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Hannin Pradita Nur Soulthoni

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Legal Certainty for Photo Creators against Unauthorized Uploading on E- commerce based on the Copyright Law

Hannin Pradita Nur Soulthoni

ABSTRACT. In the contemporary landscape of digital commerce, the phenomenon of unauthorized use of copyrighted materials, especially photographs, poses significant challenges. This study delves into the realm of intellectual property rights, particularly focusing on copyright regulations, licensing, and legal protection concerning photographic content within e-commerce platforms. The research adopts a normative legal approach to analyze existing laws related to copyright regulation and protection in the context of product sales on e-commerce platforms. It is characterized by a descriptive-analytical methodology aimed at elucidating and analyzing legal regulations governing copyright, licensing, and legal certainty within the e-commerce environment. The findings reveal crucial insights into the legal certainty provided by copyright laws, emphasizing the significance of legal protection for creators and innovators in the digital age. Despite advancements, the study identifies persistent challenges, such as the widespread unauthorized use of photographic content in e-commerce settings, leading to infringements on intellectual property rights. The analysis highlights pertinent legal provisions within Indonesian copyright laws, outlining the rights and protections afforded to creators of photographic works. It underscores the importance of legal enforcement and the role of stakeholders, including businesses, e-commerce platforms, and governmental authorities, in upholding intellectual property rights. In conclusion, the research underscores the imperative of enhancing legal frameworks, enforcement mechanisms, and stakeholder collaboration to safeguard intellectual property rights in the digital era. By elucidating legal complexities and proposing strategies for compliance and enforcement, this study contributes to advancing the discourse on intellectual property protection within the digital commerce landscape.

KEYWORDS. Legal Certainty, Copyright, E-commerce

Legal Certainty for Photo Creators against Unauthorized Uploading on E-commerce based on the Copyright Law

Hannin Pradita Nur Soulthoni¹✉

¹ Universitas Padjadjaran, Bandung, Indonesia

✉ Corresponding email: hpraditans@gmail.com

Introduction

The fourth industrial revolution, or Industry 4.0, encompasses many technologies, including the Internet of Things (IoT). The IoT refers to the ability of objects to transfer data over a network without human interaction. According to data from the Ministry of Communication and Information (Kementerian Komunikasi dan Informatika), Indonesia is the fourth largest internet user country in the world, with 212.9 million users as of the end of 2021,¹ according to Statista, a German data collection and visualization platform. The Central Statistics Agency (Badan Pusat Statistik) reports that 77% of Indonesia's population, or 212.9 million people, use the internet, out of a total population of 275 million in 2022.²

The concept of Industry 4.0 not only involves the development of new technologies but also encompasses cultural and social changes that aim to

¹ Laporan Tahunan Kementerian Komunikasi dan Informatika Republik Indonesia Tahun 2022, Mendigitalisasikan Indonesia.

² Statista. (n.d.). Number of internet users in selected countries, <https://www.statista.com/statistics/262966/number-of-internet-users-in-selected-countries/>, diakses pada tanggal 17 Februari 2024.

improve human life. As a result, the concept of Society 5.0 emerged. Society 5.0 seeks to harness the impact of technology and the outcomes of Industry 4.0 by promoting deeper integration of technology to enhance the quality of life and encourage sustainable social responsibility. With Industry 4.0 and Society 5.0, digital transformation can accelerate economic growth and change the world more rapidly. Countries are now focusing on the policy implications of digital transformation, improving measurement, and developing integrated policy frameworks for whole-of-government approaches.

Indonesia's digital economy has the potential to boost the economy in three ways: economic sharing, trust sharing, and intellectual sharing.³ The government has established policies and regulations in four key areas: access and connectivity, use and skills, digital innovation, and digital risk and trust. Digital innovation, one of the government's four areas of focus, serves as the foundation for the creative economy's growth in Indonesia.

According to data, the creative economy in Indonesia contributes 1,100 trillion rupiah to the country's Gross Domestic Income (GDP).⁴ Indonesia has significant potential for using digital transformation to drive economic growth, particularly in the creative economy. The digital creative economy will shift products from conventional industries and provide new solutions that better meet market needs. One of the benefits of the digital creative economy is the emergence of start-up businesses in Indonesia, which bring new products and solutions to the market. Technological advancements play a significant role in society, and start-up businesses are one example of how technology can bring significant change to people's lives.

Startup businesses in Indonesia are focusing on various fields and models, including digital commerce and e-commerce business models. E-commerce has become a catalyst for innovation and business growth. Microeconomic enterprises can easily start their online business at relatively low costs through e-commerce. E-commerce also provides opportunities for businesses to innovate in terms of marketing strategies, business models, and the integration of more advanced technologies such as artificial intelligence and data analytics.

