



LEGAL PROTECTION OF KID INFLUENCERS FROM CHILD EXPLOITATION

Jody Imam Rafsanjani

Badan Penelitian dan Pengembangan Hukum dan HAM, Jakarta

Corresponding email. Author: jody.imam@kemenkumham.go.id

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ABSTRACT

Advances in information technology and improvements to internet network infrastructure make it easier for everyone to work and obtain information. There has been an adaptation of marketing techniques using influencer marketing, so the influencer profession is known. Unfortunately, to get marketing targets aimed at children, kid influencer services are a form of influencer marketing. Children are considered unable to make decisions about themselves. The roles of various parties are needed so that kid influencers can avoid acts of exploitation because the use or direction of children's energy as kid influencers sacrifices children's development both emotionally and physically. This article is to find out the fulfillment of children's rights so that they can live, grow, develop, and participate optimally by human dignity and protection from violence and discrimination. This article uses a normative juridical approach, analyzed qualitatively. Based on literature study regarding legal protection, Indonesia ratified the United Nations Convention on the Rights of the Child with the Presidential Decree Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child; Amendment to the 1945 Constitution by including Article 28B Paragraph (2); and Law Number 23 of 2002 concerning Child Protection. It is hoped that all related parties will prioritize programs that protect children from exploitation in the implementation of all Child Protection instruments.

Keywords: Legal Protection; Kid Influencer; Child Exploitation

INTRODUCTION

In society, there are many legal issues related to children, for example, issues regarding underage marriage, customs, or social habits that influence such things.¹ Not only that, in the era of information technology development, legal issues involving children often occur, such as child exploitation.

The development of information technology and infrastructure improvements in the access to the internet network has made it easier for everyone both at work and in obtaining information. In addition, there is the industrial revolution 4.0, where there are many transition processes from conventional media to digital media, such as the presence of e-commerce and entertainment

platforms.

Entertainment platforms such as YouTube, which are quite popular among children aged 5 to 15 years², can generate profits for YouTubers. The amount of money given is calculated based on CPM (cost per mile).³ In addition, social media is now a means of promoting various products. Developing a business using social media is a new concept that is in line with human habits that are always attached to activities on the internet.

The form of promotion through sales promotion and influencer marketing is known to influence user interest because it has a positive impact as an external factor that will determine the

¹ Taufik Hidayat Simatupang, "Adult Age in Marriage in Indonesia (Theoretical Study of the Application of the Lex Posterior Derogat Legi Priori Principle)," *Jurnal Penelitian Hukum De Jure* 21, no. 2 (June 24, 2021): 213-222, accessed February 2, 2022, <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/1618>.

² Office of Communications., "Children and Parents: Media Use and Attitudes Report 2019," *Ofcom*, no. February 2020 (2020): 220, <http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/october-2013/research07Oct2013.pdf>.

³ Ni Putu Suci Vikansariand I Wayan Parsa, "Pengawasan Pengenaan Pajak Penghasilan Terhadap Youtubers Sebagai Pelaku Influencer Di Platform Media Sosial Youtube," *Kertha Negara : Jurnal Ilmu Hukum* (2019): 1-2.

purchase of certain goods or services.⁴ Along with this as a form of adaptation of marketing techniques using influencer marketing, a profession is known as an influencer.

Social media users are not limited to adults. Unfortunately, it is a problem that children can spend a lot of time watching various contents from influencers who can be considered very popular and admired figures.⁵ The commercial contents of these influencers can influence children's attitudes and behavior. With marketing targets aimed at children, several marketing strategies also use the services of kid influencers as a form of influencer marketing. However, it should be understood that the effects of continuous photoshoots can have an impact on children's mental, physical, and emotional well-being.⁶

There are several kid influencers with high income from the contents produced and disseminated through their social media such as:

1. Ryan Toys Review, with a monthly income of USD 130 thousand - 2 million.⁷
2. Sophia Grace Brownlee, with a monthly income of USD 131 thousand.⁸
3. Rafathar, a kid influencer from Indonesia.

