

Sharenting and Child Privacy: The GDPR as a Benchmark for Indonesian and Thai Legal Frameworks

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Abstract

The increasing trend of sharenting, which refers to parents sharing respective children's data on social media, has been observed to pose significant legal challenges regarding child privacy rights in Indonesia and Thailand. Therefore, this research aims to investigate the adequacy of Personal Data Protection frameworks in both Indonesia and Thailand, particularly in the face of associated risks of sharenting to data privacy amid rising digital exposures. The objective of the investigation is to evaluate the adequacy of Indonesia's Personal Data Protection Law and Thailand's Personal Data Protection Act (PDPA) in safeguarding privacy of children within the digital sphere, using the European Union's GDPR as a benchmark for best practices. Adopting a normative legal research method, this exploration systematically analyses primary and secondary

legal sources to identify normative gaps and implementation challenges. The obtained results showed that both Indonesia and Thailand lack comprehensive legal safeguards that were explicitly designed to protect children's digital privacy, with limitations in areas such as age thresholds for consent, the right to be forgotten, restrictions on profiling, and clear enforcement mechanisms. These normative deficiencies might position the relevant frameworks in an inadequate position to protect privacy rights of children in the increasingly digitalized world, where digital information can have a wide range of impacts on the present and the future development of the demographic. Compared to the GDPR, which provides explicit, robust child-specific protections, frameworks used by both observed countries remain insufficient in addressing the risks of sharenting. Accordingly, this research concludes that in order to effectively protect children's privacy rights in the digital age, Indonesia and Thailand must reform respective legal frameworks to correspond with international privacy standards, to ensure that children's rights and digital autonomy are safeguarded amid growing parental social media disclosures and digital risks.

KEYWORDS *Child Privacy, Sharenting, Data Protection, Children's Privacy Rights, GDPR Alignment*

Introduction

In an era where social media takes a significant portion of all digital interactions, sharenting has unfolded as a popular online trend among parents, as the demographic continues to share moments of respective children's daily lives on social media.¹ Sharenting can be defined as the activity of sharing photos, videos, and some personal information of children by parents, as a part of the children's social media activity.² Based on previous observation, this trend is fundamentally motivated by the will to share moments of daily life that the

¹ Şule Baştemur and Mustafa Alperen Kurşuncu, "Sharenting: Why Parents Share Their Children's Photos on Social Media? TT - Sharenting: Ebeveynler Çocuklarının Fotoğraflarını Sosyal Medyada Neden Paylaşır?," *Ordu Üniversitesi Sosyal Bilimler Enstitüsü Sosyal Bilimler Araştırmaları Dergisi* 12, no. 3 (2022): 2911–28, <https://doi.org/10.48146/odusobiad.1137855>.

² Devina Meidy Fidelia Putri Pangudi, Triyono Lukmantoro, and Amida Yusriana, "Pengalaman Sharenting Di Instagram Sebagai Upaya Presentasi Diri Pada Ibu Milenial," *Interaksi Online* 11, no. 4 (September 29, 2023): 295–309, <https://ejournal3.undip.ac.id/index.php/interaksi-online/article/view/41300>.

majority of people can relate to, as a means of connecting while also spreading influence.³ However, it is important to comprehend that the children included in sharenting circle are not legally capable of giving consent to sharing respective personal information.⁴

In Indonesia and Thailand, sharenting is an ongoing trend that is supported by the continued mass adaptation of digital technologies, particularly the use of social media. Data from 2023 show that there is a significant foundation for this trend, with Indonesia having a 77% internet penetration rate⁵ and Thailand with a 72.8% internet penetration rate.⁶ Children are among some of the most vulnerable groups with this development, as the demographic is exposed to all kinds of risks that can affect respective growth. While it is impossible to deny the benefits of the internet and entire digital technology, it is equally important to analyse the issues associated with these developments and their associated impact on child development. Sharenting is one of the digital trends that presents this inherent risk to child development, which is directly associated with the sharing of children's personal data on social media.

Regardless of the fact that both Indonesia and Thailand have adopted legal frameworks for personal data protection, the enforcement and entire implementation of these frameworks remain questionable. In Indonesia, Law No. 27 of 2022 on Personal Data Protection emphasizes the importance of protecting children's privacy but does not necessarily expand on the issue, leaving room for normative loopholes that can be exploited in the context of sharenting. On the flip side, Thailand relies on the PDPA, which models the GDPR of the European Union. This law has also been observed to also lacks specific measures to protect privacy of children, which can also be exploited in the practice of sharenting. Both countries have faced growing concerns regarding this issue, specifically because more activities are continuously moved into the digital space. Data from Indonesia's Child Protection Committee (*Komnas Anak*) in 2019 showed at least 420 cases of violence against children,

³ Abu Muna Almaududi Ausat, "The Role of Social Media in Shaping Public Opinion and Its Influence on Economic Decisions," *Technology and Society Perspectives (TACIT)* 1, no. 1 (August 31, 2023): 35–44, <https://doi.org/10.61100/tacit.v1i1.37>.

⁴ Siti Zaharah Jamaluddin, Mohammad Abu Taher, and Iman Syamil Ahmad Rujhan, "Sharenting in Malaysia: Balancing Parental Rights and Children's Privacy in the Digital Age," *Hasanuddin Law Review* 11, no. 2 (July 24, 2025): 161–82, <https://doi.org/10.20956/halrev.v11i2.6285>.

