

COMPARISON OF LAWS ON CHILD LABOR INVOLVEMENT IN INDONESIA AND FRANCE AS SUBJECTS IN COMMERCIALIZED DIGITAL CONTENT

Devid Aldiansyah¹, Irfa Ronaboyd²

¹Faculty of Law, State University of Surabaya, Indonesia

devid.21141@mhs.unesa.ac.id

²Faculty of Law, State University of Surabaya, Indonesia irfaronaboyd@unesa.ac.id

Abstract

The development of the digital economy has created both opportunities and challenges in protecting children's rights, particularly when children become the main subjects of monetized digital content. This phenomenon has grown rapidly in countries such as Indonesia and France, although their normative responses differ significantly. This study aims to analyze and compare the legal frameworks in Indonesia and France regarding the involvement of child labor in monetized digital content. Using a normative and comparative legal approach, and drawing on functionalism, legal transplant, and legal convergence theories, this research finds that Indonesia still faces normative ambiguity in this area, while France has developed a more specific regulatory framework through Loi n° 2020-1266 and Loi n° 2023-566. The study recommends the formulation of specific regulation in Indonesia that addresses the challenges of the digital economy in relation to child protection, by referring to international best practices. These findings are expected to contribute to national legal reform in the context of labor law and child rights in the digital space.

Keywords: child labor, digital content, child protection, comparative law, Indonesia–France

INTRODUCTION

The development of information and communication technology has brought about significant changes in the economic and social structure of global society. One manifestation of these changes is the issue of digital content produced and disseminated through platforms such as YouTube, TikTok, and Instagram. In practice, many children are the main subjects of the content, both individually and in family channels, and often the content is commercial in nature through monetization systems and the like.

In the context of labor law and child protection, children's involvement as creators of commercialized digital content raises normative issues. On the one hand, children's participation in digital activities can be seen as a form of talent and potential development. But on the other hand, if not specifically and appropriately regulated, this can open up opportunities for economic exploitation of children, especially if content production is intensive, structured, and generates profits that are not managed fairly.

In Indonesia, the protection of child labor has been regulated in various regulations such as Law No. 13/2003 on Manpower and Law No. 35/2014 on Child Protection (Republik Indonesia, 2014). However, these norms do not explicitly regulate the involvement of child laborers as subjects in commercial digital content. Meanwhile, The regulations in Indonesia and France regarding the involvement of child labor in digital platforms, including administrative permits, working time, child labor income, and children's digital rights.

Based on this background, this research is important to comparatively examine the applicable regulations in Indonesia and France regarding the involvement of child labor in commercialized digital content. This research also aims to provide recommendations for strengthening the law in Indonesia through a comparative law approach that not only looks at differences in normative texts, but also social contexts, institutions, and relevant international principles.

METHODS

This research uses a normative juridical approach, which focuses on analyzing laws and regulations and legal documents as the main data source (Soekanto, 1986). The main focus of the study is on positive legal provisions governing the protection of children involved as subjects in commercialized digital content in two jurisdictions: Indonesia and France.

To support the normative approach, a comparative law approach is also used, which compares the structure, substance, and legal system between Indonesia and France regarding the protection of child labor in digital content (Watson, 1993). This approach aims to identify similarities, differences, and potential adoption or adaptation of norms from relevant foreign legal systems. In addition, this research also uses a conceptual approach, by analyzing theoretical concepts regarding child protection, children's digital rights, and relevant principles of international labor and human rights law. Some of the comparative law theories used include: functionalism theory (Zweigert, Konrad, 1998), legal transplantation theory, and legal convergence theory (Siems, 2018).

Secondary legal data was obtained through a literature study of laws, government regulations, ministerial regulations, international documents (such as the Convention on the Rights of the Child and ILO Conventions), as well as scientific literature, legal journals, and policy documents. Analysis was conducted qualitatively through identification, classification and interpretation of the content of legal norms and their application in the digital context.

The results of this analysis are used to assess the strengths and weaknesses of the regulations in each country, as well as to formulate recommendations for strengthening the law in Indonesia to be more responsive to the dynamics of content digitization involving children.

