

COPYRIGHT INFRINGEMENT IN THE DIGITAL ERA: LEGAL AND TECHNOLOGICAL APPROACHES

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Abstract

Copyright infringement is the use of a work without the permission of the copyright holder, which violates the exclusive rights of the creator as stipulated in Law Number 28 of 2014 concerning Copyright. In the digital era, the risk of copyright infringement increases in line with the rapid development of information and communication technology. This study uses normative juridical methods to analyze the legal protection of copyright on digital platforms, especially TikTok. The results of the study show that there is still uncertainty in existing regulations, as well as weak law enforcement against copyright infringement on the platform. Case studies such as Virgoun's lawsuit against TikTok and alleged plagiarism by Rico Dwi Cahyono underscore the challenges of protecting copyright in the digital age. This research suggests the need for clearer regulatory revisions and increased legal awareness among users.

Keywords: Copyright Infringement, Intellectual Property Rights, Copyright

INTRODUCTION

Copyright law is becoming increasingly important in the digital era due to the rapid development of information and communication technology that has changed the way creative works are produced, disseminated, and consumed. The Internet, mobile devices, and content-sharing platforms have made it easier to disseminate information and creative works, but they also increase the risk of copyright infringement. Works such as copyrighted music, films, writings, and visual arts can be easily downloaded, copied, and distributed without permission, to the detriment of creators and copyright holders. In Indonesia, copyright protection is regulated in Law No. 28 of 2014 concerning Copyright.

Copyright provides important legal protection for creators by ensuring they get the recognition and compensation they deserve. In addition, copyright encourages innovation and creativity by providing incentives for creators to continue working (Roselvia et al., 2021). Copyright serves as a means of individual protection as well as the basis for enforcing rights and obligations in the public domain, ensuring that any use of the work by a third party requires permission from the copyright holder.

In addition to copyright, the concept of legal protection also extends to other aspects of Intellectual Property Rights (IPR), which are equally important in maintaining the integrity and recognition of works or intellectual products. For example, copyright gives a unique identity to creative works, protects creations from unauthorized use, and ensures that creators receive proper recognition and compensation (Siti Marwiyah, 2021). Copyright serves to distinguish the work of one creator from the work of other creators, as well as assist the public in recognizing and appreciating the work based on the reputation and quality that has been recognized. Copyright protection, like other protections in IPR, contributes to the protection of the economic rights and reputation of the creator.

The Intellectual Property Rights (IPR) legal system must be able to create a conducive climate for the exploitation and commercialization of works or intellectual assets protected by copyright. Copyright, as a form of protection of Intellectual Property Rights, serves to protect intellectual creations from parties who want to use them without permission or appropriate compensation (Saidin, 2013). Based on Article 1 number 5 of Law Number 28 of 2014 concerning Copyright (Copyright Law), the right to a copyrighted work is defined as an exclusive right granted by the state to the creator or copyright holder for a certain period, either to use the work itself or to give permission to other parties to use it. In the legal context embraced by the Copyright Law, the creator who first creates and registers his work is entitled to legal protection by the state (first to create). Thus, if the work has been registered in the name of another person, then the first creator is recognized and given protection by the state. Along with the times, the function of Intellectual Property Rights (IPR), including copyright, is not only useful as a means of protection, but also develops into an economic instrument that can be used as collateral to obtain additional business capital in business development. Copyright as an intellectual asset has high economic value and can be used as an object in commercial transactions, although the Copyright Law does not explicitly regulate what guarantees institutions can burden copyright (Idriana et al., 2024).

However, the digital age brings new challenges in copyright enforcement, while existing laws have not fully addressed this complexity. Globally, copyright infringement in the digital era has a significant economic impact, harming the

creative industry through lost revenue due to the illegal duplication and distribution of works. In Indonesia, piracy in the creative industry sector causes huge losses, with an estimate of Rp 100 trillion per year according to the Deputy for Intellectual Property Rights Facilitation and Regulation of the Creative Economy Agency (Bekraf), Ari Juliano Gema. Research by the UI Institute for Economic and Social Research (LPEM) in 2017 showed that potential losses in the film industry exceeded Rp 1.4 trillion, especially due to illegal digital content downloads and the circulation of pirated DVDs (UNAIR NEWS, 2024).

