



***COPYRIGHT PROTECTION IN THE DIGITAL AGE: AN ANALYSIS OF
CIVIL LAW IN INDONESIA***

Rizal Dwi Jayanto

Universitas Merdeka Malang, Jawa Timur, Indonesia

Email: rizaldeje33@gmail.com

ABSTRAK

Civil law is a private law that regulates individuals in a country, especially in Indonesia which is a state of the law has provided legal regulation and certainty for all people in it by enacting laws or regulations related to civil law, civil law that regulates the rights of citizens has a wide scope in Indonesia, can be in the form of land law, company law, business law, inheritance law, and various other branches of civil law including civil law that regulates copyright, however, the question arises even though Indonesia is a legal country that has specifically regulated civil law, especially about copyright, whether then civil law in Indonesia has provided strong enough protection for copyright where in this modern era all Aspects have grown rapidly, including about copyrights that can be violated by using the internet or digital which has made it easier for various kinds of access to be done. This research is carried out using a normative method where researchers will use literature law materials as the main analysis material to be used as an analyst knife, in the literature legal materials in legal research the main source is laws and regulations that are currently in positive force in Indonesia. The results showed that civil law in Indonesia has provided sufficient protection for copyright, however, along with the times, violations committed will also develop in different modes, therefore legislators in Indonesia should not just sit back, they must follow the latest developments and information to anticipate a legal vacuum that can be used as an opportunity for violations against copyright.

Keywords: *Legal protection, copyright, Civil law.*

INTRODUCTION

Civil law is one of the main branches of the legal system in Indonesia that regulates relations between individuals in society. It is an important element in the legal structure of the country and plays a central role in regulating contracts, property rights, and copyrights.

Civil law is a part of private law that governs legal relations between individuals and legal entities in Indonesia. It covers various aspects of daily life, such as contracts, inheritance, marriage, divorce, and copyright protection. Civil law in Indonesia is based on Roman and Dutch legal principles introduced during the colonial period. This means that civil law in Indonesia has deep roots in European legal history (Muhtarom, 2014).

Civil law distinguishes between legal subjects who are entitled to perform legal actions, such as contracts, and subjects who are subject to liability. It also regulates the possession, transfer, and

restriction of individual rights in various legal situations. Due to its wide scope, civil law is highly relevant in everyday life and business in Indonesia.

The history of civil law in Indonesia reflects the influence of colonialism and attempts to blend European legal principles with traditional Indonesian culture and legal systems. Civil law was first introduced in Indonesia during the Dutch colonial period. Dutch law was applied unilaterally by the Dutch colonial government. However, after Indonesian independence in 1945, Indonesian civil law began to develop independently. Several changes and improvements were made to accommodate Indonesia's diverse culture and legal system (Sugiantari, 2015).

Civil law in Indonesia has undergone many developments since independence. For example, the Constitution of the Republic of Indonesia Year 1945 (UDN NRI 1945) is the constitution of Indonesia and provides the legal basis for the civil law system. It includes the principles of human rights and justice that became the foundation for the development of civil law. In addition to the civil law left by the Dutch colonial government, Indonesia also has an Islamic civil law system that applies to the Muslim community (Suganda, 2019) This reflects the pluralism of law in Indonesia.

Furthermore, Copyright is an important element in civil law, and recent developments regarding copyright in Indonesia are very relevant. Copyright protects artistic and creative works from unauthorized reproduction, distribution, and use. Indonesia has Law Number 28 of 2014 concerning Copyright, which provides a legal framework for copyright protection.

Copyright protection is an integral part of civil law in Indonesia. Copyright is the exclusive right of the copyright holder to reproduce, distribute, and communicate the copyrighted work. This right protects works of art, music, literature, and other creative works. Copyright in Indonesia is regulated by Law Number 28 of 2014 concerning Copyright. This law provides a legal basis for copyright protection and regulates such matters as the validity period of copyright, acts of copyright infringement, and sanctions for infringers.