RESULTS AND DISCUSSION

1. Comparison of legal arrangements between Indonesia and France regarding the involvement of child labor as a subject in commercialized digital content.

A. Legal Regulations in Indonesia Regarding Child Labor Involvement in Commercialized Digital Content.

As a country with a civil law legal system, Indonesia makes written laws and regulations the main source of law. This means that all forms of legal protection, including for children as economic subjects in the digital era, must be explicitly contained in written norms in order to be effectively enforced. In the context of the protection of child labor, Indonesia actually has several regulations that contain general provisions regarding the prohibition of child labor, certain exceptions, and protection against exploitation. However, upon closer examination, there is no regulation that directly, explicitly, and operationally regulates children's involvement in commercialized digital content.

The main normative foundation can be found in Law Number 13 Year 2003 on Manpower, which in Article 68 states that employers are prohibited from employing children (Republik Indonesia, 2003). However, this provision is exempted for children between 13 and 15 years old to do light work as stipulated in Article 69 paragraph (2), with strict conditions such as: Written permission from parents or guardians, a work agreement between the employer and parents/guardians, a maximum working time of 3 (three) hours per day, does not interfere with the child's school time, there is a guarantee of occupational safety and health, there is a clear working relationship and the child receives wages in accordance with the provisions.

Furthermore, Article 74 of this law also provides an absolute prohibition against children's involvement in the worst types of work, such as all forms of slavery, prostitution, pornography, illegal activities, and work that endangers the health, safety, or morals of children. The qualifications of this hazardous work are explained in the Decree of the Minister of Manpower and Transmigration No. KEP.235/MEN/2003, which details the types of work that should not be done by children, such as work in closed spaces with minimal ventilation (Tenaga et al., 2003), work with heavy loads, exposure to hazardous chemicals, or work that is degrading to children. While there is no explicit mention of “digital workers,” in the context of digital content that involves psychological stress, public exposure, or exploitation of children's time and performance, there is potential suitability for categorization as work that endangers children's morals and well-being.

Meanwhile, the Decree of the Minister of Manpower and Transmigration Number KEP.115/MEN/VII/2004 opens opportunities for children to work in the context of developing talents and interests, such as in the fields of arts, culture, and entertainment. This regulation indirectly provides legal space for children's involvement in digital content (Tenaga et al., 2004), if positioned as part of the expression of creative talent. However, this regulation does not touch on aspects of content monetization, limits on digital working hours, or administrative supervision from the state.

Recent regulations such as Government Regulation No. 17 of 2025 do target the protection of children in the use of electronic systems (Republik Indonesia, 2025), particularly on personal data security and protection from negative content. However, the focus of this regulation is still limited to children as internet users, not as workers or subjects of digital content that generate income. Thus, it can be said that Indonesia's regulatory framework does not yet have explicit and comprehensive specific norms regarding children involved as subjects in monetized digital content. There are no legal provisions that: Regulate the mechanism for reporting or registering children as digital content creators, set standards for the protection of children's digital income, limit children's working hours in the digital content production process, clarify the legal responsibilities of parents or third parties who employ children in content production, provide specific sanctions for parties who exploit children through digital platforms.

This vagueness creates a legal gap that poses a high risk of child exploitation in the digital space, especially given the increasingly massive monetization practices, whether through endorsements, live streaming, or family channels that rely on children's involvement as the main attraction.

If examined through the theory of functionalism, it can be concluded that the Indonesian legal system has not been fully able to carry out its protective function in the contemporary context. Although substantively there are regulations on child labor and exploitation, there is no normative instrument that specifically addresses the issue of child labor in the digital economy.

In the context of legal convergence theory, this shows that Indonesia is still lagging behind in the harmonization process with international standards and global practices, especially compared to countries such as France that have established *lex specialis* regulations for this issue.

Therefore, it is important to develop a national regulation that is more explicit, integrated and responsive to new dynamics in child protection, especially in the transnational and fast-growing digital industry.