One of the factors contributing to copyright infringement in the digital era is the ambiguity of norms in legal and technological rules. This ambiguity hinders copyright protection and requires an integrated legal and technological approach. Differences in copyright protection doctrines in various laws also create inconsistencies, pointing to the need for clear and consistent norms (Inradewi, A. A. S. N., 2020). Technologies such as *Digital Rights Management (DRMs)* can be used to protect digital works, but legal and technological approaches must be integrated to ensure effective protection (Sandra et al., 2024).

Conflicts between the rule of law, technology, and freedom of expression are often obstacles in copyright enforcement in the digital era. Cases such as PT Digital Chain Maya's lawsuit against TikTok and *ByteDance* related to copyright infringement show the challenge of balancing copyright protection with freedom of expression (Liputan6, 2021). Revision of legal rules is needed to clarify copyright regulations on digital platforms, involving legal, technologists, and the public. The right legislative approach will help overcome these challenges and increase public awareness of copyright.

The main problem faced in the use of music on the TikTok platform is the potential for copyright infringement, especially when the music used does not have valid permission or license. This raises questions about the extent of legal protection provided to copyright owners and platform users, as well as how the infringement is categorized. In addition, it is also necessary to review the preventive and repressive efforts that can be carried out by various parties, including TikTok itself, in handling and resolving copyright disputes that occur.

This research aims to analyze copyright infringement in the digital era, identify

effective legal approaches, and explore technological solutions in copyright enforcement. This research is important in both global and local contexts because of its contribution to the understanding and enforcement of copyright as well as the economic and social impacts of copyright infringement.

LITERATUR REVIEW

The research approach to copyright protection in the digital era uses a lot of normative research methods, focusing on legal analysis and technological implications (Simatupang, 2021). This research often highlights technological developments that enable the transformation of traditional copyrighted works into digital forms, as well as their impact on existing legal protections.

The scope of previous research has included the protection of copyright law in global and local contexts, with special attention to the influence of technology on copyright infringement. For example, a study by Simatupang (2021) shows that although Indonesian copyright law has adopted provisions to protect digital copyrighted works, there is still a need to enrich and strengthen this law to be more relevant to technological developments.

Other relevant research, such as those conducted by Rahmanda and Benuef (2021), examines legal challenges in protecting the copyright of music uploaded on digital platforms such as TikTok. This study highlights the importance of cooperation agreements regulated in *User Generated Content* (UGC) as a form of legal protection but also shows the need for effective dispute resolution in cases of copyright infringement.

The solutions proposed in these studies include collaboration between law and technology, such as the implementation of *Digital Rights Management* (DRM) to protect digital works, as well as the revision of legal regulations to clarify and strengthen copyright protection on digital platforms. However, the study also identifies boundaries such as the misalignment between the law and technological developments, as well as challenges in effective law enforcement.

RESEARCH METHODS

This research uses a normative juridical approach with a focus on legal analysis related to copyright infringement on digital platforms, especially TikTok. This study examines how copyright law is applied in the context of content uploaded by TikTok

users and how copyright dispute resolution is carried out. The data used in this study were collected through literature review, legal analysis, and relevant case studies in Indonesia, without involving empirical data collection. The main materials and tools used include legal documents such as copyright laws, government regulations, and court decisions related to copyright infringement cases. The data analysis technique used is a qualitative analysis of selected cases, to identify common patterns in the application of copyright law on digital platforms such as TikTok, as well as exploring effective legal solutions in dealing with copyright infringement in the digital era.

RESULTS AND DISCUSSION

1. Legal Protection of TikTok Application Users for Copyright Holders of Songs Uploaded on TikTok

TikTok social media is currently very popular, especially among young people. The app allows its users to create short videos. Many TikTok users add songs as background sounds in their videos, to make the content more interesting. However, problems often arise when the song used has not received official permission from the original creator, resulting in copyright infringement.

