

Criminal Policy on Prevention of Child Exploitation in the Form of Donation Requests through the TikTok Platform

Ayu Larasati¹⁾ & Slamet Tri Wahyudi²⁾

¹⁾ Faculty of Law, Universitas Pembangunan Nasional "Veteran" Jakarta, Indonesia, E-mail: 2110611283@mahasiswa.upnvj.ac.id

²⁾ Faculty of Law, Universitas Pembangunan Nasional "Veteran" Jakarta, Indonesia, E-mail: slametriwahyudi@upnvj.ac.id

Abstract. *The development of digital technology, especially the TikTok social media platform, has created new loopholes for child exploitation, one of which is through the practice of requesting donations involving orphanage children. This study aims to analyze the causal factors of child exploitation on TikTok Media. Using a normative legal research method with a legislative approach and a conceptual approach, this study analyzes various legal instruments related to child protection and examines preventive efforts outside the realm of criminal law. The results of the study indicate that although criminal law instruments are available through Law No. 35 of 2014 concerning Child Protection, it is necessary to strengthen non-penal policies through multi-party collaboration between the government, social media platforms, and the community to create a more comprehensive child protection system in the digital era.*

Keywords: *Child; Exploitation; Protection; TikTok.*

1. Introduction

The digital era has brought about major changes in the way humans interact. The internet, as a technological revolution, offers a borderless world that connects individuals from all over the world. The way people interact with each other has changed during the digital era. As a result of the technological revolution, the internet connects people from all over the world to a borderless world. Unfortunately, this convenience and sophistication have hidden dangers for the younger generation. Children who have limited understanding are often unaware of the negative impacts of relying on digital platforms. They are vulnerable to being trapped by the lure of bad intentions, who may not realize the potential losses. It is not uncommon for irresponsible individuals to take advantage of this gap to exploit children. Child exploitation is still rampant in Indonesia, both online and offline.

The development of information technology, especially social media, can backfire if not used wisely. It is not uncommon to find individuals who take advantage of this gap to exploit children. Child exploitation is a criminal phenomenon that is still rampant in Indonesia, both online and offline.¹ Technological advances have made it easier for criminals to reach and manipulate vulnerable children via the internet².

According to Burns H. Weston, the problems that often befall children. He argues that this is rooted in the human tendency to prioritize collective welfare and needs. ³When these demands are not met, various forms of oppression arise, including child exploitation. In the modern era, opportunities to earn income are no longer limited by geographical, temporal, or age factors. This allows individuals of various age groups to work and be active according to their wishes. However, this situation becomes problematic when it involves minors. Although it can be a catalyst for the development of children's potential, this opportunity is often misused by parties who are only oriented towards economic gain. Children, with their vulnerable position, often become victims in this scenario.

Exploitation has been identified in various forms, ranging from coercing children to create viral content for monetary gain to more serious cases such as sexual exploitation through live streaming. In addition, increasingly disturbing issues include online harassment and abuse in comment sections, as well as the collection of children's personal data without their consent. The impacts of this exploitation are very serious, including disruption of children's psychological development, security and privacy threats, loss of opportunities to enjoy a normal childhood, and the possibility of long-term trauma that can affect their future.⁴ Every child has the right to a decent life, normal development, and protection from violence and discrimination, as stated in the Child Protection Law.

Child exploitation through the TikTok platform has become an increasingly worrying issue in this digital era. The development of technology, which should bring progress, has instead opened up a new dimension in the practice of child

¹Nugroho, Andi, dan Lisa Putri.(2023) "Pola Eksploitasi Anak di Era Digital: Studi Kasus Indonesia." *Jurnal Kriminologi Indonesia*, vol. 19, no. 1: p. 67-82.

² Chuasanga A., Ong Argo Victoria. (2019). *Legal Principles Under Criminal Law in Indonesia and Thailand*, Jurnal Daulat Hukum, Vol 2, No 1 (2019) <http://jurnal.unissula.ac.id/index.php/RH/article/view/4218>

³ Triani Safira, Ardli Johan Kusuma, & Afrimadona. (2022). Implementasi Kerja Sama Indonesia dan UNICEF dalam Mengatasi Eksploitasi Ekonomi Anak di Indonesia Tahun 2017-2020. *Jurnal Politica*, 13(2), 277. DOI: 10.22212/jp.v13i2.2990 accessed from <https://jurnal.dpr.go.id/index.php/politica/article/view/2990>

⁴Handayani, Putri, dan Tomy Sudrajat. (2023) "Eksploitasi Anak dalam Platform Digital: Investigasi Bentuk dan Dampaknya." *Jurnal Perlindungan Anak dan Teknologi*, vol. 7, no. 3: p. 156-171

exploitation. TikTok, as one of the social media platforms popular among children and teenagers, has become an easy target for irresponsible parties to exploit the innocence and vulnerability of children for personal gain. Children are often shown in dire conditions or forced to do certain actions to gain the sympathy of viewers and encourage them to donate. This practice not only violates platform policies but also has the potential to cause negative psychological and social impacts on the children involved.

