



Copyright in the Art Industry: Ethical and Management Challenges for Artwork Protection

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Abstract

Indonesia, with its diversity of arts and culture, faces unique challenges in copyright protection in the digital era. Globalization and digital technology have transformed the landscape of the arts industry, introducing both new opportunities and complex risks. The aim of this research is to explore the ethical and managerial issues related to copyright protection of artistic works in Indonesia. This study employs a qualitative approach with a focus on literature review. Copyright protection in the Indonesian arts industry encounters several challenges, including ineffective law enforcement, the gap between technological advancements and regulations, and the need for more adequate legal infrastructure. The importance of enhancing legal awareness and public education, as well as the necessity of collaboration among government, relevant institutions, and the industry in addressing these challenges, cannot be underestimated. Furthermore, adaptive regulatory updates and responsiveness to technological advancements, the enhancement of ethical awareness in the use of artistic works, and the implementation of cutting-edge technologies such as artificial intelligence and blockchain are strategic steps in strengthening copyright management.

INTRODUCTION

Indonesia, with its diversity of arts and culture, faces unique challenges in copyright protection in the digital era. Globalization and digital technology have transformed the landscape of the arts industry, introducing both new opportunities and complex risks. The creative economy sector contributed 7.44% to Indonesia's GDP in 2016, equivalent to Rp 852 trillion. The largest subsectors were culinary (41.69%), fashion (18.15%), and crafts (15.70%). These data underscore the crucial role of the creative sector in the national economy. More than 15 million people work in the creative economy, with the fashion subsector employing around 3.8 million workers and the crafts subsector employing approximately 3.5 million. This highlights that the art industry is not only important economically but also as a significant source of employment opportunities (Kusuma, 2017). Indonesian Batik, recognized by UNESCO as Intangible Cultural Heritage in 2009, significantly contributes to the local economy in various regions such as Pekalongan, Yogyakarta, and Solo (Ramadhian & Cahya, 2020). The export value of batik in 2019 reached approximately USD 52.4 million (Ekariana, 2019). Recognized by UNESCO in 2003, wayang kulit is not only important as cultural heritage but also as a means of education and dissemination of moral values. Wayang performances are often held in traditional ceremonies and other significant events (Romanti, 2023). The Indonesian music industry is rapidly growing with artists like Anggun and Rich Brian gaining international recognition (Syafira, 2023). The film industry also demonstrates significant improvement with movies like "Marlina the Murderer in Four Acts" receiving international awards (Makhtububi, 2023). In 2018, the Indonesian box office revenue reached USD 350 million (Moedia, 2019).

Indonesia boasts a rich tradition in arts and culture; however, new copyright laws were only introduced in 1987. Since then, efforts have been made to amend and adapt copyright regulations to the evolving

creative industry. Nevertheless, the implementation of these copyright laws is still hampered by a lack of awareness and weak law enforcement. Law No. 6 of 1982 concerning Copyright was the first legislation governing copyright in Indonesia, later revised into Law No. 7 of 1987, Law No. 12 of 1997, and Law No. 19 of 2002. The most recent revision is Law No. 28 of 2014, which extends the scope of protection to include digital works and imposes stricter sanctions. Figures like H. Umar Hadi, a legal expert, have contributed to the development of copyright law in Indonesia. Organizations such as the Indonesian Copyright Foundation (YKCI) and Collective Management Institutions (LMK) play vital roles in managing royalties for creators (Waspiah, 2016).

According to the ASIRI report in 2015, approximately 95% of music consumed in Indonesia is pirated. This case highlights the weak law enforcement and lack of public awareness regarding copyright. The financial losses caused by piracy are estimated to reach trillions of rupiah each year (Alpito, 2016). The film "Ada Apa dengan Cinta? 2," released in 2016, also experienced significant piracy, with illegal copies of the film widely circulating on the internet just a few days after its official (Khoiri, 2016). This significantly reduced box office revenue and caused financial losses to the producers and other stakeholders.

Digital piracy has become a serious issue in Indonesia, particularly in the music, film, and publishing industries. Illegal online platforms easily copy and distribute artworks without permission, resulting in significant financial losses for artists and creators. Moreover, the inability to effectively identify and stop copyright infringements has damaged Indonesia's creative industry ecosystem. According to the BSA report in 2018, the software piracy rate in Indonesia reached 83% (Triwijanarko, 2020). Piracy has also extended to music, film, and e-books. The government, through the Directorate General of Intellectual Property (DJKI), launched the Over the Top (OTT) initiative

to combat piracy (IWM, 2023). However, the success rate of these operations remains low due to limited resources and the complexity of tracking infringements in the digital world.