³ Danviranto Budhijanto, *Hukum Ekonomi Digital di Indonesia*, Bandung: Logoz Publishing, Pg 56.

⁴ United Nations Conference on Trade and Development, 2022, Creative Economy Outlook 2022.

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However, the ease of uploading images and writing in e-commerce media has led to a negative impact on the use of risky internet creations, such as copyright violations. Online sellers in e-commerce often use product photos and work from microeconomic business actors that have been uploaded to e-commerce via their accounts. Unfortunately, other sellers download these images without permission and resell them via e-commerce to gain economic profit. This situation is detrimental to the seller who created the copyrighted work because their moral and economic rights are injured.

To tackle this challenge, business owners are adopting the strategy of using a watermark or store logo on every photo or video, providing a clear visual identity for the original content and minimizing the risk of unauthorized use by other stores. However, there are still loopholes in cropping and editing the watermark. So, another way to protect their photos is by reporting the issue to e-commerce.

The legal protection of creative works in the digital era is often neglected, which is a matter of concern. There have been instances where copyrighted works in technological media have been exploited without respecting the copyright laws. This undermines the exclusive right of the creator and the Copyright Law fails to provide proper guarantees for their protection.⁵ As a result, it is essential to study these problems to gain a clear understanding of the current situation, where the exploitation of creative works is becoming more complex and multifaceted due to advances in information and telecommunications technology. Legal certainty and protection are necessary to ensure order, harmony, and justice based on established regulatory norms and legal order.

Methods

The research method used in this study is normative legal research, which involves analyzing relevant legal regulations related to Copyright regulations, Copyright licensing, and Copyright law protection associated with photographic and portrait content on e-commerce platforms. This research has descriptive-analytical characteristics and aims to describe, analyze, explain, and provide a comprehensive understanding of legal

⁵ Tasya Safiranita Ramli, Ahmad M Ramli, dan Rika Ratna Permata, Aspek Hukum Atas Konten Hak Cipta dikaitkan Dengan Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik, *Jurnal Legislasi Indonesia* No. 1, no. Jakarta 2020.

regulations related to Copyright regulations, Copyright licensing, and Copyright legal certainty in the context of product sales on e-commerce platforms. This study also utilizes a statutory approach to evaluate and analyze all laws and regulations related to the legal issue under investigation, namely the Copyright Law.

Legal Certainty in Copyright Law

Legal certainty is a fundamental aspect of law, particularly concerning written legal norms. Laws that lack clarity will lose their significance since they can no longer serve as a guide to behavior for all individuals. The principle of "ubi jus incertum, ibi jus nullum" (where there is no legal certainty, there is no law) underscores the importance of legal certainty in preserving the integrity and effectiveness of the legal system.⁶ Legal certainty ensures that individuals comply with applicable legal regulations in their behavior, while the absence of legal certainty implies that individuals do not have clear guidelines to regulate their actions.⁷

In essence, legal certainty entails the implementation of clear, consistent, permanent, and impartial laws whose application cannot be influenced by subjective factors. Certainty and justice are not only moral requirements, but they are also the fundamental characteristics of law. Without legal certainty, individuals will not know how to act, which can lead to uncertainty and anxiety.

Law is unique in that it is designed to safeguard human interests. It differs from other norms in that it establishes orders and prohibitions, and governs rights and responsibilities. Sudikno Mertokusumo provides an in-depth analysis of the aims, functions, and legal protection offered by the law. According to him:

"The purpose of the law is to protect human interests by creating an orderly society. This is achieved by dividing rights and obligations between individuals, establishing authority, regulating the resolution of legal problems, and maintaining legal certainty. By achieving order in society, it is hoped that human interests will be safeguarded."

⁶ Satjipto Rahardjo, *Hukum dalam Jagat Ketertiban*, Jakarta : UKI Press, 2006, hlm. 82.

⁷ Nur Agus Susanto, Dimensi Aksiologis dari Putusan Kasus ST, *Jurnal Yudisial*, Volume 7, No.3, 2014, pg. 219.

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“Dalam fungsinya sebagai perlindungan kepentingan manusia hukum mempunyai tujuan. Hukum mempunyai sasaran yang hendak dicapai. Adapun tujuan pokok hukum adalah menciptakan tatanan masyarakat yang tertib, menciptakan ketertiban dan keseimbangan. Dengan tercapainya ketertiban di dalam masyarakat diharapkan kepentingan manusia akan terlindungi. Dalam mencapai tujuannya itu hukum bertugas membagi hak dan kewajiban antar perorangan di dalam masyarakat, membagi wewenang dan mengatur cara memecahkan masalah hukum serta memelihara kepastian hukum.”

