

## Online Sales Activities Conducted by Adults and Involving Children in the Perspective of Positive Law in Indonesia

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**ABSTRACT:** The development of digital technology in Indonesia has significantly influenced social life and economic activities. One growing phenomenon is the involvement of children in digital-based commercial activities, such as social media content creation, live-streaming sales, and online product endorsements. While these activities offer economic opportunities and creative expression, they also pose serious legal risks, particularly concerning the protection of children from economic and psychological exploitation. Normatively, child protection in Indonesia is regulated under Law No. 35 of 2014 on Child Protection, Law No. 11 of 2008 in conjunction with Law No. 19 of 2016 on Electronic Information and Transactions, and Law No. 21 of 2007 on the Eradication of Human Trafficking. However, these regulations do not specifically address children's involvement in digital commercial activities. This research employs an empirical juridical method by combining statutory analysis with field data obtained through interviews and observations involving parents, legal practitioners, and child protection institutions. The findings indicate that the absence of specific regulations governing digital child protection, along with weak supervision, increases the risk of economic and psychological exploitation of children. The novelty of this study lies in examining the relationship between Indonesian positive law and the practical realities of children's participation in digital commerce. This research recommends the establishment of specific legal regulations, the strengthening of parental supervision, and increased accountability of digital platforms to ensure effective protection of children's rights in the digital era.

**Keywords:** Child Protection, Economic Exploitation, Children's Digital Activities, Online Sales, Cyber Law.



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## INTRODUCTION

The rapid development of digital technology has profoundly transformed human life across multiple dimensions, particularly in economic and entertainment sectors. According to a 2023 Kominformo report, more than 60% of Indonesian children aged 8–15 are active social media users, with a growing number participating in online promotional content. This illustrates how online sales and digital entertainment have become intergenerational phenomena, reshaping the way

families engage with economic and social activities. Parents increasingly involve their children in digital platforms, either as product endorsers or as the focal subjects of online content. While such exposure may foster creativity and digital literacy, it simultaneously raises concerns about potential exploitation that could disrupt children's psychological, social, and moral development ([Sari, 2022](#)).

A striking manifestation of this trend is evident on the TikTok platform, which hosts over 125 million active users in Indonesia ([DataReportal, 2024](#)). The app's widespread appeal has fueled the rise of "sharenting," wherein parents regularly feature their children in daily uploads. As observed by Livingstone and Third (2022), these practices though often economically rewarding, may undermine children's rights to privacy and psychosocial well-being. Since children lack the cognitive maturity to assess the long-term consequences of their online exposure, they become vulnerable to various forms of exploitation, especially from their own guardians ([Ilhami, 2022](#); [Putri et al., 2025](#)). This tension between parental autonomy and legal accountability exemplifies a key dilemma in contemporary child protection discourse.

Beyond economic consequences, sharenting and child participation in digital commerce have far-reaching psychological and ethical implications. Research links such exposure to social media dependency, aggression, and long-term emotional distress as children later recognize the public use of their private lives. Furthermore, minors face increasing risks of cyberbullying, identity theft, and grooming ([Sihotang et al., 2023](#)). Consequently, the exploitation of children in online spaces must be conceptualized as a multidimensional issue intersecting with mental health, digital ethics, and human rights rather than merely as an economic problem ([Livingstone & Bulger, 2014](#)).

Similar trends are visible in online sales and live-stream commerce, where children frequently appear in product promotions and brand collaborations managed by their parents ([Ferlian, 2024](#)). Although these practices are often justified as forms of entrepreneurial education, they frequently occur without adequate legal oversight or ethical regulation. In such cases, when participation is profit-driven and lacks protective mechanisms, it may constitute economic exploitation in direct violation of Indonesia's Law No. 35 of 2014 on Child Protection.