In Indonesia, there exists tension between copyright and freedom of expression, particularly in the context of controversial art or those deemed to violate cultural norms. The government often faces dilemmas between protecting copyright and restricting artworks considered provocative or inconsistent with traditional values. Cases where digital content is removed from social media platforms due to alleged copyright infringement are frequent. For instance, cover song videos on YouTube are often taken down due to copyright claims even if made for non-commercial purposes. This raises dilemmas between copyright and freedom of expression. Some contemporary artworks in Indonesia that are deemed provocative or challenging to social norms are often restricted or censored. For example, art exhibitions addressing political or social issues are frequently shut down or banned, such as the case of the "Belok Kiri" art exhibition in 2016, which was closed due to political pressure (Amrullah, 2016).

The development of digital technology has brought significant changes to the production, distribution, and consumption of art in Indonesia. Updated software allows artists to create works with high precision and creativity, while online platforms such as social media enable the distribution of these works to a global audience without going through traditional channels. Technologically literate human resources can quickly adapt, expand their skills, and explore new ways of creating art. Art consumption has also evolved, with art enthusiasts able to enjoy works through digital devices (Pangestu & Wafa, 2019; Glouca et al., 2017). While technology provides broader access for Indonesian artists to reach global markets, it also increases the risk of copyright infringement and the circulation of illegal artworks. Additionally, the lack of adequate digital infrastructure in some regions poses a

barrier to effectively managing the distribution of artworks. Platforms such as YouTube, Instagram, and TikTok have become primary mediums for Indonesian artists to distribute their works. However, these platforms also serve as major venues for copyright violations, where artworks are often re-uploaded without permission. In such cases, many Indonesian musicians find their songs re-uploaded without permission on streaming platforms.

The use of Digital Rights Management (DRM) and digital watermarking is still limited in Indonesia. These technologies can help protect artworks from piracy by restricting illegal access and tracking content distribution. However, the adoption of these technologies remains low due to the costs and complexity involved. Artists and creators in Indonesia need a better understanding of available copyright protection strategies. A holistic and integrated approach is required, encompassing copyright registration, the use of appropriate licenses, and protection through technologies like Digital Rights Management (DRM).

Bekraf and DJKI organize various workshops and seminars to raise awareness among artists about the importance of copyright and how to protect it (SAS, 2024). This educational program covers legal, technical, and managerial aspects of copyright protection. However, the reach and impact of these initiatives still need to be expanded, especially in areas far from creative hubs. Furthermore, Collective Management Organizations (CMOs) like YKCI play a crucial role in managing copyrights and royalty distribution. They assist creators in copyright registration, royalty collection, and copyright enforcement. Nevertheless, transparency and efficiency in royalty management remain challenges that need to be addressed.

The implementation of technologies like blockchain offers the potential to enhance copyright management in Indonesia. This technology can be used to create a transparent and immutable copyright

registry, facilitating automatic royalty payments to artists and creators. However, the adoption of this technology is still in its early stages and requires greater investment and support from the government and private sector. Blockchain offers the potential to create an unalterable and transparent copyright registry. This technology can help track ownership and distribution of artworks, as well as ensure fair royalty payments. Some early initiatives have been launched, but the adoption of this technology is still limited and requires further support from the government and private sector.

Digital Rights Management (DRM) technology can be used to protect digital content from piracy by limiting illegal access and tracking content distribution. However, the implementation of DRM in Indonesia is still not widespread due to the cost and complexity of the technology. The development and adoption of more affordable and user-friendly DRM technology can help improve copyright protection. The Indonesian government needs to take further steps to strengthen copyright regulations and enhance law enforcement. This includes refining existing laws, training for law enforcement officials, and improving cooperation among relevant institutions such as the Ministry of Law and Human Rights, the Ministry of Communication and Informatics, and the Ministry of Tourism and Creative Economy.

The government, through DJKI and the Ministry of Education and Culture, has launched education and capacity-building programs for artists and law enforcement officers. These programs include training on copyright, techniques for protecting artworks, and law enforcement. However, these efforts require scaling up and broader coverage to achieve significant impact. Adjustments to copyright laws in line with technological developments and the needs of the creative industry have been made. Law No. 28 of 2014 introduced protection for digital-based works and the moral rights of creators. However, further regulatory

updates that are more responsive to rapid changes in the digital industry are still needed.

Collaboration with other countries regarding copyright protection is also important for Indonesia. Through the exchange of knowledge and experiences, Indonesia can strengthen its capacity to protect the rights of local artists and creators and enhance its position in the global art market. Indonesia is a member of the Berne Convention, which provides international copyright protection. This participation provides a strong legal basis for cross-border copyright protection and facilitates international cooperation in copyright enforcement. Through the ASEAN Intellectual Property Rights Action Plan, Indonesia collaborates with ASEAN countries to strengthen copyright protection and share best practices in law enforcement and copyright management (Firmansyah & Budiansyah, 2009). This collaboration includes information exchange, capacity building, and policy harmonization regarding copyright at the regional level.