B. Legal Arrangements in France Regarding Child Labor as a subject of Commercialized Digital Content.

As a country that also adheres to a civil law legal system, France relies on written laws and codification as the main foundation of its legislative system. However, unlike Indonesia, which tends to be slow and reactive to the issue of digitalization of child labor, France has shown a progressive and preventive response to the issue of children's involvement as subjects in commercialized digital content. This move is motivated by concerns over covert exploitation practices, especially after the emergence of several popular digital channels such as Studio Bubble Tea that feature children intensely in monetized videos without state supervision.

In response to this lack of legal clarity, the French Government passed Loi n° 2020-1266 du 19 octobre 2020 as a special regulation that specifically addresses children appearing in online videos that generate income (France, 2020). The regulation is the first *lex specialis* in Europe to comprehensively regulate child labor in the digital space, derived from the Code du Travail or French labor law (France, 2016). Some of the key points of the law Loi n° 2020-1266 du 19 octobre 2020 include:

Article 1 states that commercial exploitation of the image of a child under the age of 16 on a video sharing service (such as YouTube) can only take place after a declaration to the administrative authorities.

Article 3 stipulates that if the income obtained from the video exceeds a certain threshold (set by the Conseil d'État), it must be deposited into a trust account at the Caisse des dépôts et consignations (CSA, 2021), the state financial institution that holds the funds until the child reaches the age of majority. Children are also given the right to remove their content (*le droit à l'effacement*) that has been published on the internet.

Article 4 requires digital platforms to create a charter that includes information on psychological risks, the impact of using children's personal data, and encourages reporting of content deemed harmful to children's dignity and integrity.

Article 5 tasks the French audiovisual regulatory agency, ARCOM (Autorité de régulation de la communication audiovisuelle et numérique), to monitor the implementation of the charter and publish periodic reports on its effectiveness (ARCOM, 2022).

Furthermore, the French Government strengthened its child protection approach in the digital space through the passage of Loi n° 2023-566 du 7 juillet 2023, which specifically targets social media services and digital platforms where children register as users (France, 2023). Article 4 of this law stipulates that children under the age of 15 cannot create social media accounts without explicit parental consent. These two regulations show that the French legal framework is specific, operational, and based on multidimensional protection of children's rights, covering administrative, financial, psychological, and personal data aspects. Not only that, institutions such as Le Défenseur des Droits (Le Defenseur des Droits, 2021) and CNIL (Commission Nationale de l'Informatique et des Libertés) are also involved to monitor violations of children's rights in the digital space (CNIL, 2023), including receiving complaints from the public, monitoring the implementation of the best interests of the child principle, and providing policy recommendations to industry players.

When analyzed normatively, the French regulatory framework meets the elements of child protection in the contemporary context. The recognition that children are economic subjects in digital platforms combined with state control through reporting systems, financial mechanisms, and children's digital rights, makes the French model one of the most complete regulations in Europe on this issue.

From the perspective of functionalism theory, French law has effectively performed its function to protect children from new forms of economic exploitation arising from technological developments. Not only do they prohibit it in general, French regulations also detail how children can work, who is responsible, how earnings are managed, and how children's digital rights are guaranteed.

Meanwhile, within the framework of legal transplantation theory, the French regulatory system has the potential to become a reference or model for other countries such as Indonesia that are still facing normative vagueness. Of course, the adaptation requires adjustments to the national culture and legal structure.

Finally, through the legal convergence approach, France's regulatory framework shows consistency with international principles such as the Convention on the Rights of the Child (CRC), ILO Convention Nos. 138 and 182, and UNICEF's Children's Rights and Business Principles. This means that France is not only responding to national conditions, but also aligning its legal system with international legal currents that emphasize child protection in the digital space.

