

The Legality of Copyright of Artificial Intelligence Video Works on the SORA Platform Under Intellectual Property Law

Vincentius Pieter Noehveltino B.S 

Universitas Negeri Semarang, Semarang, Indonesia
pieterparcival@students.unnes.ac.id

Andry Setiawan 

Universitas Negeri Semarang, Semarang, Indonesia
andry_style@yahoo.co.id

Abstract

The rapid emergence of Generative artificial intelligence, particularly the Sora platform's text-to-video capabilities, presents unprecedented challenges to the anthropocentric foundations of Indonesian copyright law. The main problem lies in the legal vacuum regarding the authorship and originality of AI-generated videos, as traditional frameworks strictly require a human's personal touch and intellectual contribution. This research aims to analyze the copyright legality of Sora-generated videos under Law Number 28 of 2014 concerning Copyright, compare the regulatory approaches of the United States and China, and evaluate the juridical consequences of this legal vacuum on the creative industry. This study employs a normative legal research method using statutory, conceptual, and comparative approaches. The findings reveal that under Indonesian law, videos generated purely by AI operate outside the scope of copyright and fall into the Public Domain unless a substantial human intervention is proven. Comparatively, the US strictly denies AI authorship based on the idea-expression dichotomy, whereas China progressively recognizes complex prompt engineering as a protectable human intellectual investment. The study concludes that Indonesia must navigate a middle-ground approach by officially recognizing the category of "AI-assisted Works." To prevent

industry disruption such as copyright trolling and the spread of low-quality content, the government is urged to update current regulations and establish a specific verification test that requires creators to submit evidence of their iterative creative process and editorial control as a prerequisite for copyright protection.

KEYWORDS

Copyright, Generative Artificial Intelligence, Sora, Legal Vacuum

Introduction

The development of information and communication technology in the 21st century has reached a new turning point with the birth of the era of Artificial Intelligence (AI) or Artificial Intelligence which no longer functions just as an analytical computing tool, but has evolved into an entity that has generative capabilities. The phenomenon of the emergence of Generative AI is able to produce text, images, audio, and video with quality that is almost indistinguishable from man-made works. The term "Artificial Intelligence" itself was officially coined by John McCarthy at the Dartmouth conference in 1956, who defined it as "the science and engineering of making intelligent machines".¹ The development of artificial intelligence (AI) technology has brought a revolutionary impact in various fields. According to a study by Kantar Indonesia, 80% of smartphone users in Indonesia have used Ai in general. Second, as many as 68% of active users have conversations and ask questions to AI chatbots. Finally, as many as 50% of users are claimed to rely on AI to make decisions faster without having to think more. ²

This breakthrough after breakthrough came quickly, until in recent years there has been the development of AI in the form of diffusion models of visual works. This technology is the basis for popular platforms such as

¹ Ir Agus Wibowo and M Kom, *AI (Artificial Intelligence) and Judicial Modernization* (Publisher Foundation, 2025).

²"Kantar Indonesia" 2025, <https://www.kantar.com/>.

DALL-E, Midjourney, and Stable Diffusion. The diffusion model starts with a completely random image process (noise) and gradually refines it in a series of steps, removing noise little by little until it becomes a coherent image that matches the user's text-to-image description.³ The emergence of DALL-E by OpenAI in 2021, followed by the public releases of Midjourney and Stable Diffusion in 2022, marked a pivotal moment in the democratization of generative AI-based art creation. From a positive perspective, generative AI is seen as an empowering tool. One of the main benefits is a drastic increase in efficiency and productivity. Artists and designers can now generate a variety of visual concepts or initial sketches in seconds, a process that previously could take days or weeks. More so, this technology has democratized creativity, allowing individuals without a formal art education background or deep technical expertise to express their visual ideas. In this scenario, AI is not seen as a replacement, but rather as a collaborative partner that can inspire, help explore new styles, and handle repetitive tasks, thus allowing human creators to focus more on the conceptual and strategic aspects of their work.

On the other hand, the emergence of generative AI sparked a fierce debate about the essence of art itself. A major criticism that is often made is that AI-generated works, while technically impressive, tend to lack an emotional or psychic touch.⁴ This is because the work is not born from life experience, empathy, and deep interpretation that are characteristic of the human creative process. In addition, more and more "AI Slop" content is emerging, where many works are generated randomly, without effort, low quality, with minimal meaning created for the needs of algorithms and profiting from clickbait. So the element of creativity and originality of AI-based content is very doubtful.

³ Muhammad Zuharmando Ghaffara and Dede Pramayoza, "Creativity versus Dehumanization of Design Art: Human Skills in the Midst of the Challenges of Artificial Intelligence in the Digital Era," *Title: Journal of Design and Culture* 10, no. 1 (2025): 200–212.

⁴ Muhammad Ari Pratomo, *COPYRIGHT AND ARTIFICIAL INTELLIGENCE: Putting AI as an Aid, Not a Creator* (PT MuhammadAriLaw Pustaka Nada, 2025).

Originality means that a work is born from the unique ability of the creator. AI has no awareness or desire, and only processes existing data. As is known, AI does not have awareness, will, or imagination skills, so it is difficult for works that are fully generated by AI without human intervention to meet the criteria as creations according to the Indonesian Copyright Law.

If previously the intellectual property legal discourse was preoccupied with debates about copyright for written works such as ChatGPT or static visual works such as Midjourney and DALL-E, now these challenges are increasingly complex with the presence of highly sophisticated text-to-video technology. One of the most recent manifestations of this technology is the launch of "Sora" by OpenAI, an AI model capable of creating realistic and imaginative videos of up to 20 seconds based on text instructions (prompts). The Sora platform is a text-to-video model that can maintain visual quality and compliance with the prompts that users provide. OpenAI also confirmed that the video samples displayed on the Sora Platform are generated directly by the Sora AI engine without modification.⁵ Users can enter a text description and/or can upload an image or video as part of the initial prompt. This section shows that the user can use text instructions (prompts) and multiple selected modes as the input material of the video to be generated, but the Sora system will still generate the series of moving images.

Sora's presence not only marks a technological leap, but also sparks disruption in the broader intellectual property legal landscape, particularly the realm of Copyright, which has traditionally been built on a foundation of anthropocentrism that requires the creator must be a human being.⁶ Sora has capabilities that go far beyond its predecessor; it not only combines pixels into moving images, but understands real-world physics, object interactions, and complex cinematography. This raises fundamental questions about the essence of creativity and originality which are absolute

⁵ Openai, "Sora," <https://openai.com/index/sora/>.

⁶ Pritha Arintha Natasaputri, "Analysis of Challenges in Copyright Protection of AI Literary Works from the Perspective of Law Number 28 of 2014," *Journal of Social and Humanities* 5, no. 3 (2025): 5770–76.

requirements for copyright protection. In the legal context, especially in Indonesia which adheres to the Civil Law system, Law Number 28 of 2014 concerning Copyright (hereinafter referred to as the UUHC/UNDANG-UNDANG HAK CIPTA) defines Copyright as the exclusive right of the creator that arises automatically based on the declarative principle. Article 1 number 1 of the UUHC explicitly emphasizes that Creation is the result of every work of the Creator that shows its authenticity in the field of science, art, or literature.⁷ Furthermore, the definition of "Creator" in Article 1 number 2 refers to a person or several persons, which grammatically indicates the subject of human law (*natuurlijke persoon*). This legal construction creates a legal vacuum (*rechtsvacuum*) or at least a serious ambiguity when faced with the work produced by Sora. Who is entitled to be considered the creator of the video produced by Sora is the core of copyright recognition. Meanwhile, AI works may be considered Public Domain because they do not have the direct touch of a human hand in the process of visual execution.

