

Child Protection in the Kid Influencer Era: Regulatory and Law Enforcement Challenges in Indonesia

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Abstract

Advances in information technology and improvements in internet network infrastructure, it is becoming easier for everyone to get and work using information technology. Influencers appear when the methods used in marketing use influencer marketing techniques. Currently, many target marketers use child influencers to target children. Because children are considered unable to determine their own will, the role of various parties is needed to prevent child influencers from being exploited. Using or directing children as influencers compromises children's emotional and physical development. This article uses a normative juridical approach, analyzed qualitatively. According to literature research, Indonesia ratified the UN Convention on the Rights of the Child, as shown by Presidential Decree Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child, Amendments to the 1945 Constitution, including Article 28B Paragraph (2), and Law -Law Number 23 of 2002 concerning Child Protection. During the implementation of child protection instruments, all relevant parties must prioritize initiatives that protect children from exploitation.

Keyword: Legal Protection, Children's Right, Kid Influencers.

Abstrak

Kemajuan teknologi informasi dan peningkatan infrastruktur jaringan internet, setiap orang semakin mudah mendapatkan dan bekerja dengan menggunakan teknologi informasi. *Influencer* muncul ketika metode yang digunakan dalam pemasaran menggunakan teknik influencer marketing. Saat ini, banyak target pemasaran menggunakan influencer anak untuk membidik target

anak. Karena anak dianggap belum mampu menentukan kehendak terhadap dirinya sendiri, peran berbagai pihak diperlukan untuk mencegah influencer anak dieksploitasi. Penggunaan atau pengarahannya tenaga anak sebagai influencer mengorbankan perkembangan emosional dan fisik anak. Jenis penelitian ini menggunakan penelitian hukum normatif (*doctrinal*) dengan pendekatan yuridis normatif, sumber data sekunder literatur hukum, karya ilmiah dibidang hukum, peraturan perundang-undangan dan pendapat ahli hukum. Teknik pengumpulan data menggunakan studi kepustakaan (*library research*) dan dianalisis dengan teknik kualitatif. Menurut penelitian kepustakaan, Indonesia meratifikasi Konvensi PBB untuk Hak-Hak Anak, seperti yang ditunjukkan oleh Keputusan Presiden Nomor 36 Tahun 1990 tentang Pengesahan Konvensi tentang Hak-Hak Anak, Amandemen Undang-Undang Dasar 1945, termasuk Pasal 28B Ayat (2), dan Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak. Selama pelaksanaan instrumen perlindungan anak, semua pihak terkait harus memprioritaskan inisiatif yang melindungi anak-anak dari eksploitasi.

Kata Kunci: Perlindungan Hukum, Hak Anak, Influencer Anak

A. Introduction

The technological development in social media provides convenience and opportunities for everyone to earn income without having to be limited by age, distance and time. Children engaged in media social activities do look cute and adorable, particularly if these activities can encourage and develop the child's interests and talents. Unfortunately, this does not always proceed effectively, as there are individuals particularly parents who exploit their children to generate income for economic purposes.

The presence of children in the entertainment industry, known as *kidfluencers*, generates concerns about the risk of child exploitation. The dark side in the *kidfluencers* phenomenon is that parents have the power to control children's content and income by involving children in commercial activities. Children engaged as 'kidfluencers' often lack a full understanding of the work they perform and are expected to derive enjoyment from all roles and public appearances in the social media sphere. In numerous cases, parents forego other employment, relying instead on income generated through their child's content creation and endorsement activities¹.

¹ Editorial Team. "*Kidfluencers*" Dan Sosial Media: Evolusi Eksploitasi Anak Di Era Digital. October 6, 2021. <https://imune.id/kidfluencers-dan-sosial-media-evolusi-eksploitasi-anak-di-era-digital/>.

