



## Comparative Legal Frameworks for the Protection of Child Workers in the Entertainment Industry in Indonesia and the United States

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### Abstract

Legal protection for child performers in the entertainment industry constitutes a complex legal issue due to the tension between economic interests, the rapid growth of conventional and digital entertainment industries, and the fulfillment of children's rights to education and welfare. This study aims to examine the legal frameworks governing the protection and education of child workers in the entertainment industry in Indonesia and the United States and to formulate an ideal policy framework for Indonesia. The research employs a normative-comparative legal research method. The findings reveal that the United States has established a more comprehensive and structured protection system through a combination of federal regulations, labor union policies, and state-level laws that specifically regulate working hours, mandatory education, working conditions, and the management of children's earnings. These regulations prioritize the best interests of the child within the entertainment industry. In contrast, Indonesia relies primarily on general labor and child protection laws that do not specifically address the unique characteristics of the entertainment industry, particularly in the digital sector. The absence of specialized regulation creates legal gaps that may lead to violations of children's rights, including exploitation and disruption of education. Therefore, this study highlights the urgency for Indonesia to develop specific regulations on child workers in the entertainment industry by adopting best practices from the United States while aligning them with national legal principles and child protection norms.

**Keywords:** Child Labor; Entertainment Industry; Comparative Law

### INTRODUCTION

Legal protection for children is a crucial issue when children's basic rights especially the right to dignity, protection from exploitation, and fulfillment of civil

rights are potentially violated in various social and economic contexts. Children are positioned as legal subjects who have inherent rights from birth, so the state has an obligation to ensure effective protection through adequate regulations and policies (Hikmat 2021). However, in practice, various forms of child rights violations still occur, including violence, discrimination, and exploitation, reflecting a gap between legal norms and their implementation. The concept of child protection not only focuses on physical aspects, but also includes guarantees for optimal growth and development, participation in social life, and protection of their civil rights and freedoms. Thus, the legal issue of child protection lies in the extent to which the existing legal framework is able to guarantee respect for the dignity of children as human beings and provide effective protection mechanisms against various forms of child rights violations.

For various reasons, both the government and society have an obligation to provide protection to children because they still need parental guidance and direction, are not as physically strong as adults, are emotionally and psychologically unstable, and are not yet able to differentiate between good and bad. Furthermore, their relatively immature age, the particular vulnerability of girls to becoming victims, the need for education and school opportunities, the stage of forming their social environment, and their ease of being influenced by media influence further emphasize the importance of comprehensive protection for children (Elfira Salma Salsabila 2024).

Children are legal subjects who receive special protection due to their status as minors. Every person under the age of 18 (eighteen) years is considered a child based on Law Number 35 of 2014 concerning Child Protection. Based on this definition, the state, parents, and society have a constitutional obligation to guarantee the fulfillment of children's basic rights such as the freedom to grow, develop, and obtain an education. The right to be protected from all forms of detrimental activities and exploitation in all its forms is very important. When children experience exploitation, even indirectly, this can have an impact on reducing their quality of life in the future, because exploited children generally lose time and opportunities to develop their potential and abilities (Wardana and Sari 2020). On this basis, it is very important to focus on and address child protection as a component of human rights issues.

The state's obligation to protect children becomes a serious challenge when children begin to engage in economic activities. Although the Manpower Law sets a minimum working age and limits the types of work, practice in the field shows a significant vulnerability to economic exploitation. This issue becomes even more complex and concerning when linked to the entertainment industry, a sector rife with publicity and the potential for significant financial gain. This is especially true when children are involved in the film industry, where the role of a movie star is intrinsically linked to prestige and substantial (or high) earnings (Ardanareswari 2019). This leads

to the entertainment sector being viewed as a gateway to fame and financial success, with little regard for fundamental rights that may be overlooked. Furthermore, the popularity and potential of talented children in the entertainment industry can pose a risk of exploitation and rights violations, requiring special protection and attention (Tambok Julius, Eka Putri Oktaviani, Khalisa Putri Khalila and Khairiyyah 2024). In this context, the line between developing talent and misusing children's energy is often very thin, even blurred.