With the popularity and high income, kid influencer issues involve bullying and identity theft. There is a necessity that the role of parents is to control the account by determining which poses or activities are considered too sensual; block and report comments, and guide their children in responsible and safe use in the digital world.⁹

Kid influencers are also vulnerable to acts of economic exploitation because there is a tendency to use children's time and energy to obtain material benefits against their own will.¹⁰ Then in the context of reporting in the mass media, journalists also have limitations in disseminating information about children.¹¹ This kid influencer phenomenon also emphasizes the need for guidelines for activities carried out by children on platforms such as YouTube in controlling internet-based activities.¹²

It takes the widest possible opportunity for children to develop optimally physically, mentally, and socially, for the sake of forming a noble personality. Article 68 of Law Number 13 of 2003 concerning Manpower prohibits any entrepreneur from employing people who are still classified as children, namely those who are under 18 (eighteen) years of age.¹³ However, there are certain jobs which because of their nature can exclude the regulation, such as light work; Jobs that are part of the education and training curriculum; and Jobs done for the development of talents and interests. Therefore, the State has an obligation to guarantee the protection of children's rights which are human rights.¹⁴ The aim is to ensure the fulfillment of children's rights, so that they can live optimally, and to protect them from violence and discrimination.¹⁵

Based on this background, the statement of the problem in this article is: how is the legal protection for kid influencers from forms of child exploitation?

⁴ Tiffani Carissa and Akhmad Edhy Aruman, "Pengaruh Sales Promotion Dan Influencer Marketing Terhadap Minat Membeli Dalam Mobile Legends," *LONTAR: Jurnal Ilmu Komunikasi* 7, no. 2 (2019): 45-55.

⁵ Marijke De Veirman, Liselot Hudders, and Michelle R. Nelson, "What Is Influencer Marketing and How Does It Target Children? A Review and Direction for Future Research," *Frontiers in Psychology* 10, no. December (2019).

⁶ "Would You Let Your Child Become a 'Kid Influencer'?" - BBC News, accessed September 13, 2021, <https://www.bbc.com/news/business-49333712>.

⁷ "Daftar Kids Influencer Tahun 2018, Ada Ryan Toys Review," accessed September 13, 2021, <https://tirto.id/daftar-kids-influencer-tahun-2018-ada-ryan-toys-review-dciz>.

⁸ Ibid.

⁹ "Would You Let Your Child Become a 'Kid Influencer'?" - BBC News."

¹⁰ Syarifah Qurrata Ayyun Kusumaningsih Rukhsal, "Faktor-Faktor Penyebab Eksploitasi Secara Ekonomi Terhadap Anak Jalanan Dalam Perspektif Hukum Perlindungan Anak," *Journal of Chemical Information and Modeling* 53, no. 9 (2015): 1689-1699.

¹¹ Dedi Sahputra, "Perlindungan Hak-Hak Anak Dalam Perspektif Komunikasi Massa," *Jurnal HAM* 10, no. 2 (November 27, 2019): 233-248, accessed February 2, 2022, <https://ejournal.balitbangham.go.id/index.php/ham/article/view/796>.

¹² Victoria Tur-Viñes, Patricia Núñez-Gómez, and María José González-Río, "Kid Influencers on YouTube. A Space for Responsibility," *Revista Latina de Comunicacion Social* 73 (2018): 1211-1230.

¹³ Republik Indonesia, *Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan* (Indonesia, 2003).

¹⁴ Republik Indonesia, *Undang-Undang Republik Indonesia Nomor 23 Tahun 2002 Tentang Perlindungan Anak* (Indonesia, 2002).

¹⁵ Ibid.

The purpose of this study is to analyze the legal protection of kid influencers against child exploitation.

It is hoped that this study can contribute ideas to the development of legal science, particularly regarding the child protection system in Indonesia.