As of 2023, Indonesia has approximately 167 million social media users, many of whom are young parents active on Instagram and TikTok. This widespread social media usage has contributed to the rise of kid influencers, such as Eri Claire Fujie (187,000 IG followers), Maliq Alyandra Datu (244,000), Ayasha Putri (372,000), Zevanaa Zahra (39,200), and Shireen Amira Hafa (328,000). The growing presence of children in the digital entertainment space raises important questions regarding their understanding of the work they perform and the role of parents in managing the associated income and exposure².

Parents play a dominant role in managing their children's social media activities, including posting photos and videos for various purposes, such as generating income from influencer activities. By involving children in content creation, parents often share personal information online, which can lead to legal issues, including privacy concerns and potential child exploitation. The phenomenon of kid influencers also has darker aspects: children participate in commercial activities, parents control their content and income, and in many cases, parents forgo employment to focus on producing content with their children. These practices raise significant concerns as they conflict with the principles of child protection.

Rizki Gusti Perdana and Susilo Wardani (2023) reported that many entertainment management practices fail to comply with regulations, leading to child abuse and exploitation³. Meanwhile, Kayus Kayowuan Lewoleba and Khairunisa Syalsabila (2024) emphasize the need for a comprehensive approach to safeguarding children's welfare and raising awareness of the risks of child exploitation associated with the phenomenon of kid influencers⁴. Although Indonesian law sets a minimum working age, the regulation of kid influencers remains unclear, particularly regarding children's rights, income protection, digital privacy, and parental responsibilities. This gap highlights the need for specific legal safeguards within Indonesia's regulatory framework.

² Firmansyah, *TOP 10 Kids Influencer Di Indonesia*, March 21, 2023, <https://starnpage.com/plus/am/blog/top-10-kids-influencer-di-indonesia>.

³ Rizki Gusti Perdana and Susilo Wardani, "Perlindungan Hukum Terhadap Konten Kreator Anak," *Ajudikasi Jurnal Ilmu Hukum* 7, No. 2 (2021): hlm. 50.

⁴ Kayus Kayowuan Lewoleba and Khairunisa Syalsabila, "Analisis Peranan Masyarakat Serta Perlindungan Hukum Terhadap Kids Influencer Sebagai Bentuk Lain Dari Eksploitasi Anak," *VISA: Journal of Visions and Ideas* 4, no. 3 (2024): hlm. 18.

B. Research Methods

Legal research is a type of research that has a legal object, both law as a dogmatic rule and law in relation to community behavior. Legal research according to its type, nature, and purpose is divided into two, namely normative juridical and empirical. In this study, the author employs a normative juridical approach, where law can be viewed from two main concepts: the written concept as stipulated in laws and regulations (*law in books*) and as rules or norms of behavior that are considered appropriate. The use of the normative juridical method in this study is intended to review, analyze, and answer legal problems by examining various regulations governing the protection of children's rights, namely Law No. 23 of 2002 jo. Law No. 35 of 2014 concerning Child Protection, Law No. 11 of 2008 jo. Law No. 19 of 2016 concerning Information and Electronic Transactions (ITE), and Law No. 13 of 2003 concerning Manpower.

This article applies a statutory approach (examining relevant legislation), supported by a conceptual approach (understanding principles and doctrines of child protection in the digital sphere). Data are collected through a literature study of legal materials, both primary (laws and regulations) and secondary (books, journals, and authoritative commentaries). The data analysis technique used is qualitative juridical analysis, namely by systematically interpreting legal norms, comparing relevant provisions, and drawing conclusions deductively in order to provide coherent answers to the legal issues concerning the protection of children's rights in social media activities.