⁵ Simon Kemp, "Digital 2023: Indonesia — DataReportal — Global Digital Insights," DataReportal, February 9, 2023, <https://datareportal.com/reports/digital-2023-indonesia>.

⁶ Simon Kemp, "Digital 2023: Thailand — DataReportal — Global Digital Insights," DataReportal, February 13, 2023, <https://datareportal.com/reports/digital-2023-thailand>.

of which 86 were caused by child disclosure on social media.⁷ Though there is no equivalent data in Thailand, a research comprising 96 Thai parents signified a moderate level of awareness regarding the potential negative impacts of sharenting.⁸ These data suggest that many parents in Indonesia and Thailand may not fully grasp the risks associated with sharing respective children's information online.

Sharenting, despite being highly specific and digital in nature, has been analysed extensively in prior literature. For instance, an investigation carried out by Yimyam emphasized how problematic this issue is in Thailand.⁹ The research analysed how the trend continues to affect Thailand, with limited legal protections found in the Thai framework for children's data privacy. The conceptual understanding of sharenting as a threat to children's privacy rights is in agreement with an exploration conducted by Hidayati, Meliani, and Yuliyanto, which showed how the practice can also affect the well-being and even safety of children, as a part of the associated risk with the sharing of the demographic's identity online.¹⁰ These results can be traced back to the core issue of this discourse, which is the justification behind sharenting itself. Some have even argued that sharenting can be considered a syndrome, as described by Doğan Keskin et al.¹¹ The present research, in particular, showcases the darker side of this practice, with possible abusive practices that can be carried out for the sake of popularity, with not only psychological damages to the children, but also severe physical distress and trauma.

From the purely legal perspective, a research conducted by Lendvai reported how sharenting is a paradox that is challenging to deal with legally.¹² The investigation provided a systematic overview of sharenting definitions to establish a synchronized concept, thereby emphasizing the complexity of

⁷ Hanifah Atmi Nurmala, "SHARENTING, 'BERBAHAYAKAH?'" *Lentera Litera*, October 2023.

⁸ Suranchana Thammaratchuchai, Nutsuda Ngoenart, and Parinda Jantori, "The Awareness of Child Privacy of Thai Parents on Social Media," *Human Behavior, Development and Society* 24, no. 3 (December 2023): 29–38.

⁹ Wasin Yimyam, "Protecting Children's Privacy: Legal Strategies to Limit Sharenting in Thailand," *Journal of Politics and Governance* 14, no. 3 (September 2024): 53–63.

¹⁰ Novi Hidayati, Fitri Meliani, and Aan Yuliyanto, "Sharenting Dan Perlindungan Hak Privasi Anak Di Media Sosial," *Research in Early Childhood Education and Parenting* 4, no. 1 (2023): 27–34, <https://doi.org/10.17509/recep.v4i1.58181>.

¹¹ Ayten Doğan Keskin et al., "Sharenting Syndrome: An Appropriate Use of Social Media?," *Healthcare* 11, no. 10 (May 9, 2023): 1–17, <https://doi.org/10.3390/healthcare11101359>.

¹² Gergely Ferenc Lendvai, "Sharenting as a Regulatory Paradox – a Comprehensive Overview of the Conceptualization and Regulation of Sharenting," *International Journal of Law, Policy and the Family* 38, no. 1 (January 2024): 1–17, <https://doi.org/10.1093/lawfam/ebae013>.

balancing parental freedom of expression with children's digital privacy rights. A significant portion of the research was dedicated to a comparative legal analysis, assessing the effectiveness of international regulations such as the UN Convention on the Rights of the Child, the US Children's Online Privacy Protection Act, and the European General Data Protection Regulation in addressing the issues posed by sharenting. A previous investigation conducted by Adawiah and Rachmawati attempted to provide a broad overview of the subject matter, covering data protection, child protection, child development, and parental motives.¹³ The obtained results showed that the majority of the observed parents engaged in sharenting to seek validation and social support, often overlooking its impact on children's privacy and mental well-being, which can lead to feelings of embarrassment, insecurity, or even online exploitation, issues that legal frameworks do not always explicitly address.

Based on the literature review, the apparent research gap is the lack of benchmarking of Indonesian and Thai framework for data protection and privacy rights, against the European Union's GDPR, which has been widely considered as the gold standard, due to its successful codification of a comprehensive set of individual rights regarding personal data and enhancement of power through substantial penalties.¹⁴ These widely acknowledged accolade of the European Union creates the urgency for many legal systems around the world to benchmark respective frameworks by extracting the best practices found in the GDPR. For the purpose of future legal development, specifically considering the continued rising trend of sharenting and digital activities on Indonesian and Thai social media spaces, filling this research gap is a significant and necessary literature development. The combined aspects of Indonesia, Thailand, and the benchmarking of these two countries' relevant frameworks with the EU's GDPR are what make the present research inherently novel.

Indonesia and Thailand were selected as the subjects of this research primarily due to the inherent similarities between the digital landscape of both countries, comprising a decently high internet penetration rate, a growing

¹³ Laila Robiatul Adawiah and Yeni Rachmawati, "Parenting Program to Protect Children's Privacy: The Phenomenon of Sharenting Children on Social Media," *JPUD - Jurnal Pendidikan Usia Dini* 15, no. 1 (April 2021): 162–80, <https://doi.org/10.21009/JPUD.151.09>.