In Indonesia, the protection of intellectual property rights, especially in the field of technology, is governed by Law Number 28 of 2014 on Copyright (Undang-Undang Hak Cipta) and Law Number 11 of 2008 on Information and Electronic Transactions (Undang-Undang Informasi dan Transaksi Elektronik). These laws provide legal protection to copyright owners and creative industry players and impose sanctions on those who violate intellectual property rights.

In the digital world, the protection of intellectual property rights involves safeguarding works of digital innovation and creativity, copyright on digital content, protecting user designs, and maintaining trade secrets in the digital environment. From a legal philosophy perspective, legal protection of intellectual property rights is considered a flow of positivism. It is a legal science that does not discuss the effectiveness of law in society and whether positive law is good or bad.

Copyright is a type of Intellectual Property Right (IPR) that differs from other types of IPRs. This difference comes from the fact that copyright doesn't give a monopoly right to carry out certain actions, like patent rights do. Instead, it is a right that aims to prevent others from carrying out certain actions. Copyright is closely connected to the creator of the work, and its rights can be divided into two types: transferable and non-transferable. The latter is also known as moral rights.⁸

When it comes to the economy, the labor doctrine developed by John Locke is central to the issue of copyright. In this context, the labor doctrine refers to the idea that creators have economic rights to works produced

⁸ Shopar Maru Hutagalung, *Hak Cipta Kedudukan dan Peranannya di Dalam Pembangunan*, Jakarta: Akademika Pressindo, 2012, pg.17.

through their efforts and sacrifices. In other words, creators have the right to receive economic benefits from their work. The labor doctrine recognizes that creators' work has important social value and prioritizes economic compensation as a recognition of that value.⁹

The Indonesian Copyright Law follows the labor doctrine, which grants creators economic rights over their works, including art, literature, and science. As a result, creators have legal protection to regulate the use and distribution of their works and receive fair economic compensation for them. This approach to copyright law supports creators' rights, fosters creativity and innovation, and provides economic incentives for them to continue creating new works. Ultimately, this leads to broader social and economic benefits for society. Furthermore, the labor doctrine strikes a balance between the interests of creators and society in accessing and using creative works.

Case of Uploading Photos Without Permission in E-commerce

In the age of globalization, there are numerous online platforms available for trading. Therefore, it is important to have laws in place and enforce them in the digital world. This ensures fair and safe transactions for both business actors and consumers. Government regulations are the foundation for implementing e-commerce, and law enforcement is crucial to maintaining integrity and fairness in the online business environment.

E-commerce is a modern business model that is non-face-to-face, where business people do not have to be physically present and use digital signatures. In e-commerce, data is exchanged over the internet, enabling sellers and buyers of goods and services, known as originators and addressers, to carry out transactions. This model offers seamless access, speed, and interactivity, allowing consumers to easily purchase products without leaving their homes.

Currently, the internet and e-commerce have become a new lifestyle for global society, including Indonesia. According to Article 65 of Law Number 7 of 2014 concerning Trade, business actors who trade goods and

⁹ Robert P.Merges, Locke for The Masses: Property Rights and The Products of Collective Creativity, *Journal Hofstra Law Review*, 2008.

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services via electronic systems are required to provide complete and accurate data and information.

The trading regulations for electronic means in Indonesia are governed by several laws, including Law Number 11 of 2008, which has been modified to become Law Number 19 of 2016, concerning Electronic Information and Transactions, Law Number 7 of 2014, concerning Trade, and Government Regulation Number 82 of 2012, concerning the Implementation of Electronic Systems and Transactions. However, these regulations are incomplete because they do not cover essential aspects of e-commerce, such as electronic contracts, electronic payments and security, dispute resolution, national boundaries and laws used, consumer protection, taxes, and most importantly, system harmonization.

An example of copyright infringement related to this research is a business seller of Evenoon, a fashion brand founded in 2020. It is one of the innovative representatives in the clothing industry, owned by Eliska, an entrepreneur who has a strong vision to provide a unique and high-quality shopping experience for customers. Even though it has created a strong identity for its brand, Evenoon has not escaped the challenges faced by many sellers on e-commerce platforms.

Eliska has highlighted a significant problem she faces while running her business through e-commerce sites like Tokopedia and Shopee. Other stores on these platforms take the original photos of Evenoon products and use them without permission. They also modify the sales titles, which can mislead customers and damage Evenoon's reputation and intellectual property rights.