C. Discussion and Research Results

The Phenomenon of *Kid Influencers* in Indonesia

The development of the digital world today has given rise to many new phenomena, one of which is the phenomenon of *kid influencers* or *kidfluencer*. Etymologically, *kidfluencer* consists of 2 (two) words, namely *kid* which means child and *influencer* which means someone in social media who has a large number of *followers* and they are able to influence their *followers* through their behavior or words⁵. Thus, *kidfluencer* can be interpreted as someone who in the age range of children to adults is able to exert influence either in the form of

⁵ Adhimurti Citra Amalia, *Influencer Sebagai Content Creator*, n.d., <https://binus.ac.id/malang/2019/01/influencer-sebagai-content-creator/>.

information or behavior to the wider community⁶. One form of work that was born with the development of social media today is *content creator*. This job is a type of work that can be said to be easy because it can be done anytime, anywhere and even with simple equipment. In addition, *content creators* can also be done by anyone, including minors (*kidfluencer*). At first glance, the *kidfluencer* phenomenon is not a big problem because children as the main characters are considered to do these activities cheerfully and happily without burden.

One of the cases of child exploitation for the purpose of social media content occurred on September 16, 2020 by a married couple who worked as *youtubers* named Ahmad Hasan and Zeinab who were secured by the Egyptian Police. The couple was arrested on charges of exploiting children for financial gain by making them *pranks* on their YouTube channel. Previously, the married couple also made video content showing the mother pretending to be unresponsive while her 1 (one) year old daughter cried to be noticed. According to the *Egypt Independent media report*, the complaint was submitted to the National Council for Children and Mothers of Egypt (NCCM) whose report was forwarded to the Public Prosecutor. Responding to this, child psychologist Ine Indriani responded that what Hasan and Zeinab did was not the right action and the prank video included acts of child exploitation⁷. The *kidfluencer* phenomenon in Indonesia itself has actually occurred a lot, even this phenomenon often involves famous people such as artists. Lately, there have been many *influencers* who involve their children as the object of *pranks* on their social media content.

In Indonesia, data on the exploitation of children with economic motives on social media is not yet clearly available. So far, the Indonesian Child Protection Commission (KPAI) has only offline and online reports of violence, details of which are obtained from cybercrime.⁸ According to UNICEF, in 2023 as many as 60.1% of parents will share photos and stories about their children online and as many as 56% of children in Indonesia have been victims of sexual exploitation and mistreatment or unwanted treatment on social media. Not a few parents who

⁶ Maqfira Izzata Nafsiah, "*Kid Fluencer: Sebuah Ladang Eksploitasi Anak Dalam Dunia Digital*," Agustus 2021, <https://heylaw.id/blog/kid-fluencer-sebuah-ladang-eksploitasi-anak-dalam-dunia-digital>.

⁷ Mabruroh and Desy Susilawati, "Eksploitasi Anak Demi Konten Media Sosial, Awas Dipenjara!," *Republika*, 2020, <https://ameera.republika.co.id/berita/qh21d6414/eksploitasi-anak-demi-konten-media-sosial-awas-dipenjara>?

⁸ Leo Wisnu Susapto, "*Hati-Hati Eksploitasi Buah Hati Di Media Sosial*," January 7, 2023, <https://validnews.id/nasional/hati-hati-eksploitasi-buah-hati-di-media-sosial>.

share their children's content on social media have unknowingly violated their children's rights.

Legal Protection of Children's Rights in Kids Influencer Activities

The phenomenon of *kid influencers* in the digital era has become a global trend involving children as public figures on social media for commercial purposes. The development of information technology and social media has opened up opportunities for anyone, including children, to earn income through content creation, brand collaborations (*endorsements*), and various other digital activities. While it provides the potential for the development of creativity and talent, this practice also poses serious challenges in the legal protection of children's rights. Children who play the role of influencers do not have adequate legal capacity to understand the consequences of public exposure, content monetization, and agreed work agreements. This has the potential to put children at risk of economic exploitation and privacy violations.⁹