In addition, there is a clash between conventional legal doctrine and the reality of the digital economy. On the one hand, Sora users may feel that they own the copyright because they are the ones who have the idea and structure the narrative through prompts. They make an intellectual effort in devising specific descriptions to produce the desired output. However, universally applicable copyright legal doctrines, including the *droit d'auteur* principle, affirm that copyright protects expression, not ideas.⁸ In the working mechanism of Sora, the resulting visual expression is not entirely within the user's control.⁹ This raises a debate about the doctrine of originality, as it is not clear whether the instructions alone are sufficient to meet the standards of personal touch or intellectual creativity required by law. When compared to photography, where photographers are protected

⁷ Republic of Indonesia, Copyright Law Number 28 of 2014.

⁸ S H Haryono, *RECOGNITION AND PROTECTION OF COPYRIGHT IN THE CONTEXT OF PHILOSOPHY AND THEORY* (Magnum Library, 2025).

⁹ Wiedy Nadya Putri, "AI AND ARTIFICIAL AESTHETICS: VISUAL APPEAL ANALYSIS IN GLASS FRUIT CUTTING VIDEO TRENDS," *Basic Design: Design and Fine Arts* 7, no. 1 (2025): 67–71.

due to the setting of angles, light, and moments, AI users often do not have complete control over the details of the output produced, thus casting doubt on their proprietary claims.

Meanwhile, global legal uncertainty can also affect the national legal climate. In the United States, the United States Copyright Office (USCO) in recent cases such as the case of Stephen Thaler (Creativity Machine) and the case of the graphic novel "Zarya of the Dawn", has taken a firm stance of denying copyright registration to works generated entirely by AI, or only granting partial protection to human-made elements.¹⁰ USCO affirms the principle of "human authorship" as an absolute requirement. Meanwhile, in China, the Beijing Internet Court in the case of Li v. Instead, Liu set a different precedent by recognizing copyright to AI-generated images, with consideration of incentivizing the creative industry.¹¹ This disparity in legal approaches in various jurisdictions requires Indonesia to immediately formulate its own legal stance. Given that Indonesia is a country with a rapidly growing digital economy and large technology consumers, the lack of legal certainty regarding the status of Sora's video work could lead to massive commercial disputes in the future, ranging from the advertising industry, film, to social media content creators. Practically, this regulatory change is necessary considering several dynamics in the industry. Technologies like Sora allow for the democratization of digital content production so that anyone with a simple device can create high-quality videos. This is an opportunity, but it also threatens the traditional creative profession. In addition, the use of big data to train AI raises broad ethical and legal issues. As reported, Sora can even feature watermarks, logos, and specific brand-specific content such as the NBA, TikTok and Twitch in its videos.¹² This shows that without clear regulation, AI models can copy the appearance of copyrighted content into new works without permission. If a

¹⁰ Julianna Simpson, "Auctor Ex Machina: Artificial Intelligence and Authorship in Zarya of the Dawn," *J. Bus. & Tech. L.* 20 (2024): 89.

¹¹ Baiyang Xiao, "AI Generated Content and Copyright in China: Reconceptualizing AI Creativity," 2026.

¹² Globalgpt, "How Legal Sounds? A Guide to Copyright-Safe AI Video Creation," accessed February 26, 2026, <https://www.globgpt.com/id/hub/how-is-sora-legal-a-guide-to-copyright-safe-ai-video-creation/>.

Sora's video work is deemed to be copyrightless, then anyone can duplicate and monetize the work without permission, which can ultimately harm the party who has spent the time and subscription resources to produce the work.

Although the use of artificial intelligence technology has been widely highlighted, the majority of previous studies in Indonesia have focused on AI copyright protection in general and have not specifically touched on cutting-edge innovations. Research by Elvira Purnama Sari, Puji Sulistyaningsih, Chrisna Bagus Edhita Praja and Tsuroyyaa Maitsaa' Jaudah (2025) from the University of Muhammadiyah Magelang examined copyright protection for works produced by AI in general, but the study has not touched on the specifics of text-to-video generative technology which has a much different level of complexity of embodiment.¹³ Furthermore, the research of Arnav Michael and V. Selvie Sinaga (2024) from the Catholic University of Indonesia Atma Jaya dissects the legal implications of generative AI in the intellectual property rights landscape, but the focus of his study is more prominently in the input phase on how works belonging to other parties have the potential to be used in the process of AI technology. However, the focus is still very limited to static papers and drawings, and has not provided adequate comparative analysis with the jurisdictions of other countries.¹⁴ Meanwhile, research by Annisa Zerlina Cindy Gayatri, Nuzulia Kumala Sari, and Halif (2025) from the University of Jember highlights the problems of the legal subject of creators in AI works, but the shortcoming lies in the absence of discussion on how the juridical consequences of the legal vacuum have a direct impact on the disruption of the creative industry ecosystem.¹⁵

¹³ Elvira Purnama Sari et al., "Juridical Review of Artificial Intelligence (AI) as a Producer of Copyrighted Works in the Perspective of Copyright Law," *Borobudur Law and Society Journal* 4, no. 4 (2025): 315–34.

¹⁴ Arnav Michael and Valerie Selvie, "The Application of Indonesian Law Related to the Use of Illustrations in Program Databases with the Help of Artificial Intelligence," *Journal of Development Law Paradigm* 9, no. 2 (2024): 210–31.

¹⁵ Annisa Zerlina Cindy Gayatri, Nuzulia Kumala Sari, and Halif Halif, "Legal Certainty for the Protection of Copyright Owners for the Use of Works by Artificial Intelligence (AI)," *Al-Zayn: Journal of Social Sciences & Law* 3, no. 5 (2025): 7237–50.

The majority of previous studies in Indonesia still dwell on AI copyright protection in general or focus on static written works and images. Meanwhile, Generative AI videos like Sora have a higher complexity because they involve audio-visual elements and time duration. Video has different fixation characteristics than static images. This complexity demands a reinterpretation of the concepts of "Embodiment" and "Announcement" of a work in the UUHC.¹⁶

In addition, the existing literature has not taken a comparative approach between the different concepts of AI-based work copyright regulation that have been implemented in various countries. These crucial aspects that were missed were the ones that limited the previous analysis, even though the review was fundamental to unravel the legal impasse in order to assess the copyright legality of Artificial Intelligence video works on the Sora platform according to current intellectual property law.

Departing from this research gap, this research is here to complement the shortcomings in the previous literature while offering an element of novelty by placing the Sora text-to-video platform that involves the incorporation of pixels, real-world physics, and complex cinematography as specific material objects. This study aims to analyze the copyright legality of videos produced by Sora within the framework of Law Number 28 of 2014, compare the regulatory approaches applied in the United States and China, and evaluate the juridical consequences of this legal vacuum on the creative industry. The urgency of this research is very urgent so that Indonesia can immediately formulate a legal stance on the middle way to prevent industrial disruption, such as the rampant copyright trolling and exploitation of low-quality content without protection limits.

The main legal issue in this study centers on the legal vacuum related to the authorship status and originality of AI-generated videos, given that the current legal framework strictly requires the existence of distinctive and personal human creativity. Based on this, the problems that will be studied in depth in this study are formulated as follows: (1) How video works

¹⁶ ABDURRAHMAN MAZLI, "Video Reupload Analysis Reviewed from the Perspective of Indonesian Copyright," 2022.

produced through the Artificial Intelligence platform "Sora" can be qualified as objects of copyright protection (creations) according to the framework of Law Number 28 of 2014 and the Indonesian Intellectual Property Rights system; (2) How is the comparison of legal rules related to Artificial Intelligence copyright that have been applied in the United States and China.