RESEARCH METHOD

This article used a normative juridical approach, an approach that is carried out by researching literature materials or secondary data on legal principles and case studies which in other words are often referred to as legal literature research.¹⁶ The normative juridical approach was used in this study by reviewing, analyzing, and answering the problems raised based on the legal norms and principles of various laws and regulations governing Child Protection. Although there are child protection instruments, namely Law Number 23 of 2002 concerning Child Protection and Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, in the implementation, there are still many forms of exploitation on the pretext of developing interests and talents. For example, there are children who are involved as content creators on the YouTube and Instagram platforms consistently working like adults.¹⁷

This study is categorized as descriptive-analytic. This article describes the applicable laws and regulations which are associated with legal theories and practices of implementing positive law.¹⁸ In this study, the author will describe by elaborating the data obtained so that this study is expected to be able to provide a detailed, systematic, and comprehensive explanation of all matters relating to the protection of children against exploitation.

In this article, the author conducted a literature study in collecting data. Literature study, namely data collection technique using a review study of books, literature, notes, and reports that have to do with the problem under study.¹⁹ The literature needed is related to child protection.

The analytical method used is a qualitative method, this method is not merely to reveal the truth, but to understand the truth related to a problem.²⁰ The data are not subjected to statistical procedures or other forms of calculation. Therefore, the researcher describes or analyzes with sentences, not with numbers.

DISCUSSION AND ANALYSIS

A. Legal Protection for Kid Influencers from Forms of Child Exploitation

Today, children will have no shortage of options in determining what kind of electronic entertainment they want to watch. One example is present in the form of social media which also doubles as a video upload site, namely YouTube, which is an alternative to television for them. The advertisements that are displayed also vary, ranging from those that are displayed before the video you want to watch is played, to those that are more subtle and disguised in the content of the video being watched itself. The advertised products are integrated with video content by these influencers as a vehicle for business actors to promote their products. Thanks to the reach and credibility of influencers, who in this case are often children, many companies include them in their business strategy.²¹

Influencers refer to those who have expertise in influencing or changing the behavior of others.²² In relation to the profession, influencers earn income from companies that ask them to display and explain a product or service through

¹⁶ Sri Soekanto, Soerjono Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat* (Jakarta: PT Raja Grafindo Persada, 2007).

¹⁷ "Kembangkan Minat Bakat Tidak Boleh Korbarkan Eksploitasi Anak - Gaya Tempo.Co," accessed February 22, 2022, <https://gaya.tempo.co/read/1563194/kembangkan-minat-bakat-tidak-boleh-korbarkan-eksploitasi-anak/full&view=ok>.

¹⁸ Hanitijo Soematri Ronny, *Metodologi Penelitian Hukum Dan Jurimetri* (Jakarta: Ghalia Indonesia, 1990).

¹⁹ M. Nazir, *Metode Penelitian* (Jakarta: Ghalia Indonesia, 2011).

²⁰ Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI-Press, 1986).

²¹ Marijke De Veirman, Liselot Hudders, and Michelle R. Nelson, "What Is Influencer Marketing and How Does It Target Children? A Review and Direction for Future Research," *Frontiers in Psychology*, 2019.

²² "INFLUENCER | Meaning in the Cambridge English Dictionary," accessed February 22, 2022, <https://dictionary.cambridge.org/dictionary/english/influencer>.

content broadcasted on social media. The goal is to encourage viewers/followers to reach into their wallets and buy the product.

A career as an influencer brings opportunities to gain both economic and social benefits. However, in relation to kid influencers, there needs to be clarity to whom these benefits are attributed and who should have the right to decide whether a child is willing to assume the profession as a kid influencer. Do children carry out their activities as kid influencers on their own volition, or is there influence or coercion from certain parties? This can be a gap in determining whether the activities carried out by a kid influencer are just work carried out by children or are a form of exploitation.