In the normative juridical approach, law is understood as a written norm in laws and regulations (*law in books*) as well as a rule of behavior that is considered appropriate in society. Therefore, the analysis of child protection must include both aspects of both the enforcement of the applicable legal rule and the evolving social norms.¹⁰ Indonesia has ratified the *Convention on the Rights of the Child* through Presidential Decree No. 36 of 1990, which mandates the protection of children's rights in all aspects of life. In addition, there are a number of relevant regulations such as Law No. 23 of 2002 jo. Law No. 35 of 2014 concerning Child Protection, Law No. 11 of 2008 jo. Law No. 19 of 2016 concerning Information and Electronic Transactions (ITE), and Law No. 13 of 2003 concerning Manpower. However, until now there are no specific rules governing children's activities as influencers on social media, thus creating legal loopholes that are prone to being exploited.¹¹

Research by Rafsanjani shows that children who play the role of influencers face the risk of impaired emotional and physical development due to commercial pressures that are not appropriate for their age stage. This pressure

⁹ calvina Angel Tehputri, "Perlindungan Hukum Bagi Anak Korban Eksploitasi Ekonomi Melalui Media Sosial Sebagai Kid Influencers Di Indonesia" (Skripsi, Universitas Brawijaya, 2022), hlm. 61.

¹⁰ Jonaedi Efendi and Prasetyo Rijadi, *Metode Penelitian Hukum Normatif dan Empiris*, Kedua (Kencana, 2022), hlm. 3.

¹¹ Febria Guspita, "Pelindungan Hukum Terhadap Kid Influencer Ditinjau Dari Peraturan Hukum Di Indonesia" (Thesis, Universitas Gadjah Mada, 2022), hlm. 11.

can come in the form of a hectic content creation schedule, high performance demands, and exposure to negative comments (*cyberbullying*) from the public. Legal protection for *child influencers* should include preventive and repressive approaches. Preventive approaches can be done through parental education about the impact and risks of children's activities on social media, privacy settings for children's accounts, and restrictions on the type and frequency of commercial content. Meanwhile, a repressive approach can be realized through the application of sanctions against those who violate children's rights, including economic exploitation and privacy violations.

In practice, child exploitation often occurs covertly through content monetization and non-transparent commercial partnerships. Parents' legal awareness of this risk is still weak, while the supervision of digital platforms on children's activities has not been optimally run. Law enforcement against child exploitation perpetrators in the digital realm is still limited, as revealed in a study by UIN North Sumatra in 2023 which highlights the weak legal protection for children on social media. Therefore, comprehensive policy interventions are needed, which include the drafting of new regulations that specifically regulate children's activities on social media, increasing digital literacy for parents and children, and enforcing the responsibility of social media platforms in protecting children's rights from the negative impact of commercial activities in the digital space. In this case, the law should play a role not only as a repressive instrument, but also as an educational and preventive tool that ensures the optimization of children's growth and development can be done without adverse commercial pressure. Thus, legal protection of *child influencers* needs to be a priority in national legal policies that are oriented towards the best interests of children.

The involvement of children in various types of work can be divided into two categories in the context of employment, namely working children and child laborers. Working children refer to children who engage in activities that aim to help parents, develop skills, and learn about responsibilities, such as helping with household chores, contributing in the field, or carrying out other light tasks. Light work done by children can be considered part of the socialization and development process towards the world of work. Indicators that indicate that children are positively engaged in work include: children helping parents with light tasks, the presence of elements of education or training, children continuing their education, work done in their free time for a short duration, and the safety and health of children are maintained. On the other hand, child laborers are

children who are involved in all forms of work that can interfere with education, endanger safety, health, and children's growth and development. This category includes children who meet indicators such as working every day, experiencing exploitation, working for long periods of time, and disrupted school hours or even not attending school at all.¹²

Regarding children who do work, the Manpower Law has strictly regulated in Article 69 Article 75. In the provisions of Article 69, it is stated that employers are prohibited from employing children. However, Article 70 paragraph (1) provides an exception that children are allowed to do work on the condition that the child is at least 13 years old and a maximum of 15 years old. The work done by the child must be light work and does not interfere with the child's development in terms of health, physical, mental and social. In addition, child labor must also not do work that falls into the worst categories of work such as slavery, prostitution, pornography, liquor and drug trafficking and other types of work that are harmful to the health and safety and morals of children. Children involved in a job must also meet requirements such as written permission from parents, employment contracts between employers and parents, maximum working hours of 3 hours per day during the day and not interfering with the educational process. In addition, child workers have the right to receive wages in accordance with applicable regulations.