Working children don't always experience negative impacts as long as the type of work they do doesn't hinder their physical or social development. In safe, directed, and age-appropriate conditions, work experience can actually provide valuable learning opportunities and have neutral or even positive effects (Pellenq, Gunn, and Lima 2021). Despite its benefits, working children are not immune to exploitation. Therefore, they require protection to maintain the rights they deserve.

Children involved in the entertainment industry are often referred to as child artists. They are rarely viewed as child laborers, but are more often associated with social issues. Typically, when people discuss the protection of working children, what comes to mind are children who engage in hazardous work such as sexual exploitation, helping around the house, working in factories, or even engaging in street activities. However, according to Article 71 of Law Number 13 of 2003 concerning Manpower, "Children can do work to develop their talents and interests." Therefore, they are still considered underage workers and must comply with the regulations stipulated in the Manpower Law, regardless of their identity, including child artists (Izzati 2019).

In television programs aimed at children, they usually wear very striking make-up, wear adult-like clothes, broadcast for more than three hours, and sing songs chosen by the producers. Even though children should only work for no more than three hours (Mahyani and Hidayat 2017). Beyond television, content creators for children on social media platforms also face significant obstacles and impacts. Online harassment, cyberbullying, and contracts with dangerous individuals are just some of the risks and dangers children may face. Children who actively participate in content creation on social media can experience stress and have less time for play, learning, or relaxation. Social and economic considerations are also important, as some children engage in these activities to earn money, and factors like attention and popularity can impact a child's emotional and mental health (Perdana and Wardani 2023).

It turns out that children's involvement in work is not aimed at fulfilling their own needs but rather to support the family's economic needs (Nandi 2016). Families facing economic constraints often use their children as a source of additional income. Most families with working children cannot provide their children with the physical necessities they need, such as nutritious food, a good place to live, and appropriate

clothing. Many parents of child artists use their children to earn money by exploiting their talents and interests. Poverty is not the only factor forcing children to work. However, poverty is a major reason driving children to work. In theory, *The Vicious Cycle of Poverty* As stated by Ragnar and Nurkse, it is stated that poverty is a never-ending problem and all aspects are interconnected, so that the condition of poverty continues to repeat itself endlessly (Priyanga and Yasyfi 2020).

Child labor protection in the United States is regulated by *Fair Labor Standards Act (FLSA)* is a United States federal law established in 1938 that establishes minimum wage standards, overtime pay, restrictions on child labor, and recordkeeping requirement (Siqueira et al. 2018). *Fair Labor Standard Act* The U.S. offers better child protection than many other countries, aiming to prevent exploitation and ensure child well-being. Furthermore, each state has additional laws governing specific aspects of child protection in the entertainment industry. Some states, such as California, New York, and Georgia, have established comprehensive protection systems. When discussing the entertainment industry, one important regulation that is often used as a reference is the *California Child Actor's Bill* or better known as *Coogan Law* This law was enacted in response to the case of Jackie Coogan, a child actor who lost all of his earnings due to the lack of legal protection for his economic rights.

Indonesia has a set of regulations to protect children's rights and mitigate the impact of work on them. Despite these regulations, the challenges associated with child labor continue to grow each year. This leads to forms of work that are highly detrimental and risky to children's physical, mental, moral, social, and intellectual growth and development (Fadila and Khayatudin 2022). The increasing participation of children in the employment sector, especially in the most dangerous types of work, shows that the current child protection system is still less effective and requires significant improvement (Haniyah 2023). This is because implementation is hampered by various factors, including ineffective oversight and law enforcement. Many children are found trapped in unsuitable working conditions without adequate protection. This demonstrates the gap between written laws and the reality on the ground. Similarly, in the United States, despite its relatively comprehensive legal framework, cases of violations frequently occur, and children involved in the entertainment industry remain vulnerable to exploitation.