Considering that the kid influencer profession is not part of the education or training curriculum set by the competent authority, it can be assumed that its existence can be associated with category number 1 (one) or 3 (three). This means that the work assigned to kid influencers must be in the form of light work (with the knowledge of parents or guardians, short working hours, not interfering with school time, etc.) or work done for the sake of developing their talents and interests.

In relation to the development of talents and interests, the Decree of the Minister of Manpower Number KEP.115/MEN/VII/2004 concerning Protection for Children Who Do Work to Develop Talents and Interests dictates the arrangements regarding this matter in more detail. The ministerial decree states that in order to develop talents and interests, a child is allowed to do work as long as the following criteria are met:²³

1. The work is usually done by children from an early age
2. The child has an interest in the work
3. The work is based on the child's ability
4. The work fosters creativity and fits the child's world

These criteria require that the work done by the child is for his/her own interest. The work should not place the child in a situation where he/she has to do an activity that is not commonly done by children at an early age or even require him/her

²³ Kementerian Tenaga Kerja Republik Indonesia, *Keputusan Menteri Tenaga Kerja Nomor KEP.115/MEN/VII/2004 Tentang Perlindungan Bagi Anak Yang Melakukan Pekerjaan Untuk Mengembangkan Bakat Dan Minat*, 2004.

to have a certain skill as the job demands. On the contrary, no party has the right to force a child to do work that is against his/her will and if the work is really the child's will, it must be done in order to support the growth and development of the child's creativity within the scope of the children's world properly.

In addition, the Ministerial Decree explains that when children are involved in a profession, the best interests of the child must be the top priority to develop their talents and interests. This can be realized in the following ways:²⁴

1. Children should be listened to and respected for their opinions
2. Children should be treated without hampering their optimal physical, mental, intellectual, and social growth
3. Children should still get an education
4. Children should be treated equally and without coercion

Work assigned to a child is essentially not allowed to reduce the rights inherent in the child himself, such as the opportunity to develop and obtain an education. Children who are employed must still have the opportunity to grow and develop like children in general. If efforts to employ children result in the deprivation of these opportunities, it means that the work does not prioritize the best interests of the child and deserves to be suspected of being an exploitative activity.

The act of exploitation can be defined as the use that is carried out maliciously or unfairly and is carried out for its own benefit.²⁵ More specifically, economic exploitation of children, according to the explanation of Article 66 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Child Protection Law), can be interpreted as "actions with or without the consent of a child who is a victim which includes but is not limited to prostitution, forced labor or services, slavery or practices similar to slavery, oppression, extortion, physical, sexual, reproductive use, or unlawfully removing or transplanting organs and/or body tissues or utilizing child's energy or ability by other parties to obtain material benefits".²⁶ In the

²⁴ Ibid.

²⁵ Meriam-Webster, "Exploit."

²⁶ Republik Indonesia, *Undang-Undang Nomor 35 Tahun*

case of kid influencers, exploitative actions may be carried out by parties who reap the benefits of the content starring the child, such as parents or guardians who earn income from the content that is broadcasted or entrepreneurs whose products are promoted through the content.

The first paragraph of Article 13 of Law Number 23 of 2002 concerning Child Protection regulates that every child in the care of parents, guardians, or other parties responsible for their care has the right to receive protection from acts of exploitation both economically and socially. Meanwhile, the second paragraph states that parents, guardians, and caregivers who violate these provisions deserve to be given aggravation of punishment.

The obligation and responsibility to provide special protection for economically exploited children is based on the child protection law by dividing the roles of local governments and other state institutions, such as the Indonesian Child Protection Commission which is an independent national commission formed by the government which is engaged in child protection in Indonesia. The special protections are as follows:²⁷

1. Prompt treatment, including treatment and/or rehabilitation physically, psychologically, and socially, as well as prevention of other diseases and health problems;
2. Psychosocial assistance during treatment until recovery;
3. Providing social assistance for children who come from underprivileged families;
4. Providing protection and assistance in every judicial process.