A case in Medan illustrates how an orphanage allegedly abused its children through TikTok ⁵for personal gain. Law No. 21 of 2007 Article 1 number 7 provides a clear definition of exploitation in the context of human trafficking.⁶ Given the practice of using children in TikTok content, it is very possible that this law has been violated. In the Indonesian legal framework, vulnerable groups such as children and the elderly receive special attention. The law provides extra protection for them, including the elderly, children, the poor, pregnant women, and people with disabilities. Repeated exposure to non-educational content, especially for young people, can trigger the imitation of negative behavior. This has the potential to have long-term impacts on future generations in their efforts to find a decent living.

The process of taking action against perpetrators of exploitation is complicated by transnational regulations of digital platforms. On the other hand, the role played by the TikTok platform in preventing and dealing with child exploitation is also a concern. It is highly expected that this platform takes proactive action to protect its users, especially children, from various forms of exploitation. Due to the complexity of this problem, a comprehensive and effective criminal policy is needed. A multidimensional approach is needed that involves many stakeholders, such as the government, law enforcement, the community, social media platforms, and families. This is exacerbated by technological factors in the form of easy access to platforms without strict age verification, easily accessible monetization systems, and algorithms that encourage exploitative content to go viral. Weaknesses in regulation and law enforcement, especially in dealing with global digital platforms, coupled with less than optimal coordination between child protection agencies and limited resources for monitoring digital content, make it even more difficult to handle this problem. Based on this phenomenon, the author is motivated to examine more deeply the right strategies and policies to protect children from exploitation in the digital era. Especially in the context of requests for donations through the TikTok platform. The analysis will be carried out by referring to the provisions of

⁵ <https://www.detik.com/sumut/ Hukum-dan-kriminal/d-6946967/2-panti-asuhan-di-medan-yang-exploit-anak-lalu-live-tiktok-diduga-jejaring>

⁶ Law No. 21 of 2007 Article 1 number 7

laws and regulations, especially Law No. 35 of 2014 concerning Child Protection.⁷

2. Research Methods

In order to produce scientific research results and allow for responsible analysis of the study, a descriptive analysis method is used. In this context, this research is normative-juridical, meaning that law can be seen from two main concepts: laws written in law books or standards of behavior that are considered reasonable. Two main approaches are used in this study: the legislative approach and the conceptual approach. The two methodological approaches work together to achieve the research objectives. The first approach is the legislative approach, or the statutory approach. This is a systematic way of looking at the hierarchy and substance of laws and regulations. This method is very important for legal research because it allows researchers to thoroughly analyze the relevant legal framework. In this study, the legislative methodology is used to study various legal instruments related to the protection of children from digital exploitation. This study focuses on Law No. 35 of 2014 concerning Child Protection to analyze cases of child exploitation on TikTok.

The conceptual method is an appropriate approach to research with the aim of understanding the interaction between old legal relationships and new legal concepts in the context of criminal policy, especially in child protection. With this method, researchers can explore long-accepted fundamental legal values, such as the principles of justice, protection of victims, and crime prevention, and evaluate the extent to which these principles are relevant in facing modern challenges, such as child exploitation in the digital era. In this context, the conceptual method allows researchers to examine how traditional law can adapt to new phenomena, such as child exploitation through social media platforms such as TikTok. This phenomenon shows a change in crime patterns where technology is used as a tool to exploit children, both through economic and emotional exploitation, such as exploiting public sympathy for donations that are then misused.

This approach aims to facilitate the analysis of new legal concepts that can be applied to address the problem of child exploitation in the digital world. For example, researchers can explore how the concepts of child data protection, digital literacy, and technology platform responsibility can be incorporated into effective criminal policies. In addition, the conceptual approach opens up space for legal innovation that is not only based on prosecution but also prevention. In the case of child exploitation through donations on TikTok.