The objective of this research is to explore ethical and managerial issues related to copyright protection of artistic works in Indonesia. The fundamental reason for conducting this research is that Indonesia, with its diversity of arts and culture, faces unique challenges in copyright protection in the digital era. Globalization and digital technology have transformed the landscape of the arts industry, introducing both new opportunities and complex risks. With the significant contribution of the creative economy sector to Indonesia's GDP, as well as its role as a vital source of employment, the art industry holds not only economic but also cultural and social value.

However, despite the existence of copyright laws adapted to the development of the creative industry, their implementation is hindered by a lack of awareness and weak law enforcement. The high level of piracy in various art sectors, such as music and film, indicates an urgent need to address this issue. Furthermore, the

tension between copyright and freedom of expression, as well as the complex role of digital technology in the production and distribution of artworks, adds complexity to copyright protection in Indonesia.

METHODS

This research adopts a qualitative approach with a focus on literature review. This approach was chosen because it provides an opportunity to gain a deep understanding of ethical and managerial issues in copyright protection of artistic works in Indonesia through analysis of relevant literature.

Data for this research will be obtained through comprehensive literature review. The primary sources of data will include scholarly journal articles, books, research reports, legal documents, and other relevant sources of information pertaining to the research topic. Data sources will be selected based on their relevance to the research topic and their credibility. Scholarly journal articles that have undergone peer-review processes will be prioritized, while books and research reports from reputable institutions will also be utilized. Additionally, legal documents such as laws, regulations, and policies related to copyright in Indonesia will be important data sources.

The obtained data will be analyzed qualitatively using an inductive approach. The analysis will involve reading, identifying, and summarizing key findings related to ethical and managerial issues in copyright protection of artistic works in Indonesia. The data will be grouped based on specific themes and then interpreted to understand their implications and relevance to the research. To ensure the validity and reliability of the research, data triangulation and cross-analysis techniques will be employed. The selection of diverse data sources and the use of systematic analysis methods will help ensure the accuracy and reliability of the research findings. The research will be conducted in accordance with research ethics principles, including the use of valid data sources and presenting findings honestly and objectively. Additionally, all data sources

used will be properly cited in accordance with academic rules and ethical standards of scientific writing.

RESULTS AND DISCUSSION

RESEARCH RESULTS

Challenges in Protecting Copyright of Artistic Works in Indonesia

In Indonesia, the arts and cultural industry is diverse, yet faces unique challenges in copyright protection in the digital era. High levels of piracy, lack of public awareness regarding the importance of copyright, and tensions between copyright and freedom of expression are some of the main challenges encountered. The challenges in protecting copyright of artistic works in Indonesia are as follows:

Law Enforcement Issues

Damanik et al. (2023) and Nugroho & Utama (2020) explain that law enforcement in the context of copyright refers to the efforts of the government and authorized institutions to enforce the provisions outlined in copyright laws. Despite Indonesia having Law Number 28 of 2014 concerning Copyright, its implementation and enforcement are still suboptimal. One of the main problems is the lack of effectiveness in enforcing copyright violations. This is caused by various factors, including a shortage of resources, inability to identify and prove violations, and corruption practices within the law enforcement system. The impact is serious, signaling to the public that copyright infringements are not taken seriously, thus encouraging the growth of piracy behavior and other copyright violations. Weak law enforcement can also damage the trust and confidence of artistic creators, hinder creativity and innovation, and reduce motivation to engage in the arts and cultural industry. Therefore, effective law enforcement is crucial, including increasing resources and training for law enforcement officers, cooperation between the government, industry, and civil society, as well as consistent and firm enforcement of copyright violations. Only with effective law enforcement can the integrity and sustainability of the arts and cultural industry in Indonesia be ensured.

Legal Awareness and Education

Legal awareness, understanding of rights, obligations, and legal procedures, are crucial in preventing copyright violations. Jannah (2018) and Nugroho & Utama (2020) highlight the low legal awareness in society regarding the unauthorized use of artistic works. Lack of education about copyright is the main cause. Education about copyright can be disseminated through formal programs in schools and social campaigns. Educational materials include basic concepts of copyright, creators' rights and obligations, permission acquisition procedures, and legal consequences of copyright infringement. Furthermore, socialization through mass media, social platforms, and community events is also necessary. By increasing legal awareness and education about copyright, the public will appreciate artistic works more and understand the need to protect copyright, thus supporting the sustainability of the arts and cultural industry.