Based on all the descriptions and problems that have been described previously, this study will focus on in-depth research with the title "Copyright Legality of Artificial Intelligence Video Works on Sound Platforms According to Intellectual Property Law". The results of this research are expected to provide a conceptual basis and strategic policy recommendations for the Government, especially the Directorate General of Intellectual Property (DJKI). This research is also expected to be able to offer concrete legal testing instruments such as policies on the use of AI machines in producing works, limitations on creations, and recognition of AI-based creations. Thus, future policies can ensure legal certainty and substantive justice that equitably protect the economic rights of human creators in the midst of the rapid acceleration of the digital economy and artificial intelligence.

Methods

This research uses a normative legal research method (normative juridical), which is research that places law as a norm/rule (*das sollen*) and examines problems through literature studies on relevant legal materials.¹⁷ This method was chosen because the focus of the article is to assess the position (legality) of AI-generated videos (Sora) as a copyright object according to Law No. 28 of 2014 and analyze the normative consequences if the work does not receive protection. The research uses several approaches that are prevalent in normative law research. First, the statute approach by examining the systematics, provisions, and explanations of Articles in Law

¹⁷ S H I Kristiawanto, *Understanding Normative Legal Research* (Prenada Media, 2022).

No. 28 of 2014 concerning Copyright, especially related to the definition of works, creators, rights holders, and categories of audio-visual works/cinematographic works. Second, a conceptual approach to discuss and test doctrines or legal theories of intellectual property rights (IPR) that are relevant to the concept of Generative AI such as human authorship, human creative contribution, and originality. Then there is a comparative approach that is carried out in a limited way, namely comparing the direction of policies or doctrines in several jurisdictions, namely in the United States and China related to the recognition or rejection of the protection of AI works, in order to enrich arguments and provide policy perspectives for the Indonesian context.¹⁸

Result and Discussion

1. The Position of Artificial Intelligence Video Works in the Indonesian Copyright System

The discourse on "legality" becomes an essential foundation before further examining the position of an entity or object in a positive legal system. Conceptually, legality boils down to the parameters of "validity" and "legal certainty". Sudikno Mertokusumo in his book *Getting to Know the Law: An Introduction*, emphasized that the legality or validity of an act or legal object is highly dependent on its recognition by the applicable positive law, where the law serves to provide protection for the interests of civil rights.¹⁹ In line with this, Hans Kelsen, through *Reine Rechtslehre* (Theory of Pure Law), defines legality as the absolute conformity between a fact, action, or object to the higher hierarchical norms that overshadow it²⁰. Furthermore, in the realm of intellectual property law, Peter Mahmud Marzuki (2017) explained that the legality of a right depends on the

¹⁸ Qadriani Arifuddin et al., *Legal Research Methodology* (PT. Sonpedia Publishing Indonesia, 2025).

¹⁹ Sudikno Mertokusumo, "Knowing the Law: An Introduction," 1986.

²⁰ Hans Kelsen, *Introduction to Legal Theory* (Nusamedia, 2019).

fulfillment of the limiting prerequisites set by law, so that a legal object is qualified as an object that deserves a monopoly of protection and exclusive rights from the state.²¹

Linking this concept of legality with the existence of generative Artificial Intelligence (AI) technology, especially on text-to-video platforms such as Sora, has created a sharp legal disruption. On the one hand, this algorithmic system is able to synthesize audio-visual products that are empirically identical to human inventions. But on the other hand, the legality or validity of the copyright of the product is questioned because its existence violates conventional normative boundaries regarding who the legitimate creator is and how the intellectual creative process is recognized by law. Therefore, testing the legality of AI video works in essence is not just assessing the visual final form of the work, but rather testing the feasibility of the machine's generative process and whether it can be accommodated and legalized for the fulfillment of its rights by existing intellectual property protection regulatory frameworks.

In the paradigm of Indonesian Intellectual Property Rights, in general, copyright protection is not given to ideas, concepts, procedures, systems, methods, or abstract ideas that still reside in the mind. Article 1 number 1 of the UUHC emphasizes that "Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in real form without reducing restrictions in accordance with the provisions of laws and regulations." So that new legal protection will be born automatically based on declarative principles when the idea has been realized into a tangible and tangible form. The Creator himself in Article 1 number 2 is defined as "The Creator is a person or several people who individually or jointly produce a creation that is distinctive and personal." Grammatically speaking, the phrases "one or several people" and the qualities "distinctive and personal" indicate that the anthropocentric orientation of the creator is human and creation is an expression that can be linked to the personality/personality of the creator. Furthermore, based

²¹ Mahmud Marzuki, *Legal Research: Revised Edition* (Prenada Media, 2017).

on the provisions of Article 1 number 3 of the UUHC it reads "Creation is any work of creation in the fields of science, art, and literature that is produced on inspiration, ability, thought, imagination, dexterity, skill, and expertise expressed in real form." The requirement that the work must be expressed in tangible form or what is often referred to as tangible form is an embodiment of the doctrine of fixation.²² This doctrine requires that a creation be transformed from a mere idea into a permanent or stable medium so that it can be seen, heard, touched, duplicated, or communicated to the public. From these definitions, it can be drawn that an object can be called a "work" (copyright object) if, (a) it is an expression in real form; (b) be in the domain of science/art/literature; and (c) may be attributed to the creator as distinctive and personal.

The UUHC states that cinematographic works are one of the types of creations protected in Article 40 paragraph (1). The UUHC explanation explains that what is meant by cinematographic works is creations in the form of moving images, such as documentaries, advertising films, reportage, screenplay films, cartoon films; can be made on various media such as celluloid tape, video tape, optical disc, and/or other media and is a form of audiovisual. This explanation provides a bridge to assess that Ai's video work can be categorized as a copyright object of Audiovisual Cinematographic Works. However, there is an important note that the video may not necessarily meet the concept of creation and can be linked to a 'distinctive and personal' creator.

a. Sora's internal policy in regulating the right to use and claim ownership of the work

As a developer entity at the forefront of artificial intelligence innovation, OpenAI operates in an ecosystem where technological progress exceeds the speed of state legislation. To fill this legal gap, OpenAI formulated a series of internal regulations, Terms of Use ,

²² Pratiwi Eka Sari, "The Need for the Expansion of the Doctrine of Originality and Fixation in the Copyright Law as a Protection of the Creativity of the Nation's Children," *"Dharmasiswa" Journal of the FHUI Master of Law Program* 1, no. 1 (2021): 10.

privacy policies, and technical guidelines that bind its service users. This policy does not simply regulate user behavior ethically, but unilaterally constructs civil law restrictions regarding the ownership, liability, and distribution of content generated by machines.

In the universally enforced Terms of Use for its services (including ChatGPT, Codex, and Sora), OpenAI specifically regulates the separation of rights to Input (text instructions or prompts, as well as basic images that the user inputs) and Output (the final video work that Sora's produces).

"Ownership of content. As between you and OpenAI, and to the extent permitted by applicable law, you (a) retain your ownership rights in Input and (b) own the Output. We hereby assign to you all our right, title, and interest, if any, in and to Output." ²³ Such terms of use agreement indicate that to the extent permitted by applicable law, users retain all ownership rights over their Input. Furthermore, OpenAI also explicitly states that it assigns all rights, ownership, and interest in the output to users.

At first glance, this redirect clause gives the user the illusion of security that they are the absolute owner of the produced video. However, from a substantive intellectual property law perspective, the assignment of rights carried out by OpenAI is essentially only contractual and binding on the parties to the agreement. This means that OpenAI is simply providing assurances that they will not sue users for commercial exploitation of the video.²⁴ This internal clause does not in any way provide an absolute guarantee that the video is safe from third-party copyright disputes, or that the work has legal standing to be registered as an exclusive copyright object at the country's intellectual property registration office. To mitigate risk, OpenAI expressly and in layers disclaims all warranties for its Beta phase services and

²³ Openai, "Sora Service Terms," <https://openai.com/policies/service-terms/>.