⁷ Law No. 35 of 2014

3. Results and Discussion

3.1. Factors causing child exploitation in TikTok media

Children are invaluable gifts given by God; they carry enormous potential as the nation's successors, who will determine the future of the country. Because they are the next generation, they have the basic right to live and develop in a safe and supportive environment. As RA Kosnan said, the characteristics of children who are still in the development stage, both in terms of age and psychology, are very vulnerable to the influence of their environment. In today's digital era, the risks to child welfare have undergone major changes. TikTok, in particular, has become a new social media platform where the modus operandi of child exploitation is increasingly complex and sophisticated. Exploitation, which in the Great Dictionary of the Indonesian Language is defined as taking advantage of for one's own benefit, has evolved into a more subtle but no less dangerous form in cyberspace. One case that attracted public attention was the incident in Medan, where an illegal orphanage used the TikTok platform to exploit their foster children. This practice involves creating content that displays the sadness of children, especially crying babies, to attract sympathy and donations from viewers. Through this strategy, the perpetrator managed to collect significant funds, ranging from IDR 20 million to IDR 50 million per month, with some of the funds being misappropriated for personal gain. Here are some explanations related to the causal factors that allow for the Exploitation of TikTok Media:

1. Weak Law Enforcement: Weak law enforcement also contributes significantly to the rampant exploitation of children on TikTok. Although Law No. 35 of 2014 concerning Child Protection has clearly regulated that child exploitation is a criminal act, there are still gaps in the implementation and enforcement of the law in the digital realm.⁸This makes perpetrators feel freer to carry out exploitation through digital platforms such as TikTok.
2. Exploitative Social Media Algorithms: Social media algorithms that tend to promote content that invites strong emotional reactions also encourage the creation of exploitative content. Content that depicts children's pain or suffering often gets high engagement, creating an incentive for perpetrators to continue exploiting children.
3. Lack of Digital Literacy: Lack of digital literacy among the community, including caregivers and parents, is a driving factor for the continuation of this exploitation practice.⁹Many are unaware that creating content that

⁸Djamil, M. Nasir. *Anak Bukan Untuk Dihukum: Catatan Pembahasan UU Sistem Peradilan Pidana Anak*. Sinar Grafika, 2013.

⁹ Kurnia, Novi, dan Sri Iriana Astuti. (2017) "Peta Gerakan Literasi Digital di Indonesia: Studi tentang Pelaku, Ragam Kegiatan, Kelompok Sasaran dan Mitra." *Informasi*, vol. 47, no. 2, p. 149-

exploits children for any purpose is a form of violation of the law. Social media pressure with the viral culture and instant fame on TikTok creates a strong urge to produce content that "sells", often at the expense of the child's best interests. Exploiters take advantage of this momentum to gain personal gain without considering the long-term impact on the child's welfare.

The above causal factors require various types of prevention and treatment strategies. To protect children from various forms of digital exploitation, close cooperation is needed between various independent legal entities⁴⁵ starting from law enforcement, social media platforms, to the general public. Increasing public awareness, strengthening digital laws, and developing stricter monitoring systems are important steps in combating child exploitation on TikTok.

3.2. Comprehensive penal and non-penal policies related to preventing child exploitation in the context of TikTok donations

The issue of child exploitation in the form of donations through the TikTok platform has become a crucial issue in Indonesia. This phenomenon involves children being used to conduct live streaming with the aim of asking for virtual donations from viewers, which can then be converted into cash. This practice clearly violates children's rights as regulated in Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, which emphasizes that every child has the right to grow and develop optimally without exploitation.¹⁰This practice clearly violates children's rights as regulated in Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, which emphasizes that every child has the right to grow and develop optimally without exploitation.

This exploitation practice not only violates children's rights but also has serious psychological impacts. Children involved in this activity are often forced to attract the attention of the audience in ways that are not appropriate for their age, such as dressing or behaving inappropriately. This pressure can cause emotional disturbances, reduce self-confidence, and disrupt children's mental development.¹¹Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions (UU ITE) provides a legal basis for prosecuting misuse of digital platforms, including child exploitation. Article 27 paragraph (1) of the ITE Law can be used to ensnare perpetrators who exploit children for commercial purposes through electronic

166. DOI : 10.21831/informasi.v47i2.16079 accessed from <https://journal.uny.ac.id/index.php/informasi/article/view/16079>

¹⁰Wijaya, Surya, et al. "Digital Platform and Child Exploitation: Analysis of TikTok's Role in Indonesia." *Journal of Social Media Studies*, vol. 23, no. 2, 2023, p. 178-195.

