



E-ISSN: 2706-8927
P-ISSN: 2706-8919
Impact Factor (RJIF): 7.28
www.allstudyjournal.com
IJAAS 2025; 7(10): 206-209
Received: 02-07-2025
Accepted: 05-08-2025

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Laws governing child artist right's protection: Social media exploiting the loopholes

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DOI: <https://www.doi.org/10.33545/27068919.2025.v7.i10c.1730>

Abstract

This paper is a content analysis of 8 research papers related to the issues of vlogging, which take kids(minors) in the videos or particularly focused on kids. It is also the analysis of some related YouTube videos to established the issue in a clearer manner. How urbanization and its related concepts change the dynamics of society. New concepts like vlogging, and sharenting have been understood in context of new phenomenon exercised by parents. This research paper is an analysis of the viewpoints of various researchers in same fields and what are the ethical concern about child influencers and what can be the possible solutions to them.

Keywords: Family vlogging, sharenting, ethics, digital labor, children

Introductions

Background of vlogging in India

With the boom of Internet in India, vlogging became more accessible and acceptable (Haider, 2023) ^[18]. Family vlogging on YouTube has become a popular phenomenon in recent years, and its impact on the exposure of children and the impact on children who are involved in videos online has been a topic of debate.

Family vlogging comes under the category of vlogging where the vloggers film their daily activities and mostly feature their children in it (Talukdar, 2020) ^[33]. People who have good number of subscribers, shares and likes are known as influencers. The online dictionary of Merriam-Webster gave a definition of "influencer" in 2019, as "a person who can generate interest in something (such as a consumer product) by posting about it on social media (Merriam-Webster, 2019).

It's started with cost effective technology availability; it became easier for people to document themselves (Haider 2023) ^[18].

A vlog is a video log, which could include any kind of content, vlogging is not scripted, but there is a storyline to follow (Talukdar, 2020) ^[33]. On YouTube, trend of vlogging became visible through the emergence of the 'vlog' (Carolina Carrelo). Vlogging categories cannot be defined easily, but the book entitled as 'YouTube Vlogging: The Complete Manual' categorized them into seven categories, named as 'personal, humor, fashion and beauty, travel, science and education, news and commentary and experimental' (2015, pp. 14-15). Even if notably different, all these videos have one common characteristic, their creators share a considerable amount of personal information through vlogs (de Zeeuw, 2018) ^[15].

There are many vlogs or family vlogs which use babies as the main character, and it is not a new phenomenon, babies have been used for advertising purpose for years to confirm consumer base (Cook, 2005) ^[12]. Babies provide an emotional appeal which are made to parents aka potential consumers by framing the child as glorified and immeasurable (Sjoberg, 2013) ^[13], in context of babies, economy and emotions are strongly interconnected (Cook, 2012; Zelizer, 2005) ^[13, 38]. Following the same logic baby vlogs can draw more eye balls which can lead to more likes, share, and subscribes. When any baby video gets viral and earn popularity by accident or chance (Abidin, 2018) ^[2], the production of content focused on domestic life (Abidin, 2017) ^[1], and children who are micro are intentionally commodified by their vlogger family since birth (Abidin, 2015) ^[31].

Many discussions have been focused on how young generations generate (and harm) their digital identities, (Amanda Harmon Cooley, 2011) ^[14] and researchers have highlighted the online threats which children face (Albert Kienfie Liao, *et al.* 2005) ^[22]. Yet little discussion is centered at the intersection of parents' choices to publish information about their children in the virtual world and the effect such disclosures can have on the children. When parents use social media in this way, they often share personal information about their children. (Digital Birth: Welcome to the Online World).

This research focused on threats and potential threats of exposing kids online, role of parent vloggers in this scenario, how they can be more aware and alert towards cyber related issues regarding their kids. This paper will explore the community guidelines on digital child labor given by different social media platforms and what more they should considered as precautionary measures.

Research methodology

Researchers used qualitative content analysis to discuss the different aspects of kid influencers and their issues. They followed systematic method review to address the objectives of the study. This review paper is a meta- analysis of 8 researches on how parents use their kids as an influence in society, and how it impacts on the mental, physical and financial health of a child. All the papers were collected under the broad category of social media vlogging. All these research papers were taken into this research by using convenient non probability sampling technique. The papers were collected from the period of 2017-2022. There are some YouTube videos which have been analyzed to established the specific issue in this paper.

1. Children are making it big (for everyone else): The need for child labor laws protecting child influencers by Madyson Edwards
2. YouTube Family Vlogging as a Promoter of Digital Child Labour: A Case Study on 'The Bucket List Family' in 2022 by Carolina Carrelo.
3. Branded childhood: Infants as digital capital on Instagram in 2022 by Ylva Agren
4. Youtubers' Effect on Children's Values: Parents' Views by Cihat Yasaroglu and Mehmet ali Boylu in Dec, 2020.
5. Preschool stars on Youtube: Child Microcelebrities, commercially viable biographies and interactions with technology by Crystal Abidin in Oct 2020.
6. The adverse effects of family vlogging on children by Nisha Talukdar in March 2020.
7. From vernacularized commercialism to kidbait: toy review videos on YouTube and the problematics of the mash-up genre by Maarit Jaakkola in 2020.
8. "Sharenting," parent blogging, and the boundaries of the digital self by Alicia Blum-Ross & Sonia Livingstone in 2017.

Objectives

1. To find out the psychological, social and economic aspects of kids influencers and laws related to them.
2. To highlight the ethical concerns regarding kid influencers in India.