²⁴ Bohui Shen et al., "User Negotiations of Authenticity, Ownership, and Governance on AI-Generated Video Platforms: Evidence from Sora," *ArXiv Preprint ArXiv:2512.05519*, 2025.

commercial services. This disclaimer includes a guarantee of satisfactory quality, fitness for a particular purpose, and most crucially a guarantee of non-infringement. This policy is a classic form of risk-shifting; if the video produced by Sora by chance or intentionally bears a substantial resemblance to a copyrighted third party work, the burden of legal liability, whether civil or criminal, falls entirely on the shoulders of the user. Users have no right to seek redress or liability from OpenAI if they face a summons or copyright infringement lawsuit from a third party.²⁵

To mitigate the potential for mass litigation and maintain the integrity of the platform, OpenAI implemented the Sora Distribution Guidelines. This content moderation policy strictly prohibits the synthesis and distribution of videos that promote graphic violence, sexual exploitation, extremist propaganda, and material that directly infringes the intellectual property rights of others. In an effort to avoid violating persona rights, Sora's platform is designed to automatically block prompts aimed at recreating visual likeness of living public figures without their explicit consent, or deceased public figures whose use of likeness is restricted by law. This policy was strictly enforced following a wave of criticism when AI-generated videos featured replicas of famous musicians or public figures in inauthentic situations.

Sora works when a user enters a text prompt into the system, and then the probabilistic diffusion model that underpins the Sora architecture will process those instructions through a series of computational steps. This diffusion model starts the process from a random set of static noises or images, then gradually removes the noise little by little until it forms a visual coherence and temporal movement that matches the description of the text. The end result of this computational process is a digital video. This digital video has factually and technically met the requirements for real realization because its

²⁵ Rachel Barkin, "OpenAI's 'Sora' Sparks Copyright and Fair Use Debate," *The Journal of Sports and Entertainment Law*, 2025, <https://journals.law.harvard.edu/jsel/2025/10/openais-sora-sparks-copyright-debate/>.

existence has settled in an electronic medium, can be played, shown, distributed, and duplicated indefinitely, in accordance with Article 1 of the UUHC.

According to the terms of its use service, OpenAi has acknowledged that its users have the rights to AI-generated works in contractual agreements. However, the clause is limited "to the extent permitted by law". If the laws of a country claim that the creator is a human, this statement may not be enforceable.²⁶

b. Analysis of the Status of AI Users as Copyright Subjects Based on Personality Theory and Ownership Theory

The intellectual property rights system in Indonesia is generally built on a very strong foundation of anthropocentrism. Anthropocentrism in this context is placing humans as the center and core of a creation that has consequences and legal values. Article 1 number 2 of the UUHC limitively defines "Creator" as a person or several people who individually or jointly produce a distinctive and personal creation.²⁷ Although in its development a legal entity (*rechtspersoon*) can become a Copyright Holder through the mechanism of transfer of rights, the original creator or source of origination of a work must be a human individual who breathes and has reason. Generative Artificial Intelligence platforms like Sora, no matter how intelligent their capabilities are in replicating reality or crafting stunning cinematography, have absolutely no legal entity, existential awareness, capacity to bear obligations, or free will.

According to the Personality Theory initiated by the German philosopher, Georg Wilhelm Friedrich Hegel in his masterpiece *Philosophy of Right*, Hegel postulated that property rights, including the right to intellectual property, are the external manifestation and extension of human will, autonomy, and personality to the objective

²⁶ Olivia Bainbridge, "Is the Fair Use Doctrine a Viable Argument for Generative AI?," 2023.

²⁷ Republic of Indonesia, *Copyright Law Number 28 of 2014*.

world.²⁸ Based on this theory, a work of art (including cinematography) is seen as a mirror of its creator's personality, intuition, life experiences, empathy, emotions, and existential awareness. The logical consequence of this view is that the creation must reflect personality in order to be recognized as an intellectual work. Sora's model system operates purely on the recognition of patterns of billions of mathematical parameters from its training data, statistical probabilities, and vector calculations without the slightest bit of having soul, free will, suffering, or happiness. Because artificial intelligence has no personality to express, pure works produced autonomously by machines are seen as philosophically hollow or dead, thus failing to meet the requirements of "distinctive and personal" as mandated by the *droit d'auteur* doctrine embraced by Indonesia.

In addition, John Locke's Labor-Desert Theory states that every human being has a natural right to his own body and, by extension, to everything that results from the mixing of his energy, hard work, and intellectual effort (labor) with the objects of the universe.²⁹ In the process of creating a conventional cinematic video work, directors, scriptwriters, lighting designers, and cameramen spend time, technical expertise, sweat, and intellectual dedication to set up every aspect of the scene. This sacrifice justifies the granting of exclusive rights as a form of appreciation and protection from the state. In contrast, videos generated by Sora are produced through a computational process that executes user prompts instantly in minutes or even seconds. Although OpenAI's infrastructure model consumes massive computing power and energy, the machine entity has no consciousness to claim moral or economic compensation for the work it performs.

So it can be concluded from both these doctrines and views, that artificial intelligence cannot, and should not, be classified as a creator.

²⁸ Anastasia Theresia Puspasari, "A Review of the Concept of Exclusive Rights in Copyright Based on Hegel's Theory," *Dialogia Iuridica* 13, no. 2 (2022): 140–61.

²⁹ Ignatius Hariyanto, *John Locke and the Roots of Intellectual Property Thought* (Gramedia Popular Literature, 2021).

Therefore, from the perspective of Indonesian law, the Sora platform can only be positioned absolutely as an "Object", "Instrument", or "Legal Object", whose legal degree is equivalent to a digital camera, video editing software, typewriter, or a paintbrush.³⁰ This construction automatically shifts the burden of analysis and legal accountability to the human entities behind the scenes of the system.

Since Sora is positioned solely as a technical instrument, whether or not the copyright to the video it produces depends entirely on the quality of the intellectual contributions of humans as its users. The UUHC requires that a creation must be born from a combination of inspiration, ability, thought, imagination, dexterity, skill, or expertise. This set of prerequisites requires a test of the originality of the work, which is the main benchmark of whether human intervention is sufficient to give birth to authorship status. In the principle of Modicum of Creativity, it is stated that copyright protection is not given solely because of physical effort, time, or skill in compiling a work.³¹ On the other hand, copyright is only granted if the work has minimal elements of creativity and unique character. The main emphasis of this doctrine is on meeting standards of originality through creative intellectual processes, not just data compilation or mechanical hard work. When a user interacts with Sora, the main human involvement occurs through the drafting of prompt engineering. So that the creative process and the realization of creative ideas depend on the prompt used.

In the process of creating a conventional cinematographic work, the humans who execute the idea into physical expression are those who set the lighting on the set, hold the camera, adjust the lens, and direct the actors. In Sora's working mechanism, the idea is expressed in the form of written instructions (prompts) to produce expressions that match the

³⁰ Yuka Latieful Mantiqa, Mulida Hayati, and Satriya Nugraha, "Generative AI In The Context Of Intellectual Property Law: Urgency, Challenges, And Legal Protection," *Journal of Law, Politic and Humanities* 5, no. 6 (2025): 4753–60.