¹¹Nasrullah, Rulli, dan Erni Sulastri. (2022) "Perlindungan Hukum Terhadap Anak dari Kejahatan Siber: Studi Kebijakan di Indonesia." *Jurnal Hukum & Pembangunan*, vol. 52, no. 1: p. 112-131.

media.¹²In addition, the Criminal Code (KUHP) also contains provisions on child exploitation in Article 297 which can be applied in a digital context.

Indonesia already has several legal instruments that can be used to prosecute perpetrators of child exploitation on digital platforms. Article 27 paragraph (1) of the ITE Law can be used to ensnare perpetrators who exploit children for commercial purposes through electronic media. In addition, the Criminal Code (KUHP) also contains provisions on child exploitation in Article 297 which can be applied in a digital context, but law enforcement against this practice often encounters various obstacles. One of the main challenges is the lack of public understanding of child exploitation in a digital context. Many parents or guardians do not realize that allowing their children to broadcast live to get virtual donations is a form of exploitation. Supervision of the TikTok digital platform is also still limited. Although the platform has policies to protect children, their implementation is often inconsistent, especially in detecting and removing content involving child exploitation.

Child exploitation through donation requests on the TikTok platform is a form of violation of children's rights as regulated in Law No. 35 of 2014 concerning Child Protection. To prevent and handle this practice, penal policies are an important instrument. Indonesia has several relevant regulations, including the ITE Law and the Criminal Code, which can be applied to prosecute perpetrators of child exploitation in the digital world. Here are the reasons why both laws can be used:

ITE Law (Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008)

- Article 27 paragraph (1) Prohibits anyone from distributing or transmitting content that violates morality, including child exploitation. In the context of child exploitation on TikTok, perpetrators who use children as a tool to solicit donations can be considered to be spreading content that is not in accordance with ethical and moral values.
- The strict sanctions of the ITE Law provide a legal basis for punishing perpetrators with quite severe criminal penalties, providing a deterrent effect on parties involved in exploiting children through digital media.

KUHP (Criminal Code)

- Article 297 regulates the prohibition of trafficking in women and children, which includes all forms of exploitation, including using children for commercial activities such as asking for donations on social media. This article can be used to ensnare perpetrators who directly or indirectly take financial advantage of child exploitation.

¹² Article 27 paragraph (1) of the ITE Law

- Although the Criminal Code is a conventional criminal law, articles related to child exploitation can be applied with modern interpretation to cases of exploitation on digital platforms.

These two legal instruments are in line with the principles in the Child Protection Law which emphasizes the importance of eliminating all forms of exploitation of children. The implementation of the ITE Law and the Criminal Code emphasizes the government's efforts to protect children from the negative impacts of technology use.

The combination of these two laws allows for a more comprehensive approach, both in the context of criminal sanctions against perpetrators and prevention of future exploitation.

The implementation of penal policies in cases of child exploitation through TikTok faces various challenges. Law enforcement is often hampered by the complexity of digital jurisdiction and the difficulty in identifying the actual perpetrators.¹³ Cases that have been revealed show that the perpetrators are often people closest to the child, including parents or guardians, who should actually protect the child's interests. The Indonesian Child Protection Commission (KPAI) noted a significant increase in cases of child exploitation on digital platforms, with TikTok being one of the platforms most widely used for this purpose.

In the realm of non-penal policy, non-penal strategies in preventing child exploitation can be implemented through various integrated institutional approaches. The Ministry of Social Affairs and the Social Service play an important role in organizing family economic empowerment programs, providing integrated social assistance for vulnerable families, and providing ongoing social assistance. The family care program that is developed is also an important instrument in strengthening family resilience against the risk of child exploitation.

The Ministry of Women's Empowerment and Child Protection (KPPPA) takes a strategic role in strengthening the community-based monitoring system and coordinating the integrated child protection network.¹⁴ KPPPA also develops easily accessible reporting mechanisms and conducts continuous monitoring and evaluation of child protection programs. Meanwhile, the Ministry of Manpower focuses on monitoring child labor practices, providing skills training for families, and opening up access to employment for parents to prevent economic exploitation of children.

¹³Setyawan, A., & Prawira, R. (2023). "Tantangan Penegakan Hukum dalam Kasus Eksploitasi Anak di Platform Digital." *Jurnal Hukum dan Teknologi*, 15(2), 45-62.