Technology Challenges

Technology-related challenges concerning copyright are becoming increasingly significant in the digital era, especially with the advancement of the internet. Gidete et al. (2022) and Dewi et al. (2022) highlight that the internet facilitates the duplication and piracy of artistic works through online platforms without significant geographical limitations. This practice financially harms creators and reduces the value and exclusivity of their works, thereby diminishing creators' motivation. Swift and effective responses are needed, including online monitoring, copyright protection technologies, and firm law enforcement. Collaboration between the government, industry, and technology platforms is required. These challenges not only impact the duplication and piracy of artistic works but also encompass other aspects such as the use of technology to create new artworks, copyright related to algorithms and artificial intelligence, and issues of digital privacy and security. Addressing these challenges requires a holistic and continuous approach that

keeps pace with technological developments.

Legal Infrastructure

Challenges related to legal infrastructure in protecting the copyright of artistic works are crucial issues in the sustainability of the arts and cultural industry. Nugroho & Utama (2020) and Ariani et al. (2022) highlight this complexity, especially in the classification of traditional artworks, which often differ from modern works. In Indonesia, where the concept of collective or communal ownership is often dominant, determining copyright can be intricate. Inadequate legal infrastructure complicates copyright protection as creators and rights holders require a clear legal framework. Legal uncertainty can hinder investment and innovation in the arts and cultural industry. Adjusting the legal framework to local and communal cultural practices is essential to protect copyright appropriately. Efforts to update regulations and dialogue among stakeholders are needed to reach a consensus on effective and sustainable copyright protection.

Incomplete Protection

Incomplete protection of artworks in the digital era poses a significant challenge in the context of copyright, as explained by Ariani et al. (2022) and Gidete et al. (2022). Regulations that are not specific, especially regarding two-dimensional artworks in digital media, make these works vulnerable to copyright infringement. Additionally, changes in the types of violations over time, such as the shift from conventional infringement to new practices like digital piracy, require rapid adaptation of legal rules. Incomplete protection creates legal uncertainty for creators and copyright holders, inhibiting creativity and innovation, and reducing the confidence of stakeholders in the arts and cultural industry to protect their works.

International Law

Enforcement Regent et al., 2021 and Kholiq et al. (2022) reveal that Indonesia's involvement in international agreements such as the TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights) managed by the World

Trade Organization (WTO) brings various implications and challenges. This agreement sets international standards for the protection of intellectual property rights, including copyrights, which must be followed by member countries, including Indonesia.

One of the main challenges is aligning the national copyright system with international standards, which requires adjusting domestic legal rules. This adjustment process is complex and time-consuming due to differences in legal structures and legal practices among countries. Additionally, involvement in international agreements requires Indonesia to consider the implications and requirements set by such agreements. This involves a deep understanding of rights and obligations as well as the consequences of non-compliance.

The Gap between the Digital Content Industry and Intellectual Property Regulations

Aragon (2012) and Kholiq et al. (2022) explain that the digital content industry, such as music and video streaming platforms, online gaming, and others, has grown rapidly and become one of the most promising sectors in the digital era. However, unbalanced intellectual property regulations may not be sufficiently flexible or effective in addressing the dynamics of this industry.

Differences in intellectual property regulations between developed countries and countries like Indonesia can create discrepancies and legal uncertainties, making it difficult for companies and individuals to operate or protect their intellectual property rights effectively. This can also affect fair competition in the market, with large companies potentially exploiting regulatory gaps more than small industry players or individuals.

Ethical Issues in Copyright

Copyright is the primary foundation that protects intellectual works from misuse and unauthorized reproduction. In an increasingly advanced digital era, new challenges emerge in understanding, protecting, and respecting

copyrights across various fields, from music to digital art. In this context, appreciation for works becomes crucial, not only as a tribute to their creators but also as a measure to uphold the integrity of creativity and support the creative economy.

Awarding Artistic Works

The use of artistic works, whether it be music, films, batik art, or digital art, should be accompanied by permission and appropriate royalty payments to honor the copyrights of their creators (Rachmat, 2023; Sitepu, 2022; Mahila & Tresya, 2020; Setyo et al., 2023; Syailendra et al., 2023). Creators exert significant effort and creativity in producing these works, and respecting their copyrights is not only a legal obligation but also an ethical act that honors their contributions to various artistic industries. Without proper acknowledgment, creators may not receive fair compensation, which can hinder creativity and innovation in the arts. Therefore, providing adequate recognition and ensuring economic benefits for creators are crucial steps in preserving cultural integrity and fostering the creation of more innovative and sustainable artistic works.

Copyright Infringement

Copyright infringement in various artistic fields, including music, film, and digital art, not only financially harms the original creators but also damages their reputation (Rachmat, 2023; Sitepu, 2022; Setyo et al., 2023; Asmaul et al., 2023). Actions such as imitation, plagiarism, or unauthorized distribution of works not only reduce the income they rightfully deserve but can also hinder innovation in the arts industry, creating an environment where creative works are not properly valued, thus harming the industry as a whole.