¹⁴ Ivan Manokha, "GDPR as an Instance of Neoliberal Governmentality: A Critical Analysis of the Current 'Gold Standard' of Data Protection," *Political Anthropological Research on International Social Sciences (PARISS)* 4, no. 2 (November 16, 2023): 173–218, <https://doi.org/10.1163/25903276-bja10045>.

digital economy, active social media users, and growing social media culture, along with the ambition of the two nations to continually support their respective digital landscape. With sharenting trend continuing to affect both countries, which is invariably benchmarking their legal frameworks with the world's gold standard of data protection and privacy, the General Data Protection Regulation (GDPR) can offer key insights that policymakers can reference in future legal developments.

Other than providing significant values to the expanding body of literature regarding phenomena related to digital technologies, this research can also provide practical insights capable of improving the normative structures in both Indonesia and Thailand, specifically around data protection and privacy of children in the digital age. The insights incorporated can also significantly affect the effort to protect children from various risks associated with the adoption of digital technology, particularly sharenting. This exploration was observed to possess some key limitations. First, access to cases of sharenting in Indonesia and Thailand was limited, particularly the extensive details, mainly due to privacy protection of the families, respective children, and the lack of documentation. Second, the socio-cultural complexity of these countries can become a conceptual obstacle, specifically since family norms and societal perception regarding privacy tend to differ when compared to the countries in the European Union. Therefore, it is only appropriate for the present research to solely focus on the normative aspect, with the assumption that the benchmarking source of law, the GDPR, has provided a comprehensive and adaptable framework capable of being contextualized to fit the unique socio-legal environments of Indonesia and Thailand.

In its entirety, this research aims to fill legal gap in children's privacy rights protection in Indonesia and Thailand by analysing the best practices provided by the EU's GDPR. Through the analysis, which combines a number of approaches such as the comparative approach and legal hermeneutics, it is anticipated that the results obtained will be able to support the future legal development to enhance protection of child privacy in Indonesia and Thailand amid the growing sharenting trend in the digital era. Most importantly, the research also aims to provide a set of practical recommendations for legal developments that policymakers in Indonesia and Thailand can consider.

In accordance with a previous exploration, the normative legal research method was adopted to scrutinize legal norms in an effort to analyze a particular

legal issue through the lens of the relevant legal framework.¹⁵ Normative legal research method, also often referred to as doctrinal legal research method, in the purest sense, includes the utilization of secondary data in the form of primary law sources, through the substantive legal doctrine to understand the law as a thorough examination of a limited and relatively fixed authoritative text from the context of the research topic.¹⁶ Accordingly, data obtained was analyzed descriptively to provide a comprehensive analysis of the weaknesses possessed by each legal system. Secondary data used comprised Indonesia's Law No. 35 of 2014 on Child Protection, Indonesia's Law No. 27 of 2022 on Personal Data Protection, Thailand's Child Protection Act of 2003, Thailand's Personal Data Protection Act of 2019, European Union's General Data Protection Regulation.

Juxtaposition of Parental Consent and Children's Privacy Rights

Parental consent and children's privacy rights are two closely intertwined yet often conflicting legal and ethical concepts in the digital age.¹⁷ The principle of parental authority grants parents the right to make decisions on behalf of their respective children,¹⁸ including matters concerning online presence.¹⁹ This authority is rooted in the traditional notion that parents act in the best interests of children,²⁰ making choices that shape the children's upbringing, education, and entire well-being, and this significantly impacts the trajectory of children's

¹⁵ Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies," *Journal of Judicial Review* 24, no. 2 (2022): 289–304, <https://doi.org/10.37253/jjr.v24i2.7280>.

¹⁶ David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 8, no. 5 (2021): 2463–78, <https://jurnal.um-tapsel.ac.id/index.php/nusantara/article/view/5601>.

¹⁷ Seong C Hong, "Kids Sell: Celebrity Kids' Right to Privacy," *Laws* 5, no. 2 (2016): 1–13, <https://doi.org/10.3390/laws5020018>.

¹⁸ Jo Bridgeman, "'Our Legal Responsibility...to Intervene on Behalf of the Child': Recognising Public Responsibilities for the Medical Treatment of Children," *Medical Law International* 21, no. 1 (February 2021): 19–41, <https://doi.org/10.1177/0968533221993507>.

¹⁹ Shannon Sorensen, "Protecting Children's Right to Privacy in the Digital Age: Parents as Trustees of Children's Rights," *Children's Legal Rights Journal* 36, no. 3 (2016): 156–76.

²⁰ "Best interest of the child" as a doctrine is also a rather complex concept in the realm of this discourse, as it can also be utilized to make a case against parental authority. See Sharon Shakargy, "The Outlawed Family: How Relevant Is the Law in Family Litigation?," *Mitchell Hamline Law Review* 47, no. 2 (2021): 568–605.

lives in the future.²¹ However, the expansion of digital platforms and the increasing integration of personal data into daily life fundamentally challenge the boundaries of this authority.²² For instance, the act of sharing children's personal information online, often referred to as "sharenting," exemplifies the tension between parental control and the child's right to digital privacy. Legal and ethical dilemma arises when a parent's decision to disclose such information potentially infringes upon the child's right to data protection, autonomy, and future control over respectively owned digital footprint.

