

MORAL RIGHTS AND ECONOMIC RIGHTS IN UNAUTHORIZED ARTIFICIAL INTELLIGENCE (AI) TRAINING FROM THE PERSPECTIVE OF COPYRIGHT LAW IN INDONESIA

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Abstract

The development of Artificial Intelligence (AI) heavily relies on training processes that utilize large volumes of data, including data containing copyrighted works. The use of copyrighted works without permission in AI training processes raises potential violations of the moral and economic rights of creators, as stipulated in Indonesia's Copyright Law. This research employs a normative juridical method. The results indicate that violations of moral and economic rights in AI training may harm copyright holders, especially when the outputs derived from such works are used massively, potentially affecting the integrity and economic value of the works. However, Indonesia's Copyright Law has not yet been sufficiently responsive to the advancement of AI, thus legal reform is needed to balance the protection of intellectual property rights with technological progress

Keywords: *Artificial Intelligence, Moral Rights, Economic Rights.*

A. INTRODUCTION

The rapid development of Artificial Intelligence (AI) technology has brought significant changes across various sectors, including the process of creating creative works. The phenomenon of "Ghiblification," which has gained popularity on social media, serves as a clear illustration of this development. This trend involves the use of AI to transform photos into illustrations styled after Studio Ghibli—the legendary Japanese animation studio. However, these creations are not the work of digital artists or animators, but rather the result of AI technology from chatbots like OpenAI's ChatGPT. Users simply input specific commands, allowing them to convert ordinary photos into works with the distinctive Ghibli aesthetic.¹

In developing AI, one of the most crucial aspects is the training or development process, which requires a large volume of data as input. This data is essential for AI to identify patterns, understand context, and generate outputs that align with the information provided by users. However, such data often includes various forms of copyrighted works, such as literary texts, illustrations, digital paintings, music, and videos. The data collection process is typically carried out on a massive scale through techniques like web scraping and crawling, particularly in the development of artificial intelligence systems. In the case of generative AI like ChatGPT, this process involves extracting data from websites to be stored and utilized in its training database.² The AI training process that involves the use of copyrighted data consists of several stages and sources, which potentially give rise to legal issues related to copyright.³ Although the data collected is generally open and publicly accessible, many

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Kompas.com

https://tekno.kompas.com/read/2025/04/02/10540077/kontroversi-foto-jadi-ghibli-pakai-ai-yang-bikin-dunia-animasi-heboh?page=all&utm_source=chatgpt.com accessed on April 3, 2025

² Wijayanti, P. T., & Kharisma, D. B. Web Scraping in ChatGPT Application by Artificial Intelligence (AI)-Based Chatbots Based on Law Number 28 of 2014 concerning Copyright, (2024), *Sovereignty*, 3(2), 114-121. <https://doi.org/10.20961/sovereignty.v3i2.1620>

³ Gema, A. J. The Problem of Using Creations as Input Data in the Development of Artificial Intelligence in Indonesia. *Technology and Economics Law Journal*, 1(1), 1. (2022). DOI: 10.21143/TELJ.vol1.no1.1000

copyrighted works are inevitably absorbed into training datasets without the consent of the creators or copyright holders. This raises the potential for violations of the creators' moral rights to be recognized as the authors and to preserve the integrity of their works, as well as their economic rights, which entitle them to financial benefits from the use of their creations.⁴ Through this data collection process, the AI model then learns the patterns within the works in order to generate new content that, in terms of substance or visual style, may resemble the original creations.