The Importance and Protection of Creators

Creators need to receive economic benefits and copyright protection to continue their work properly (Rachmat, 2023). Musicians should be provided with fair financial compensation for their work, with copyright protection ensuring the integrity of their creations and preventing

infringement (Hidapenta et al., 2023). This protection should also be adapted to technological advancements to prevent copyright infringement through easily reproducible digital copies.

Education and Legal Awareness

The importance of copyright education for the public has been highlighted by several studies (Hidapenta et al., 2023; Raharja, 2020; Febriana, 2024). Through public campaigns, educational programs, and professional training, the goal of this education is to increase awareness of the importance of respecting others' work and understanding its legal implications. This is crucial because many people are unaware that actions such as distributing content without permission can violate copyright (Sitepu, 2022; Syahputra et al., 2022). With a better understanding of copyright, it is hoped that copyright infringement can be reduced, and creators can receive proper recognition.

Content User Responsibility

Resellers must be responsible for and respect the copyright of the original creators (Setyo et al., 2023). Resellers who sell art or digital content must ensure that they have valid permission and provide fair compensation to the original creators. This action is crucial to maintain market integrity and ensure that creators benefit economically from their work. Users should be aware of the negative impacts of using content without permission and act in accordance with copyright ethics (Hidapenta et al., 2023; Sharfina et al., 2021). Using digital content without permission not only violates the law but also harms creators who work hard to produce that content. Users should be responsible and respect copyright by always seeking permission and providing appropriate credit.

Protection of Traditional Works

Traditional works, such as batik art, hold significant cultural and historical value (Mahila & Tresya, 2020). In the development of modified creations, it is important to respect these values by giving proper recognition to the original creators. This involves providing appropriate credit

and compensation and preserving the cultural integrity of the work (Prathama et al., 2023). Adequate protection, including strong regulations and public awareness, is crucial to prevent copyright misuse and uphold the cultural and economic value of the original creators, especially in the context of unauthorized reproduction that causes harm (Munaiseche et al., 2023).

Special Issues with NFTs

The unauthorized use of works in Non-Fungible Tokens (NFTs) and issues regarding ownership and reproduction of digital works are major concerns in copyright (Guadamuz, 2021). NFTs, which utilize blockchain technology, enable the purchase and trading of digital assets without permission from the original creators. Although NFTs offer unique ownership proof, they do not guarantee uniqueness or protection of the digital work itself. Copyright infringements often occur when digital works are turned into NFTs without permission, leading creators to lose control over the distribution and use of their works.

The issue of reproducing digital works in the form of NFTs is also complex because although token ownership is assured, the digital works can still be copied and distributed limitlessly. Consequently, creators not only lose income from NFT sales but also from the reproduction and distribution of their works. Moreover, ownership issues in the context of NFTs complicate copyright enforcement due to anonymous transactions or the use of pseudonyms, making it difficult for creators to enforce their rights and receive fair compensation.

Compliance with Regulations

Compliance with licensing rules and royalty payments in the use of music is crucial to ensure fair compensation for creators (Syahlahaifa et al., 2024). This not only supports the creators' economy but also ensures the sustainability of a fair music ecosystem. The government needs to ensure effective and transparent law enforcement against copyright infringements (Syahputra et al., 2022). These actions include strict monitoring and consistent law enforcement against

violations, as well as providing adequate protection to creators.

Creators' Moral Rights

Respecting the moral rights of creators, which include acknowledgment as the creator and integrity of the work, is a crucial aspect of copyright protection (Regent et al., 2021; Raharja, 2020). Moral rights ensure that creators are recognized for their work and that the work is protected from unwanted modifications. Acknowledgment as the creator goes beyond just having one's name mentioned; it is also a recognition of their dedication and creativity. Without it, creators may feel undervalued, which can affect their motivation to create. The right to protect the integrity of the work is also important, preventing modifications that could distort the original meaning or message of the work and potentially harm the creator's reputation. Violations of the integrity of the work can occur in various cases, such as modifying a work for commercial purposes without the creator's consent. For example, altering the color or shape of a painting for advertising purposes, or cutting and modifying a novel for a film adaptation without respecting the essence of the original work. This not only morally harms the creator but can also damage their relationship with audiences who appreciate the original work. Respecting moral rights is essential not only to maintain the reputation and honor of creators but also to ensure that their work is properly valued. When moral rights are respected, creators feel supported, which encourages them to continue innovating.

Practices of Management in Copyright Protection

Copyright protection is a crucial aspect of safeguarding the economic and moral rights of creators. Research on management practices in copyright protection has evolved alongside technological advancements and regulatory changes.