To overcome these challenges, Eliska is working closely with authorities and implementing legal strategies to prevent unethical practices. She is also adopting the strategy of using a watermark or store logo on every photo or video to provide a clear visual identity for the original content and minimize the risk of unauthorized use. However, there are still loopholes in cropping and editing the watermark.

Another way to protect the photos of Evenoon products is by reporting such unethical practices to the e-commerce companies, such as Tokopedia and Shopee, used for selling products. This will help in preventing copyright infringement and preserving the business's reputation.

Rights Violated in Uploading Photos in E-commerce

Copyright regulations in Indonesia have undergone several changes over the years. The first copyright regulations were established by a Dutch law called Auteurswet 1912 (Stb. 1912 No. 600). Seventy years later, Law Number 6 of 1982 was issued, which replaced Auteurswet. The Copyright Law was further refined with Law Number 19 of 2002 concerning Copyright, and the latest update is Law Number 28 of 2014 concerning Copyright (Undang-Undang Hak Cipta).¹⁰

According to Article 1 paragraph 1 of Law Number 28 of 2014, copyright refers to the exclusive right of the creator, which automatically arises based on the declarative principle after the creation is realized in tangible form, without reducing restrictions following statutory regulations. This means that legal protection is automatically granted to the creator when the work is created and registration is not required.¹¹

The legal protection of creative works in the current digital era is often neglected, which is a concerning phenomenon. In many cases, it has been revealed that copyrighted works are being exploited in technological media without respecting the creator's exclusive right to their work.¹² Unfortunately, the globalization process has weakened copyright regulatory norms and legal culture, leading to a lack of respect for the values and principles of copyright regulations. As a result, the Copyright Law is not receiving proper attention and is not being an effective guide in providing guarantees of protection for the interests of creators, especially in maintaining their integrity and identity.

The specific case in question relates to product photography. Under the Law Number 28 of 2014 on Copyright (UUHC), photographic works are protected creations as stated in Article 40, paragraph 1, letter k, which includes all photographs produced using a camera. Copyright protection for photographic creations is contained in Article 59, paragraph 1, letters a and b.

¹⁰ Ranti Fauza & Tisni Santika, *Hak Cipta dalam Konteks Ekonomi Kreatif dan Transformasi Digital*, Bandung: PT Refika Aditama, pg 25

¹¹ Khoirul Hidayah, *Hukum Hak Kekayaan Intelektual*, Malang: Setara Press, pg. 2-3.

¹² Tasya Safiranita Ramli, Ahmad M Ramli, dan Rika Ratna Permata, Aspek Hukum Atas Konten Hak Cipta dikaitkan Dengan Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik, *Jurnal Legislasi Indonesia* No. 1, no. Jakarta 2020.

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Problems arise in e-commerce when third parties re-upload photos without permission. According to Article 12, using photographs for commercial purposes without written consent from the photographer is not allowed. Additionally, Article 14 states that photographs can only be distributed for security purposes, public interests, and/or criminal proceedings. In this case, the third party is using photos that do not belong to them to resell products, which is an infringement of copyright law.

However, if Eliska had a reseller from her shop, it would be allowed under Article 15, paragraph 1 of Law Number 28 of 2014 on Copyright (UUHC), as Eliska would have given permission for duplication in a catalog that is produced. Similarly, Article 16, paragraph 2 states that copyright can be transferred or transferred if there is a written agreement, such as a reseller re-uploading the photo.

The stakeholders involved in this research include the sellers as photo owners who create product photos, e-commerce as a platform where sellers publish product photos on digital platforms, third parties who upload photos without permission, and the government as a regulator and law enforcer responsible for creating a framework that supports the protection of intellectual property rights, including copyright. By involving all relevant parties, this research aims to provide a better understanding of the challenges and solutions in protecting intellectual property rights in the digital era.

Legal Sanctions for Uploading Photos in E-commerce

Product photos play a crucial role in e-commerce. They serve as the online shop's identity for its products. If the photography is produced using a professional camera and the owner claims to be the creator of the photography, it can result in copyright infringement. If the original creator's photo is used, published, or uploaded without permission and without giving credit, it can result in a violation that may lead to a lawsuit.

This is a clear example of copyright infringement as regulated by Article 113 paragraph 1 of Law Number 28 of 2014 on Copyright (UUHC), which states that:

"Any person who violates economic rights, as intended in Article 9 paragraph (1) letter i, for commercial use without proper authorization shall be subject to punishment by a maximum imprisonment of one

year and/or a maximum fine of IDR 100,000,000 (one hundred million rupiah)."

