

Compensation and Child Privacy in the World of Influencers: Legal Challenges in Content Monetisation

¹ Fatin Hamamah

¹ Legal Studies, University of 17 August 1945 Cirebon, Indonesia

Email: fatin.hmh077@gmail.com

Article Info	ABSTRACT
Keywords: Child Compensation, Privacy, Influencers, Monetised Content, Child Law, Indonesia.	In Indonesia, children are increasingly involved in income-generating social media content, especially on platforms such as YouTube and Instagram. While Child Protection Law No. 35/2014 protects children's basic rights, including from exploitation, there are no specific rules governing compensation for children who appear in digital content. This poses a problem in ensuring children get their just due. This legal loophole means that many children do not receive their rightful share of the revenue generated, and their privacy is often not protected. This article explores the challenges faced by children in the digital content industry in Indonesia, a topic that has not been widely addressed in national law. The purpose of this study is to analyse the legal status of children in monetised content in Indonesia and provide policy recommendations related to compensation and privacy rights. The method used is normative juridical with analysis of legislation and case studies from social media platforms. The results show that the legal protection of children in digital content is still inadequate, especially in supervision and public awareness. It is hoped that these results will encourage policy makers to immediately formulate rules related to compensation and children's privacy in the digital world.
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INTRODUCTION

The development of digital technology has changed various aspects of life, including the world of work and entertainment. Among these changes, the phenomenon of content monetisation involving children on platforms such as YouTube and Instagram raises serious legal issues, especially in relation to children's rights, both in terms of compensation and privacy. Karl Marx's theory of economic exploitation can be applied in this context, where children are often subject to exploitation through their labour in the digital world, without receiving adequate legal protection (Engels & Marx, 1970). In the case of child influencers, there is often an imbalance in the distribution of revenue generated from

content, where parents often have full control over the profits, and children are not fairly compensated (Abidin, 2017).

Juridically, in Indonesia, child protection is regulated by Law No. 35/2014 on Child Protection, which generally provides protection against all forms of exploitation. However, to date, there is no specific regulation governing children's involvement in monetised digital content. This creates a legal gap that allows children to be exposed to the risk of economic exploitation and uncontrolled privacy. This is in line with Merry's (2006) view, which emphasises the importance of specific regulations in the face of new phenomena in rapidly evolving digital technology.

The phenomenon of child influencers in Indonesia is increasing, especially on platforms such as YouTube and Instagram. Parents or guardians often use children's popularity for financial gain, without regard for children's basic rights to privacy and compensation. There are many cases where children's rights are neglected, both in terms of income management and protection against overexposure on social media (Mazzarella, 2010). A study by Kayata (2024) also shows that in countries such as France, there are already strict regulations that ensure the rights of children involved in digital content, including the right to income distribution and decent working time.

An indication of the main problem is the absence of regulations that specifically regulate children's rights in digital content in Indonesia. This opens up loopholes that have the potential to harm children, both economically and psychologically. A solution that can be proposed is the need for specific regulations governing children's compensation and privacy in digital content, as well as strengthening legal oversight of monetisation practices involving children. Studies in California show that strong regulations can ensure that children's rights in digital content are adequately protected (Kayata, 2024).

What is the current form of legal protection of the compensation rights of children involved in digital content in Indonesia? How effective is the legal protection of the privacy of children who are the subject of content on digital platforms in Indonesia? What are the main obstacles in the implementation of legal protection of children's compensation and privacy rights in digital content in Indonesia? Thus, this study aims to analyse the legal status of children in the digital content industry and offer policy recommendations to protect their rights.

This research provides novelty by focusing on analysing the phenomenon of digital content involving children in Indonesia, which is still rarely discussed in national legal literature. Using a normative juridical approach, this research examines existing legal regulations and analyses digital content case studies to provide solutions for child protection in the digital era.

METHOD

This research uses the normative juridical method, which aims to analyse the applicable legal rules regarding the protection of children's rights in monetised content on social media in Indonesia. The normative juridical method focuses on a systematic review of relevant legislation, legal doctrine and case precedents to understand and critique existing legal norms (Marzuki, 2017). In this context, the research combines a regulatory approach as well as a case study analysis that focuses on children as subjects in digital content on social media platforms such as YouTube and Instagram.

The object of research in this method includes relevant regulations, particularly Law No. 35 of 2014 on Child Protection which provides the normative foundation for children's basic rights in Indonesia, as well as other regulations related to copyright and digital content monetisation. In addition, the research includes a case study analysis of children's content involved in the monetisation of social media platforms.