The growing number of lawsuits against AI development companies in various countries serves as evidence that unauthorized AI training practices have caused real harm to copyright holders. One notable case is *Andersen v. Stability AI*, which highlights the importance of copyright protection in the development of Artificial Intelligence (AI). In this lawsuit, a group of visual artists accused AI companies such as Stability AI, Midjourney, DeviantArt, and Runway AI of using their works without permission to train AI-based image generation systems. They claimed that these AI models unlawfully stored "compressed copies" of their works, which were then used to generate new images that potentially infringe on their copyrights. Although some claims, such as unjust enrichment and breach of contract, were dismissed, the core claims regarding copyright infringement and trademark violations were allowed to proceed by the court.⁵ In addition, the advancement of AI also poses a threat to the sustainability of creative industries, as AI-generated works have the potential to imitate or incorporate elements from original copyrighted works used in training without providing any compensation to the original creators.⁶

In line with this, several recent legal studies have highlighted a normative gap in Indonesia's legal system regarding the use of copyrighted works and data in AI training. One such study by

⁴ Law Number 28 of 2014 concerning Copyright.

⁵ <https://www.bakerlaw.com/andersen-v-stability-ai/> accessed on April 5, 2025

⁶ Febryanti, S. B. Analysis of Legal Regulations in the Use of Artificial Intelligence (AI) Technology in the Business Environment. *Journal of Res Justitia: Journal of Legal Sciences*, 5(1), 217-228. (2025). <https://doi.org/10.47709/digitech.v4i1.3696>

Ardhiansyah and Rachmatillah, titled “*Web Scraping in ChatGPT Applications by Artificial Intelligence-Based Chatbots Under Law Number 28 of 2014 on Copyright*,” examines the practice of web scraping as a method of data collection in AI training, which also has the potential to violate copyright laws and ethical standards of data use in digital spaces.⁷ Another relevant study is by Rafly Nauval Fadillah, titled “*The Protection of Intellectual Property Rights in Artificial Intelligence (AI) from the Perspective of Copyright and Patent Law*,” which highlights the absence of specific regulations within Indonesia’s legal system governing copyright responsibility in AI systems.⁸ Both studies demonstrate that Indonesia currently lacks adequate legal instruments to respond to the advancement of AI technology, particularly in terms of protecting intellectual works and data used without authorization in training processes..

In Indonesia, Law Number 28 of 2014 on Copyright emphasizes the importance of obtaining permission for the use of copyrighted works by third parties. However, its implementation in the context of emerging technologies such as AI remains unclear. On the other hand, AI training using data that includes copyrighted works without the creators’ consent also threatens the respect for both moral and economic rights. The absence of clear standards regulating the use of creative works and personal information for machine learning has created a legal grey area that may harm creators and data owners. Therefore, further studies are needed to analyze the extent to which AI development training can be classified as a violation of moral and economic rights, and to formulate legal policy directions that can balance the protection of intellectual property rights with the promotion of technological innovation in a fair and responsible manner.

The method used in this writing is normative juridical or statute-based approach.⁹ The statute approach is understood as an approach

⁷ Op.cit. Wijayanti, P. T., & Kharisma, D. B (2024)

⁸ Rafly Nauval Fadillah. "Protection of Artificial Intelligence (AI) Intellectual Property Rights from the Perspective of Copyright and Patents". *Das Sollen: Journal of Contemporary Studies of Law and Society* 2 (02). 2024. <https://journal.forikami.com/index.php/dassollen/article/view/745>.

⁹ Irwansyah, A. Y. *Legal Research Choice of Article Writing Methods & Practices* (Revised Edition). *Yogyakarta: Mirra Buana Media*, (2021). *Ec*, 4.p. 133

that focuses on examining laws and regulations, particularly when there are normative shortcomings or when the legal norms tend to foster deviations, whether in technical aspects or in practical implementation. This research aims to analyze the legal implications of AI training that uses copyrighted works without permission, in relation to the moral and economic rights of creators, from the perspective of copyright law in Indonesia.