Copyright gives the copyright holder control over his work and gives him the right to earn royalties from the use of his work by others. Therefore, civil law in Indonesia plays an important role in protecting the rights of copyright holders and ensuring that creative works are valued and respected (Lalamentik, 2018). The digital age and the internet have changed the copyright landscape significantly. The use of digital content, such as music, movies, and electronic books, has increased tremendously. This brings new challenges to copyright protection.

The digital age and the internet have changed the way copyright is applied, perceived, and confronted. Various dynamics that may or are being faced by copyright owners in this digital and internet age include Rapid Reproduction and Distribution where digital Content can be quickly reproduced and distributed, which allows rapid and widespread dissemination (Ramli, Ramli, Permata, Wahyuningsih, & Mutiara, 2020). This creates challenges in controlling unauthorized distribution and piracy. Easy Content Sharing, where internet users can easily share content, such as music, video, and text, through various social and file-sharing platforms. This creates a greater potential for copyright infringement.

Identification Challenges: Identification of copyright infringement can be difficult in a vast digital environment. Tracking down the source of violations, such as illegal downloads or unauthorized distribution of content, requires sophisticated tools and techniques. **Digital Business Models:** Business models in the creative industries are changing significantly. Streaming music, video, and other digital content have replaced traditional business models, changing the way revenue is earned and shared between creators, record companies, and platform providers.

Digital Licenses and Agreements: Copyright involves complex licensing in a digital environment. Contracts and agreements need to be updated to cover digital uses, such as online video-sharing licenses or music streaming. **Open Content:** The open content movement has encouraged open access to information and works. This creates pressure on business models that rely on copyright, such as scientific publishing and traditional media.

After seeing these challenges and dynamics, here we describe some of the weaknesses that are often faced in the world of copyright in the digital and internet era we face today:

1. **Piracy and Online Copyright Infringement:** The ease of distributing digital content over the internet has fueled an increase in piracy and copyright infringement. This creates pressure on copyright holders to identify and confront these violations (Ningsih & Maharani, 2019).
2. **Digital Trade in Goods and Services:** The concept of electronic commerce and online business has changed the way businesses operate. It also requires civil law to adapt to the challenges associated with copyright in digital transactions.
3. **Business Model Changes:** Business models in the entertainment industry, such as streaming music and video, have changed the way earnings from copyrights are earned and shared. This requires civil law to accommodate such changes.
4. **Difficulty in Enforcement:** Copyright enforcement in a digital environment is often complex and requires large resources. Identification of infringement and online court of copyright infringement can be difficult.
5. **Loss of Income:** Copyright holders often suffer financial losses due to illegal use of content. Especially, artists, writers, musicians, and other creators may struggle to earn a decent income.
6. **Unbalanced Business Models:** In some cases, business models in the creative industries don't always benefit creators. Earnings are often distributed unevenly, with big tech companies getting the bulk of the revenue.
7. **Limitations of Copyright Protection in Developing Countries:** In some developing countries, copyright protection may be weaker, which can create additional challenges in combating copyright infringement.

These weaknesses create an imbalance in copyright protection and the protection of the interests of creators and copyright holders. Strong and effective copyright is key to driving innovation, creativity, and investment in the creative industries, but the challenges of the digital age require the right balance between copyright and access to information and copyrighted works.

As technology evolves and user behavior changes, copyright regulations must constantly adapt to respond to these changes. Therefore, this study will examine to what extent civil law

provides strong protection of copyright, with the formulation of the problem of whether Indonesian civil law provides adequate protection for copyright in the digital and internet era. Seeing that Indonesia is still a developing country that does not have strict discipline and law enforcement.

RESEARCH METHODS

The author in this situation applies normative legal research methods where the author will conduct in-depth research and analysis of secondary data that includes the main legal material and supporting materials in the form of laws, regulations, and literature related to the issue being researched, especially in the context of civil law protection of copyright in Indonesia (Soekanto, 2007).