The right to privacy is internationally recognized as a fundamental human right.²³ Regardless of the fact that children are legally considered incapable of providing informed consent, the demographic is still entitled to protection against violations of this right.²⁴ Legal frameworks governing privacy often place parents as the primary gatekeepers of the child's personal data,²⁵ yet the extent to which this authority should be exercised remains a subject of debate.²⁶ Dissimilar to adults, children lack legal capacity to fully understand the long-term consequences of online data exposure, yet the group remains the primary subject of the information shared by respective parents.²⁷ This scenario invariably presents a unique challenge, which poses the question: how can the law ensure that parental decisions regarding children's data respect privacy rights of the demographic without unduly restricting parental freedoms? The discussion surrounding this issue necessitates a careful balance between granting

²¹ Ying Chen et al., "Positive Parenting Improves Multiple Aspects of Health and Well-Being in Young Adulthood," *Nature Human Behaviour* 3, no. 7 (2019): 684–91, <https://doi.org/10.1038/s41562-019-0602-x>.

²² Irmine Keta Rotimi, Sheau-Fen Yap, and Ben Wooliscroft, "Unboxing the Child Influencer Paradoxes: A Research Agenda," *Journal of Marketing Management* 40, no. 11–12 (July 2024): 1030–57, <https://doi.org/10.1080/0267257X.2024.2405597>.

²³ Vivek Krishnamurthy, "A Tale of Two Privacy Laws: The GDPR and the International Right to Privacy," *AJIL Unbound* 114 (2020): 26–30, <https://doi.org/DOI: 10.1017/aju.2019.79>.

²⁴ Febilita Wulan Sari, "Violation of Children's Privacy Rights in The Use of Infor-Mation Technology According to International and National Law," *Proceeding of International Conference on Business, Economics, Social Sciences, and Humanities* 4 (March 2023): 449–52, <https://doi.org/10.34010/icobest.v2i.304>.

²⁵ Paweena Manotipya and Kambiz Ghazinour, "Children's Online Privacy from Parents' Perspective," *Procedia Computer Science* 177 (2020): 178–85, <https://doi.org/https://doi.org/10.1016/j.procs.2020.10.026>.

²⁶ Zahra Takhshid, "Children's Digital Privacy and the Case Against Parental Consent," *Texas Law Review* 101, no. 6 (2023): 1418–55.

²⁷ Milda Macenaite and Eleni Kosta, "Consent for Processing Children's Personal Data in the EU: Following in US Footsteps?," *Information & Communications Technology Law* 26, no. 2 (May 2017): 146–97, <https://doi.org/10.1080/13600834.2017.1321096>.

parents reasonable decision-making power while safeguarding children from potential harm arising from excessive or inappropriate data disclosure.

To address the stated question, it is important to understand why children's privacy rights matter and where these rights are derived from. Previous exploration elucidated that the right to freedom of expression presumably includes a parent's freedom to disseminate information about respective children on social media platforms.²⁸ From this standpoint, parents view sharenting as an expression of their rights, although that extension may inadvertently infringe upon the child's autonomy and digital footprint.²⁹ Even after being made aware of sharenting risks, many parents did not consider it important to seek the consent of respective children about whether or not the demographic wants their information to be shared.³⁰ This shows the fundamental tension and the importance of establishing a balance between parental consent and children's privacy rights, which can be considered as the core legal dilemma for the subject matter.

The other side of this argument lies in the fact that children's well-being matters the most when it comes to the topic of sharenting. Therefore, the standpoint focuses primarily on understanding the importance of ensuring that sharenting does not end up hurting children's present and future interests. Instead of separating the fact that children possess privacy rights as human beings from the assessment of future risks associated with sharenting, it is perhaps wiser to integrate both as inseparable elements of children's privacy rights. From this standpoint, parents are considered "trustees" whose main purpose is to guarantee the safety and development of children. This integrated approach is particularly relevant when the context of the current pervasive tracking and data collection is taken into account, as each of these factors invariably increases the inherent risks that children face both in the present and in the future.

The issue of informed consent becomes particularly complicated when considering its application to minors. As a legal mechanism, consent is based on

²⁸ Keltie Haley, "Sharenting and the (Potential) Right to Be Forgotten," *Indiana Law Journal* 95, no. 3 (2020): 1005–20.

²⁹ Jamaluddin, Abu Taher, and Ahmad Rujhan, "Sharenting in Malaysia: Balancing Parental Rights and Children's Privacy in the Digital Age."

³⁰ Lendvai, "Sharenting as a Regulatory Paradox – a Comprehensive Overview of the Conceptualization and Regulation of Sharenting."

an individual's capacity to understand the implications of a given action.³¹ Since children are generally considered incapable of making fully informed decisions,³² this responsibility often shifts to respective parents, including the sharing, collection, and processing of data related to the demographic in the digital space. However, parental consent in this context may not always be in correspondence with the child's best interests, particularly when parents engage in sharenting for personal gratification, social validation, or commercial gain. The absence of explicit input from the child in these decisions raises ethical concerns regarding autonomy and the right to control one's own identity.³³ As children mature, the inherent ability to comprehend and voice preferences regarding respective online presence increases,³⁴ but in many cases, the demographic usually has little to no authority over information that has already been disclosed.

A significant concern linked to parental consent in the digital sphere is the permanence of online data. Dissimilar to traditional parental decisions, which may have short-term consequences, digital disclosures can have lasting effects on the child's future.³⁵ Personal information shared online may be archived, redistributed, or even exploited, creating a digital footprint that remains accessible beyond childhood. This permanence raises questions about whether parents, in granting consent on behalf of children, are making irreversible

³¹ Kamran Salayev, Ulviyya Aslanova, and Kerim Munir, "Evaluating the Decisional Capacity for Informed Consent of Transition Age Children to Adolescents in Human Subject Research," *Journal of Empirical Research on Human Research Ethics* 19, no. 1–2 (2024): 28–36, <https://doi.org/10.1177/15562646231219384>.