Previous studies, such as Riwanto et al. 2022, focus on legal protection for children exploited in the entertainment industry. These studies generally criticize legal provisions that are still too general and not specific to the unique risks in the entertainment industry. Putri & Puspoayu 2024 discuss the comparison of legal frameworks in Indonesia and the United States, questioning whether children working in the entertainment industry are considered child labor, especially economic exploitation, and the differences in legal protection for child artists in Indonesia and the United States. They conclude that regulations in Indonesia are still vague and lack

concrete boundaries regarding economic exploitation, while California already has the Coogan Law. Then there is Izzati 2019, This study compares the legal frameworks in Indonesia and the United States, particularly in relation to the practice of child exploitation in the economic sector and the role of the Coogan Law in California. The results show that the Coogan Law, particularly the Coogan Account mechanism, provides stronger financial protection compared to Indonesian law, which is still general in nature.

Although previous studies have examined legal protection for children working in the entertainment industry, most of them focus on conventional forms of entertainment and emphasize general regulatory weaknesses in Indonesia compared to the more established protection systems in the United States. This study differs from previous research by explicitly focusing on the transformation of the entertainment industry in the digital era, particularly the emergence of child content creators or kidfluencers, whose working conditions, income management, and exposure to exploitation are not adequately regulated under existing Indonesian labor and child protection laws. Furthermore, this study incorporates an analysis of recent legal developments in Indonesia, specifically Regulation of the Minister of Women's Empowerment and Child Protection Number 6 of 2024, which has not been extensively discussed in prior studies on child labor in the entertainment sector. By integrating digital entertainment practices and recent regulatory changes into a comparative legal framework, this research offers a more updated and context-sensitive contribution to the discourse on child labor protection in Indonesia.

The problem addressed in this study stems from the absence of specific and comprehensive legal regulations governing the protection and education of children working in the entertainment industry, both in the context of conventional and digital entertainment. Work practices involving long working hours, disruption to formal education, weak supervision of working conditions, and income management that does not prioritize the best interests of children indicate a potential imbalance between the interests of the industry and the protection of children's rights. In this context, this study is limited to two main research questions, namely: (1) how the legal frameworks in Indonesia and the United States regulate the protection and education of children working in the entertainment industry; and (2) how to formulate or strengthen the policy framework in Indonesia to ensure legal protection and welfare for child workers in the entertainment industry, taking into account best practices applied in the United States and their compatibility with Indonesia's constitutional, social, economic, and governmental structures.

Based on these issues, this study aims to conduct a comparative analysis of legal regulations concerning the protection and education of child workers in the entertainment industry in Indonesia and the United States, as well as to formulate

ideal legal policy recommendations for Indonesia. The urgency of this research lies in the increasing involvement of children in the entertainment industry in line with technological developments and digital platforms, which has not been balanced with adequate specific regulations in Indonesia, thus potentially leading to violations of children's rights and undermining their welfare and future.

## **METHODS**

This study is a normative-comparative legal study, which focuses on the study of written legal norms governing child labor in the entertainment industry in Indonesia and the United States. The normative basis of this study lies in the analysis of law as rules or norms (law in books), rather than empirical practices in society, with the aim of assessing the suitability, differences, and effectiveness of legal regulations in both countries. The comparative element is carried out by comparing the legal systems and legislation of each jurisdiction to find similarities, differences, and more ideal normative alternative solutions (Marzuki 2005). Specifically, this study applies a functional comparative law approach, which examines how different legal systems representing civil law and common law traditions address the same socio-legal problem, namely the exploitation of children in the entertainment industry. The research approach used includes a legislative approach, which examines Indonesian national legislation, United States legal regulations, and international legal instruments related to the protection of child labor in the entertainment industry. In addition, this study also uses a conceptual approach by examining the concepts, principles, and legal doctrines related to child protection and employment, as well as a comparative legal approach to compare legal regulations in both countries.