Normative legal research is an approach in legal research that aims to analyze law theoretically based on existing regulations and norms, without the involvement of empirical aspects such as observation or interviews. In the context of copyright protection in the digital era, normative legal research will focus on the analysis of civil law in Indonesia relating to copyright in the digital environment. Here are the main steps and elements in normative legal research methods related to this topic, first the author will Identify Regulations and Norms: The first step is to identify relevant legal regulations related to copyright in Indonesia, including Law Number 28 of 2014 concerning Copyright. In addition, you also need to identify other relevant regulations and policies governing aspects of copyright in the digital age.

Next Understanding of Copyright Concepts: the author will interpret and understand the basic concepts of copyright, including the rights and obligations of copyright holders, protected rights, copyright limits, and protections provided by civil law related to copyright. Then the author will analyze how civil law in Indonesia protects against copyright infringement in the digital era. This includes legal action that can be taken by a copyright holder if his or her copyright is infringed. Finally, the authors will end this study with a conclusion that summarizes the main findings in the analysis of civil law related to copyright in the digital age. Also, where relevant, present workable recommendations to improve copyright protection in the digital environment.

RESULTS AND DISCUSSION

In Indonesia, copyright is regulated by Law Number 28 of 2014 concerning Copyright which is hereinafter abbreviated as UUHC. This law regulates various aspects of copyright, including copyright terms, copyright validity periods, rights and obligations of copyright holders, and acts of copyright infringement and sanctions. The growth of intellectual works as a component of intellectual property rights derived from human creations gives rights to creators, known as copyright.

In general, we can identify related to the definition of copyright according to existing laws and regulations in Indonesia, this is regulated in Article 1 paragraph (1) of the UUHC which describes the definition of copyright, which is as follows: "Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in tangible form without prejudice to restrictions by the provisions of laws and regulations."

Copyright comes from the results of human thought in the fields of science, art, and literature. Copyright automatically appears at the time a work is created. This is a personal right inherent to the creator, and this right is private. This is because the work is a product of the imagination and creativity of the individual creator. Copyright must come from human innovation, not from pre-existing objects or concepts outside of human creation (Saidin, 2015).

Civil law in Indonesia has played an important role in regulating copyright-related licenses and contracts. Copyright holders often have to enter into agreements with other parties, such as distributors or producers, to regulate the use of their work. Civil law provides a framework for the negotiation and execution of this agreement.

Copyright is a natural right, has absolute characteristics, and gets full protection as long as the creator is alive and a few years after the creator's death. In copyright law, the protection period after the death of the creator is 70 years. As an absolute right, this right is defensible against anyone, and the right holder has the right to prosecute any violation committed by any party.

These rights are codified into two groups, namely as stipulated in Article 4 of the UUHC states that exclusive rights consist of moral rights and economic rights. Moral rights are non-transferable rights, such as the right to prohibit making changes to the work, Economic rights Are transferable rights, such as the right to promulgation and the right to reproduce

This has been regulated in the UUHC where Economic Rights are regulated in articles 8 to 11 of the UUHC and Moral Rights are regulated in article 5 paragraph (1) of the UUHC. Referring to the rule, the protection of exclusive rights in a legal configuration that includes moral rights and economic rights guarantees each Creator. Moral rights themselves include two main things, namely the right of paternity and the right of integrity. The right of paternity is the right to include or mention the name of the Creator in his Work as contained in Article 5 paragraph (1) letters a and b of the UUHC. Meanwhile, what is meant by the right of integrity is the attitude and treatment related to the integrity or dignity of the Creator as regulated in Article 5 paragraph (1) letter e of the UUHC (Indirakirana & Krisnayanie, 2021).

Indonesia is a member of various international treaties governing copyright. These include the TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights) administered by the World Trade Organization (WTO). Through this agreement, Indonesia is committed to providing protection equivalent to international standards for copyright.

Digital industries, such as social media, music streaming, and video, are heavily dependent on copyright. Civil law plays an important role in regulating contracts and licenses in this sector. Many digital companies have to enter into agreements with copyright holders to use their content. This includes royalty payments and other legal arrangements.