³² Mahmoud A Alomari et al., "Assent and Consent in Adolescent Research: Teachers' Perspectives from a Developing Country," *Heliyon* 6, no. 1 (2020): 1–5, <https://doi.org/https://doi.org/10.1016/j.heliyon.2019.e03116>.

³³ Kleopatra Nikolopoulou, "Children in the Digital Space: Issues Researched and Suggestions for Future Research," *Creative Education* 15, no. 05 (2024): 815–27, <https://doi.org/10.4236/ce.2024.155049>.

³⁴ The issue regarding adolescent understanding of privacy and data protection risk is a nuanced issue that requires quantitative support, which existing literatures unfortunately do not adequately support, making it difficult to establish the age range of sufficient knowledge regarding these issues. See Gitanjali Das et al., "Privacy Policies for Apps Targeted Toward Youth: Descriptive Analysis of Readability," *JMIR Mhealth Uhealth* 6, no. 1 (2018): 1–12, <https://doi.org/10.2196/mhealth.7626>. Other factors such as varying backgrounds also play a big role in the difficulty of determining this, making the assumptions that "most adolescents are tech savvy" essentially invalid. See also Pamela J Wisniewski, Jessica Vitak, and Heidi Hartikainen, "Privacy in Adolescence," in *Modern Socio-Technical Perspectives on Privacy*, ed. Bart P Knijnenburg et al. (Cham: Springer International Publishing, 2022), 315–36, https://doi.org/10.1007/978-3-030-82786-1_14.

³⁵ Haley, "Sharenting and the (Potential) Right to Be Forgotten."

choices that could be potentially detrimental to the demographic in adulthood. For instance, details shared innocuously in early childhood might later resurface in contexts that lead to reputational damage, psychological distress, or unwanted scrutiny.³⁶ The irreversible nature of online exposure amplifies the importance of ensuring that any decision, including the child's personal data, is made with the highest degree of caution and foresight.

The ethical dimensions of parental decision-making in the digital age go beyond the mere act of consent. Regardless of the fact that parents are legally entrusted with the welfare of respective children, the definition of what constitutes responsible digital parenting remains fluid. The motivations behind sharing the child's personal information online vary widely, ranging from a desire to document milestones and seek community support to commercial interests tied to social media monetization. In some cases, the commercialization of the child's image through brand sponsorships or influencer marketing introduces an added layer of complexity, as it increases the exposure of the child's identity. This evolving digital landscape necessitates a more refined discussion about whether parental consent should have limitations, particularly when economic motives influence decisions that affect the child's privacy.

In previous discussions surrounding children's privacy rights, autonomy has been observed to remain a central theme.³⁷ As children grow, the demographic tends to develop perspectives on respective digital identity and the way they wish to be represented online. The lack of mechanisms allowing children to retract or modify data shared on their behalf places the group in a vulnerable position, as they inherit a digital identity constructed without their input.³⁸ Some legal frameworks have attempted to introduce various measures with the aim of granting children the right to request the removal of online data upon reaching a certain age, yet practical implementation remains difficult. Even in jurisdictions that recognize the "right to be forgotten," enforcement can be inconsistent, particularly when content has been widely disseminated across

³⁶ Francis Rees, "Famous at Five: Risk Assessing Digital Child Labour," *Information & Communications Technology Law* ahead-of-p, no. ahead-of-print (2023): 1–22, <https://doi.org/10.1080/13600834.2025.2452699>.

³⁷ Sonia Livingstone et al., "Children's Privacy in the Digital Age: US and UK Experiences and Policy Responses," in *Handbook of Children and Screens: Digital Media, Development, and Well-Being from Birth Through Adolescence*, ed. Dimitri A Christakis and Lauren Hale (Cham: Springer Nature Switzerland, 2025), 491–97, https://doi.org/10.1007/978-3-031-69362-5_67.

³⁸ Kate Hamming, "A Dangerous Inheritance: A Child's Digital Identity," *Seattle University Law Review* 43, no. 3 (2020): 1033–63.

multiple platforms.³⁹ This lack of control over personal data further complicates the already delicate balance between parental consent and individual rights.

Another essential factor in the juxtaposition of parental authority and children's privacy is the evolving societal perception of digital rights. Although traditional views often regard parents as the sole decision-makers in the child's life, modern legal discourse increasingly emphasizes the child's evolving capacity to participate in decisions that affect them.⁴⁰ Within this context, the concept of "evolving capacities," recognized in international human rights law, suggests that as children mature, the demographic should be granted greater agency in matters concerning respective personal information. This principle supports the argument that children should have some level of input into how their respective digital identity is managed, rather than being subjected to unilateral parental decisions. However, integrating this concept into legal frameworks remains a challenge, as it requires clear guidelines on when and how children's voices should be acknowledged in digital privacy matters.

The debate over parental consent and children's privacy rights is a reflection of broader legal and ethical questions surrounding digital governance, which is perhaps never-ending due to the fact that there are way too many factors affecting child development, along with the scientific understanding of the concept. As technological advancements continue to redefine personal data ownership, existing legal structures must adapt to ensure that children are not left unprotected. The question in this regard should not be merely about whether parents should be allowed to make decisions on behalf of respective children, but about how to establish clear boundaries that prevent potential harm while respecting family autonomy. Developing legal and policy frameworks that uphold children's digital rights without overly restricting parental authority remains a complex yet necessary endeavor. Invariably, the resolution of this issue will require collaboration between legislators, digital platforms, and child advocacy groups to construct a regulatory landscape that

³⁹ Veronika Szeghalmi, "Difficulties Regarding the Right to Be Forgotten in the Case Law of the Strasbourg Court," *Athens Journal of Law* 4, no. 3 (2018): 255–70, <https://doi.org/10.30958/ajl.4-3-4>.

