

COPYRIGHT PROTECTION IN THE DIGITAL ERA: CHALLENGES AND SOLUTIONS IN LEGAL ENFORCEMENT

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Abstract

The digital era has ushered massive transformation in human life, particularly towards creation and distribution of intellectual works. Technological advancements have enabled creative contents such as music, films, e-books, and images to be instantly accessed and spread, on one hand this development has brought significant growth of the creative economy, on the other hand it has escalated the risk of copyright infringement. In Indonesia, legal protection of copyright is governed under Law No. 28 of 2014, however, challenges such as limited public awareness, weak enforcement mechanisms, along with the borderless nature of the internet have contributed to the persistent prevalence of copyright violations. Comparative analysis with other countries such as the United States and Singapore highlights the urgent need for regulatory enhancement, public education, and the use of technology such as blockchain and Digital Rights Management (DRM) to safeguard digital rights. This article examines the law aspects of copyright protection in the digital era, analyzes the existing regulatory framework, and explores practical solutions aimed at establishing a more adaptive and effective copyright system amidst rapid technological advancements

Keywords: *Digital Era, Copyright, Protection of Intellectual Property Rights*

A. INTRODUCTION

The digital era is a period where life is experiencing a rapid growth towards a digitized shape. The growth of technology has brought profound changes towards the human existence. This phenomenon is instinctively tied towards the inherent nature of humanity, which keeps searching for innovation to make all aspects of life more effective and practical. Such development has permeated in numerous sectors, including Intellectual works. Today, creative works can now be turned into a digitized form such as music, films, e-books, images and various other forms. The easy access towards these works have brought both positive and negative effects. According to Article 1 paragraph (1) of Law Number 28 of 2014 on Copyright, it states that copyright is an exclusive right of the creator, which arises automatically based on the declarative principle once a work is manifested in a tangible form, without prejudice to any limitations prescribed by statutory regulations (JDIH DGIP, 2020). Copyright infringement occurs when another party exploits the exclusive rights of the copyright holder without permission, such as through privacy, usage of an image without permission, the duplication of books, and the distribution of illegal digital content.

The objective of copyright as an primary component of intellectual property rights, is to guard the moral and economic interests of creators arising from their creative endeavors. Copyright protection is a recognition from the country of its citizens' freedom of expression, while simultaneously granting exclusive rights to creators or holders to reproduce their works. According to the data from the Coalition Against Piracy (CAO), 63% of the internet users in Indonesia access pirated content. The characteristics of the internet which, in nature, is borderless facilitates copyright infringement in various parts of the world. As a comparison, the United States of America shows that they have a stricter legal framework and a more robust enforcement mechanism. The U.S. Copyright Act of 1976 affords strong protection to creative works, accompanied by severe penalties for violators. Data from the U.S. Department of Justice indicates that, in 2020 alone, more than 500 copyright infringement cases were adjudicated in federal courts. This comparison underscores that law enforcement and public awareness remain the

primary challenges. Due to that, Indonesia needs to adopt a more comprehensive approach to copyright protection, one that balances the interests of creators with public access to information.

Copyright safeguards must encompass a wide range of legal dimensions, not only emphasizing enforcement but also fostering public awareness of the importance of respecting copyright. Accordingly, this article aims to explore the multifaceted legal dimensions of copyright protection in the digital era, including the challenges faced, the existing regulatory framework, and the necessary efforts to optimize the current legal system but also on enhancing public awareness regarding the importance of respecting copyright. Therefore, this article will explore various legal aspects of copyright protection in the digital era, including the challenges encountered, the existing regulatory framework, and the necessary efforts to optimize the copyright protection system amid the rapid advancement of digital technology.

B. RESULTS AND DISCUSSION

Technological advancement, particularly the rise of the internet, has ushered in a new phase known as the digital era. This era has materialized through the interconnectivity of computers across the globe, enabling the seamless flow of information across national boundaries. The digital age facilitates effortless global communication between individuals, eliminating geographical and territorial constraints. Beyond that, it also grants individuals unprecedented ease of access to information of their choosing. Technological advancement has had profound implications for the phenomenon of industrialization, significantly driving economic growth within nations. This impact is clearly manifested in the concept known as the “creative economy.” This economic paradigm refers to a series of modern economic activities that place human innovative and creative potential at the core, positioning it as a principal driving force in economic development.

Intellectual Property Rights (IPR) such as patents, copyrights, trademarks, royalties, and industrial designs play a pivotal role as regulatory instruments in the creative economy. The presence of intellectual property holds immeasurable significance in this

economic period, given its reliance on human innovation and creativity as decisive elements. This reliance has catalyzed the emergence of new innovations across various forms, including technology, design, artistic works, and other creative elements. Furthermore, intellectual property has become an essential aspect of human life. This is evident from the fact that IPR originates from human potential and is granted protection and rights encompassing both moral and economic dimensions.