The form of comparison between the two countries can be seen in more detail in the following table:

Table 1.1
(Comparision Table)

Aspect	Indonesia	French	Notes
Normative Approach	General and not specific to digital content	Specific to children as digital content creators	Have a significant difference in influence over the regulations applied

Legal System	Civil Law	Civil Law	Both countries have similar legal systems, allowing for a comparative approach through legal functionalism
Minimum Working Age	18 years, with the exception of light work for ages 13-15 (Law No. 13/2003)	16 years (general), lower for entertainment industry with permit (<i>Code du Travail</i>)	Same legal function, different technical response
Child work arrangements in digital media	Not specifically regulated	Specifically regulated by Loi n° 2020-1266	France excels in regulative response, functionalism theory
Administrative permissions	Only permission from parents	Mandatory before children appear in commercial content with parental permission and Mandatory from administrative authorities	Shows a higher level of administrative protection in France
Digital work deadline	Arranged with the same portion as conventional work	Regulated similarly to children in the entertainment industry	Different technical responses
Management of children's income	Not set	Must be kept in a child's account (<i>compte bloqué</i>)	Prevent economic abuse and there is potential for <i>legal transplantation</i> to Indonesia
Children's digital rights (Right to be forgotten)	Not recognized in the legal system	Recognized and guaranteed through <i>Loi n° 2020-1266 du 19 octobre 2020</i> dan <i>Loi n° 2023-566 du 7 juillet 2023</i>	Leads to <i>konvergensi internasional</i>
Role of platforms	Not specifically regulated (regulating the use of digital access)	Mandatory protection of children, age verification, etc. for content creation not only the use of digital accounts and Regulated	Regulatory pressure on the private sector

		through charte obligations and monitoring by ARCOM and CSA	
Institutional Supervision	Passive (KPAI)	Active through CSA, ARCOM and Le Défenseur des Droits	Demonstrate a level of awareness of things that could be misused
Violation sanctions	General and not specific	There are administrative and criminal sanctions if you violate the provisions	France excels in <i>regulatory response</i>

Through this comparison, it can be concluded that France displays a proactive and comprehensive approach, while Indonesia is still reactive and fragmentary. From the perspective of comparative law theory, Indonesia's legal system has not maximized its child protection function in the digital realm, and has not opened up space for the adoption of foreign legal practices that have proven effective. This reinforces the importance of Indonesia undertaking legal reform through a functional approach to improve the effectiveness of norms, transplanted with the adoption of relevant elements from France, and convergence to align with global norms and international obligations. With this strategy, the national legal system can move from lagging to an adaptive and progressive system in ensuring child protection in the digital era.

2. Recommendations for legal strengthening that can be formulated for Indonesia to protect child labor in the subject of digital content, based on the results of legal comparisons and international legal principles.

A. International Regulations on Child Labor in Digital Content

As a country that has ratified various international legal instruments, Indonesia is obliged to harmonize its legal system with global standards, including in the protection of child labor in the digital space. Some international regulations that can be used as the main normative reference in formulating national policies to protect children as subjects of commercialized digital content include:

a. Convention on the Rights of the Child (CRC)

The CRC, which Indonesia has ratified through Presidential Decree No. 36 of 1990, provides a strong legal basis that children have the right to protection from all forms of economic exploitation, as stipulated in Article 32. Children's activities in digital media that generate profits, including as YouTubers, TikTok celebs, or talents in family channels can basically be classified as a form of work that needs to be supervised, especially if it is carried out in a structured time and generates commercial benefits. In the context of digital content, the interpretation of Article 32 is all the more relevant given the non-traditional nature of digital work, but can still contain elements of drudgery, psychological pressure, public exposure, and power relations within the family (United Nations, 1989).

b. General Comment No. 25 (2021) – Children's Rights in the Digital Environment

This interpretative document issued by the Committee on the Rights of the Child extends the scope of children's rights to the digital realm. In General Comment No. 25,

states are required to: Protect children from exploitation in the digital economy, including when they are the subject of paid content; Guarantee children's right to consent and withdraw consent to the distribution of digital content featuring them; Set limits on digital working hours, especially where children's involvement resembles work; Guarantee the right to privacy and the right to be forgotten, which are important in the era of pervasive and permanent digital content. The principles in General Comment No. 25 are very important as ethical and juridical guidelines in designing new regulations in Indonesia, as they provide a clear direction for addressing new forms of child involvement in the digital economy (UN Committee on the Rights of the Child, 2021).