⁴⁰ An example of this contrast is the case of the US and the UK, where then former still holds to the belief that parents have absolute authority over their children while the latter acknowledges the evolving sense of autonomy among children. This is reflected in the fact that the US has not ratified the UNCRC while many other countries in then world have. See Livingstone et al., "Children's Privacy in the Digital Age: US and UK Experiences and Policy Responses."

acknowledges both the rights of parents and the fundamental need to safeguard children's privacy.

Normative and Enforcement Challenges in Indonesia and Thailand

In terms of children's rights, Indonesia relies specifically on Law No. 35 of 2014, which amended Law No. 23 of 2002 on Child Protection. This framework was derived from Indonesia's basic framework for Law No. 39 of 1999 on Human Rights. Accordingly, the most relevant provisions regarding data protection and privacy of children in Human Rights Law within the country are articulated in Article 29 (1) and 52 (1), which govern privacy and dignity, as well as child protection, respectively. It is essential to state that there is no direct provision within the Child Protection Law that normatively connects the aspect of data protection and privacy with child protection. While this does not denote a complete disregard, the issue can later shape the amount of emphasis laid on the importance of protecting children's information privacy within the digital space.⁴¹

Child protection in Thailand is reliant on the enforcement of the Child Protection Act, which was enacted in 2003. This law covers the basic foundation of the rights that children possess, as a way to safeguard the country's future. From the normative standpoint, a few provisions stand out as some of the most relevant for the discourse of children's data protection and privacy in the country, namely Section 27, prohibiting dissemination of information about the child that could damage the child's mental state, reputation, or interests; and Section 50, mandating confidentiality regarding personal information of children by child welfare protectors and officials included in child welfare protection duties. Dissimilar to Indonesia, this baseline protection of children's rights is more specific and targeted, explicitly

⁴¹ From a purely legal hermeneutics standpoint, this may signal potential problems in future legal development, although such indications are not always explicit or precise. This assumption finds support in broader legal theory, particularly in the constructivist view that legal provisions actively shape cognitive structures and institutional frameworks. When fundamental normative constructs are underdeveloped or neglected, the resulting gaps can influence how legal norms evolve and, consequently, are interpreted over time. See Enrique Cáceres Nieto, "The Foundations of Legal Constructivism," in *Conceptual Jurisprudence: Methodological Issues, Classical Questions and New Approaches*, ed. Jorge Luis Fabra-Zamora and Gonzalo Villa Rosas (Cham: Springer International Publishing, 2021), 295–319, https://doi.org/10.1007/978-3-030-78803-2_16.

mentioning protection of children's information and preventing the dissemination of the demographic.

The main legal framework adopted by Indonesia for data protection and privacy is Law No. 27 of 2022 on Personal Data Protection (PDP Law). This law was a manifestation of legal development carried out over several years, from generalized digital governance in the EIT Law framework that started with Law No. 11 of 2008 on Electronic Information and Transaction,⁴² to Minister of Communication and Informatics Regulation No. 20 of 2016 on Personal Data Protection in Electronic Systems as the first dedicated data protection regulation. The PDP Law was enacted as the first comprehensive data protection and privacy framework that takes into account every issue related to data protection and privacy in all kinds of digital activities. Accordingly, the PDP Law explicitly states that protection of personal data aims to guarantee citizens' rights to personal security and to raise awareness, recognition, as well as respect for the importance of personal data protection.

On the flip side, Thailand has a less extensive history of legal development regarding data protection and privacy. Digital discourse in the country first started being the focus of the Thai government with the enactment of the Computer Related Crimes Act, which governed key aspects of safety in the digital space, including some aspects of data protection. Thailand's first comprehensive data regulation framework was introduced with the PDPA, which was enacted in 2019, but only came into effect in 2022.⁴³

⁴² This law, in particular, has been revised twice, with the first one in 2016 focusing on digital conducts and mainly clearing ambiguous provisions regarding it *See* Atikah Mardhiya Rohmy, Teguh Suratman, and Arini Indah Nihayaty, "UU ITE Dalam Perspektif Perkembangan Teknologi Informasi Dan Komunikasi," *Dakwatuna: Jurnal Dakwah Dan Komunikasi Islam* 7, no. 2 (August 2021): 309–39, <https://doi.org/10.54471/dakwatuna.v7i2.1202>. The second revision came in early 2024, which focused on key elements of generalized digital issues, such as child protection and digital contracts. Although this latest amendment strengthened data retention mechanism for digital contracts, and the protection of children in digital spaces, there is no relevant changes brought to the realm of privacy, even in the new provision of Article 16A. *See also* Firda Mar'atus Sholikhah and Mochammad Tanzil Multazam, "Application of the ITE Law on TikTok Shows Without a Special Filter for Minors," *UMSIDA Preprints Server* preprint, no. preprint (August 2024): 1–8, <https://doi.org/10.21070/ups.6366>. Elaboration of Article 16A did mention the protection of privacy rights but made no further elaboration and did not expand the normative structures on this.

⁴³ There is no official explanation as to why this delay happened, but the Thai government did mention issues such as harmonization and technicality regarding legal enforcement. *See* Graham Greenleaf and Arthit Suriyawongkul, "Maximum Fines Start Enforcement of Thai Data Privacy Law" (Cambridge, 2024), <https://doi.org/10.2139/ssrn.5023761>.