With the appearance of digital and social media, users are now able to exercise their rights with unprecedented freedom across digital platforms, social networks, and beyond. The digital era presents a challenge which is the fact that it facilitates the intentional misappropriation of others' creative works while simultaneously opening new avenues for copyright protection. The process of creating and disseminating works in the digital era differs drastically from the pre-digital age when music, for instance, was only broadcast via radio. Today, digital platforms such as YouTube, Spotify, and TikTok enable anyone to listen to, reproduce, and distribute music globally. While these platforms significantly simplify the sharing and promotion of creative works, they also increase the potential for copyright infringement.

The ease of digital creation and distribution has made violations of intellectual property rights more commonplace. For example, sharing images on social media for commercial purposes without the owner's consent constitutes a breach of copyright. To safeguard the rights of creators, be they composers, authors, filmmakers, graphic designers, software developers, or others, the Indonesian government enacted Government Regulation (PP) Number 1 of 2014 on Copyright Protection. In 2021, the enforcement of Article 56 marked a pivotal moment by establishing mechanisms for the management of copyright and music royalties. This regulation consolidates provisions from Law Number 28 of 2014 on Copyright, which states that copyright is an exclusive right that arises automatically once a creation is manifested in tangible form. In response to the complexities of copyright in the digital realm, new platforms such as Creative Commons have emerged. Creative Commons licensing tools offer a standardized and straightforward way for individuals,

corporations, and institutions to grant usage rights to their creative works. These tools help to balance traditional copyright protections by providing flexible licensing options. Of course, every country adopts its own mechanisms to protect copyright. The following section presents a comparative table outlining copyright protection frameworks in Indonesia, Singapore, and the United States.

In all three countries, comprehensive regulations exist to protect copyright. However, there are notable differences in the severity of sanctions and the supporting systems, such as rights management databases. Indonesia imposes harsher prison sentences, whereas the United States enforces significantly higher monetary penalties for each infringement. U.S. copyright law also allows rights holders to file civil lawsuits in order to seek compensation for damages resulting from intellectual property violations. In contrast, Singapore places greater emphasis on the speed and accessibility of information through the Intellectual Property Office of Singapore (IPOS), which aims to streamline the application and management process for intellectual property rights. By providing an efficient digital platform, IPOS enables individuals and businesses to easily access information regarding copyrights, patents, and trademarks. To prevent copyright violations, all three countries stress the importance of verifying the copyright status and obtaining proper licensing documentation prior to using works protected under copyright law.

Copyright encompasses various aspects, including the creator, the rights holder, moral rights, and the economic rights derived from the work. In the current digital era, the starting point of a copyright infringement on social media platforms can often be determined by examining the intended use of the copyrighted material. Whether it is for non-commercial (personal) purposes or aimed at commercial exploitation. Digital works offer several advantages over traditional formats, such as easier distribution and more immediate public dissemination. However, behind this convenience lies a growing prevalence of copyright violations, leading to an overall increase in the number of infringement cases.

Currently, Indonesia enforces Law Number 28 of 2014 on Copyright as the prevailing positive legal foundation in the field of copyright. The protection of copyright plays a pivotal role in enhancing the value of artistic works and cultivating awareness

within society to more deeply appreciate the efforts of creators for the works they have produced. Copyright protection is intended to establish order in the use of creative works and to provide economic benefit to their creators. Copyright regulation in the digital era has become increasingly relevant, particularly due to technological advancements that facilitate the creation and distribution of works. In Indonesia, copyright protection is governed under Law Number 28 of 2014 on Copyright, which stipulates the rights and obligations of creators and copyright holders. Within Law Number 28 of 2014 itself, there is no implicit or detailed classification of the types of copyright crimes; rather, it contains penal provisions regulated from Article 112 to Article 119 of Law Number 28 of 2014 on Copyright.

Previously, Law Number 19 of 2002 also provided normative guidelines regarding the copyright of digital works. However, with the rapid development of digital media, copyright violations have become increasingly difficult to control. Therefore, the state must ensure legal protection over copyrighted works, especially those in digital format, by enforcing robust regulations. Copyright infringement is governed by Article 113 of the Copyright Law, wherein this provision prescribes criminal sanctions in the form of imprisonment and/or fines for offenders. First, any individual who, without authorization, commits an infringement of economic rights as referred to in Article 9 paragraph (1) letter i for commercial use, may be subject to imprisonment for a maximum of 1 year and/or a fine of up to IDR 100 million. Second, infringement of economic rights as stipulated in Article 9 paragraph (1) letters c, d, f, and/or h for commercial use without the permission of the creator or copyright holder is punishable by imprisonment for up to 3 years and/or a maximum fine of IDR 500 million. Third, infringement of economic rights as referred to in Article 9 paragraph (1) letters a, b, e, and/or g for commercial use, without rights or authorization from the creator or copyright holder, may be subject to imprisonment for up to 4 years and/or a fine of up to IDR 1 billion. Lastly, if the violation as referred to in paragraph (3) is committed in the form of piracy, the perpetrator may be sentenced to imprisonment for up to 10 years and/or fined up to IDR 4 billion. These provisions underscore the importance of legal

protection of copyright to prevent infringement and to safeguard the creator's economic rights.