B. RESULTS AND DISCUSSION

1. Moral Rights and Economic Rights from the Perspective of the Copyright Law

Copyright is an exclusive right granted to creators over their works in the fields of science, art, and literature, which arises automatically based on the declarative principle once the work is manifested in a tangible form.¹⁰ Article 4 of Law Number 28 of 2014 on Copyright (UUHC) stipulates that the exclusive rights in copyright consist of moral rights and economic rights. Article 5 of the UUHC states that moral rights are personal rights inherently attached to the creator. The existence of moral rights is intended to ensure recognition of the creator as the legitimate legal subject of a work and to safeguard the integrity and reputation of the creator against the public use of the work. According to Article 5 of the UUHC, moral rights include the right to be acknowledged or not acknowledged as the creator, to use a pseudonym, to make reasonable alterations to the work, to change the title, and to protect the work from any distortion, mutilation, or modification that may harm the creator's honor or reputation.

The protection of moral rights is not limited by time for as long as the copyright protection period of the work remains in effect. These rights also serve to protect the personal interests of the creator, particularly their reputation and the identity relationship with their

¹⁰ Jaman, U. B., Putri, G. R., & Anzani, T. A. The urgency of legal protection of digital copyrights. *Rechten Journal: Legal and Human Rights Research*, 3(1), 9-17. (2021). <https://doi.org/10.52005/rechten.v3i1.22>

work.¹¹ The Copyright Law (UUHC) also stipulates that creators must understand copyright management and electronic information aspects in order to protect their moral rights, as regulated in Articles 6 and 7. Violations of moral rights may occur through unauthorized alterations, including translations, adaptations, or publications that deviate from the original form of the work. In contrast to economic rights, which are commercial in nature, transferable, and serve as a basis for deriving financial benefits from a work, moral rights are non-transferable and remain with the creator even when the economic rights have been assigned to another party.¹² Moral rights ensure the recognition of the creator and protect the work from uses that may harm the creator's reputation or image.

In the context of technological developments in Artificial Intelligence (AI), new challenges have emerged regarding the protection of moral rights. The datasets used in AI training are often derived from copyrighted digital works, which directly violates the principle of respecting the creator's identity. It is important to note that under the Copyright Law (UUHC), AI is not recognized as a legal subject and therefore cannot be regarded as a creator.¹³ However, AI-generated works often involve human contributions in the form of training, instructions, or programming. In such cases, moral rights remain attached to the human individuals involved in the creative process. If the work is created within an employment relationship or under the direction of a corporation, legal responsibility and rights over the work may be associated with the concept of *vicarious liability*, which attributes liability to the business entity operating the AI.¹⁴ With the attachment of moral rights to the

¹¹ Irpan, M. (2024). Juridical Analysis of Copyright Infringement in a Digital Context. *Indonesian Journal of Legal Traces (JHI)*, 1(1), 18-32

¹² Ibid.

¹³ Singarimbun, F. I. Legal implications of the use of AI in graphic arts on intellectual property rights. *JPPI (Indonesian Journal of Education Research)*, 10(3), 886-893. (2024). <https://doi.org/10.29210/020243889>

¹⁴ Rama, B. G. A., Prasada, D. K., & Mahadewi, K. J. The Urgency of Regulating Artificial Intelligence (AI) in the Field of Copyright Law in Indonesia. *Journal of Law*, 12(2), 209-224. (2023). <https://doi.org/10.56013/rechtens.v12i2.2395>

human developer or owner of the AI, legal responsibility for the resulting work is also inherently attributed to them.

Meanwhile, economic rights under the copyright legal system refer to the rights that grant the holder the authority to obtain financial benefits from the exploitation of a work. This concept is normatively regulated in Article 1 point 1 of Law Number 28 of 2014 on Copyright (UUHC), which affirms that economic rights are an integral part of the legal protection of intellectual works. Although copyright arises automatically once a work is embodied in a tangible form based on the declarative principle, effective enforcement of economic rights requires registration with the Directorate General of Intellectual Property (DJKI). Such registration not only provides administrative legitimacy but also strengthens the legal standing of the right holder in asserting their economic rights.