Considering the short history of legal development of both countries presented above, it is evident that the two nations have faced certain respective challenges, particularly in legal development for data protection and privacy. However, whether or not the current frameworks adopted in the regions are well-suited to protect privacy rights of children in the digital age remains to be questioned. Table 1 presents the result of a comparative analysis, showing how Indonesia's PDP Law and Thailand's PDPA fared against each other in the context of normative adequacy to protect privacy rights of children. The main lens of this analysis is human rights, specifically privacy rights, which is supported by both countries' frameworks for child protection.

TABLE 1: Comparative analysis of children's privacy rights in the digital space between Indonesia and Thailand

Criteria	Indonesia (PDP Law)	Thailand (PDPA)
Legal Basis for Child Data Protection	Explicitly recognized as part of data protection framework (Article 2, Article 4(2)(e)).	Recognized under general data protection principles but less explicitly detailed for children (Section 19, Section 20).
Definition of Personal Data	Covers personal data that can directly or indirectly identify an individual, including children's data (Article 1, Article 4(2)(e)).	Defines personal data broadly, including data related to children (Section 6).
Consent for Processing Children's Data	Requires parental consent for processing children's data (Article 25).	Requires explicit parental consent for processing data of children under 10 years old (Section 20).
Parental Consent Requirement	Mandatory parental or guardian consent is required before any processing of the child's data (Article 25(2)).	Parental consent is required for minors under the Thai Civil and Commercial Code provisions (Section 20(1)).
Right to Erasure	Children or guardians have the right to request deletion of personal data (Article 8, Article 43).	Children or guardians have the right to request deletion of personal data unless legal

		obligations retention (Section 33).	require
Right to Object to Data Processing	Individuals, including children, have the right to object to data processing that affects them (Article 10).	Individuals, including children, can object to data processing under specific conditions (Section 32).	
Special Protections for Children's Data	Recognizes children's data as sensitive and mandates stricter processing requirements (Article 4(2)(e), Article 27).	Does not provide explicit special protections for children beyond requiring parental consent (Section 19-21).	

Source: Secondary Data (Indonesia (PDP Law) and Thailand (PDPA))

The PDP Law prioritizes children's privacy rights by treating the demographic's data as sensitive (Article 4(2)(e)), enforcing strict parental consent (Article 25), and granting children the right to erase personal data (Article 8, 43), which provides an essential protection against long-term digital exposure. It also allows objections to data processing (Article 10), giving children or guardians control over unwanted data collection. Dissimilar to the PDP law, the PDP does not establish children's privacy as a distinct legal priority. Rather, it relies on general personal data protections without recognizing the unique risks children face. Regardless of the fact that this law requires parental consent for children under 10 (Section 20), it lacks clear mechanisms for data removal or objection, leaving minors vulnerable to long-term digital exposure that was never consented to. By explicitly safeguarding children's digital autonomy, the PDP Law offers a superior framework for protecting privacy rights of children.

Benchmarking against the EU's GDPR

The GDPR is globally recognized as the most comprehensive legal framework for personal data protection, with specific and robust provisions

dedicated to safeguarding children’s digital privacy.⁴⁴ It establishes clear rules on parental consent, children’s right to erasure, data minimization, and accountability in data processing, ensuring that minors receive stronger legal protections against exploitation and long-term digital exposure. Considering the fact that both Indonesia and Thailand have modeled aspects of respectively adopted the PDP Law and PDPA after international best practices, it is essential to benchmark the countries’ legal frameworks against the GDPR to determine whether each meets the high standards set by the EU,⁴⁵ and analyze where important gaps may still exist.

This benchmarking process examines key child privacy safeguards mandated by the GDPR, including age-appropriate consent mechanisms, the right to be forgotten, restrictions on profiling, and enforcement clarity. By assessing how Indonesia’s PDP Law and Thailand’s PDPA correspond with these principles, the analysis provides a clearer picture of the countries’ strengths, weaknesses, and areas needing reform. Understanding these deviations from the GDPR can help policymakers in both countries refine respective approaches to child data protection and create more robust, future-proof privacy regulations.

TABLE 2: Benchmarking against the GDPR

Criteria	GDPR (EU Standard)	Indonesia (PDP Law) & Thailand (PDPA)
Legal Recognition of Children’s Privacy	Explicitly recognized as a fundamental right (Article 8).	Recognized under general data protection, but lacks explicit child-specific provisions. PDP Law acknowledges child privacy indirectly, while PDPA does not emphasize it as legal right.
Age for Parental Consent	Parental consent is required for children under 16, with the	PDP Law requires parental consent but does not set a strict age threshold. PDPA

⁴⁴ Eglė Štareikė and Laura Tamulevičienė, “The Issue of Ensuring Minors’ Rights to Private Life and Personal Data Protection: Case of Lithuania,” *Public Security and Public Order* 35, no. 2024 (2023): 315–33, <https://doi.org/10.13165/PSPO-24-35-23>.