The selection of the United States as a comparative jurisdiction is based on its role as a global benchmark in entertainment law, particularly through state-level regulations in California and New York, which have established specific legal mechanisms for protecting child performers, including the Coogan Law. The legal materials used in this study consist of primary legal materials, in the form of legislation, international legal documents, and legal provisions applicable in Indonesia and the United States; secondary legal materials, in the form of law textbooks, scientific journals, research results, and opinions of relevant legal experts; and tertiary legal materials, in the form of legal dictionaries, encyclopedias, and other sources that support the understanding of legal terms and concepts. The collection of legal materials was carried out through library research by searching and reviewing laws and regulations, international legal documents, scientific journals, books, and official documents published by the government and relevant legal institutions.

All legal materials obtained are analyzed using a prescriptive-qualitative analysis method, which is not limited to describing and comparing legal norms but also aims to evaluate their adequacy and formulate normative recommendations. The

analytical process is conducted through three systematic stages: (1) comparative identification of similarities and differences between the legal frameworks of Indonesia and the United States; (2) identification of regulatory gaps and weaknesses in Indonesian law, particularly in addressing contemporary practices in both conventional and digital entertainment industries; and (3) normative evaluation to formulate ideal legal policy recommendations for Indonesia based on comparative findings and constitutional principles. The analysis aims to find similarities and differences, as well as to assess the effectiveness of legal regulations and enforcement in both countries, so that conclusions can be drawn based on applicable legal principles and provisions.

## **DISCUSSION AND RESULT**

### **Legal Framework of Child Labor Protection in Indonesia**

Child protection efforts include various actions aimed at ensuring and protecting children's rights, so that they can live, grow and develop properly in accordance with their human dignity and worth, and are protected from violence and discrimination (Tahamata 2018). In Indonesia, there are no specific regulations specifically addressing child labor in the entertainment industry. Child protection still relies on general provisions related to Child Protection and Labor Law. Law Number 13 of 2003 concerning Manpower serves as the primary legal basis for labor regulation in Indonesia, including protection for working children. Provisions regarding child labor can be found in Articles 68 to 75.

Article 68 prohibits employers from employing children, however Article 69 paragraph (1) provides an exception for children aged 13–15 years to do light work as long as it does not interfere with their physical, mental and social development (Rezie Dava Amar 2024). The work must meet the requirements, including written permission from parents or guardians, a work agreement, a maximum working time of three hours, carried out during the day without disrupting school, guaranteeing occupational safety and health, having a clear working relationship, and receiving wages according to the provisions. The provision that the work be carried out during the day emphasizes the prohibition of night work that can disrupt the health and rest time of children, in line with ILO Convention No. 138 on the minimum age for work (Abdullah et al. 2022).

Article 69 paragraph (2) requires employers to guarantee protection for child workers according to the law, but exceptions are made for children who help with family businesses as regulated in Article 70, as long as the work does not interfere with development and is carried out in a family environment. This provision shows tolerance for educational and non-exploitative work. Although Article 71 of the Indonesian Manpower Law permits children to work for the purpose of talent and

interest development, this provision has evolved into a legal loophole that enables the circumvention of standard labor protections. By categorizing child performers as “talent” rather than “workers,” employers and parents can bypass regulations concerning working hours, remuneration safeguards, and occupational welfare. This talent labor dichotomy weakens the protective intent of child labor laws and risks normalizing economic exploitation under the guise of artistic development. Furthermore, Articles 72 to 75 emphasize the responsibility of the government, society, and employers to prevent and eliminate all forms of the worst forms of child labor.