The data sources used consist of primary and secondary data. Primary data is obtained from the analysis of relevant laws and regulations, while secondary data comes from academic literature, scientific journals, articles, and relevant reports to strengthen the analysis related to compensation and child privacy. This approach is in accordance with Soekanto's (2007) view, which states that normative juridical research uses primary and secondary data sources to explore the understanding of the rule of law and its application.

The research instrument used in this study is document analysis, which allows researchers to explore and review applicable regulations and policies. As explained by Marzuki (2017), document analysis in normative juridical research aims to evaluate the suitability and effectiveness of existing legal norms in dealing with new legal phenomena, including the monetisation of digital content involving children. In this case, a comparative study was conducted with policies from other countries, such as California and France, which have more strictly regulated children's rights in digital content.

The data analysis technique uses a qualitative descriptive approach, with content analysis of the applicable laws and practices in the field. This technique is in accordance with the approach suggested by Soekanto (2007), where content analysis is used to evaluate regulations applied in practice, especially in the context of protecting children from economic exploitation in the digital world.

Data validation was conducted through the source triangulation method, by comparing several different legal sources, including regulations, academic literature, and practical case studies from social media. This was done to ensure the validity and reliability of the data used in the research (Patton, 2015). In addition, a literature review of previous studies was also conducted to support a deeper understanding of child legal protection issues in the context of content monetisation.

By using this normative juridical method, the research is expected to provide an in-depth analysis of regulatory gaps in child protection in the digital world. The results are expected to be able to provide comprehensive policy recommendations to overcome the problems of compensation and children's privacy in digital content in Indonesia.

RESULTS AND DISCUSSION

Current forms of legal protection for the compensation rights of children involved in digital content in Indonesia

The current forms of legal protection for the compensation rights of children involved in digital content in Indonesia cover several aspects, although there are still gaps that need to be improved. The following are some of the forms of protection that have been identified:

Child Protection Law No. 35 of 2014: This law provides a normative foundation to protect children from various forms of exploitation, including economic exploitation. However, this law does not specifically regulate compensation for children involved in digital content, creating a legal vacuum that can be exploited.

Draft Government Regulation (RPP): The government is currently drafting an RPP that focuses on child protection in the digital space. This RPP is expected to regulate children's rights related to compensation and privacy in the digital world. This drafting process shows awareness and efforts to address existing legal gaps.

Specific Rules of Social Media Platforms: Some social media platforms, such as YouTube and Instagram, have community policies that try to protect children. For example, they have policies that limit the type of content that children can upload and provide guidelines to parents on how to protect their children.

Despite several legal initiatives, the protection of children's compensation rights in digital content in Indonesia is still inadequate. Research by Global Child Advocacy shows that countries such as France and California have implemented stricter regulations to protect children's rights in the context of digital content.

For example, France has laws governing children's right to fair compensation from the revenue generated by the digital content they create. This creates a more comprehensive protection for children compared to the current situation in Indonesia.

In this context, the existing gaps in Indonesia need to be rectified. As Rahmi (2023) explains, "The lack of specific regulations regarding the compensation and privacy of children involved in digital content leads to a greater risk of exploitation". Previous research shows that in the absence of strict supervision, children can fall victim to economic exploitation that has the potential to harm their development both psychologically and financially.

By combining the results of this research with existing policy analyses, it is hoped that policy makers can formulate stronger regulations to protect children's rights in the digital content industry in Indonesia.

The effectiveness of legal protection of the privacy of children who are the subject of content on digital platforms in Indonesia

Legal protection of the privacy of children who are the subject of content on digital platforms in Indonesia is currently considered ineffective. Some of the findings from the research show the following:

Inadequate Regulation: While Law No. 35/2014 on Child Protection covers the protection of children's privacy, it does not specifically mention the protection of personal data and privacy in the context of digital content. This results in many children involved in digital content not receiving adequate protection of their privacy. As explained by Yuliana (2023), "The lack of clear provisions regarding children's privacy in the digital context results in children being targeted for exploitation".

Lack of Law Enforcement: Despite policies adopted by some platforms, weak law enforcement makes child privacy protection suboptimal. Many parents and children do not understand their rights in the digital context, which results in a lack of privacy protection. Research by Aisyah (2023) shows that "Only 30% of parents are aware of privacy policies on social media platforms".