³¹ Howard B Abrams, "Originality and Creativity in Copyright Law," *Law & Contemp. Probs.* 55 (1992): 3.

creative ideas of the user. The preparation of these instructions can involve hundreds of characters, the use of specific mathematical parameters, attribute exclusions (negative prompts), and iterative adjustments that can take hours. The more complex, detailed, and specific the instructions given, the stronger the aspect of human creativity given. So that the results of Ai's video work can be validated as a 'distinctive and personal' output.

c. The Impact of the Copyright Law Vacuum on AI-Based Works

The uncertainty and legal vacuum (*rechtsvacuum*) of AI copyrights store a time bomb that threatens to spin the wheels of the creative economy, and has the potential to trigger the escalation and explosion of massive civil and criminal business disputes within the Commercial Court and District Courts in Indonesia in the coming years. In the Sora context, the legal void indicates that the videos rendered by the Sora platform do not have a copyright shell, so they are automatically Public Domain.³² The impact On the one hand, multinational commercial advertising agencies, local animation studios, film producers, independent production houses, to individual influencers, have unlimited accessibility to produce massive content with production costs and time durations that are cut in such a way, making their economic efficiency increase exponentially. But on the other hand, these commercial actors are faced with exposure to a high risk of juridical vulnerability. A commercial brand promotional video produced using Sora (e.g. an automotive or luxury fashion profile video) cannot claim its exclusive legal protection. This means that any business competitor, business competitor, or third party can instantly download, duplicate, crop, re-upload, or monetize the video for their own commercial purposes without fear of being sued for copyright infringement or enforcement through civil damages.

³² Pamela Samuelson, "Generative AI Meets Copyright," *Science* 381, no. 6654 (2023): 158–61.

Meanwhile, a research by the Kapwing Platform on the YouTube platform, conducted a survey of 15,000 of the most popular channels globally in 2025. The research points to the alarming fact that more than 20% of the videos driven by YouTube's recommendation algorithm to the homepage of new users are AI video content dubbed as "AI Slop". AI Slop is categorized as mass-produced, low-quality, minimal organic narrative content, and is fully designed by AI to manipulate algorithms through interaction, in order to reap ad affiliate program revenue. Based on the research, there are 278 Youtube channels that exclusively broadcast AI videos and have managed to get more than 221 million subscribers and accumulated up to 63 billion global views.³³ The inability of a positive law to accommodate absolute ownership rights over the synthesis of Generative AI technology has serious consequences and triggers uncertainty that has the potential to paralyze the commercialization aspect of the industry and the growing national and global creative economy.

Absolute denial of copyright status to videos produced by Sora or other platforms, only in production scenarios where human intervention is passive, i.e. prompt-to-output creation methods instantly and without advanced intervention and fairly dominant human contribution. So, if the distributed AI content has enough human contributions, then exclusive rights to the work should be obtained.

Therefore, the law should provide a new interpretation of AI copyright. The key to recognizing the status of creation in the AI era lies in the principle of the "Minimum Human Contribution Threshold".³⁴ Because in essence, the protection of exclusive rights is not given to raw materials, but to substantial modifications and compilations that have gone through the

³³ Kapwing, "The Rise of Ai Slop: Analyzing Generative AI Content on YouTube Algorithms. Kapwing Research Report.," 2024, <https://www.kapwing.com/blog/ai-slop-report-the-global-rise-of-low-quality-ai-videos/>.

³⁴ Fernando A Ramos-Zaga, "Reconceptualizing Human Authorship in the Age of Generative AI: A Normative Framework for Copyright Thresholds," *Laws* 14, no. 6 (2025): 84.

human creative process. In addition, problems related to the subject of the creation of artificial intelligence works can be solved by expanding the teleological interpretation of the meaning of "Creator", which has been a limitation and adding significant contribution test criteria to the explanatory article of the law.

Thus, the juridical logic built asserts that the recognition of exclusive rights (especially the monopoly of economic rights) can be granted to the human creator entity behind the scenes. However, this monopoly right was born with a record of the burden of proof that the applicant is able to prove the validity of the existence of a measured intervention intellectual effort in a series of processes to guide, direct, and modify the output of the generative AI system. Creating a short instruction prompt text consisting of one line of words that is too general will not meet the test standards for a single drop of protection.

2. Comparison of the implementation of copyright regulations for Artificial Intelligence works in the United States and China

In practice, the legal framework in Indonesia has not discussed exactly about Artificial Intelligence technology as a new phenomenon in the development of Intellectual Property Rights. The practice on a global scale is still gray. As an organization that oversees the global intellectual property regime, the World Intellectual Property Organization (WIPO) has not yet issued a binding treaty specifically on AI. However, through the WIPO Conversation on Intellectual Property and Artificial Intelligence forum, a de facto consensus has been formed among member states which is formally stated in the Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence (WIPO/IP/AI/2/GE/20/1 REV).³⁵ This consensus fundamentally underscores the principle of Human-Centric Authorship,

³⁵ World Intellectual Property Organization, "Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence" (2020).

given that copyright law has historically been specifically designed to reward human intellectual effort. Furthermore, WIPO also highlights the urgency of categorizing the level of human involvement that explicitly distinguishes between AI-generated works and AI-assisted works where human intervention and creative control are still dominant. Although WIPO has laid this philosophical foundation, the absence of an imperative international legal instrument makes the implementation of regulations in various jurisdictions highly polarized.

In the United States, the United States Copyright Office (USCO) adopts a very strict conservative approach, relying on the anthropological purity of a work. Based on the latest guidelines published, the USCO reaffirms its doctrinal stance that human authorship is an absolute prerequisite (*conditio sine qua non*) for a work to be eligible for registration and recognition as intellectual property.³⁶ In its comprehensive policy statement, the USCO stipulates that the term author as enshrined in the United States Constitution and the Copyright Act inherently and historically excludes all non-human entities.³⁷ Therefore, works that are mechanically generated, randomly operated, or produced by automated computational processes without the intervention of human creative thinking cannot be protected by law. In the context of generative artificial intelligence, USCO makes a clear distinction between the idea element and the expression element (idea-expression dichotomy). When a user of an AI machine (such as Sora or Midjourney) provides a prompt in the form of highly complex descriptive text, the user is essentially just contributing an "idea" or conceptual briefing. It is the AI machine that processes these ideas and determines the absolute arrangement of visual expressions such as lighting, placement of viewpoints, to the movement of the subject and then produces the output of moving and static images. The USCO asserts that when such expressive elements are determined by machines and dominate, they cannot be

³⁶ U S Copyright Office, "Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence," *Federal Register* 88, no. 51 (2023).

³⁷ Robert A Gorman, "Overview of the Copyright Act of 1976," *U. Pa. L. Rev.* 126 (1977): 856.

claimed to be the result of human authorship and must be prohibited in the application for Copyright registration.³⁸

The USCO's rigid stance is reinforced by a series of disputed developments involving artificial intelligence technology in its problems. In the case of *Thaler v. Perlmutter*, the U.S. District Court for the District of Columbia denied a copyright registration for a visual artwork titled *A Recent Entrance to Paradise* that was intentionally registered by Stephen Thaler citing a "Creativity Machine" (an AI) as its creator.³⁹ The court rejected Thaler's request by basing its decision on several jurisprudence, particularly the U.S. Supreme Court's case of *Burrow-Giles Lithographic Co. v. Sarony* (1884). The case concerned photography where the Supreme Court ruled that even though the camera is a machine, a photographic work can be protected because it involves intellectual control, angle selection, lighting, and pose setting by a human photographer. In Thaler's case, however, his AI operates autonomously, so no human intellectual conception can be attached to the work.

As another form of legal enforcement, the United States Copyright Office (USCO) canceled the copyright registration of the *Zarya of the Dawn* comic that had previously been registered in the name of creator Kristina Kashtanova. However, after realizing that the illustrations in it were generated using Midjourney software, USCO performed a protection cancellation for the image element.⁴⁰ Copyright in the United States is based on the Copyright Act of 1976, which provides protection for original works of authorship. In the case of *Zarya of the Dawn*, the USCO considered that the act of prompting the AI system, as happened in the creation of the comic, could not be considered a form of human creative control sufficient to recognize the user as the creator of the illustration. USCO analogizes this prompting process to the interaction between a client and a commercial

³⁸ Rahmi Jened, "Copyright Law" (PT. Citra Aditya Bakti, 2014).