Although protection for child laborers has been regulated in Law Number 13 of 2003, developments in the world of work have led to the enactment of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, as a refinement of labor regulations without neglecting labor protection. In the context of child labor, the Job Creation Law, through Article 81, maintains the principle that children are not allowed to work, except for children aged 13–15 who can perform light work under certain conditions, such as written parental permission, a maximum working time of three hours, carried out during the day, not disrupting school, and in safe conditions. This law also strengthens criminal sanctions for employers who employ minors in violation of the law as stipulated in Article 185 of the Manpower Law. These sanctions include imprisonment of a minimum of 1 year and a maximum of 4 years, and/or a fine of a minimum of IDR 100 million and a maximum of IDR 400 million. These sanctions apply to violations such as paying wages lower than the minimum wage.

### **Regulatory Development under the Job Creation Law and its Implementing Policies**

The Job Creation Law also allows children to participate in arts, cultural, and sports activities under the strict supervision of parents and relevant authorities, as long as they do not lead to exploitation. As a follow-up to its implementation, the Ministry of Women's Empowerment and Child Protection issued Ministerial Regulation Number 6 of 2024 concerning Guidelines for Community-Based Child Protection in Supporting the Eradication of Child Labor, which came into effect on November 1, 2024. This regulation constitutes a new community-based policy to address child labor, based on the principle that every child has the right to protection from violence, exploitation, and discrimination, as guaranteed in Law Number 23 of 2002 concerning Child Protection.

Ministerial Regulation No. 6 of 2024 on Women's Empowerment and Child Protection emphasizes the need to address child labor through systematic, comprehensive, and sustainable community strategies, particularly for the worst forms of child labor, such as economic exploitation, hazardous work, and violations

of the right to education. This regulation focuses on three main pillars: prevention, by raising community and family awareness of the dangers of child labor; monitoring, through community-based supervision by village cadres, community organizations, and child protection task forces that routinely map and report potential cases of child labor; and remediation, which includes recovery measures for children involved in such work.

PPPA Ministerial Regulation No. 6 of 2024 emphasizes the importance of cross-sectoral collaboration between the central and regional governments, civil society organizations, the business world, and local communities in addressing child labor. Community involvement is key because child labor issues are generally rooted in economic, social, and cultural factors that can only be addressed through a locally-based approach. The Ministry of PPPA, along with civil society organizations such as JARAK (Indonesian Child Labor Network) and PAACLA (*Partnership for Action Against Child Labour in Agriculture*) has conducted a trial of the implementation of guidelines through the Child Labor Monitoring and Remediation System (SPRPA) in several villages in West Nusa Tenggara and East Java, with a focus on reducing the number of child laborers in the tobacco farming sector through a program designed to strengthen the PAACLA institution as a partnership partner, increase understanding and awareness of child labor and its policies for farmers and farm laborers, increase the knowledge of national stakeholders, and develop a child-friendly village model that can be replicated in other regions (Nelsa et al. 2023). The activity involved local cadres, the Child-Friendly Village (DLA) Task Force, and Community-Based Integrated Child Protection (PATBM) cadres to carry out monitoring and remediation functions in accordance with the Ministerial Regulation. This regulation aims to strengthen child protection at the community level by raising collective awareness and accelerating the early detection of child labor cases. Although Ministerial Regulation No. 6 of 2024 represents a progressive step toward protecting children involved in economic activities, its applicability to child digital influencers remains limited. The regulation lacks explicit provisions governing social media platforms, algorithm-driven monetization, and cross-border digital labor arrangements. Consequently, its enforcement capacity or regulatory “teeth” remains questionable when applied to kidfluencers, as it appears more aligned with traditional labor sectors than the dynamic realities of the digital content economy.

### **Child Performer Regulation in the United States**

Unlike Indonesia, the United States has specific regulations governing child labor, also known as child actors. More specific regulations regarding children in the entertainment industry in the United States are left to individual state governments. However, the United States federally has...*Fire Labor Standars Act (FLSA)* is the principal federal labor law in the United States enacted in 1938. This law regulates

wage provisions by establishing minimum wage limits for jobs covered by it and requires additional payments or special compensation for non-exclusive workers who work more than the specified number of weekly work hours in the industrial sectors and companies regulated by the law (Brown and Hamermesh 2019). The provisions regarding child labor aim to protect children from economic exploitation, as well as ensure their health, safety and education are maintained.