At the regional and global levels, several jurisdictions have begun addressing this issue through more explicit legislation. For instance, France's 2020 "Child Influencer Law" regulates minors' participation in monetized online content, while the European Union's General Data Protection Regulation (GDPR) strengthens protections over children's digital privacy and consent ([European Union, 2016](#)). Similarly, ASEAN's Declaration on the Protection of Children from All Forms of Online Exploitation and Abuse (2019) emphasizes cross-border cooperation and digital platform accountability. In contrast, Indonesia's legal instruments remain fragmented and primarily reactive, with no single provision defining digital exploitation or delineating parental responsibilities in the digital economy ([Sitorus & others, 2025](#)). This legal disparity reveals a regulatory vacuum that not only exposes Indonesian children to unmitigated online risks but also positions Indonesia behind global standards in child digital protection ([Tahir & Lestari, 2025](#)). Therefore, this study aims to critically examine the absence of explicit regulations governing children's involvement in digital-based economic activities and to propose legal and policy reforms to bridge this gap ([Sitorus & others, 2025](#)). By situating Indonesia's challenges within broader international discourse, this paper seeks to contribute to global scholarship on digital child labor and inform the development of

comprehensive, rights-based frameworks that ensure children's participation in digital economies remains both ethical and legally protected.

## **METHOD**

In this study, the author adopts an empirical juridical method, which combines the doctrinal (normative) study of laws with empirical (socio-legal) investigation ([Anjani & Setyorini, 2025](#)). This hybrid approach enables the examination of not only legal norms as formulated in statutes and regulations but also their implementation and effectiveness within real-life social contexts. By integrating legal analysis with empirical observation, this method provides a holistic understanding of how child protection laws operate in the digital domain, particularly regarding children's participation in online commercial activities.

Primary data were obtained through semi-structured interviews and direct observations involving 15 participants, comprising parents engaged in online selling, digital law practitioners, and representatives from child protection institutions in Bandung. Participants were selected using purposive sampling, based on criteria such as direct involvement in child-related online commerce or professional expertise in legal protection and digital ethics. The fieldwork was conducted over a one-month period in September 2025, allowing for in-depth exploration of various socio-economic backgrounds and practical challenges in implementing child protection norms in digital environments. Secondary data were collected through doctrinal analysis of relevant Indonesian laws, including Law No. 35 of 2014 on Child Protection, Law No. 11 of 2008 in conjunction with Law No. 19 of 2016 on Electronic Information and Transactions, and Law No. 21 of 2007 on the Eradication of Human Trafficking, as well as academic journals, policy briefs, and previous socio-legal research on digital child rights.

To ensure analytical rigor, qualitative data from interviews were transcribed, coded, and thematically analyzed to identify recurring patterns and legal-practical gaps in digital child protection. Data triangulation between interview responses, field observations, and legal texts was conducted to strengthen the validity and reliability of findings ([Donkoh & Mensah, 2023](#)). Ethical clearance was obtained from the relevant university research ethics board, and informed consent was secured from all participants, ensuring confidentiality and the protection of any information related to minors. The integration of normative and empirical perspectives through this empirical juridical approach allows the study to present a realistic depiction of how legal principles governing child protection align or fail to align, with actual practices in Indonesia's rapidly evolving digital economy.

## **RESULT AND DISCUSSION**

### **Legal Analysis**

The increasing involvement of children in online buying and selling activities presents complex legal challenges, primarily because no specific statutory framework currently regulates their participation in digital economic environments. Existing provisions, such as Law No. 35 of 2014

on Child Protection, prohibit all forms of physical and economic exploitation of children, yet the law does not explicitly address how these protections should apply in online or social media contexts ([Harahap, 2024](#)). Empirical findings from interviews conducted in Bandung in September 2025 reveal that many parents and digital entrepreneurs remain unaware that using children for product promotion or online performance can constitute economic exploitation under existing law ([Sari, 2022](#)).