Utilization of Latest Technology

Technology plays a crucial role in copyright protection management, particularly in addressing the increasingly

complex and rapid dissemination of digital information and content (Wulandari, 2024). The development of more advanced and efficient methods for detecting copyright violations is crucial, and one of the key developments is the use of artificial intelligence (AI) technology. AI algorithms can now detect copyright infringements more quickly and accurately, and can even predict and prevent future violations. With this capability, law enforcement processes can be automated, speeding up the removal of copyright-infringing content automatically.

In addition to AI, blockchain technology also holds great potential in copyright protection management. Blockchain allows creators to manage the ownership of their works directly without intermediaries, and facilitates the automatic distribution of royalties through smart contracts. Other advantages include guaranteed transaction transparency and authenticity, as well as minimizing the risk of fraud or copyright infringement.

Protection of Moral Rights and Strengthening Copyright Protection Institutions

Wulandari (2024) highlights the protection of creators' moral rights as an essential aspect in the digital era, including the right to be recognized as the creator and the right to object to changes that may harm the creator's reputation or honor. Although technology has not yet fully optimized in protecting moral rights, this research attempts to address these constraints by proposing a more adaptive protection model. Collective Management Organizations (CMOs) are also highlighted as crucial in assisting creators or copyright holders in obtaining benefits from their works. CMOs are tasked with managing the economic rights to creative works to represent rights holders and ensure creators receive fair compensation for the use of their works. A study by Caroline & Rahaditya (2022) also discusses the role of the National Collective Management Organization (NCMO) in collecting royalties for copyrighted songs. The NCMO acts as an organization that manages collective copyrights to protect

the interests of songwriters, using a strict and transparent monitoring system to ensure that royalties are paid promptly and fairly to creators, including responsibilities in collecting royalties from the unauthorized use of songs by television broadcasters.

Concrete Steps in Monitoring and Law Enforcement

Wulandari's research (2024) suggests three concrete steps to enhance monitoring and law enforcement regarding copyright infringements in the digital realm: implementing advanced monitoring software, enhancing collaboration with digital platforms, and conducting public awareness campaigns. Additionally, Hamdani (2022) emphasizes the importance of a profound understanding of copyright concepts for researchers, focusing on the rights and obligations of copyright holders as well as identifying the risks of copyright infringement.

Identification of Hindering Factors and Legal Dualism

Arum & Hadi (2021) identify factors hindering the protection of copyright for digital product photos on Instagram, including the lack of a Collective Management Organization (CMO) specifically for photography and the existence of legal dualism in the Copyright Law leading to legal uncertainty. They suggest the establishment of a specialized CMO to manage photography copyrights and regulatory reform to address this legal dualism. This solution is expected to enhance royalty collection and provide better protection for photo creators on digital platforms.

Implementation of Copyright Protection Measures and Legal Harmonization

Rahmad & Hadi (2022) discuss the implementation of copyright protection measures through preventive and punitive actions. Preventive measures involve licensing agreements that regulate creators' economic rights, such as royalties and permissions for the use of their works. Punitive actions, on the other hand, are carried out through criminal instruments

and lawsuits for unlawful acts to enforce copyright. This research also highlights the importance of harmonization between Law Number 28 of 2014 concerning Copyright and Law Number 19 of 2016 concerning Electronic Information and Transactions. This harmonization aims to ensure that existing regulations remain relevant and capable of addressing the challenges of evolving technology.

Normative Legal Approach in Copyright Protection

Research by (Adela & Isradjuningtias, 2022; Walukow et al., 2022) employs a normative legal approach to examine the regulation of copyright protection for songs and music in Indonesia. They analyze the applicable legislation, including Law Number 28 of 2014 concerning Copyright, to provide a comprehensive overview of the forms of protection available to copyright holders, especially regarding royalty rights. This research highlights the role of law in ensuring the welfare of creators and identifies challenges in the implementation of regulations, such as a lack of understanding of their rights among creators and users of works. Additionally, the importance of effective mechanisms for collecting and distributing royalties, emphasizing the role of Collective Management Organizations (CMOs), is also emphasized. However, the research identifies constraints in the operation of CMOs, including a lack of transparency in royalty distribution and the need for stricter supervision to ensure compliance with applicable rules.

Optimization of Royalty Collection and Distribution

Pramanto (2022) delves deeply into the optimization of copyright royalty collection and distribution by the National Collective Management Agency (LMKN) in Indonesia, highlighting several crucial aspects that influence the effectiveness of copyright management. This research emphasizes the application of Copyright principles and analysis of Intellectual Property Rights (IPR) theory as the primary foundation to ensure the protection of creators' economic and moral

rights. Furthermore, the study connects copyright protection with human rights, underscoring its importance in respecting individuals' creative contributions to culture and knowledge. Pramanto also emphasizes the need for updating the Copyright Law to support the development of the creative economy in the digital era, with the hope of addressing technological challenges and ensuring the relevance and effectiveness of the legal system in copyright protection.