In addition, there is a category of work known as the worst form of child labor. International Labor Organization Convention Number 182, which has been ratified by the Republic of Indonesia through Law Number 1 of 2000 concerning Ratification of the ILO Convention Concerning the Prohibition and Immediate Action for Elimination of the Worst Forms of Child Labor, condemns the practice of the worst form of child labor, which includes:²⁸

1. All forms of slavery or slavery-like practices such as the trafficking of children, debt bondage and serfdom (both are slavery-like practices²⁹) and forced or compulsory work, including forced or compulsory recruitment of children into armed conflict.
2. The use, procuring, or offering of children for prostitution, pornography production, or pornographic performances.
3. The use, procuring, or offering of children for prohibited activities, particularly in the case of the production and trafficking of narcotics as described in the relevant international agreements.
4. Work which, in essence, and the procedure for its implementation, can threaten the health, safety, and morals of children.

In the worst case, the work of kid influencers can be categorized as the worst work for children if in its implementation it is found that there is an element of coercion against children, and/or moreover it poses a threat to, not only health and safety but also the moral values that exist within the child being employed. This is consistent with the ideas that have been raised based on previous regulations. That there needs to be special attention regarding the boundaries within which the kid influencer profession can be categorized as child labor or a form of exploitation.

In addition to the role of the government and state institutions such as the Child Protection Commission, parents or guardians play an important role in emphasizing these boundaries. Apart from being obligated to protect their foster children from threats to the child's personal growth and development, they are also the ones who should understand the interests and talents of the child best. But ironically, they are also one of the parties who receive the biggest benefits from the employment of kid influencers. In fact, it is not uncommon for the child's own parents to take on the role of liaison as well as the arranger of the portion and direction of work of their child who is a kid influencer.

²⁴ *Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak* (Republik Indonesia, 2014).

²⁷ Ibid.

²⁸ International Labour Organization, *International Labour Organization Convention Number 182*, n.d.

²⁹ Wendy Zeldyn, "United Nations: Report on Debt Bondage," *Library of Congress*.

B. Enforcement of Law Against Child Exploitation

As an instrument of the legal protection of children's rights, in 1989 governments around the world promised equal rights for all children with the United Nations Convention on the Rights of the Child. This convention established the obligation of states to ensure that all children grow up healthy, go to school, are protected, and that their views are heard and treated fairly.³⁰ On September 5, 1990, Indonesia ratified the United Nations Convention on the Rights of the Child with Presidential Decree Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child.

By ratifying the United Nations Convention on the Rights of the Child, the principle of *pacta sunt servanda* applies. The validity of the principle of *pacta sunt servanda* is absolute. In other words, whoever makes a promise must keep his promise.³¹ Substances related to child protection have been regulated in the Constitution in order to protect children's rights and protect them in accordance with the Convention on the Rights of the Child. The Second Amendment to the 1945 Constitution includes Article 28B Paragraph (2) which reads:

"Every child has the right to survive, grow and develop and has the right to protection from violence and discrimination".³²

The instrument of child protection that applies in Indonesia is Law Number 23 of 2002 concerning Child Protection. Law Number 23 of 2002 concerning Child Protection was amended by:³³

1. Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection; and

2. Law Number 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection into Law.

Even though Indonesia has a child protection instrument, from the 2016 - 2020 Child Complaint Case Data by the Indonesian Child Protection Commission, there are 24,974 cases of child complaints.³⁴ Thus, Indonesia is classified as a country that has not been effective in terms of child protection. The community has a role in supervision or social control related to efforts to enforce and protect children's rights.³⁵ Legal protection is considered very weak considering that children are immature individuals, both physically and mentally, especially socially.³⁶ Therefore, it is difficult to make children understand their rights in terms of legal protection based on the provisions of the applicable laws and regulations.³⁷

Law enforcement against cases involving children often uses the Criminal Code (KUHP), even though the Child Protection Act can provide better protection for children as victims compared to the Criminal Code.³⁸ From this, it can be

³⁰ "Konvensi Hak Anak: Versi Anak Anak | UNICEF Indonesia," accessed October 5, 2021, <https://www.unicef.org/indonesia/id/konvensi-hak-anak-versi-anak-anak>.