According to Article 66A of the Child Protection Law, any act that exploits children for profit, whether directly or indirectly, violates the principle of the best interests of the child as mandated by Article 3 of the Convention on the Rights of the Child (CRC), which Indonesia ratified through Presidential Decree No. 36 of 1990. Several respondents admitted that they involved their children in online sales “for family income” or “creative learning,” indicating a gap between legal awareness and practical understanding of exploitation. This disconnect highlights the absence of clear enforcement mechanisms and educational outreach regarding children’s digital participation.

Furthermore, the Electronic Information and Transactions Law (Law No. 11 of 2008 in conjunction with Law No. 19 of 2016) prohibits the creation and dissemination of content containing elements of indecency or child exploitation. However, digital enforcement remains limited; officials from child protection institutions interviewed in this study noted difficulties in monitoring and verifying cases of online exploitation due to the borderless and private nature of digital platforms ([Harahap, 2024](#)). This legal vacuum becomes even more concerning when exploitation generates monetary gain, which may qualify as a criminal offence under Law No. 21 of 2007 on the Eradication of Human Trafficking (TPPO Law), especially in cases where minors are repeatedly used for commercial digital activities.

The analysis can be further expanded through Philipus M. Hadjon’s Theory of Legal Protection, which distinguishes between preventive and repressive protection for vulnerable groups ([Hadjon, 1987](#)). In the digital era, preventive protection must go beyond traditional legal education or awareness campaigns ([Jauhari & Tanjung, 2025](#)). It should include digital literacy programs tailored for parents and children, algorithmic monitoring mechanisms developed in collaboration with social media companies, and age-specific content governance enforced through regulatory technology (RegTech). Repressive protection, in contrast, involves criminal prosecution and administrative sanctions against adults, guardians, or digital platforms that profit from the exploitation of minors. However, the study’s findings reveal that preventive measures in Indonesia remain largely reactive, activated only after exploitation occurs, rather than anticipatory, a condition that demonstrates the incomplete realization of Hadjon’s preventive protection principle in the digital context ([Mahka et al., 2023](#)).

In light of Jimly Asshiddiqie’s concept of the Rule of Law (*Rechtsstaat*), which situates human rights protection at the core of democratic governance, the state’s inability to adapt its legal system to technological change reflects a deficit in digital justice ([Asshiddiqie, 2023](#)). The absence of explicit legal safeguards for children’s participation in online economies represents not only a statutory gap but also a violation of substantive justice and legal certainty ([Livingstone & O’Neill, 2014](#)). To deepen Hadjon’s and Asshiddiqie’s frameworks, this study proposes integrating them with emerging techno-legal approaches, such as digital constitutionalism and jurisprudence of data

rights, which recognize children's digital presence as an extension of their legal personhood. This synthesis offers a pathway toward a more contextualized theory of digital child protection, where preventive measures are algorithmically embedded in digital infrastructures and repressive enforcement aligns with the evolving nature of online harm.

## **Legal Basis (Positive Law in Indonesia)**

### **Constitutional protection**

The protection of children in Indonesia is rooted in strong constitutional mandates ([Putra & Subawa, 2018](#)). Article 28B paragraph (2) of the 1945 Constitution guarantees every child's right "to live, grow, and develop" and to be protected from violence and discrimination. This provision establishes the highest legal foundation for all child-related policies and legislation, ensuring that the "best interests of the child" become a guiding principle for the state, families, and communities. Comparatively, Indonesia's constitutional commitment aligns with that of the Philippines' 1987 Constitution (Article XV, Section 3), which mandates state protection and opportunities for child development. This regional alignment underscores a shared ASEAN legal ethos emphasizing children's welfare. However, unlike the Philippines, Indonesia has yet to explicitly extend these constitutional protections into digital child rights, leaving a normative gap in the era of online participation and commerce ([Putra & Subawa, 2018](#)).