c. ILO Convention No. 138 and No. 182

Although formulated before the digital age, both conventions are highly relevant to assess the position of children involved in profit-making digital content. ILO Convention No. 138 sets a minimum age for employment (Republic of Indonesia, 2002), while ILO Convention No. 182 refers to the exploitation of children in hazardous and degrading work as the “worst forms of child labor” (Labour Organization, 1973). The continuous monetization of digital content by children, without the protection of working hours, contracts, or fair revenue mechanisms, can be categorized as a new form of exploitation, especially when children are forced by family economic pressures or manipulated by digital platform systems.

d. UNICEF’s Children’s Rights and Business Principles (CRBP)

The CRBP sets out principles that businesses, including digital platforms, should follow in engaging with children. These include: Avoiding exploitation of children for commercial purposes, Providing transparent mechanisms for children's engagement in digital activities, Protecting children's personal data and guaranteeing their digital rights, Engaging children's participation in a meaningful and pressure-free manner. Digital platforms such as YouTube, TikTok and Instagram, which are multinational companies, are expected to abide by these principles (UNICEF; UN Global Compact; Save the Children, 2012).

e. OECD Guidelines for Multinational Enterprises

As an active member and founding country of the OECD, France integrates the OECD Guidelines for Multinational Enterprises into its oversight system for digital platforms and industry players (OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, 2011). These principles emphasize the social responsibility of corporations not to exploit children in their business models, including through digital content.

B. Recommendations for Strengthening Law in Indonesia

Based on the results of the legal comparison between Indonesia and France and referring to international legal principles such as the Convention on the Rights of the Child (CRC), General Comment No. 25, ILO Conventions No. 138 and 182, UNICEF's Children's Rights and Business Principles (CRBP), and OECD Guidelines for Multinational Enterprises, it can be concluded that Indonesia requires the establishment of special regulations that explicitly regulate the involvement of children as subjects in commercialized digital content. This regulation includes an administrative permit mechanism for children involved in digital content production, a data collection system by child protection authorities, as well as limits on working hours and protection against psychological burden during the production process. In addition, it is important to regulate the transparent management of children's income through a trust savings account that can

only be accessed when the child is an adult, to prevent misuse by parents or third parties. Digital platforms also need to be included as legal subjects that have ethical and legal responsibilities, such as age verification obligations, reporting of monetized child accounts, and providing exploitation reporting features and the right to delete child content (right to be forgotten). The role of the state, in this case the KPAI or relevant supervisory institutions, needs to be strengthened through administrative authority and technology-based supervisory mechanisms. In this context, the principle of child participation must also be guaranteed, namely by giving children the right to give or revoke consent for their involvement in digital content. This recommendation is intended to fill the normative ambiguity in the Indonesian legal system and build a legal framework that is adaptive to contemporary digital challenges, while ensuring comprehensive protection for children in accordance with national legal principles and ratified international standards.

CONCLUSION

Based on the analysis that has been carried out, the following conclusions can be drawn:

- a. This study shows that legal regulations in Indonesia regarding the involvement of child labor in commercialized digital content are still general, fragmentary, and do not address the complexity of digital reality. There are no specific regulations governing the mechanisms of child labor in the production of commercialized digital content, revenue management, and platform responsibilities. In contrast, France has more progressive and operational regulations, namely Loi n° 2020-1266 and Loi n° 2023-566, which specifically regulate child protection in the digital content ecosystem, including administrative permits, working hour limits, financial protection, and digital platform responsibilities.
- b. Through the approach of functionalism theory, legal transplantation, and legal convergence, it is concluded that Indonesia needs to formulate special regulations that are in line with international principles, such as CRC, ILO, and CRBP. Recommendations for strengthening the law include the establishment of a digital child reporting mechanism, protection of the right to income and personal data, and strengthening the role of the state and the obligations of digital platforms. This step is important to ensure the protection of children from hidden digital economic exploitation and support the harmonization of national laws with global standards.

SUGGESTIONS

Based on the results of research and comparative analysis between Indonesia and France, the author provides the following suggestions:

- a. **Indonesian government** need to immediately formulate specific regulations governing the involvement of children as subjects in commercialized digital content. These regulations must contain administrative provisions, protection of children's digital working hours, income management, and legal responsibility for digital platforms.
- b. **Child protection agency**, such as KPAI, needs to be strengthened institutionally so that it can play an active role in monitoring digital content involving children, including providing reporting channels, verification mechanisms, and education for the public.
- c. **Digital platforms** such as YouTube, TikTok, and Instagram need to be directly involved in legal responsibility for child protection, including in terms of age verification, reporting content, and removing content that has the potential to harm children.