Copyright protection in Indonesia covers various aspects, such as the protection of reproduction, distribution, and communication of copyrighted works. The Copyright Act also provides for the protection of copyright translations, adaptations, and derivative works. This reflects Indonesia's commitment to protecting the rights of copyright holders in a variety of situations.

Indonesia's Copyright Law provides sanctions and penalties for copyright violators. This includes fines and criminal penalties that can be imposed on violators. These sanctions aim to prevent copyright infringement and provide incentives to individuals and companies to comply with the law (Munawar & Effendy, 2016).

Where the punishment that can be received by the copyright violator is one of them is regulated in Article 112 of the UUHC which stipulates that any person without the right to commit acts as referred to in Article 7 paragraph (3) and/or Article 52 for Commercial Use, shall be punished with a maximum imprisonment of 2 (two) years and/or a maximum fine of Rp. 300,000,000. (three hundred million rupiah). Other copyright violations are further regulated in Article 113 to Article 119 of the UUHC.

Copyright protection is one of the key aspects of civil law in Indonesia. Copyright protects artistic and creative works from unauthorized use and gives the copyright holder control over his or her work. In the digital age, the challenges of online copyright infringement and changing business models have changed the landscape of copyright protection. Civil law must constantly evolve to address these challenges. Looking at the criminal sanctions against copyright violators regulated in the UUHC mentioned above, it is seen that Indonesian civil law has provided sufficient legal protection for creators who have both moral and economic rights that can be transferred to others.

Indonesian copyright law has included dispositions related to security technology in its articles, which can be found in Law No. 28 of 2014 on Copyright. However, the regulations in this copyright law have not explained in detail the methods of using and applying security technology.

The application of methods of use and application of security technology in Indonesia which is also regulated in the UUHC has strengthened confirmation that civil law in Indonesia has provided strong enough protection for creators, where the use of security technology as copyright protection for moral rights is regulated in Articles 6 and 7 of the Copyright Law and the use of security technology as copyright protection for economic rights is regulated in articles 52 and 53 of the Copyright Law (Simatupang, 2021).

Article 6 of the UUHC states that To protect moral rights as referred to in Article 5 paragraph (1), the Creator may have:

- a. Copyright management information; and/or
- b. electronic information Copyright

Furthermore, article 7 of the UUHC states:

- a. Copyright management information as referred to in Article 6 letter a includes information about a. methods or systems that can identify the originality of the substance of the Work and its Creator; and b. information codes and access codes.
- b. Copyright electronic information as referred to in Article 6 point b includes information about:
 - a. a Work, which appears and is embedded electronically in connection with the Work Announcement activity;
 - b. the author's name, alias, or pseudonym;
 - c. Creator as Copyright Holder;
 - d. the period and conditions of use of the Work;
 - e. number; and
 - f. information codes.

- c. Copyright management information as referred to in paragraph (1) and copyright electronic information as referred to in paragraph (2) owned by the Creator are prohibited from being removed, altered, or damaged.

In the era of digital business, civil law plays an important role in regulating copyright-related contracts and licenses. This is important in creative industries, such as music streaming, which rely heavily on copyright. Copyright protection also includes copyright translations and adaptations, which are relevant in the context of globalization. Thus, the civil law that has regulated copyright protection which is then strengthened by the use of security technology has been strong enough to provide a very protected position for copyright holders in Indonesia.

Overall, civil law in Indonesia plays an important role in protecting the rights and interests of individuals and legal entities in various legal situations. In the evolving digital era, civil law must continue to adapt and evolve to maintain its relevance in protecting copyright and the interests of the Indonesian people, including in terms of providing regulations related to these security technologies.

CONCLUSION

Civil law in Indonesia has provided strong protection for copyright in Indonesia, this can be affirmed by the existence of Law Number 28 of 2014 concerning Copyright which defines copyright, its terms and even provides arrangements related to the protection of copyright owners, that it is also regulated about compensation in case of copyright infringement, and it is regulated about criminal penalties in case of copyright infringement as known in the UUHC has been regulated in Articles 112 to Article 119 in this regard.

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