³⁹ Saleh Al-Sharieh, "Copyright Denied for Generative AI: Remarks on *Thaler v Perlmutter*," *Utrecht J. Int'l & Eur. L.* 40 (2025): 48.

⁴⁰ Gary Rinkerman, "Artificial Intelligence and Evolving Issues under US Copyright and Patent Law," *Interactive Entertainment Law Review* 6, no. 2 (2023): 48–65.

painting artist; the client (prompter) provides specific details about the painting he wants, but it is the artist (AI machine) who is in control of the brush strokes, color composition, and final execution. On the basis of this logic, the USCO concluded that the mere provision of prompts does not meet the threshold of human creativity required by the constitution. The director of the USCO, Shira Perlmutter, asserts that extending legal protections to material whose expressive elements are dictated by machines would destroy the constitutional purpose of copyright itself, which was essentially created to incentivize the expression of the human soul.⁴¹ As an implication of this doctrine, the USCO requires any copyright applicant who uses artificial intelligence tools to explicitly declare (disclaimer) which part of the work is AI-generated, in order to be exempt from a certificate of legal protection. AI work is only recognized if humans make very substantial post-production creative modifications, not just use the tool to produce the main work.

Given that artificial intelligence systems are seen as producing visual expression through mechanisms that are not fully predictable or directed in detail by the user, AI cannot be positioned as a mechanical instrument such as a camera or design software whose entire creative process is under human control. On that basis, illustrations generated entirely by AI are considered not to meet the requirements of human authorship by the U.S. Copyright Office. If the legal reason and logical ratio of the *Zarya of the Dawn* case are *mutatis mutandis* drawn and applied to the phenomenon of the Sora platform, then the conclusion will lead to the same absolute conclusion. Text instructions (prompts) for producing cinematic videos remain as abstract ideas or directions, while Sora's automated computing engine acts autonomously assembling frame by frame image probabilistic beyond human rational control and prediction. As a result, the human status of visual authorship collapsed, and the video fixation work did not deserve the protection of exclusive rights.

⁴¹ Shira Perlmutter, "Artificial Intelligence and Copyright. U.S. Copyright Office," 2023.

A stark contrast paradigm was demonstrated by the judicial system in the People's Republic of China at the end of November 2023. The Beijing Internet Court (BIC) in the case of *Li v. Liu* granted the plaintiff's lawsuit that his AI image work was used without permission by the defendant on a private website.⁴² Initially, the Plaintiff (Li) produced an illustration of an image of a woman under the twilight lighting using AI software called Stable Diffusion and uploaded it to Xiaohongshu social media. The defendant (Liu) then copied the image, removed the plaintiff's watermark, and used it to illustrate the article without permission. In contrast to the USCO's lens that reduces human input on AI platforms as an activity that has no authority over images, the panel of judges in China has instead conducted an extensive progressive interpretation of human contribution. They argue that human users can become creators if they have made sufficient intellectual investment that is reflected in the personalized expression of the final work. The BIC applies a four-element empirical test under the Copyright Law of the People's Republic of China to determine the qualification of such images as protected works: (1) they must be in the field of literature, art, or science; (2) have originality; (3) have a tangible and sensory form of expression; and (4) are the product of human "intellectual investment".⁴³

BIC also states that the burden of proof is on the user who claims copyright. They must provide evidence of their creative process, such as prompts and refinement notes as well as their iterative selection process. The intellectual investment requirements mentioned above are detailed by the court, including: conceptualizing the appearance of the character in the mind, formulating and arranging the parameters of the keyword array (prompts), adjusting advanced numerical settings in the software, determining the configuration of the lens and computational lighting, and most significantly: conducting a series of repeated iteration experiments until successfully selecting the final draft of the image most satisfying his aesthetic vision. Li was actively involved from the stage of conception; It

⁴² Beijing Internet Court, "*Li v. Liu*, (2023) Jing 0491 Min Chu No. 11279."

⁴³ China, "Copyright Law of the People's Republic of China" (2020).

formulates, curates, and inserts tens to more than 150 specific prompts and curates until the results are as per the expected vision. On the basis of the investment of energy and layered intellectual choices, the court determined that the work met the requirements of originality because it contained elements of personalized expression.

However, the most crucial thing to note in the normative analysis of the *Li v. Liu* decision is the philosophical foundation of the decision which is very thick with utilitarian policy arguments. The court openly and explicitly declared that this copyright recognition ruling was specifically aimed at stimulating public creation, incentivizing more citizens to use cutting-edge innovation tools, and protecting the economic value of the artificial intelligence industry on a macro basis to balance the corporate interests of the technology and the future industrial impulses.⁴⁴ Moreover, Article 11 of China's Copyright Law stipulates that the author must be an individual or legal entity, the BIC firmly rejects the argument that the AI model itself or the algorithm design company is the creator. Intellectual property rights are granted in full to the software user (Li) due to his or her direct intellectual contribution to the creation process.

This view is inversely proportional to the United States. The USCO views that prompts are ideas, and AI provides their expressions, which is therefore not a human creation. In contrast, the Chinese Court explicitly stated that the selection, drafting, and repetitive refinement of prompts is an intellectual investment that is a personalized expression of the user in the final work. Essentially, Chinese courts view the "prompt engineering" process itself as a copyrightable act of expression, not just an idea. They see AI as a complex tool that translates a user's detailed expressive choices into visual output.⁴⁵

⁴⁴ Jinglei Wang and Jing Yi Lim, "Developing Intellectual Property Rights Competence in the Age of AI: Preparing Future Practitioners for China's Creative Industries," *Higher Education, Skills and Work-Based Learning*, 2026, 1–15.

⁴⁵ Zhang Yike, "The Politics of Copyright Law for Works Produced by Artificial Intelligence: A Comparative Study Between Indonesia, the United States, and China" (Gadjah Mada University, 2025).

Table 1. Comparison of United States and Chinese Regulations on AI-Based Works

Comparative Parameter	United States	China
Legal Basis & Key Precedent Cases	Copyright Act of 1976. Cases: Zarya of the Dawn (Kristina Kashtanova v. Midjourney) & Thaler v. Perlmutter (Creativity Machine).	Chinese Copyright Law. Cases: Li v. Liu (Stable Diffusion) & Shenzhen Nanshan Court Ruling (2020).
Legal Subject Status of Artificial Intelligence	Categorically rejected. Law mandates exclusive human authorship. Machines or AI have no legal standing.	Rejected. Courts affirm that AI is not human and therefore cannot be a legal subject.
Copyright Ownership Status of AI-Generated Works	Ownership denied for purely machine-generated output. AI output is categorized as Public Domain.	Copyright is fully granted and recognized to the human user operating the AI.
View on Prompt Contribution	A prompt is treated similarly to instructions or suggestions given by a client to a commissioned artist. A prompt does not dictate a specific outcome.	Using more than 150 prompts, adjusting parameters, arranging word sequences, and conducting trial-and-error processes may be recognized as a form of human control.
Benchmark in Intellectual Property Doctrines	Rejection of the sweat of the brow argument. Time and effort spent typing prompts do not make one a creator due to a lack of 'substantial control' over the final visual output.	Courts recognized the iterative prompt-selection process as an 'intellectual achievement' and a reflection of the user's 'personalized expression.'
Approach to Post-Production Human Modification	In the Zarya of the Dawn case, copyright may only be granted in a very limited manner to the original human-authored text and comic page layout elements; the AI-generated images themselves must be excluded from registration.	Courts distinguished between using raw AI output as-is versus works where a human actively experimented with positive and negative prompts to achieve a final aesthetic.