DISCUSSION

Implications of Findings for the Arts Industry in Indonesia

More Effective Law Enforcement

Law enforcement regarding copyright in Indonesia is still not optimal. The main challenge is the lack of effectiveness in addressing copyright infringement. This means that although there are laws regulating copyright, often there are no decisive legal actions taken against pirates. The implication is the importance of improving law enforcement so that copyright violations are dealt with seriously, sending a clear signal that copyright infringement will not be tolerated.

Increased Legal Awareness and Education

Legal awareness among the public regarding copyright is still low. Many people do not fully understand that using artistic works without permission constitutes a legal violation. The implication is the need for broader education programs and socialization campaigns to enhance public understanding of copyright. Education on copyright can be conducted through various means, ranging from formal programs in schools to social campaigns in the community.

Technological Challenges

The advancement of technology, particularly the internet, has complicated copyright protection by facilitating piracy practices. The implication is the importance of swift and effective responses from responsible parties and collaboration between the government, industry, and technology platforms to address these

challenges. Efforts such as active monitoring of suspicious online activities, implementation of copyright protection technology, and strict law enforcement are necessary.

Adequate Legal Infrastructure

Inadequate legal infrastructure encompasses various aspects, from ambiguity in regulations to gaps between practical needs in protecting copyrights and the available legal framework. The implication is the necessity of efforts to refine existing legal infrastructure through regulatory updates and dialogue among stakeholders.

Incomplete Protection

Incomplete regulations create legal uncertainty for creators and copyright holders. The implication is the need for policy and domestic regulation revisions to ensure that international standards are met while considering domestic cultural, social, and economic contexts.

International Law Enforcement

Indonesia's involvement in international agreements poses challenges in aligning the national copyright system with international standards. The implication is the need for a balanced approach between fulfilling international commitments and protecting national interests.

Discrepancy Between the Digital Content Industry and Intellectual Property Regulations

This gap creates legal loopholes and uncertainty that affect fair competition in the market. The implication is the need for adaptive regulatory reforms, increased public awareness, and cross-sector collaboration to create an environment conducive to innovation and intellectual property protection.

Relevance of Ethical Issues in Copyright to Public Policy

Appreciation for Artistic Works

Copyright serves as the foundation for protecting intellectual creations from unauthorized use and replication. Ethical issues arise when the use of artistic works is not accompanied by proper recognition and compensation to their creators. For

example, musicians, filmmakers, batik craftsmen, and digital artists all invest significant time and effort in their creative process. Therefore, appreciating their works is not only a legal obligation but also an ethical act that values their contributions to society. Public policy should reinforce copyright protection and provide adequate economic incentives for creators, allowing them to continue their work with high morale.

Copyright Infringement

Copyright infringement occurs when artistic works are used without permission or royalty payment to their creators. This not only causes financial harm to the creators but also undermines their creative integrity and diminishes incentives for further creation. For example, music and film piracy, as well as misuse of digital artwork, all constitute forms of copyright infringement detrimental to the arts industry as a whole. Public policy should enforce laws rigorously and impose effective sanctions against copyright infringement, thereby creating a fair environment for creators.

Creators' Interests and Protection

Copyright protection is not just about economic aspects but also about recognizing and honoring the works and moral rights of creators. Moral rights include the right to be acknowledged as the creator and the right to protect the integrity of the work from unwanted modifications. Public policy should consider both aspects to ensure that creators receive adequate protection and recognition for their contributions to the arts and creativity fields. This will not only encourage innovation and creativity but also ensure that the integrity and honor of artists remain intact.

Education and Legal Awareness

Public awareness of copyright and its infringement consequences is a crucial step in preventing copyright violations. Public education should provide a better understanding of the importance of respecting copyright and the ethics of using others' works. Public policy should support effective education programs to enhance legal awareness and ethics related to

copyright among the public. With better understanding, the public will be more likely to comply with the law and respect creators' works.

Responsibilities of Content Users

Digital content users have a responsibility to respect copyright and ethical considerations in the use of others' works. This includes seeking permission and providing appropriate credit when using others' works. Using works without permission not only violates the law but also harms creators who have put in significant effort to create their works. Public policy should strengthen regulations governing the behavior of digital content users to encourage more responsible behavior and respect for copyright.

Protection of Traditional Works

Traditional artworks are often vulnerable to misuse and unauthorized reproduction, which can harm craftsmen and original creators and damage cultural values. Special protection is needed to prevent the misuse of traditional artworks and preserve their cultural integrity. Public policy should include strong regulations and public awareness to appreciate and protect traditional artworks from misuse or unauthorized reproduction.