According to the provisions of Article 71 of the Manpower Law which is then regulated by the Decree of the Minister of Manpower and Transmigration Number: Kep.115/MEN/VII/2004 concerning Protection for Children Who Do Work to Develop Talents and Interests, children can do work to develop their talents and talents, provided that the work is usually done by children from an early age, the child has an interest and ability to do the work as well as the work done Children can develop children's creativity and fit into the child's world. In addition, the best interests of the child must also be considered when the child works to develop his talents and interests. Although children are allowed by regulations to do work according to their interests and talents, this does not mean that their rights as children are ignored. Children who work must still be respected and heard, treated well without hindering children's growth and development physically, mentally, intellectually and socially, get education, and

¹² Febria Gupita, "Kid Influencer Menurut Hukum Positif Indonesia: Aktivitas Kesenangan Atau Pekerjaan?," *Aurelia: Jurnal Penelitian Dan Pengabdian Masyarakat Indonesia* 4, no. 1 (January 2025): hlm. 1625.

be treated fairly and without coercion. Children who are involved in work for the development of their interests and talents must be under the direct supervision of their parents, which include: assistance in every work, preventing exploitation activities against their children, and maintaining the safety, health and morals of the child while doing work.

Children's activities in social media as *a kid influencer* can be categorized as children who work to develop their interests and talents under the conditions as previously explained. Providing jobs to children through agreements that have been made between parents and employers/employers must comply with all regulations that regulate it, so that activities as child influencers can be carried out legally and at the same time protect children's rights and welfare.

Criminal Liability for Parents of Child Exploitation Perpetrators on Social Media

In the digital age, social media has become a new space for parents to display their children as public content. This phenomenon is increasingly prevalent as monetization features develop on various platforms such as YouTube, TikTok, and Instagram, which allow users to earn revenue from the number of views, ads, and promotional partnerships with certain brands. Not a few parents take advantage of this opportunity by making their children the main figure in the content, both for entertainment purposes and product marketing. However, behind this trend, there is the potential for serious violations of children's rights, especially when children are used as objects for economic gain without adequate legal protection.¹³

Child exploitation on social media by parents can be categorized as a violation of positive legal provisions in Indonesia, especially Law No. 35 of 2014 concerning Child Protection. Article 76I jo. Article 88 expressly stipulates that everyone is prohibited from economically and/or sexually exploiting children. Violation of this provision is threatened with imprisonment for a maximum of 10 years and/or a maximum fine of IDR 200 million.¹⁴ These provisions are intended to ensure that children as legal subjects are protected from all forms of exploitation, both in the real world and in the digital space.

¹³ 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): hlm. 22.

¹⁴ Zafika Nurul and Muridah Isnawati, "Pertanggungjawaban Pidana Pelaku Eksploitasi Anak Secara Ekonomi Di Panti Asuhan Melalui Media Sosial Tiktok," *Pagaruyuang Law Journal* 9, no. 1 (July 2025): hlm. 208.

From a criminal law perspective, the accountability of parents who exploit children on social media can be analyzed through the theory of error. According to Saleh (1982), a person can be held criminally liable if he knowingly commits an act that is contrary to the law and causes harm to others, in this case a child. This means that if parents know that their actions—for example, creating content that exploits children for financial gain—are contrary to the provisions of the law, then the element of guilt is met.¹⁵

In addition, the concept of *vicarious liability* is also relevant in this context. As explained by Hamzah, this principle allows criminal liability to be imposed on parties who have control or authority over the direct perpetrators of an act.¹⁶ In the case of child exploitation on social media, parents who manage accounts, set content creation schedules, and receive payments from the results of commercialization of children's content can be held accountable based on this principle. Thus, even though the child is the party who appears in the content, the legal responsibility remains with the parent as the controller of the activity.