### **Child Protection Law (Law No. 35 of 2014 on Amendments to Law No. 23 of 2002 on Child Protection)**

This law serves as Indonesia's primary legal framework for safeguarding children from violence, exploitation, and neglect. Articles 76I and 88 criminalize economic exploitation with penalties of up to 10 years of imprisonment or fines up to Rp 200 million. The provisions are intended to protect children from coercive labor and abusive commercial use. Yet, the law's drafting context, which predates Indonesia's digital economy boom, means that many exploitative acts conducted via social media or e-commerce fall outside clear legal classification. For instance, empirical interviews in Bandung (2025) revealed that parents often rationalize their children's participation in live-selling as "family entrepreneurship," despite its long hours and profit orientation. This reveals a gray area where parental consent and cultural norms blur the boundaries between empowerment and exploitation. Thus, while the Child Protection Law provides general prohibitions, it lacks operational clarity for digital-specific contexts, calling for interpretive expansion or legislative amendment ([Mahka et al., 2023](#)).

### **Manpower Law (Law No. 13 of 2003)**

The Manpower Law prohibits employing children under 18, except for light work under strict supervision (Articles 68–75). Such work must not interfere with education, health, or development and may not exceed three hours per day. However, digital performance often exceeds these limits.



For example, a 2023 case in East Java involved a seven-year-old child featured daily in live online sales for several hours. Although civil society groups denounced the act as exploitative, no legal sanction followed, as “digital performance” is not recognized as formal employment. This case illustrates how digital labor escapes conventional labor law definitions, demonstrating the urgency of adapting existing norms to online realities. Comparative analysis with the United Kingdom’s Children (Performances and Activities) Regulations 2014 reveals that the UK explicitly regulates minors’ participation in media, requiring performance licenses and rest limits, something Indonesia could emulate through derivative regulations under the Manpower Law.

### **Information and Electronic Transactions Law (Law No. 11 of 2008, amended by Law No. 19 of 2016)**

The ITE Law governs ethical use of digital media, prohibiting the creation or distribution of content that promotes sexual, economic, or moral exploitation (Articles 27–28). It offers a legal mechanism to sanction digital misconduct but does not yet define “digital child exploitation” explicitly. In 2022, Kominfo investigated several content creators for using minors in monetized videos without protection measures. Although these actions clearly contradicted child protection principles, no prosecution followed due to legislative ambiguity regarding digital labor. This highlights a regulatory gap between moral obligation and enforceable liability. In response to these challenges, the government enacted revisions to the ITE Law through Law No. 1 of 2024, emphasizing the need for more selective verification of social media users, particularly minors, to strengthen preventive protection in digital spaces ([Suparto & Drajat, 2024](#)). Comparative models from Australia’s Online Safety Act 2021 demonstrate how digital platforms can be held jointly responsible for child-related exploitation, suggesting that Indonesia could enhance the ITE Law by introducing platform accountability clauses to strengthen enforcement in cyberspace.

### **Trade Law (Law No. 7 of 2014)**

The Trade Law underpins all commercial transactions, emphasizing fairness, transparency, and consumer protection. While it does not explicitly mention child exploitation, it indirectly applies to cases where children are used as marketing instruments or are targeted by unethical advertisements. As e-commerce and social media commerce increasingly converge, these provisions should be interpreted in conjunction with the Child Protection and ITE Laws. Administrative sanctions under this law could serve as an intermediate mechanism before criminal liability applies, especially in cases of corporate negligence involving child-focused promotions.

### **Legal Analysis**

The increasing involvement of children in online buying and selling activities presents complex legal challenges, primarily because no specific statutory framework currently regulates their participation in digital economic environments. Empirical data from the Komisi Perlindungan Anak Indonesia (KPAI) further highlight this issue, with 149 recorded cases of child exploitation

and trafficking in 2020, including child prostitution, commercial sexual exploitation, and illegal adoption ([Fikri et al., 2025](#)). Existing provisions, such as Law No. 35 of 2014 on Child Protection, prohibit all forms of physical and economic exploitation of children, yet the law does not explicitly address how these protections should apply in online or social media contexts.