Copyright is the exclusive right of the creator that arises automatically based on declarative principles after a work is realized in tangible form. This applies to various forms of creation, including songs or music. Therefore, any user who wants to use a song in video content on TikTok should get permission (license) from the creator or copyright holder. According to Article 1 number 20 of Law Number 28 of 2014, a license is written permission given by the copyright holder to another party to exercise economic rights to his work with certain conditions.

TikTok itself has set a *Term of Services* which confirms that users must have or have obtained permission from the content owner to upload it. However, in reality, many users do not ask for permission in advance. TikTok also states that they are not responsible for the content uploaded by users, so the responsibility lies entirely with the user. Unauthorized modification of a song, such as changing the tempo or adding sound effects, is also a copyright violation.

In the context of legal protection, the government provides two types of protection: preventive and repressive. Preventive efforts aim to prevent copyright infringement, for example by increasing users' legal awareness. Meanwhile,

repressive efforts are carried out through law enforcement, both through civil and criminal channels.

1. Categorization of Copyright Infringement

Copyright infringement can be categorized into three types:

- 1) **Direct Infringement:** Includes the act of imitating the original work, either in whole or in part. For example, TikTok users who edit or change songs without permission, even if only a small part, are outright violations.
- 2) **Indirect Infringement:** Occurs when a person learns that the related goods are the result of a duplication which is an infringement. For example, entertainment venues that display content that infringes copyright.
- 3) **Infringement based on authority:** This infringement occurs when the authorized party does not provide appropriate compensation to the creator or copyright holder. The authorities can be prosecuted because they are considered responsible for the violations that occurred.

TikTok users who commit copyright infringement must be morally and economically responsible. Moral rights are rights inherent in the creator and cannot be erased, including the right not to modify the copyrighted work without permission. Meanwhile, economic rights include the right to be compensated for the use of the work.

- 4) **Preventive Efforts** Preventive efforts involve preventive measures to reduce the risk of copyright infringement. For example, raising awareness among TikTok users of the importance of asking for permission before using songs in their content. The goal is to prevent legal disputes and protect copyright from infringing actions.

Repressive Efforts Repressive efforts aim to overcome copyright infringement that has occurred. Law enforcement can be carried out through civil channels with the application of Article 1365 of the Civil Code, which states that every unlawful act that harms others must be compensated. In addition, criminal law can also be used to prosecute copyright violators.

2. Copyright Dispute Resolution in Virgoun's Case

The resolution of copyright disputes in Indonesia can be done through two main channels: litigation (through the courts) and non-litigation (through

mediation, arbitration, or out-of-court settlements). The litigation route is more often used when settlement through non-litigation channels is fruitless or when both parties do not reach an agreement.

In cases of copyright infringement on TikTok, dispute resolution often begins with the provision of *a notice* by the copyright holder to the party considered to be infringing. *This notice* serves as a warning and provides an opportunity for violators to resolve the problem before it is brought to the legal realm. If the party deemed infringing does not follow up on the notice, then the copyright holder can take the case to court.

Virgoun's case of a copyright infringement lawsuit of Rp 13.1 billion against TikTok is one of the real examples of dispute resolution through litigation. Virgoun sued TikTok for allegedly using his song without permission on the platform. In this case, the court will assess the extent to which TikTok and its users are responsible for the violations that occurred. TikTok as a social media platform that provides services to users, must ensure that content uploaded by users does not infringe on the copyrights of third parties. This case shows that even though TikTok has set terms in their *Terms of Services*, without strict enforcement, copyright infringement can still occur.

3. Cases of Plagiarism on Creator Content on the Tiktok Platform

In addition to the Virgoun case, the plagiarism case involving Rico Dwi Cahyono on the TikTok platform also attracted attention in the context of copyright law. Rico, a content creator, was accused of copying someone else's work without permission and uploading it as his own. This action raises a debate about copyright restrictions and the originality of content on digital platforms. From a legal perspective, the act of plagiarism carried out by Rico violates Law Number 28 of 2014 concerning Copyright. In this law, articles 44 and 72 protect intellectual works from unauthorized acts of reproduction, dissemination, and use by copyright owners.