In the early 20th century, approximately 400,000 children worked in New York as urbanization and industrialization grew, prompting Congress to enact legal protections for child labor. Important steps were taken through *Fair Labor Standards Act (FLSA)*. The 1938 FLSA prohibits the employment of children under 14, except for certain jobs such as newspaper delivery, family work, and the entertainment industry. Children aged 14–15 may only work part-time, with a maximum of 3 hours per day during school or 18 hours per week, and 8 hours per day or 40 hours per week during vacations. Children aged 16–17 may work full-time but are prohibited from performing hazardous work, while children 18 and older are considered adults. The FLSA also provides a special exemption for children working as actors or performers in the entertainment industry (Shannon Kate McGrath 2023). This exception is often referred to as “*Shirley temple exception*” which refers to the fact that at the time of the FLSA's passage, children of celebrities like Shirley Temple were so popular that legislators chose not to allow regulations to hinder children working in the entertainment industry (Edia et al. 2023).

The reason Congress did not include child actors in the law was because they considered acting not to be an oppressive occupation but rather an opportunity for children to develop their talents. Because children working in the entertainment industry are exempt from the FLSA, regulation of the entertainment industry is left to individual states. This leads to significant differences in legal protections for child performers depending on where they are located. Children working in the entertainment industry face several challenges, from parents, guardians, and employers, that should be addressed by uniform laws (Puspoayu 2024). Due to exceptions in the FLSA, many child performers lack basic protections such as limits on work hours, rest periods, and prohibitions on night work. Their protections depend on state policies, such as California's *Coogan Law* to limit work hours and require that a portion of children's earnings be placed in a trust. However, because not all states have similar laws, the level of protection for children of performers in the US varies widely.

In order to employ children in the entertainment industry, some states require minors to have an *Entertainment Work Permit* (entertainment work permit). *Entertainment work permit* A work permit for minors is a legal document that permits underage performers to be employed in the entertainment industry, including commercials, film, television, theater, modeling, and voiceover. Work permits are

issued by state government industrial relations departments to protect children from exploitation, overwork, and unsafe working conditions. Of the 50 US states, 36 have specific regulations regarding child labor in the entertainment industry, and most require work permits. States such as California, New York, Florida, Alaska, Georgia, and Hawaii require permits for children working in entertainment, while others like Alabama, Colorado, Connecticut, and Indiana have only basic regulations without requiring work permits.

Beyond the existence of statutory protections, the effectiveness of child labor regulation in the entertainment industry is largely determined by enforcement mechanisms. In the United States, the presence of Studio Teachers who function not only as educators but also as welfare officers plays a crucial role in monitoring working hours, educational continuity, and the overall well-being of child performers on set. This specialized enforcement model contrasts sharply with Indonesia, where labor supervision remains general in nature and no dedicated inspectorate exists for the entertainment industry. As a result, regulatory compliance in Indonesia relies heavily on parental consent and employer self-regulation, creating significant enforcement gaps and increasing the risk of child exploitation.

In California regulations regarding the protection of child labor in the entertainment industry can be found in *California Family Code And California Labor Code*. One of the famous rules of *California Family Code* which is also known as *Coogan accounts*. This regulation was born after Jackie Coogan sued his mother and stepfather for spending all his money from working as a child actor, and then it was born *coogan law* in California in 1939. This law is contained in sections 6750 to 6753 of the California Family Code which aims to ensure that the income earned by children of artists is given to the children themselves, not to their parents or guardians.

There is an expansion in *Coogan Law* through recent legislation that expands the definition of "entertainment" to include digital work such as content creators or child influencers so that their income must also be set aside in *truts account*. This regulation arises from the awareness that children who appear on digital platforms were previously not covered by *Coogan Law*, The regulation is *California Senate Bill 764* which was passed in August 2023 in Illinois. *Senate Bill 764* This is a commendable step in addressing the financial exploitation of kidfluencers, but there are still significant gaps, particularly in law enforcement, oversight, education, and integration with existing child labor protections (Serrant 2025).