Specific Issues Regarding NFTs

NFT technology presents new challenges in copyright protection, particularly concerning ownership, reproduction, and enforcement of copyright for digital works. These issues require appropriate public policies to address potential copyright infringements in the NFT environment. Updated regulations and effective enforcement mechanisms are needed to ensure that creators receive adequate protection and can fairly benefit from their works in the digital age.

Compliance with Regulations

It is important to ensure that all parties involved in the use of artistic works comply with licensing rules and proper royalty payments. This includes the use of music, films, digital art, and other artworks. Compliance with copyright regulations not only ensures that creators receive fair compensation but also

maintains the integrity of the art market as a whole. Public policy should strengthen regulations and ensure consistent law enforcement to ensure fairness in the art industry.

The Moral Rights of Creators

In addition to economic rights, the moral rights of creators should also be recognized and protected. Moral rights include the right to be acknowledged as the creator of a work and the right to protect the integrity of the work from unwanted modifications. Public policy should consider the importance of moral rights in providing comprehensive protection for creators. This includes establishing regulations that strengthen the moral rights of creators and ensure that the use of artistic works is accompanied by recognition of the creator's identity and integrity.

Strategic Actions in Copyright Management

Utilization of Cutting-Edge Technology

AI has revolutionized the paradigm of copyright enforcement. Through the application of sophisticated algorithms, AI can analyze digital content on a large scale with high levels of accuracy. For instance, image recognition algorithms can swiftly and accurately compare digital images with copyright-protected databases, enabling the detection of copyright infringements within seconds. Furthermore, AI can predict future copyright infringement trends through complex pattern analysis, facilitating more effective preventive measures.

Blockchain technology introduces the concepts of decentralization and high security into copyright management. By recording copyright transactions permanently and unalterably, blockchain provides clarity and certainty in copyright ownership and usage. Moreover, smart contracts within blockchain enable the automation of royalty transactions, where payments can be processed automatically whenever a work is utilized, reducing bureaucracy and enhancing efficiency in royalty distribution.

Protection of Moral Rights and the Role of Copyright Protection Agencies

Moral rights are a crucial aspect of recognizing and honoring creators. They encompass the right to be acknowledged as the creator and the right to control the integrity of the work. However, in this digital era, understanding and enforcing moral rights have become more complex due to the easily replicable nature of content. Therefore, protecting moral rights through a strong legal framework and effective oversight mechanisms is crucial.

Copyright protection agencies act as intermediaries between creators and users of copyrighted works. By representing the collective interests of creators, these agencies ensure that creators are provided with fair and transparent compensation for the use of their works. However, challenges in managing these agencies include administrative complexity, oversight, and efficient royalty distribution.

Concrete Steps in Oversight and Law Enforcement

Sophisticated monitoring software plays a key role in proactively detecting and addressing copyright infringements. However, challenges in implementing this software include the need for strong technical resources and managing sensitive data with high security.

Closer cooperation between governments, copyright enforcement agencies, and digital platforms is crucial in copyright law enforcement. However, challenges in this cooperation include legal complexity across jurisdictions, privacy policies, and data security issues.

Legal Dualism and Law Harmonization

Dualism in copyright laws can lead to legal uncertainty and difficulties in consistent law enforcement. With differences in interpretation and application of laws between jurisdictions, creators and copyright holders often face barriers in protecting their rights.

Harmonization of copyright laws at both national and international levels is important to create a consistent and integrated legal framework. However, challenges in law harmonization include

cultural differences, economic interests, and regulatory approach disparities between countries.

Optimizing Royalty Collection and Distribution

The application of copyright principles as the foundation for copyright management is necessary to ensure that creators and copyright holders receive proper recognition and compensation for their works. However, challenges in implementing these principles include the complexity of determining the value of works, the need for efficient administrative systems, and the necessity of inter-agency cooperation for effective law enforcement.

Updating copyright laws is necessary to accommodate changes in the digital ecosystem and information technology. However, challenges in law updates include the diverse interests of stakeholders, political complexity, and lobbying efforts from affected industries.

CONCLUSION

Copyright protection in the Indonesian art industry faces several challenges, including ineffective law enforcement, gaps between technology development and regulations, and the need for more adequate legal infrastructure. The importance of increasing legal awareness and public education, as well as the necessity of collaboration between the government, relevant institutions, and industries in addressing these challenges, cannot be underestimated. Additionally, adaptive and responsive regulatory updates to technological advancements, increased awareness of ethics in the use of artistic works, and the implementation of cutting-edge technologies such as artificial intelligence and blockchain are strategic steps in strengthening copyright management. Thus, copyright protection in the art industry requires a holistic and synergistic approach among various stakeholders to create an environment conducive to artist innovation and creativity, as well as the overall sustainability of the art industry.

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