From the comparison above, it is clear that the legal status of video works from platforms like Sora in the global realm will largely depend on the principle of legal territoriality of the creator residing or registering his work. Indonesia's current positive law has not been equipped with an established legal interpreting instrument to draw a firm line between the use of AI as a tool and the creation of autonomy by machine entities. This lack of clarity of doctrinal limitations, compounded by the absence of technical indicators on the ground to verify the level of human contribution, creates a legal vacuum that carries systemic legal risks.⁴⁶ Given the extreme polarization of the two jurisdictions, Indonesia is faced with the urgency of formulating a moderate, adaptive, but still firmly rooted legal construction of the national intellectual property protection. Adopting a rigid approach in the United States would isolate Indonesian digital creators from global competition and risk killing the potential efficiency of the audio-visual creative industry. Instead, adopting a Chinese approach without strict testing parameters would open a Pandora's box of copyright trolling practices, where opportunists can produce and register thousands of artificial intelligence synthesis videos simply to blackmail others or for personal gain. From production houses, advertising agencies, local animation studios, to independent creators are now in a vulnerable position because their audiovisual commercial assets that use AI efficiency have the potential to be downloaded, hijacked, and monetized by competitors without a definite legal protection shell.

Therefore, as a strategic suggestion and recommendation for the future, Indonesia's copyright legal framework, especially in the discourse on the renewal of Law Number 28 of 2014 concerning Copyright, must explicitly accommodate a new classification, namely "AI-Assisted Works". This middle ground approach expands the teleological interpretation of the definition of "Creator" without sacrificing the legal principles of anthropocentrism. In this construction, the artificial intelligence system is

⁴⁶ Yonathan Ariel Alexander Tambunan and Dewa Ayu Dian Sawitri, "The Implications of Legal Void on Artificial Intelligence as an Intellectual Property Infringer on Digital Works," 2025.

positioned absolutely and limitatively only as a technical instrument (assistive tool) whose degree is equivalent to a digital cinema camera, while the status of exclusive authorship remains inherent in the human user.⁴⁷

However, recognition of authorship status for AI-Assisted Works should not be given automatically (blanket protection). Indonesia must impose strict legal testing based on the doctrine of the "Human Contribution Threshold". Copyright can only be granted if the creator is not merely acting passively using the instant prompt-to-output method. Referring to the aspects used by China in testing the feasibility of AI copyrights, four important testing elements can be used, namely: (a) who compiled the prompt or idea design, (b) the level of human correction/editing of the AI results or outputs, (c) whether the work is in the protected art/literature category, and (d) evidence of personal characteristics in the work. If these four elements are met, the work can be classified as AI-assisted and still protected by copyright.

The logical consequence of the application of this threshold is a shift in the burden of proof. Given that Indonesian copyright law adheres to declarative principles, in the case of administrative records and commercial disputes, the burden of proof is absolutely on the shoulders of the applicant. As emphasized by Achmad Iqbal Taufiq, Legal Analyst at the Directorate General of Intellectual Property (DJKI), every Generative AI user should have a document that shows their human creative contribution.⁴⁸ For example, establishing the obligation to record the prompt design, curation steps, and editing carried out. This documentation can be valid proof that a work falls into the AI-assisted category, so it can be recognized as someone's creation. In addition, in his official outlook released in early 2025, DJKI's Director of Copyright and Industrial Design, Agung Damarsasongko, has

⁴⁷ P Bernt Hugenholtz and João Pedro Quintais, "Copyright and Artificial Creation: Does EU Copyright Law Protect AI-Assisted Output?," *IIC-International Review of Intellectual Property and Competition Law* 52, no. 9 (2021): 1190–1216.

⁴⁸ Achmad Iqbal Taufiq, "ARTIFICIAL INTELLIGENCE (AI)-BASED WORKS: WHOSE PROPERTY?," 2025, <https://ekii.dgip.go.id/uploads/files/lessons323/8f0980c36a935f16154e6d57d05fdc97.pdf>.

mapped out the ethical corridor and legal fundamentals of the use of artificial intelligence for Indonesian creators.⁴⁹ DJKI emphasizes that the copyright protection regime in Indonesia will always be closely and inseparably linked to the pulse of human creativity. Therefore, the creative contribution of human beings remains an important prerequisite element in determining the legal protection of the work. Although maintaining anthropocentric normative principles, DJKI does not turn a blind eye to the reality of economic disruption. Therefore, future legal construction is expected to be more comprehensive, anticipatory, adaptive, and responsive to the future.

Conclusion

The results of this study show that Artificial Intelligence video works produced through the Sora platform tend to be outside the scope of protection as a copyright object, so that they automatically have the status of public property (Public Domain) because the requirements for anthropocentrism have not been met which require human personal touch according to Law Number 28 of 2014 concerning Copyright. However, the legality of protection can be recognized if the work crosses the threshold of human creative intervention and there is a significant contribution to the work. Sound is positioned only as a technical instrument, while control over visual expression, iterative curation, and cinematic manipulation remains dictated by the user.

A comparative analysis of the implementation of copyright regulations by Artificial Intelligence in the United States and China shows a very contrasting difference in approach. The United States rejects the authorship of AI outright in order to preserve the purity of the doctrine of human

⁴⁹ DJKI Ministry of Law and Justice, "The Importance of Maintaining Ethics in the Use of Artificial Intelligence (AI) in the Digital Era," 2025, <https://dgip.go.id/index.php/artikel/detail-artikel-berita/pentingnya-menjaga-etika-dalam-penggunaan-kecerdasan-buatan-ai-di-era-digital?kategori=Berita+Resmi+Desain+Industri>.

authorship, while China is progressively beginning to recognize complex prompt engineering as a form of human intellectual investment worthy of protection, so that the exclusive rights of creators can be granted if there is a significant, real, and measurable human intellectual contribution to its generative process. As a middle ground solution to harmonize legal certainty, this study recommends that the Government of Indonesia immediately recognize the category of "AI-assisted Works" through the revision of the Copyright Law. The implications of these findings emphasize the importance of implementing the Human Contribution Threshold and the obligation for applicants to attach creative process documentation as a formal prerequisite for registration, in order to ensure that legal protection remains rooted in the originality and dignity of human creativity.

References

- Abrams, Howard B. "Originality and Creativity in Copyright Law." *Law & Contemp. Probs.* 55 (1992): 3.
- Al-Sharieh, Saleh. "Copyright Denied for Generative AI: Remarks on *Thaler v Perlmutter*." *Utrecht J. Int'l & Eur. L.* 40 (2025): 48.
- Arifuddin, Qadriani, Riswan Riswan, Muhammad Adam HR, Bulkis Bulkis, Abdul Latif, Salma Salma, Hasnawati Hasnawati, A Ariani Hidayat, and Nur Indah. *Legal Research Methodology*. PT. Sonpedia Publishing Indonesia, 2025.
- Bainbridge, Olivia. "Is the Fair Use Doctrine a Viable Argument for Generative AI?," 2023.
- Barkin, Rachel. "OpenAI's 'Sora' Sparks Copyright and Fair Use Debate." *The Journal of Sports and Entertainment Law*, 2025. <https://journals.law.harvard.edu/jsel/2025/10/openais-sora-sparks-copyright-debate/>.
- Beijing Internet Court. "Li v. Liu, (2023) Jing 0491 Min Chu No. 11279," 2023.
- China. Copyright Law of the People's Republic of China (2020).
- DJKI Ministry of Justice. "The Importance of Maintaining Ethics in the Use of Artificial Intelligence (AI) in the Digital Era," 2025.