In the modern era, the implementation of copyright protection faces various challenges due to the evolution of digital technology. In Indonesia, copyright is safeguarded under Law Number 28 of 2014 concerning Copyright, which grants exclusive rights to creators to control the use of their works. However, with the internet enabling rapid and transboundary distribution, the risk of copyright infringement has escalated. To address this, technologies such as Digital Rights Management (DRM) and blockchain are employed to secure digital works by restricting access and ensuring authenticity of ownership. Digital platforms such as YouTube and Instagram have also implemented mechanisms such as Content ID to assist creators in tracking and asserting claims over their content used without authorization. At the global level, international agreements such as TRIPS serve to harmonize copyright protection among nations, thereby supporting the enforcement of law across borders. In addition to legal enforcement, public education regarding the importance of respecting copyright is also essential to raise societal awareness of the ramifications of infringement. Through these efforts, copyright protection is expected to be maintained amid rapid digital advancement. Moreover, the role of government and law enforcement agencies is vital in ensuring that copyright protection remains effective in the digital era. The government must collaborate with various stakeholders, including digital platforms and international institutions, to strengthen protection mechanisms and legal enforcement. Enhancing the technological capacity of law enforcement authorities can also expedite the resolution of copyright infringement cases, particularly on the internet. With the support of robust regulations and cross-sectoral cooperation, copyright protection is expected to become increasingly adaptive to technological progress, thereby fostering a sustainable and healthy creative ecosystem.

Amid the rapid advancement of the digital era, the legal protection of intellectual property rights (IPR) has become increasingly critical. The transformation brought about by digital technology has significantly altered the manner in which information is produced, distributed, and consumed with ease. However, this

convenience simultaneously presents new challenges in safeguarding IPR. One of the primary issues encountered is the rising incidence of copyright infringement, which has surged in tandem with the ease of access to and dissemination of digital content. Furthermore, IPR-related challenges have also emerged in the domains of patents and trademarks. Technology companies are frequently entangled in complex patent disputes, particularly concerning innovations in high-tech sectors such as artificial intelligence and blockchain. One additional layer of security within blockchain technology is the implementation of cryptography, wherein public keys are utilized to identify members within the network. Meanwhile, verifying the authenticity of data is conducted using private keys.

Blockchain utilizes a consensus mechanism, meaning that the more participants exist within a blockchain network, the stricter the verification process becomes, thus making data breaches increasingly difficult to execute. Through the application of blockchain, each work can be equipped with a serial number and watermark, facilitating the identification and verification of original ownership. To strengthen copyright protection in Indonesia, regulations and law enforcement concerning copyright must be reinforced. The imposition of stricter sanctions on violators, whether in the form of fines or imprisonment, holds the potential to serve as a deterrent. In accordance with the provisions in Law Number 28 of 2014 on Copyright, Article 72 stipulates that individuals who infringe upon copyrights may face imprisonment for up to four years or fines up to IDR 5 billion if they intentionally and without permission publish or reproduce a work. Article 113 further regulates that those who distribute, display, or sell works that infringe copyright may be subject to imprisonment for up to five years or a fine of up to IDR 500 million. On the other hand, the government must also prepare efficient resolution mechanisms, such as mediation or arbitration, to reduce the burden on the judiciary and accelerate the resolution process of disputes. Moreover, public awareness regarding the importance of respecting copyright can be enhanced through educational programs, seminars, and workshops that teach how to use content legally. The public is also expected to play an active role in

reporting copyright violations and supporting creators by utilizing their works legally.

C. CONCLUSION

The Indonesian Government and law enforcement agencies need to constantly innovate to strengthen copyright protection, especially in the digital realm. Public awareness and education about the importance of respecting intellectual property rights are also crucial. Collaboration amongst the government, digital platforms, and international institutions is necessary to address global challenges. Although providing robust legal support for the protection of copyrighted works in Indonesia, the implementation of Law Number 28 of 2014 on Copyright still encounters various obstacles in the era of digitalization. The ease of access and distribution channels for digital content culminate in copyright infringements manifested in acts such as piracy and unauthorized use of works. Technologies such as Digital Rights Management (DRM) and blockchain hold significant potential to support efforts in enhancing copyright protection by expanding the authenticity and control of works within the digital domain.

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