The scope of economic rights, as stipulated in Article 9 paragraph (1) of the Copyright Law (UUHC), covers various forms of utilization of a work, including publication, reproduction in any form, translation, adaptation, arrangement, transformation, distribution, performance, communication to the public, and rental of the work. Each of these uses requires authorization from the holder of the economic rights and may not be carried out unilaterally by other parties. In addition to the creator, economic rights may also be held by third parties through rights transfer or in the capacity of related rights holders.¹⁵ Related rights provide protection to individuals or legal entities involved in the distribution or dissemination of works, such as website administrators, digital platform providers, online publishers, and electronic libraries. In this context, although they are not the original creators of the works, they are entitled to economic benefits based on the transfer of rights from the creator or previous rights holder. However, in current AI training practices, web scraping activities conducted by AI to collect data from websites have the potential to infringe upon the copyright of website owners, as such data may involve protected works under the Copyright Law (UUHC). This act may be categorized as

¹⁵ Gerungan, a. Transfer of Economic Rights to Copyright According to Law Number 28 of 2014 concerning Copyright. *Lex Privatum*, 4(2). (2016).

unauthorized reproduction, which violates the economic rights of the copyright holder as regulated under Article 9 paragraph (1) of the UUHC. In AI training practices, these rights are often disregarded, as works are massively utilized as training data without compensation. This constitutes a form of covert exploitation of the creator's works, which may later be monetized by AI developers or third parties. In fact, every form of use mentioned in Article 9 explicitly requires the authorization of the rights holder.

The absence of specific regulations governing the use of copyrighted works in AI training creates a legal grey area that disadvantages creators. The Indonesian Copyright Law (UUHC) has yet to address practices such as web scraping or text data mining for technological purposes, even though violations of both moral and economic rights clearly occur in practice. Therefore, strengthening the regulation of moral and economic rights in the context of AI technology is crucial to achieving a balance between legal protection for creators and the encouragement of digital innovation.

2. AI Training in Developing Visual Styles Without Authorization

From a copyright law perspective, the party responsible for training and developing Artificial Intelligence (AI) systems is generally regarded as the copyright holder of the works produced by such systems. However, a significant portion of the data used in the machine learning process consists of copyrighted works—such as images, music, videos, and texts—which are utilized as part of the training datasets. The use of these works without proper authorization may constitute a violation of the creator's economic rights, as it falls within the categories of reproduction and use for specific purposes without compensation or permission. Pursuant to the provisions of Article 4 paragraph (1) of Law Number 28 of 2014 concerning Copyright (Indonesian Copyright Law), the copyright holder bears full legal responsibility and may be held liable if the AI-generated work is later proven to infringe upon the copyright of another party.

In the practice of developing generative artificial intelligence (generative AI), such as text-to-image models (e.g., DALL·E, Midjourney, or Stable Diffusion), the training process is carried out

using a method known as *web scraping*—the automated collection of data from various online sources. The datasets involved often include billions of images scraped from digital art platforms, artist portfolios, online galleries, and social media, frequently without the explicit consent of the original creators. These images are used to train AI models to recognize and replicate visual patterns, including distinctive artistic styles such as the unique aesthetics of Studio Ghibli.

This process is generally conducted without permission, attribution, or compensation to the original creators. The images serve as training material that enables the model to produce new works imitating specific visual styles. Although *visual style* per se has not yet been explicitly recognized as a protected subject matter under copyright law, it constitutes a part of the creator's expressive output. When AI systems are able to replicate highly specific styles such as the iconic visual aesthetic of Studio Ghibli and such outputs are distributed or commercialized at scale, it can be argued that the expressive content has been indirectly reproduced by the AI system.