### **Commercial Exploitation**

When children are deliberately used to generate income, such as through product promotions, live-selling, or monetized social media appearances, without adequate safeguards, the act constitutes economic exploitation under Article 66A of Law No. 35 of 2014 ([Fadilla, 2016](#); [Ferlian, 2024](#)). This violates the CRC's "best interests" principle and may incur criminal sanctions, particularly when coercion or parental negligence can be proven.

### **Voluntary and Educational Participation**

Children may participate in digital activities for learning or creativity, provided they are under strict parental supervision and the activity aligns with educational objectives. Article 59 of the Child Protection Law mandates parents to ensure such involvement does not harm physical or mental welfare ([Mahka et al., 2023](#)). However, once profit generation becomes the primary motivation, the legal status shifts from participation to exploitation, necessitating oversight from relevant agencies such as the Ministry of Women's Empowerment and Child Protection (KPPPA).

### **Digital Content Violations**

When digital content involves indecency, humiliation, or manipulation of a child's image, it violates Article 27(1) of the ITE Law and Article 76I of the Child Protection Law. Such acts can result in imprisonment and fines, and if systematic or profit-driven, may qualify as digital human trafficking under Law No. 21 of 2007. This aligns with Sihotang et al, (2023), who note that cyberbullying and online humiliation cause profound emotional harm to children and trigger prolonged psychological distress."

## **CONCLUSION**

Based on the findings and legal analysis of online sales activities conducted by adults involving children within the framework of Indonesia's positive law, it can be concluded that Indonesia currently lacks a specific and comprehensive legal framework regulating children's participation in digital commercial environments. While several statutes, such as the Child Protection Law, the Manpower Law, the ITE Law, and the Trade Law, contain general provisions concerning child welfare and protection, they remain insufficient to address the complexities of children's engagement in profit-driven digital activities. This legal ambiguity often leads to inconsistent enforcement and a blurred distinction between acceptable child participation and acts of economic

exploitation. As a result, children's fundamental rights to education, health, and psychological well-being are at risk of being undermined in the pursuit of digital content monetization.

From a theoretical perspective, this study contributes to the field of digital child protection law by emphasizing the need to reinterpret traditional legal doctrines within the context of digital transformation. It demonstrates that the intersection of family law, labor law, and cyber law must evolve to accommodate new forms of participation and vulnerability emerging in online economies. The analysis also highlights the importance of integrating the best interests of the child principle into the digital legal ecosystem, thereby reinforcing the moral and constitutional foundation of child protection in cyberspace.

Practically, this research advocates for the formulation of a specific regulatory instrument to explicitly define digital exploitation, establish ethical standards for parental involvement, and set operational limits for children's participation in online commercial activities. Beyond general reform, structural and procedural recommendations should include the establishment of a multi-agency coordination body involving the Ministry of Women Empowerment and Child Protection, the Ministry of Communication and Information Technology, and the Indonesian Child Protection Commission to ensure cross-sectoral implementation. Additionally, Indonesia can draw on comparative models such as the United Kingdom's Age-Appropriate Design Code or the European Union's Digital Services Act, which impose platform accountability standards and child-focused data governance. Digital platforms and e-commerce operators should also bear shared accountability by implementing algorithmic transparency, parental consent verification, and periodic compliance audits to detect and prevent exploitative content.

However, this study acknowledges certain limitations. The empirical data were geographically confined to Bandung and involved a relatively small number of participants, which may not fully capture diverse national practices. Future studies should expand their scope to include cross-regional and comparative analyses, particularly by examining best practices from countries that have enacted specialized digital child protection laws. Moreover, longitudinal research could explore the psychological and socio-legal impacts of early digital exposure on children's development.

Ultimately, the protection of children in online sales activities must become a central priority in Indonesia's digital legal framework. Children must be recognized as autonomous legal subjects whose participation in digital economies requires explicit legal safeguards, ensuring that technological advancement serves their development rather than their exploitation. The findings of this study are expected to provide valuable insights for policymakers, law enforcement authorities, and society, guiding the creation of fair and child-centered regulations that uphold the best interests of every child in the digital age.

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