the Human Trafficking Law. The legal protection for these subjects faces some obstacles in that the regulations are still general and do not provide certainty regarding the issue of children's rights while working. The regulation refers to Ministerial Decree No.115/MEN/VII/2024 as a technical regulation for this type of work, which still experiences an imbalance in the age clause norms with the labor law. Moreover, the absence of a decision on criminal acts of child exploitation in the entertainment industry is the basis for the lack of legal certainty because the judge is the mouthpiece of the law, but the cases of Baim Cilik, Talitha Curtis, and Rafathar have proven deviations of the Child Protection Law on economic exploitation. Thus, it is urgent to explain the child protection law in this field. Amendments to the Child Protection Act or the Manpower Act and the Child Labor Bill can be the solution to this problem by adopting working hours, economic rights, education, and criminal penalty limits like the United States and France. Legal supervision from the government such as the Ministry of Children, Education, and Manpower is also needed.

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