In *California Labor Code Article 1308* regulates the length of working hours for children of art workers by stating that they may not be employed for more than eight hours in any 24-hour day, or more than 48 hours in any week, or before 5 a.m. or after 10 p.m. on any day before a school day with certain provisions. This article also states that penalties for violators of these limits include fines or imprisonment. Similarly, the

state of New York has adopted financial protections. *Coogan Law* which requires that at least 15% of the performer's child's income be saved in *trust account* until the child reaches the age of 18. This account is called *Child Performer Trust Account* which must be registered with an approved financial institution *New York State Department of Labor* (NYS DOL). In NYSDOL specifically *child performers* Section 186 requires the Company or production party to provide study time on the filming location by providing licensed teacher-tutors and the presence of a parent or guardian on the filming location as the primary supervisor.

### **Enforcement Mechanisms in the U.S. Entertainment Industry**

In addition to California and New York, other states have laws protecting the children of artists. Many of these states have adopted existing laws in other states, such as *Coogan Law* to form their own state laws. In addition to state and federal regulations, the United States also has *Actor's Union* such as SAG-AFTRA (*Screen Actors Guild – American Federation of Television and Radio Artists*) which implements internal provisions and collective bargaining agreements to protect child performers. This union provides contract guidance, legal protection, and advocacy for the rights of child workers in the entertainment industry, including supporting regulatory mechanisms for on-set education. The latest agreement SAG-AFTRA also requires background checks for any teacher or welfare worker employed by the producer to supervise or teach minors (Travis 2024). This protection spans across platforms ranging from film, television, advertising, stage, to digital media like YouTube and TikTok, which are increasingly engaging children with paid content.

Currently, seventeen states lack specific laws regarding child labor in the entertainment industry. Consequently, child performers in the United States receive unequal, and sometimes inadequate, protection, depending on where they work. Without federal protection, and even without guaranteed state protection, minors seeking to work in the entertainment industry have only their parents as their guardians. However, parents are not always reliable protectors for children; some parents are so consumed by money and fame that they neglect their children's best interests.

Since ancient times, the entertainment industry has exploited children as labor or as performers who generate economic value, whether in the form of child artists, child models, child influencers, digital content involving children, or other entertainment stage workers. The entertainment industry is a field that is very easily exploited in ways that are detrimental to children, whether physically, socially, sexually, or economically, because they are employed based on their appearance, often working beyond reasonable limits that sacrifice their playtime and learning process (Sasono et al. 2022). Child performers in the entertainment industry should be treated as “*child labour*” which requires special attention because aspects of the work have a higher risk

for children than for adults (Murshamshul et al. 2019). Furthermore, children used as digital content creators by parents in social media businesses presents a new form of economic exploitation that has not been fully addressed by regulations in Indonesia (Fatmawati and Lewoleba 2024).

Therefore, Indonesia needs to enact regulations specifically addressing child labor in the entertainment industry, not just general regulations on child labor or child protection in general. The state has a responsibility to protect every social media user through the creation of regulations (Agustina and Purwanto 2024). If there are no or no legal regulations that explicitly regulate a problem, then efforts are needed to find a law or legal construction as a step to fill the gap in the problem so that it can provide answers and legal certainty when facing legal problems in the future (Illiyin and Nugroho 2019). The entertainment industry has unique characteristics, such as highly flexible working hours, the use of cameras, media, broadcasting, public exposure, high work intensity, and a strong economic and commercial role for children. Because general child labor laws do not prohibit children from working in the entertainment industry, children are vulnerable to educational neglect and exposure to physical and psychological risks (Kadir et al. 2021). With more specific regulations, the government can close the gap in interpretation that entertainment work for children is not just "Talent Show" or "Child model" while the rights of children as workers do not apply. As is the case *kidfluencer* who produce sponsored content on social media which should be called work not just play because these children are contracted to provide services on a schedule in exchange for compensation (Masterson 2021).