¹⁴Widodo, S., Rahman, A., & Putri, D. (2022). "Efektivitas Program Pemberdayaan Ekonomi Keluarga dalam Mencegah Eksploitasi Anak." *Jurnal Kesejahteraan Sosial*, 18(3), 112-128.

Digital platforms such as TikTok have taken preventive measures by implementing a strict age verification system and tightening content monetization policies.¹⁵ Limiting donation features to verified accounts only and providing a reporting mechanism for exploitative content are part of the platform's efforts to prevent misuse of the platform for child exploitation. On the other hand, Non-Governmental Organizations (NGOs) play an active role in assisting victims of exploitation, providing policy advocacy, and building community-based monitoring networks.¹⁶ KPPA plays a role in formulating policies for child protection, including preventing child exploitation in digital media. This institution actively educates the public about children's rights and the negative impacts of exploitation. KPPA works with law enforcement, social institutions, and the community to ensure that cases of child exploitation can be handled effectively.

KPAI monitors the implementation of child protection in various sectors, including digital media, to ensure that there are no violations of children's rights. KPAI assists victims of child exploitation and their families to obtain legal and psychological protection. This institution provides input to the government to improve regulations and mechanisms for child protection. The Indonesian Child Protection Commission (KPAI) has a supervisory function regarding the implementation of child protection as well as receiving and following up on public complaints.¹⁷ KPAI also provides policy recommendations and mediates in handling cases of child exploitation. At the regional level, the Regional Government plays a role in allocating budgets for child protection programs, forming child protection task forces, and developing local economic empowerment programs.¹⁸ Through the institutional approach, non-penal strategies are expected to effectively prevent and overcome cases of child exploitation. The success of this strategy is highly dependent on synergy between institutions and consistency in implementing planned programs.¹⁹ Periodic evaluation of program effectiveness is also necessary to ensure that the strategies implemented remain relevant to existing developments and challenges.

¹⁵Chen, L., & Smith, P. (2023). "Social Media Platform Policies and Child Protection Measures." *International Journal of Digital Society*, 14(3), 112-125.

¹⁶Kusuma, D., & Pratiwi, L. (2021). "Peran LSM dalam Perlindungan Anak: Studi Kasus di Indonesia." *Jurnal Pemberdayaan Masyarakat*, 9(1), 34-49.

¹⁷Hidayat, M. (2024). "Efektivitas KPAI dalam Penanganan Kasus Eksploitasi Anak." *Jurnal Kebijakan Publik*, 8(1), 15-30.

¹⁸Permatasari, A., & Santoso, B. (2023). "Implementasi Kebijakan Perlindungan Anak di Tingkat Daerah." *Jurnal Administrasi Publik*, 11(2), 67-82.

¹⁹Gunawan, R., & Setiawan, T. (2024). "Strategi Non-Penal dalam Pencegahan Eksploitasi Anak: Pendekatan Integratif." *Jurnal Kriminologi Indonesia*, 16(1), 23-38.

4. Conclusion

Child exploitation on the TikTok platform, especially in the form of donation requests, has become a serious problem that requires comprehensive handling. Cases that have occurred, such as an illegal orphanage in Medan that exploits children to get donations through content that manipulates the emotions of viewers, show that this practice has developed into a structured *modus operandi* and generates significant financial profits. In terms of penal policy, Indonesia actually has a fairly strong legal framework to prosecute perpetrators of child exploitation on digital platforms, which is reflected in the Child Protection Law, the ITE Law, and the Criminal Code. However, its implementation still faces significant challenges, especially related to the complexity of digital jurisdiction and the difficulty in identifying perpetrators, given that perpetrators are often people closest to the child. Non-penal policies in preventing child exploitation involve an integrated and comprehensive institutional approach, in which various institutions have their respective strategic roles. The Ministry of Social Affairs focuses on family economic empowerment and social assistance, KPPPA plays a role in strengthening the supervision system and coordinating the child protection network, the Ministry of Manpower handles supervision of child labor and skills training, digital platforms such as TikTok implement age verification systems and monetization restrictions, NGOs provide assistance and advocacy, KPAI carries out supervision and complaint handling functions, and the Regional Government allocates budgets and forms child protection task forces. The success of this strategy depends on synergy between institutions, consistency in program implementation, and periodic evaluations to ensure relevance to existing developments and challenges.

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