- d. **Legal academics and researchers** it is hoped that studies on digital law and child protection will continue to be developed, especially in the face of rapid technological dynamics so that the formation of national regulations does not lag behind developing social practices.
- e. **Parents and society** as the party closest to children, they must be given digital and legal literacy so that they can take an active role in preventing covert exploitation of children in digital media.

BIBLIOGRAPHY

Books:

- Soekanto. (1986). *Pengantar Penelitian Hukum*. UI Press.
- Siems, M. (2018). *Comparative Law 2nd ed*. Cambridge University Press.
- Watson, A. (1993). *Legal Transplants: An Approach to Comparative Law. 2nd ed*. University of Georgia Press.
- Zweigert, Konrad, and H. K. (1998). *An Introduction to Comparative Law*.

Journal:

- ARCOM. (2022). *Charte de la protection de l'enfance dans les medias numeriques*.
- CNIL. (2023). *Protection des donnees des mineurs en ligne: Cadre et recommandations*. Commission Nationale de l'Informatique et des Libertes.
- CSA. (2021). *Conseil Superieur de l'Audiovisuel: Rapport d'activite*.
- OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (2011). <https://doi.org/10.1787/81f92357-en>.

Undang-Undang:

- [France. \(2016\). Code du Travail.](#)
- [France. \(2020\). Loi n° 2020-1266 du 19 octobre 2020 visant a encadrer L'exploitation commerciale de l'image d'enfants de moins de seize ans sur les plateformes en ligne.](#)
- [France. \(2023\). Loi n° 2023-566 du 7 juillet 2023 renforçant la protection des enfants influenceurs.](#)
- [Labour Organization, I. \(1973\). ILO Convention No . 138 on the Minimum Age , ILO Convention No . 182 on the Worst Forms of Child Labour , 1999. 138.](#)
- [Le Defenseur des Droits. \(2021\). Protection des droits de l'enfant dans l'environnement numerique. Le Defenseur des Droits.](#)
- [Republik Indonesia. \(2002\). Keputusan Presiden No. 59 Tahun 2002 tentang ILO Convention No. 138.](#)
- [Republik Indonesia. \(2003\). Undang-Undang Republik Indonesia Nomor 13 Tahun 2003 tentang Ketenagakerjaan. In Pemerintah Republik Indonesia. <https://peraturan.bpk.go.id/Home/Details/43013/uu-no-13-tahun-2003>](#)
- [Republik Indonesia. \(2014\). Undang-Undang Nomor 35 Tahun 2014 tentang Perubahan atas UU No. 23 Tahun 2002 tentang Perlindungan Anak.](#)
- [Republik Indonesia. \(2025\). Peraturan Pemerintah Nomor 17 Tahun 2025 tentang Tata Kelola Penyelenggaraan Sistem Elektronik dalam Pelindungan Anak.](#)

[Tenaga, M., Dan, K., & Republik, T. \(2003\). *KEPUTUSAN MENTERI TENAGA KERJA DAN TRANSMIGRASI REPUBLIK INDONESIA NOMOR : KEP. 235 /MEN/2003 TENTANG JENIS-JENIS PEKERJAAN YANG MEMBAHAYAKAN KESEHATAN, KESELAMATAN ATAU MORAL ANAK. 182.*](#)

[Tenaga, M., Dan, K., & Republik, T. \(2004\). *Menteri tenaga kerja dan transmigrasi republik indonesia. 1-4.*](#)

[UN Committee on the Rights of the Child. \(2021\). *General Comment No. 25 \(2021\) on Children's Rights in Relation to the Digital Environment.*](#)

[UNICEF; UN Global Compact; Save the Children. \(2012\). *Children's Rights and Business Principles.*](#)

[United Nations. \(1989\). *Convention on the Rights of the Child.*](#)