³¹ Harry Purwanto, "Keberadaan Asas Pacta Sunt Servanda Dalam Perjanjian Internasional," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 21, no. 1 (2009): 155-170, accessed October 5, 2021, <https://jurnal.ugm.ac.id/jmh/article/view/16252>.

³² "KEMENTERIAN PEMBERDAYAAN PEREMPUAN DAN PERLINDUNGAN ANAK," accessed October 5, 2021, <https://www.kemenpppa.go.id/index.php/page/read/29/2970/indonesia-setelah-30-tahun-meratifikasi-konvensi-hak-anak>.

³³ Ibid.

³⁴ "Data Kasus Pengaduan Anak 2016 - 2020 | Bank Data Perlindungan Anak," accessed October 5, 2021, <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-pengaduan-anak-2016-2020>.

³⁵ Auriel Karina Siti Zutema and Nunung Nurwati, "Hubungan Eksploitasi Anak Dalam Perspektif Hak Asasi Manusia Dengan Tingkat Kematian Anak," *Focus : Jurnal Pekerjaan Sosial* 3, no. 2 (2020): 91-109, accessed October 5, 2021, <https://jurnal.unpad.ac.id/focus/article/view/28386>.

³⁶ Fuzi Narin Drani, "Legal Protection for Minors as Victims of Sexual Harassment in Indonesia," *Jurnal Penelitian Hukum De Jure* 21, no. 4 (December 31, 2021): 525-540, accessed February 2, 2022, <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/2080>.

³⁷ Rosmi Darmi, "IMPLEMENTASI KONVENSI HAK ANAK TERKAIT DENGAN PERLINDUNGAN ANAK YANG BERHADAPAN DENGAN PROSES HUKUM (Implementation of Children Rights Convention Related to Children Protection Against The Law)," *Jurnal Penelitian Hukum De Jure* 16, no. 4 (February 10, 2017): 439.

³⁸ Diana Yusyanti, "Perlindungan Hukum Terhadap Anak Korban Dari Pelaku Tindak Pidana Kekerasan Seksual," *Jurnal Penelitian Hukum De Jure* 20, no. 4 (December 10, 2020): 619-636, accessed February 2, 2022, <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/1429>.

seen that the weakness of the criminal justice system is that the position of the victim has not been established so his interests are neglected.³⁹ Whereas all components of law enforcement need to prioritize the interests and welfare of children.⁴⁰ Law enforcement in Indonesia still tends to be ineffective, because there are no specific rules.⁴¹ Therefore, it is necessary to have a law that is oriented towards the aggravation of punishment and the enforcement of punishment.⁴²

The existence of economic exploitation of children shows that Indonesia's rapid population growth is not matched by an increase in people's welfare. Therefore, there are cases where parents use or exploit their children to make money. It is the duty of the State to inform parents of the importance of education for the future of their children so that they can earn sufficient income to support their families without employing their children.⁴³ This exploitation often leads to violence due to economic factors in a family.⁴⁴

³⁹ Susana Andi Meyrina, "Restorative Justice Dalam Peradilan Anak Berdasarkan Undang-Undang No.11 Tahun 2012," *Jurnal Penelitian Hukum De Jure* 17, no. 1 (March 29, 2017): 92.

⁴⁰ Josephin Mareta, "MEKANISME PENEKAKAN HUKUM DALAM UPAYA PERLINDUNGAN HAK KELOMPOK RENTAN (ANAK DAN PEREMPUAN) (Mechanism of Law Enforcement In Protecting the Rights of Vulnerable Group) (Child and Woman)," *Jurnal HAM* 7, no. 2 (December 31, 2016): 141-155, accessed February 2, 2022, <https://ejournal.balitbangham.go.id/index.php/ham/article/view/173>.