<https://dgip.go.id/index.php/artikel/detail-artikel-berita/pentingnya-menjaga-etika-dalam-penggunaan-kecerdasan-buatan-ai-di-era-digital?kategori=Berita+Resmi+Desain+Industri>.

Gayatri, Annisa Zerlina Cindy, Nuzulia Kumala Sari, and Halif Halif. "Legal Certainty of Copyright Owner Protection for the Use of Works by Artificial Intelligence (AI)." *Al-Zayn: Journal of Social and Legal Sciences* 3, no. 5 (2025): 7237–50.

Ghaffara, Muhammad Zuharmando, and Dede Pramayoza. "Creativity versus Dehumanization of Design Art: Human Skills Amid the Challenges of Artificial Intelligence in the Digital Age." *Besaung: Journal of Design and Culture Art* 10, no. 1 (2025): 200–212.

Globalgpt. "How is Sora Legal? A guide to copyright-safe AI video creation." Accessed February 26, 2026. <https://www.glbgt.com/id/hub/how-is-sora-legal-a-guide-to-copyright-safe-ai-video-creation/>.

Gorman, Robert A. "Overview of the Copyright Act of 1976." *U. Pa. L. Rev.* 126 (1977): 856.

Hariyanto, Ignatius. *John Locke and the Roots of Intellectual Property Thought*. Gramedia Popular Literature, 2021.

Haryono, S H. *RECOGNITION AND PROTECTION OF COPYRIGHT IN THE CONTEXT OF PHILOSOPHY AND THEORY*. Magnum Library, 2025.

Hugenholtz, P Bernt, and João Pedro Quintais. "Copyright and Artificial Creation: Does EU Copyright Law Protect AI-Assisted Output?" *IIC-International Review of Intellectual Property and Competition Law* 52, no. 9 (2021): 1190–1216.

Jened, Rahmi. "Copyright Law." PT. Citra Aditya Bakti, 2014.

Kantar Indonesia. "No Titl," 2025. <https://www.kantar.com/>.

Kapwing Research Report. "The Rise of AI Slop: Analyzing Generative AI Content on YouTube Algorithms. Kapwing Research Report.," 2024. <https://www.kapwing.com/blog/ai-slop-report-the-global-rise-of-low-quality-ai-videos/>.

Kelsen, Hans. *Introduction to Legal Theory*. Nusamedia, 2019.

Kristiawanto, S H I. *Understanding Normative Law Research*. Middle Prenada, 2022.

Mantiqa, Yuka Latieful, Mulida Hayati, and Satriya Nugraha. "Generative AI In The Context Of Intellectual Property Law: Urgency, Challenges, And Legal Protection." *Journal of Law, Politic and Humanities* 5, no. 6 (2025): 4753–60.

Marzuki, Mahmud. *Legal Research: Revised Edition*. Prenada Media, 2017.

MAZLI, ABDURRAHMAN. "Video Reupload Analysis Reviewed from the

- Perspective of Indonesian Copyright," 2022.
- Mertokusumo, Sudikno. "Knowing the Law: An Introduction." (*No Title*), 1986.
- Michael, Arnav, and Valerie Selvie. "The Application of Indonesian Law Related to the Use of Illustrations in Program Databases with the Help of Artificial Intelligence." *Journal of Development Law Paradigm* 9, no. 2 (2024): 210–31.
- Natasaputri, Pritha Arintha. "Analysis of Challenges to Copyright Protection of AI Literary Works from the Perspective of Law Number 28 of 2014." *Journal of Social and Humanities* 5, no. 3 (2025): 5770–76.
- Office, U S Copyright. "Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence." *Federal Register* 88, no. 51 (2023).
- Openai. "Sora," n.d. <https://openai.com/index/sora/>.
- . "Sora Service Terms," n.d. <https://openai.com/policies/service-terms/>.
- Perlmutter, Shira. "Artificial Intelligence and Copyright. U.S. Copyright Office," 2023.
- Pratomo, Muhammad Ari. *COPYRIGHT AND ARTIFICIAL INTELLIGENCE: Putting AI as an aid, not a creator*. Copyright © 2025 Copyright © 2025 Copyright © 2025 Copyright © 2025 Copyright © 2025 Copyright © 2025 Copyright © 2
- Puspasari, Anastasia Theresia. "A Review of the Concept of Exclusive Rights in Copyright Based on Hegel's Theory." *Dialogia Iuridica* 13, no. 2 (2022): 140–61.
- daughter, Wiedy Nadya. "AI AND ARTIFICIAL AESTHETICS: AN ANALYSIS OF VISUAL APPEAL IN GLASS FRUIT CUTTING VIDEO TRENDS." *Journal of Basic Design: Design and Fine Arts* 7, no. 1 (2025): 67–71.
- Ramos-Zaga, Fernando A. "Reconceptualizing Human Authorship in the Age of Generative AI: A Normative Framework for Copyright Thresholds." *Laws* 14, no. 6 (2025): 84.
- Republic of Indonesia. *Copyright Law Number 28 of 2014*, n.d.
- Rinkerman, Gary. "Artificial Intelligence and Evolving Issues under US Copyright and Patent Law." *Interactive Entertainment Law Review* 6, no. 2 (2023): 48–65.
- Samuelson, Pamela. "Generative AI Meets Copyright." *Science* 381, no. 6654 (2023): 158–61.
- Sari, Elvira Purnama, Chrisna Bagus Edhita Praja, Puji Sulistyaningsih, and Tsurouyaa Maitsaa'Jaudah. "Juridical Review of Artificial Intelligence

- (AI) as a Copyright Producer in the Perspective of Copyright Law." *Borobudur Law and Society Journal* 4, no. 4 (2025): 315–34.
- Shirley, Eric. "The need to expand the doctrine of originality and fixation in the copyright law as a protection of the creativity of the nation's children." *"Dharmasiswa" Journal of the Master of Law Program FHUI* 1, no. 1 (2021): 10.
- Shen, Bohui, Shrikar Bhatta, Alex Irebanije, Zexuan Liu, Abhinav Choudhry, Ece Gumusel, and Kyrie Zhixuan Zhou. "User Negotiations of Authenticity, Ownership, and Governance on AI-Generated Video Platforms: Evidence from Sora." *ArXiv Preprint ArXiv:2512.05519*, 2025.
- Simpson, Julianna. "Auctor Ex Machina: Artificial Intelligence and Authorship in Zarya of the Dawn." *J. Bus. & Tech. L.* 20 (2024): 89.
- Tambunan, Yonathan Ariel Alexander, and Dewa Ayu Dian Sawitri. "The Implications of the Legal Vacuum on Artificial Intelligence as an Intellectual Property Infringer on Digital Works," 2025.
- Taufiq, Achmad Iqbal. "ARTIFICIAL INTELLIGENCE (AI)-BASED WORKS: TO WHOM?," 2025. <https://ekii.dgip.go.id/uploads/files/lessons323/8f0980c36a935f16154e6d57d05fdc97.pdf>.
- Wang, Jinglei, and Jing Yi Lim. "Developing Intellectual Property Rights Competence in the Age of AI: Preparing Future Practitioners for China's Creative Industries." *Higher Education, Skills and Work-Based Learning*, 2026, 1–15.
- Wibowo, Ir Agus, and M Kom. *AI (Artificial Intelligence) and Judicial Modernization*. Publisher Foundation, 2025.
- World Intellectual Property Organization. Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence (2020).
- Xiao, Baiyang. "AI Generated Content and Copyright in China: Reconceptualizing AI Creativity," 2026.
- Yike, Zhang. "The Legal Politics of Copyright for Works Produced by Artificial Intelligence: A Comparative Study Between Indonesia, the United States, and China." Gadjah Mada University, 2025.