Although there are regulations governing how long children can work during the day to avoid disrupting their school hours, we still often see children working in the entertainment industry not getting the opportunity to attend school properly because they are too busy working. This has led the government to mandate that agencies or production houses provide tutors or dedicated study time, as outlined in the regulations. *Child performers* In New York, child workers in the entertainment sector must have access to counseling services, regular physical and mental health checks, and protection against exposure to stress and public pressure. *cyber-bullying* or media exposure that exceeds reasonable limits. Children's well-being may be affected by the increasing social constraints and economic exploitation caused by the phenomenon of "Kidfluencer" (Clark and Jno-Charles 2025).

One of the most distinctive features of the United States framework is the mandatory Coogan Account, which guarantees financial autonomy by securing a portion of a child performer's earnings until adulthood. When considered in the Indonesian context, this mechanism raises cultural and legal challenges, particularly due to the prevailing notion of filial piety, where children's income is often regarded as family property. Nevertheless, the principle of the best interests of the child, as

enshrined in Indonesia's Child Protection Law, provides a normative foundation for adapting a similar trust-based financial safeguard. Rather than contradicting cultural values, such a mechanism could function as a legal instrument to balance familial economic realities with the protection of children's long-term welfare.

Regular evaluations are also necessary to monitor conditions, conduct audits of regulatory implementation, and publish transparent reports for public oversight. Without adequate data, intervention becomes difficult, and child workers remain off the radar (Raj. 2023). Furthermore, the policy framework should encourage independent research to understand emerging trends such as social media platforms, digital content, and child livestreamers, which remain largely unregulated. This lack of specific regulations leaves children on Indonesian social media vulnerable to exploitation due to unclear regulations (Novianty and Rachmawati 2020).

## **CONCLUSION**

This study demonstrates that the legal framework governing child labor in the entertainment industry in Indonesia and the United States differs fundamentally in terms of regulatory specificity, enforcement mechanisms, and protection of children's economic rights. Indonesia continues to rely on general child labor and child protection regulations, while the United States particularly through state-level instruments such as the Coogan Law has developed sector-specific safeguards tailored to the unique risks faced by child performers. The comparative analysis further confirms that regulatory reform in Indonesia must explicitly encompass digital entertainment sectors, including child content creators, kidfluencers, and monetized social media activities. Without such explicit inclusion, any proposed regulation risks immediate obsolescence in the face of rapidly evolving digital labor practices. The experience of California Senate Bill 764 illustrates how legal definitions of "entertainment work" must evolve to include platform-based and algorithm-driven forms of child labor.

While cross-ministerial coordination remains important, effective protection cannot rely solely on administrative supervision. Instead, Indonesia should adopt a concrete enforcement mechanism by mandating the presence of certified "Studio Teachers" or "Child Welfare Officers" as a prerequisite for production permits involving child performers. This model, drawn from U.S. practice, provides real-time oversight of working hours, education, safety, and psychological well-being, thereby bridging the gap between normative regulation and field-level enforcement. Moreover, the concept of "income management" for child performers must be translated into a mandatory financial guardianship mechanism. This study advocates for the adoption of a Mandatory Child Performer Trust Account, modeled on the Coogan Account, to ensure that a legally determined portion of a child's earnings is preserved exclusively for the child's future benefit. Although cultural norms in

Indonesia often regard children's income as family property, this research argues that such norms cannot justify the absence of legal safeguards against economic exploitation.

In conclusion, the establishment of a sector-specific legal framework for child labor in the entertainment and digital industries supported by mandatory welfare officers, enforceable production permits, and compulsory financial trust mechanisms is essential to ensure substantive, not merely formal, protection of children's rights in Indonesia. Through selective legal transplantation informed by the U.S. experience, Indonesia can develop a future-proof regulatory model that responds effectively to both traditional and digital forms of child labor in the entertainment industry.

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