Risk of Exploitation: Data from research shows that children are often not protected from having their personal data used for commercial purposes. For example, children participating in monetised content often have no control over their personal information being made public. According to Global Child Advocacy, "Without strict regulation, children are at risk of losing their privacy, which can be detrimental to their mental and emotional health".

In the context of child privacy protection, Indonesia faces serious challenges that create great risks for children who are the subjects of digital content. Some researchers, such as Pramono (2023), argue that "Without a clear legal framework, children become more vulnerable to exploitation of personal data".

This phenomenon is exacerbated by the lack of public awareness about the importance of protecting children's privacy in the digital world. A study by Sari (2024) notes that "The general public still lacks understanding of the risks children face in the digital world, including the potential for identity theft and harassment".

In this case, insufficient regulation and lack of law enforcement contribute to the problem. Therefore, it is important for policymakers to urgently implement stricter and more specific laws regarding the protection of children's privacy. This includes educating parents and children about their rights, as well as stricter oversight of digital platforms to ensure that children's privacy rights are respected.

Key barriers to the implementation of legal protection of children's compensation and privacy rights in digital content in Indonesia

The results show that there are several main obstacles in the implementation of legal protection of children's compensation and privacy rights in digital content in Indonesia:

Lack of Specific Regulations: One of the main barriers is the absence of regulations that specifically address children's compensation and privacy rights in digital content. According to Rini (2023), "Existing regulations, such as the Child Protection Law, are not detailed enough in addressing issues that arise in the digital world". This creates legal loopholes that result in children not being adequately protected.

Lack of Knowledge and Awareness: Research by Fajar (2023) shows that "Many parents and children do not understand their rights in the context of digital content, including the right to privacy and compensation". This lack of knowledge could potentially lead to children becoming victims of exploitation, as parents do not realise the importance of protecting their child's privacy on digital platforms.

Weak Law Enforcement: While there are several regulations governing child protection, weak law enforcement is a major impediment to the implementation of protection. Data from Global Child Advocacy shows that "Many offences against children's rights in the digital world are not followed up legally". This creates a sense of impunity for offenders who exploit children.

Lack of clarity on platform responsibility: Many digital platforms do not have clear policies on protecting children's rights. Research by Siti (2024) states, "The existing privacy policies of many platforms do not clearly cover their responsibilities in protecting children's rights". This lack of clarity results in inconsistent protection of children's privacy.

These barriers point to the need for reforms in the legal and policy frameworks related to child protection in Indonesia. As Lestari (2023) explains, "Effective protection requires collaboration between governments, communities and digital platforms to ensure that children's rights are not only protected legally but also practically".

Previous research by Mulyani (2022) also emphasises the importance of improving legal education for parents and children. Mulyani states, "By increasing knowledge of their rights, children and parents can be more proactive in protecting themselves from potential exploitation in the digital world".

In addition, stricter supervision of digital platforms is also needed. According to researchers from the University of Indonesia, "Regulation must be balanced with strong law enforcement to ensure that children's rights in the digital world are respected and protected" (Halim, 2023). Without these measures, the potential for child exploitation will continue to exist, and their rights will remain neglected.

CONCLUSION

The legal protection of the compensation and privacy rights of children involved in digital content in Indonesia still faces challenges. Despite the legal framework set out in Law No. 35/2014 on Child Protection, the implementation of the regulation is insufficient to ensure effective protection in the digital context. The absence of specific regulations, low awareness of parents and children, and weak law enforcement are the main inhibiting factors. In addition, the responsibilities of digital platforms in protecting children's rights have not been clearly regulated, resulting in a significant risk of exploitation.

Current Forms of Legal Protection: The current form of legal protection for children's compensation rights in digital content is inadequate. While there are laws governing child protection in general, there are no clear provisions regarding the compensation that children involved in digital content creation should receive. This creates a loophole that allows for economic exploitation.

Effectiveness of Legal Protection of Privacy: Legal protection of the privacy of children who are the subject of content on digital platforms remains ineffective. The absence of policies that specifically regulate platforms' responsibilities in protecting children's privacy results in inconsistent protection. Data shows that children are often exposed to serious privacy risks without adequate oversight.

Barriers to the Implementation of Legal Protection: The main barriers to the implementation of legal protection of children's compensation and privacy rights in Indonesia include a lack of specific regulations, low public awareness, and weak law enforcement. Research shows that without improvements in regulations and increased awareness about children's rights, the risk of exploitation will continue to exist, which can negatively impact children's development.

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