Research by Ardyta in 2014 confirmed that commercial sexual exploitation of children through social media is a form of cybercrime that degrades children's physical and psychosocial integrity. Perpetrators can be charged with the Information and Electronic Transactions Law (UU ITE) and the Criminal Code (KUHP). This shows that the legal dimension relevant to child protection on social media is not only limited to the Child Protection Act, but also includes other legal tools.¹⁷

However, in practice, many parents are unaware that the actions taken can be categorized as violations of the law. The lack of digital literacy and legal literacy are the main factors that cause child exploitation practices on social media to continue without adequate supervision. Agusnawan et al.'s research emphasizes that the economic exploitation of children on social media must be seen as a serious violation of children's rights, not just an ethical or cultural issue. The state,

¹⁵ Roeslan Saleh, *Pertanggungjawaban Pidana* (Jakarta: Aksara Baru, 1982), hlm. 77.

¹⁶ Andi Hamzah, *Korporasi Dan Pertanggungjawaban Pidana* (Jakarta: Sinar Grafika, 2005), hlm. 85.

¹⁷ Ferina Ayu Ardyta, "Pertanggungjawaban Pidana Pelaku Tindak Pidana Eksploitasi Seksual Komersial Pada Anak Melalui Media Sosial Online" (Skripsi, Universitas Brawijaya, 2014), hlm. 17.

as the holder of the obligation to protect children, must be present to enforce the law and provide maximum protection.¹⁸

Furthermore, criminal liability in this context is not only repressive, but must also function as an educational instrument. Asari emphasized that educational law enforcement will have a long-term effect on the prevention of child exploitation, as the community will understand the legal consequences of their actions. Therefore, in addition to criminal sanctions, prevention strategies such as digital literacy campaigns, social media ethics training for parents, and legal counseling are very important steps.¹⁹

As more children participate as content creators on social media, the need for specific regulations becomes increasingly critical. Such regulations should include a licensing system for children engaged in commercial activities, a content monitoring mechanism by the relevant authorities, and stringent criminal sanctions for parents or others who exploit children for economic purposes. From a normative juridical perspective, the law serves not only as a repressive tool to address violations but also as a preventive and educational instrument capable of tackling the challenges of child exploitation in the digital age. In this way, children's rights in the digital environment can be protected comprehensively, in accordance with the principle of the best interests of the child.

D. Conclusion

The phenomenon of child influencers in Indonesia is experiencing very rapid development in the digital world, but this also brings serious risks both in terms of economy, psychology, and law due to gaps in regulations that have not specifically regulated children's activities as influencers. Therefore, preventive, repressive, and collaborative approaches are needed to close these gaps and effectively protect children's rights. Although Indonesia has ratified the United Nations Convention on the Rights of the Child in Presidential Decree No. 36 of 1990, as well as ratified Law No. 23 of 2002 on Child Protection and Law No. 35 of 2014, especially in Article 76I jo 88 which prohibits economic and sexual exploitation of children, there is currently no special mechanism such as licensing or registration to supervise child influencer accounts. This causes violations to occur in secret. Research opportunities related to children's rights as child

¹⁸ Andi Fajar Agusnawan, Hambali Thalib, and Nur Fadhilah Mappaselleng, "Perlindungan Hukum Terhadap Anak Sebagai Korban Kejahatan Eksploitasi Secara Ekonomi," *Jurnal of Lex Generalis* 4, no. 2 (February 2023): hlm. 218.

¹⁹ Andi Asari et al., *Komunikasi Digital* (Klaten: Lakeisha, 2023), hlm. 128.

influencers can still be continued by conducting research on comparative studies of child influencer regulation in other countries to identify best practices that can be adapted in Indonesia.

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