⁴¹ Tony Yuri Rahmanto, "Penegakan Hukum Terhadap Tindak Pidana Penipuan Berbasis Transaksi Elektronik," *Jurnal Penelitian Hukum De Jure* 19, no. 1 (March 27, 2019): 31-52, accessed February 2, 2022, <https://ejournal.balitbangham.go.id/index.php/dejure/article/view/550>.

⁴² Rosita Novi Andari, "Evaluasi Kebijakan Penanganan Kejahatan Kekerasan Seksual Terhadap Anak Di Indonesia," *Jurnal Ilmiah Kebijakan Hukum* 11, no. 1 (March 31, 2017): 1-11, accessed February 2, 2022, <https://ejournal.balitbangham.go.id/index.php/kebijakan/article/view/86>.

⁴³ Nadia Cavina Putriand Nunung Nurwati, "PENGARUH LAJU PERTUMBUHAN PENDUDUK BERDAMPAK PADA TINGGINYA ANGKA KEMISKINAN YANG MENYEBABKAN BANYAK EKSPLOITASI ANAK DI INDONESIA," *Jurnal Ilmu Kesejahteraan Sosial HUMANITAS* 3, no. 1 (March 31, 2021): 1-15, accessed October 5, 2021, <https://journal.unpas.ac.id/index.php/humanitas/article/view/2827>.

⁴⁴ Penny Naluria Utami, "Pencegahan Kekerasan Terhadap Anak Dalam Perspektif Hak Atas Rasa Aman Di Nusa Tenggara Barat," *Jurnal HAM* 9, no. 1 (2018): 1-17.

There are several examples of cases where children work outside the allowed working hours. This makes it difficult to access education for working children. The problem of exploitation of working children is still common in Indonesia, with varying degrees of severity. However, there are three regions with a high level of vulnerability to child exploitation, namely DKI Jakarta, Banten, and West Java, both in terms of working hours, wages, and the proportion of children who have difficulty in accessing education.⁴⁵ Many factors have a significant influence on the incidence of exploitation of working hours, but the most influential factor is the employment status of children.

The factors that influence the occurrence of exploitation in terms of working hours, namely:⁴⁶

1. classification of a residential area,
2. the gender of the child,
3. the age of the child,
4. the number of family members,
5. the gender of the Head of the Household,
6. the age of the Head of the Household,
7. marital status of the Head of the Household,
8. children's business field,
9. education of the head of the household, and
10. the status of the child's position at work.

Meanwhile, the factors that influence exploitation in terms of wages are:⁴⁷

1. classification of a residential area,
2. the gender of the child,
3. the age of the child,
4. the age of the Head of the Household,
5. children's business field,
6. the status of the child's position at work,
7. education of the Head of the Household, and
8. working hours of children, with the factor that gives the greatest influence, is the gender of the child.

Along with the development of the era, child exploitation uses social media, such as Instagram and YouTube platforms. Children are used as the main attraction using their regular activities, and making money using endorsement services. However, there is no consent from the child

⁴⁵ Beta Septi Iryani and D.S. Priyarsono, "Eksplorasi Terhadap Anak Yang Bekerja Di Indonesia," *Jurnal Ekonomi dan Pembangunan Indonesia* 13, no. 2 (January 1, 2013): 177-195.

⁴⁶ Ibid.

⁴⁷ Ibid.

influencer because children are considered unable to make decisions for themselves. From these activities, adults or their guardians intentionally use them to generate income.⁴⁸

Those who choose kid influencers are also part of this exploitation. Unfortunately, it is the state as a legislator who lets cases like this get away with it. There are no rules regarding the use of social media for minors or other protections for kid influencers. Followers or subscribers who support the content and subconsciously help them grow bigger and continue to use children to complete business transactions. Parents who play the role of their power to use their children as unprotected labor.⁴⁹

There is a need for the role of the state because the involvement of adults or guardians who coerce or exploit the activities of kid influencers to gain profits is a form of coercive action or those who exploit children so that legal protection is needed.