⁴⁵ Loso Judijanto, Nuryati Solapari, and Irman Putra, “An Analysis of the Gap Between Data Protection Regulations and Privacy Rights Implementation in Indonesia,” *The Easta Journal Law and Human Rights* 3, no. 1 (October 2024): 20–29, <https://doi.org/10.58812/eslhr.v3i01.351>.

	option for Member States to lower it to 13 (Article 8).	requires it only for children under 10, leaving older minors without clear protections.
Right to Erasure (Right to be Forgotten)	Children have the right to request deletion of personal data, specifically for online exposure (Article 17).	Both laws allow deletion requests, but neither prioritizes children's right to be forgotten as strongly as the GDPR.
Restrictions on Profiling Children	Strictly prohibited without explicit consent or strong justification (Article 22).	No explicit prohibition on profiling children in either law beyond general data protection principles.
Transparency and Child-Friendly Language	Requires child-friendly and clear privacy policies (Recital 58, Article 12).	Neither law mandates child-friendly privacy policies nor requires clear, accessible language.
Special Protections for Online Services Targeting Children	Strong protections for child-targeted online services, including social media (Article 8, Recital 38).	No specific rules in either law for child-targeted online services, lacking GDPR's strict safeguards.

Source: Secondary Data (GDPR)

The GDPR provides strong, explicit protections for children's privacy, while both the PDP Law and PDPA fall short in key areas. Dissimilar to the GDPR, which firmly establishes children's privacy as legal right, neither the PDP Law nor the PDPA explicitly defines children's privacy, with the PDP Law offering indirect recognition and the PDPA lacking emphasis altogether. Without explicit acknowledgement of children's privacy as a fundamental legal right, it is significantly more difficult to create a comprehensive framework that can take into account the necessities and key areas of protection to ensure the

rights are respected.⁴⁶ This explicit acknowledgement is also important because of how the exposed information of children can significantly impact their future as digital technologies continue to be developed and integrated into many parts of life.

The GDPR mandates parental consent for minors under 16. Meanwhile, the PDP Law does not specify an age threshold, and the PDPA only protects children under 10, leaving older minors vulnerable. Regardless of the fact that both laws allow data deletion requests, neither prioritizes the child's right to be forgotten as clearly as the GDPR. The lack of specific mechanisms for data erasure in the case of children's online exposure means children, with inherent lower legal capacity, are forced to go through the same data erasure mechanism as adults, which may not take into account the demographic's welfare and potential implications on their respective lives moving forward.

Dissimilar to the GDPR, neither law prohibits profiling minors, requires child-friendly privacy policies, or provides specific protections for child-targeted online services, leaving significant gaps in safeguarding children's digital autonomy. In the heavily commercialized digital spaces, this leaves the minors vulnerable to either illegal exploitation for commercial purposes without the children's or their parents' consent, or to be legally subjected to pervasive tracking and profiling based on consent that is neither meaningful nor informed, due to the absence of clear, child-friendly privacy policies. This can significantly impact psychological autonomy and freedom to form a solid identity to address future life challenges, which are key components of the child's development.⁴⁷

To bridge these protective gaps and harmonize with the best practices set by the GDPR, targeted and substantive legal reforms are necessary for both Indonesia and Thailand. First, Indonesia should amend its PDP Law to establish a clear, tiered age-of-consent threshold, similar to the GDPR's model, to eliminate normative loopholes. Second, Thailand must urgently expand the scope of its PDPA beyond the under-10 age limit to provide universal protection for all minors. Additionally, it is important for both nations to

⁴⁶ Yohannes Eneyew Ayalew, Valerie Verdoodt, and Eva Lievens, "General Comment No. 25 on Children's Rights in Relation to the Digital Environment: Implications for Children's Right to Privacy and Data Protection in Africa," *Human Rights Law Review* 24, no. 3 (September 1, 2024): 1–18, <https://doi.org/10.1093/hrlr/ngae018>.

⁴⁷ Saeid Motevalli et al., "Parents' Sharenting Behaviours: A Systematic Review of Motivations, Attitudes, Perceptions, and Impression Management Perspectives," *F1000Research* 14 (July 16, 2025): 1–24, <https://doi.org/10.12688/f1000research.161540.2>.

codify an explicit and robust "right to be forgotten" for children, empowering the demographic to request the deletion of personal data upon reaching maturity. Frameworks of these countries must be updated to include strict prohibitions on the profiling of minors for commercial or behavioral analysis and a mandate for child-friendly, transparent language in privacy policies of any online service targeting children. By implementing these concrete measures, Indonesia and Thailand can transition from quasi-acknowledgement of children's data privacy to active protection of their digital autonomy against the inherent risks of sharenting.

Conclusion

In conclusion, the observation made during the course of this research showed that the regulation of sharenting was no longer a matter of ethical debate but legal necessity, as the unchecked disclosure of children's personal data threatens the digital autonomy, security, and future privacy rights of the demographic. The weaknesses identified in Indonesia's PDP Law and Thailand's PDPA reflected significant regulatory blind spots, particularly in age thresholds for consent, protections against profiling, and the right to be forgotten, all of which were considered essential for safeguarding children's privacy in the present evolving digital landscape. The failure to be in line with the GDPR's stronger protections was observed to be a primary reason why children in Indonesia and Thailand were vulnerable to the unregulated collection and misuse of individual data. Regardless of the fact that frameworks upheld by these two countries recognize data protection in broad terms, neither has established comprehensive safeguards tailored to the unique vulnerabilities of children. The absence of clear legal mechanisms to control, erase, or prevent excessive data exposure invariably signifies that children's digital identities remain unprotected, exposing the demographic to risks that will persist well into adulthood unless legal frameworks evolve to meet modern privacy challenges. In order to mitigate these risks, the main priority for possible legal reforms in the future should be modelling the GDPR's comprehensiveness by adopting child-specific safeguards for consent, profiling, and the right to erasure, thereby ensuring the updated legal framework protects the digital future of the next generation, which is a key aspect of today's life.

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