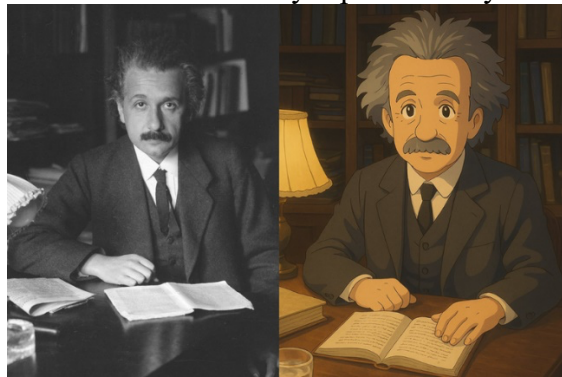


Figure 1. Examples of engineering the use of ChtGPT's artificial intelligence

(source: Kompas.com)

The image compares an original photograph of Albert Einstein with an AI-generated illustration rendered in the style of Studio Ghibli. However, behind the aesthetic appeal of this creation lies a fundamental question regarding the moral rights over the visual art style being reproduced. Although the illustration does not directly

copy any specific work from Studio Ghibli, it explicitly imitates the aesthetic characteristics long associated with Studio Ghibli's distinctive visual style—such as facial proportions, character design, coloring techniques, lighting composition, and the warm ambiance of the background. This transformation is not merely an artistic interpretation of a work, but rather a form of stylistic imitation that carries uniqueness and economic value.

From the perspective of moral rights, the creation of such a visual style essentially constitutes a violation of the principle of respect for the creator's identity especially considering that the AI model was trained using a large dataset that included Ghibli's works without explicit permission. Although, from a legal standpoint, visual style is not yet explicitly recognized as a subject of copyright protection, the massive imitation by AI blurs the line between inspiration and infringement. This, in turn, can diminish both the economic value and recognition of original artistic works.

Observing the phenomenon of imitating the distinctive visual style of copyrighted works from the perspective of moral rights, the creator or owner of the visual style is no longer acknowledged or credited as the primary source of inspiration. This potentially violates the principle of respect for the creator's identity and contribution. Moreover, since AI generates “new” images that are based on a specific creator's style, a form of dissociation arises between the work and its original creator.

From the standpoint of economic rights, the training of AI using an artist's work for free and without consent results in economic benefits for AI developers and end-users alike such as paid illustrations, product designs, or commercial content without any profit being returned to the originator of the style. This clearly contradicts the principle of exclusivity in economic rights and, in essence, constitutes a form of exploitation of the creative work's value.

From the perspective of Indonesian law, this situation raises concerns, as the substance of copyright protection is no longer sufficient to address the current dynamics of AI technology. Copyright under Law Number 28 of 2014 was designed to protect against direct copying, but it has yet to encompass the practice of AI training based on machine learning using massive digital data sets. In

the absence of new regulations, web scraping activities for AI training risk undermining the legal authority of creators and opening the door to widespread exploitation. This phenomenon also impacts the creative ecosystem in Indonesia, where many local digital artists whose works are available on platforms such as ArtStation, DeviantArt, or social media are potentially being used in global AI training datasets without their knowledge or consent

3. The Development of Copyright Law Jurisdictions in Several Countries

In examining the practice of artificial intelligence (AI) training using visual data from the internet without the explicit permission of the owner of the work, it is important to refer to the legal approaches that have been developed in various jurisdictions. In the EU European Union, the regulation of AI training through text and data mining (TDM) techniques is explicitly regulated. (TDM) techniques are explicitly regulated in Directive (EU) 2019/790 on Copyright in the Digital Single Market.¹⁶ Article 3 of this Directive provides a text and data mining (TDM) exception for scientific research purposes conducted by authorized institutions, but this is limited to a non-commercial context. Meanwhile, Article 4 opens the possibility for TDM to be used for commercial purposes, but it grants copyright holders the right to explicitly prohibit (opt-out of) the use of their works. Thus, the European Union firmly places control in the hands of rights holders to determine whether their works may be used in AI training, while also demanding transparency and accountability from AI developers in respecting such prohibitions.

Unlike the European Union, the legal system in the United States relies more heavily on the doctrine of *fair use* as outlined in 17 U.S.C. § 107 of the Copyright Act of 1976. The *fair use* principle evaluates four key factors:¹⁷ The purpose and character of the use, the nature of the work used, the proportion of the work taken, and the economic

¹⁶ <https://eur-lex.europa.eu/eli/dir/2019/790/oj/eng> accessed on April 4, 2025

¹⁷ <https://www.copyright.gov/fair-use/#:~:text=Section%20107%20of%20the%20Copyright,may%20qualify%20as%20fair%20use.> diakses pada 4 april 2025

impact on the market for the original work are all factors considered. In this context, the training of AI using online images is often claimed to be a form of transformative use that may qualify as *fair use*.