The dispute settlement in Rico's case is different from Virgoun's. Although it does not involve a lawsuit worth billions of rupiah, this case shows that plagiarism—as a form of copyright infringement—can have a serious impact on the reputation and career of a creator in the digital world. According to article

44 of the Copyright Law, every copyright creator or owner has the exclusive right to reproduce and distribute his work. By copying the work of others without permission, Rico violates this exclusive right, which can cause legal sanctions in the form of fines and/or criminal penalties as stipulated in Article 72.

The case was resolved through mediation between the parties involved, where Rico was asked to remove the infringing content and provide appropriate acknowledgments to the original creators. From a legal point of view, this settlement through mediation describes a more peaceful and efficient alternative to dispute resolution compared to litigation. However, it also emphasizes the importance of legal awareness among digital content creators regarding copyright and originality of works. Furthermore, this case demonstrates the need for stricter and clearer mechanisms from platforms like TikTok in preventing and addressing copyright infringement to effectively protect the rights of creators.

CONCLUSION

The study reveals that copyright infringement on digital platforms such as TikTok is a significant problem, especially in the context of unauthorized use of music. Virgoun's case illustrates the inadequacy of copyright enforcement mechanisms on TikTok. Although TikTok has Terms of Services that regulate copyright, supervision and enforcement on this platform are not optimal. Virgoun sued TikTok for IDR 13.1 billion for alleged copyright infringement of his songs used without permission on the platform. This case shows that TikTok, as a major social media platform, needs to improve its oversight and enforcement mechanisms to prevent copyright infringement that occurs as a result of content uploaded by users. The results of the study show that although TikTok has included copyright provisions in its Terms of Services, the implementation of the policy still faces challenges in overcoming violations that occur on the ground.

On the other hand, the plagiarism case involving Rico Dwi Cahyono highlights another problem in copyright protection on digital platforms. Rico, a content creator, was accused of copying someone else's work without permission and uploading it as his own. This action violates the provisions of Law Number 28 of 2014 concerning

Copyright, especially Article 44 which regulates the exclusive right of creators to reproduce and circulate works. The case was resolved through mediation, where Rico was asked to remove the infringing content and give the original creator an appropriate confession. Although settlement through mediation does not involve major lawsuits, this case shows that plagiarism on digital platforms can damage the reputation of creators and cause legal consequences. The case also reflects the need for greater legal awareness among content creators as well as stricter mechanisms from platforms like TikTok to deal with copyright infringement.

From the results of the analysis, it was found that copyright infringement on TikTok is often caused by insufficient law enforcement and monitoring mechanisms that exist on the platform. Although TikTok has implemented copyright policies, implementation and enforcement are still an obstacle. Virgoun's case shows the need for improvements in the existing copyright enforcement system on digital platforms. Meanwhile, Rico's plagiarism case emphasizes the importance of legal education for content creators and the need for platforms to have clearer and stricter policies in dealing with copyright infringement. This research emphasizes the need for a legal approach that is integrated with technology to protect copyright in the digital era. Preventive efforts such as education and legal awareness, as well as repressive efforts through effective law enforcement, are key in dealing with copyright infringement on digital platforms such as TikTok.

SUGGESTION

From the results of this study, it is recommended that the following steps be taken to improve copyright protection in the digital era:

1. **Increased Law Enforcement:** TikTok and other digital platforms need to strengthen their oversight mechanisms over user-uploaded content, including the implementation of technologies such as Digital Rights Management (DRM) to prevent copyright infringement.
2. **Legal Awareness:** It is important to raise awareness among users of digital platforms regarding the importance of complying with copyright rules, including obtaining permission before using someone else's copyrighted work in their content.
3. **Development of Clear Regulations:** Governments and relevant authorities should

consider revising existing laws to be more relevant to the development of digital technology, including clarifying the responsibilities of digital platforms in protecting copyright.

4. Efficient Dispute Resolution Mechanisms: The resolution of copyright disputes through non-litigation channels, such as mediation and arbitration, should be encouraged as an efficient and more amicable alternative compared to the time-consuming and costly litigation process.

With these measures, it is hoped that copyright infringement on digital platforms can be minimized, and the rights of creators and users can be effectively protected.

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