Impact on health of kid influencers

Parents are sharing their children's photos and personal information on social media and it is becoming a trend which leads to the potential consequences for children as they grow up. Young children in the entertainment industry must cope with perfectionism, jealousy, and rejection on a regular basis (Schrader, 2011) ^[28]. Implications of this practice for children's privacy, digital identity, and relationships with their parents (Blum-Ross and Livingstone, 2017) ^[9].

It is not restricted to emotional or mental distress, some parents treat their kids with hormone therapy so that their kids can grow faster, and get work in entertainment industry which is highly shameful and problematic for the kid. Actress Hansika Motwani's father was alleged to give her daughter hormone injections to get her the plum roles in movies (Mahindra, 2022). Even if people can develop physically, but it is not sure that they can develop emotionally or socially too. These therapies can also put people at health risk.

With the lack of defined rights and laws, participation of kids among an adult oriented industry can induce pressure, embarrassment, anxiety, stress, and sometimes it can lead to working in unsuitable and hazardous environment (MIB, India).

Family vlogging and child's privacy

After analyzing the content of 8 research papers on vlogging which features kids, researcher is going to highlight the major points of these studies. The parameters of this research are changes in kids' behavior includes language, like and dislikes and online exposure.

Although the videos featuring babies or toddler are pleasing to watch but what we are being ignored is their consent, privacy, and their state of mind when they are repeatedly being confused by the parents as to what is ethical and what is not. Personal space of kids is being compromised and vlogger parents sometimes makes their kids do things which kids are uncomfortable with (Steinberg, 2017) ^[29]. YouTube's community guidelines have clear instructions that children below the age of 13 are not permitted to be a viewer or creator. Therefore, it is obvious that the babies and toddlers featured in family videos are not qualified, and going against the guidelines should have some penalty but in contrast to this Abidin in her paper explained that children presence on digital platforms, does not necessarily recognized as labor, because it is not regulated by any governing body, and it falls outside the boundaries of child labor laws. While this may be similar with the children in family Influencer units, parents have justified the digital labor of their young through four main mechanisms (Abidin, 2020) ^[3].

Along with the personal space, cybercrime related to kids is most infamous problem. A famous YouTuber Allison Irons, had to delete all the picture and videos of her kids after YouTube's analytical tools alerted her about the videos of her children were on pedophile websites. Other high-profile family vloggers soon followed the same precautionary step. It indicates a bigger concern of being a YouTube family vlogger with kids. Amelia Tait in her paper mentioned that You tube safety resources for parents extensively discuss how to prevent children from watching certain videos, but it tells nothing about stopping them from being watched (Tait, 2016) ^[32].

Laws related to kids' influencers in India

Children have long been featured in advertisements, films, and entertainment, often being taken advantage of due to their innocence. Over the years, this exploitation has been exacerbated by insufficient regulations designed to protect them and their rights from various stakeholders involved in the industry. Participating in Child actors are glamourizing form of child labor (Ramamurthy, UNICEF).

Though India does not have any specific rights or laws related to kids influencers but recent guidelines issued by Ministry of Information and Broadcasting of India stated that *any kind of involvement of children in commercial entertainment activities* will cover these issues. These guidelines are concentrated to child actors, that people who are hiring child actors, must obtain the consent of parents and permission from District Magistrate and this permit will be valid from 6 months only.

Physical and mental safety has to be insured by the producers, a parent or legal guardian has to be present on the set with kids, if infant has to spend more than 1 hour on the set, there has to be a midwife or nurse present there. In production context, specifically for the kids who are below 6 should not be exposed to damaging lighting, or polluted cosmetics. People those who will be in physical contact with children must submit a medical fitness certificate before shooting and a police verification of staff.

In terms of wages, 20% of the income of child should directly deposited in a fixed deposit account in a nationalized bank which should be in the name of the child/adolescent it will be transferred to the kid when they will be 18 plus. Successful kid influencers earn upwards of \$29 million each year (Bennett, 2023) ^[6], unfortunately they don't get insured by these laws.

Conclusion

Family vlogging is trendy, kids oriented and centric content on social media platforms is multiplying. Some popular social media handles are designing content specifically for kids. As for some families vlogging is a main source of income, to maintain or increase their income they are accommodating new social issues like child labor, posting without consent or privacy violations.

There are no specific laws which covers kids influencers or there is no governing bodies or social media guidelines. It should be acknowledged by governing bodies or social media guidelines, that it is important to provide a child-interest centric model of reform that protects a child's privacy while also acknowledging a parent's right to share online.

Some researches emphasizes on awareness of vlogger parents about the privacy policies of the social sites they are using as they should also set up notifications which can alert when the kids name appears in any search. Kid's identity like residence, school, and location, etc should not be disclosed. When these toddlers will grow up and watch these videos, there are huge chances they will assess themselves according the comments, likes, and dislikes. It might turn them into more competitive, less compassionate, under confidence and anxious humans. Parents should consider that sharing can impact on their child's current and future sense of self and well-being.

In conclusion, research has shown that family vlogging in India raises significant ethical concerns regarding the exposure of children online. Whereas, the primary objective

of family vlogging should be documented family memories, there is a need for greater awareness of the potential risks and measures to protect the privacy and safety of minors.

Overall, the research reviewed in this paper underscores the need for greater awareness and accountability among vloggers, parents, and policymakers when it comes to the ethical aspects of vlogging, particularly as it relates to children. While further research is needed to fully understand the impact of vlogging on children, the findings of this meta-analysis provide an important starting point for discussion and action in this area.

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