However, the lawsuit *Andersen v. Stability AI Inc.* (2023) illustrates a growing resistance to this narrative. The plaintiffs, composed of professional visual artists, argued that training AI models on their copyrighted works without permission constitutes copyright infringement and results in derivative works that directly compete in the digital art market.¹⁸ Although the United States does not recognize moral rights as comprehensively as jurisdictions in Europe, this lawsuit demonstrates that unauthorized use of copyrighted works in AI training can cause significant harm to rights holders.

Meanwhile, in Japan, its copyright legal system is governed by the Copyright Act of Japan (Act No. 48 of 1970, last amended in 2023). Japan is among the countries that have provided legal space for the development of AI, particularly through the 2018 amendment which introduced specific provisions regarding the use of copyrighted works for data analysis, including AI training. Under Article 30-4 of the Act, the use of copyrighted works without permission for the purpose of information analysis (including AI training) is allowed, as long as the use does not aim to exploit the creative content itself and the outcome does not infringe upon the legitimate economic interests of the copyright holder.¹⁹ Although this regulation appears permissive, Japan still emphasizes the importance of protecting the moral rights of creators and imposes limitations on the use of AI to prevent it from generating outputs that explicitly imitate or replicate original works in their entirety.

On the other hand, Indonesian copyright law, as stipulated in Law Number 28 of 2014 on Copyright, does not specifically regulate AI training or the use of works for text and data mining. However, the principles of protection for moral rights (Article 5) and economic

¹⁸ <https://www.loeb.com/en/insights/publications/2023/11/andersen-v-stability-ai-ltd> diakses pada April 4, 2025

¹⁹ Ismantara, S., & Silalahi, W. (2025). The Lawfulness of Using Copyrighted Works for Generative AI Training: A Case Study of a US Lawsuit against OpenAI and Perplexity AI. *JUSTISI*, 11(1), 141.

rights (Articles 8 to 16) can serve as a legal basis for assessing potential violations arising from AI training practices. The mass replication of distinctive styles from visual works by AI, especially when done without attribution, has the potential to infringe upon the creator's moral right to maintain the integrity and recognition of their work. Moreover, the creator does not receive any economic benefit from such use, despite the fact that the imitated visual style can be monetized by AI users or developers.

Thus, Indonesia requires an updated legal framework to respond more adaptively to the development of AI technology and to protect the interests of creators in the digital context. This overall analysis affirms that unauthorized AI training using visual works not only exists within a legal grey area, but also poses real and transnational risks to the moral and economic rights of creators

C. CONCLUSION

The practice of training Artificial Intelligence (AI) using copyrighted works without the explicit permission of the rights holders poses significant risks to the protection of both moral and economic rights of creators. Moral rights are violated when AI systems replicate the distinctive style of a work without proper acknowledgment or authorization from its originator. Meanwhile, economic rights are infringed upon through the exploitation of such works by AI developers and third parties, especially when used on a large scale, potentially diminishing the economic value of the original creations. This practice directly contradicts Indonesia's Copyright Law, although the current legislation remains insufficient to proactively address the technological advances of AI and safeguard creators' interests in the digital era. Therefore, an adaptive legal reform is urgently needed—one that specifically regulates AI training practices, including mandatory attribution, data transparency, and compensation mechanisms for creators. Such reforms are essential to maintain a fair balance between the protection of intellectual property rights and the advancement of technological innovation.

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https://tekno.kompas.com/read/2025/04/02/10540077/kontroversi-foto-jadi-ghibli-pakai-ai-yang-bikin-dunia-animasi-heboh?page=all&utm_source=chatgpt.com

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