The implementation of law enforcement against perpetrators of economic exploitation on children is based on Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning child protection, namely in the form of repressive actions only. In the form of police reports on criminal acts of child exploitation, investigations, preparation of police investigation report, submissions to prosecutor's office. Repressive measures must be balanced with efforts to minimize all actions that reduce the fulfillment of children's rights.

Preventive efforts such as increasing public knowledge about child exploitation should be a priority because ignorance of the involvement of parents and adults in organizing or forcing children to carry out routine activities like adults will result in bad things. As reported by UNICEF, 3 out of 4 children still experience actions that are not appropriate for children to experience.⁵⁰ In relation to the work pattern of kid influencers, parents are required to have knowledge about

the impacts that will arise such as exposure to cybercrime and loss of privacy.⁵¹

The obstacle to prosecuting the crime of child exploitation is the lack of public awareness that all acts of child labor are intended to fulfill the family's economy, this is often seen as a justification.⁵² The risk to kid influencers requires protection in the family and legal aspects. Although Indonesia already has instruments such as Law Number 39 of 1999 concerning Human Rights which discusses child protection in general. Then there is the instrument of Law Number 23 of 2002 concerning Child Protection, which specifically discusses child protection.

CONCLUSION

Legal protection for children who are categorized as kid influencers has basically been covered in various child protection instruments in Indonesia. Although Indonesia already has instruments as illustrated through the ratification of the United Nations Convention on the Rights of the Child with the Presidential Decree Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child; Amendments to the 1945 Constitution by including Article 28B Paragraph (2); and Law Number 23 of 2002 concerning Child Protection. However, there are certain jobs which because of their nature can exclude the regulation, such as light work; Jobs that are part of the education and training curriculum; and work which is done for the development of talents and interests. The implementation of law enforcement against perpetrators of exploitation of kid influencers and children economically is still limited in the form of repressive actions, not balanced with efforts to reduce acts of child exploitation. Preventive efforts are not an option in preventing child exploitation. The lack of awareness in viewing the activities

⁴⁸ Suci Marini Novianty and Emma Rachmawati, "Children Exploitation in Disruptive Technology Era," *Communicare : Journal of Communication Studies* 6, no. 2 (June 13, 2019): 156–176, accessed October 5, 2021, <http://journal.lspr.edu/index.php/communicare/article/view/68>.

⁴⁹ Ibid.

⁵⁰ UNICEF, "Every Child Is Protected from Violence and Exploitation" (2019).

⁵¹ "Kid Fluencer: Sebuah Ladang Eksploitasi Anak Dalam Dunia Digital | Heylawedu," accessed February 23, 2022, <https://heylawedu.id/blog/kid-fluencer-sebuah-ladang-eksploitasi-anak-dalam-dunia-digital>.

⁵² Muhammad Alqam Alifa Risdi and Dini Dewi Heniarti, "Penegakan Hukum Tindak Pidana Eksploitasi Anak Sebagai Pengemis Jalanan Berdasarkan Undang-Undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak," *Prosiding Ilmu Hukum* 6, no. 1 (January 10, 2020): 264–268, accessed October 5, 2021, <http://karyailmiah.unisba.ac.id/index.php/hukum/article/view/19308>.

of kid influencers doing activities like adults is an obstacle to law enforcement. Therefore, even though there are instruments for child protection, there is still exploitation of children, which is caused by the lack of understanding of parents or guardians and weak law enforcement. In fact, children who are categorized as kid influencers need the role and knowledge of parents in order to ensure the child's growth and development, because the effects of taking photos continuously can have an impact on children's mental, physical, and emotional well-being.

SUGGESTION

From the discussion in this article, the researcher would like to suggest policy makers and law enforcement agencies to prioritize programs to protect children from economic and sexual exploitation. In addition, they shall encourage coordination and cooperation between the justice systems for the implementation of all instruments of child protection in Indonesia.

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