"Setiap Orang yang dengan tanpa hak melakukan pelanggaran hak ekonomi sebagaimana dimaksud dalam Pasal 9 ayat (1) huruf i untuk Penggunaan Secara Komersial dipidana dengan pidana penjara paling lama 1 (satu) tahun dan/atau pidana denda paling banyak Rp 100.000.000 (seratus juta rupiah)."

If a copyright violation is detected, criminal and financial penalties may be imposed, as specified in Article 115 of the Law Number 28 of 2014 on Copyright (UUHC), which states that:

"Anyone who uses a portrait for commercial purposes without the consent of the person in the photograph or their heirs, including duplication, announcement, distribution or communication of the portrait for use in billboards or advertisements, both in electronic and non-electronic media, will be punished with a maximum fine of IDR 500,000,000."

"Setiap Orang yang tanpa persetujuan dari orang yang dipotret atau ahli warisnya melakukan Penggunaan secara Komersial, Penggandaan, Pengumuman, Pendistribusian, atau Komunikasi atas Potret sebagaimana dimaksud dalam Pasal 12 untuk kepentingan reklame atau periklanan untuk Penggunaan Secara Komersial baik dalam media elektronik maupun non elektronik, dipidana dengan denda maksimal Rp.500.000.000."

Besides Law Number 28 of 2014 on Copyright (UUHC), the protection of photo copyright is also governed by Law Number 11 of 2008, which has been revised to become Law Number 19 of 2016 regarding Electronic Information and Transactions (UU ITE). This can be seen in Article 25 of the ITE Law, which stipulates that:

"Electronic Information and/or Electronic Documents compiled into intellectual works, internet sites and intellectual works contained therein are protected as Intellectual Property Rights based on the provisions of Legislative Regulations."

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“Informasi Elektronik dan/atau Dokumen Elektronik yang disusun menjadi karya intelektual, situs internet, dan karya intelektual yang ada di dalamnya dilindungi sebagai Hak Kekayaan Intelektual berdasarkan ketentuan Peraturan Perundang-undangan”.

The protection of copyrighted photographic works is regulated by the Information and Electronic Transactions Law (UU ITE) which also specifies legal sanctions for copyright infringement in Articles 32 and 48. In developing countries such as Indonesia, the risk of copyright violation is significant. E-commerce plays a crucial role in preventing copyright violations on its platforms. One such example is Tokopedia, PT, which is a technology company focused on digital economic equality in Indonesia. It supports Micro Economic Enterprises, both small and medium-sized businesses, and individuals, by enabling them to market their products online. To reduce the risk of copyright infringement, Tokopedia has implemented several measures to protect copyright. One of these measures includes providing users with reporting facilities to report any copyright violations. This enables Tokopedia to investigate and remove any infringing products.

Copyright violations are becoming more prevalent in developing nations like Indonesia, so e-commerce platforms need to take proactive measures to prevent them. Tokopedia, PT is a pioneering technology company that is dedicated to promoting digital economic parity in Indonesia. To avoid copyright infringement on its platform, Tokopedia has implemented robust safeguards. They provide users with streamlined reporting mechanisms to flag potential copyright violations, which allows for prompt investigation and removal of infringing content.

In conclusion, the legislative frameworks of Law Number 28 of 2014 on Copyright (UUHC) and Law Number 19 of 2016 regarding Electronic Information and Transactions (UU ITE) work together to protect intellectual property rights in the digital sphere. E-commerce platforms such as Tokopedia play a pivotal role in upholding the integrity of copyright laws by taking proactive measures. By doing so, they create an environment that is conducive to innovation, creativity, and sustainable economic growth.

Conclusion

The rapid advancement of technology, specifically in e-commerce, has brought significant changes to the global business landscape during the digital era. E-commerce has become a transformative force, enabling entrepreneurs, particularly those entering the small and micro-business arena, to start their ventures swiftly and cost-effectively. In this digital era where online marketing dominates, the importance of product photography cannot be overstated. However, the unauthorized use of these visual assets by different entities has become a pervasive problem, causing harm to original owners and violating copyright laws.

In this context, the Copyright Law (UUHC) stands as a legal protection and certainty, providing creators with comprehensive protection of both economic rights and moral prerogatives. This legal framework extends its coverage to the preservation of works in the fields of art, literature, and science. In conjunction with the Information and Electronic Transactions Law (UU ITE), the Copyright Law outlines legal consequences for copyright infringements, including unauthorized use of visual content in e-commerce. Offenders can face severe penalties, including imprisonment and monetary fines.

Moreover, e-commerce platforms like Tokopedia must prevent and mitigate copyright infringement within their digital domains. They can proactively establish user-driven reporting mechanisms, allowing for the speedy removal of products that infringe upon copyrighted materials. It is the responsibility of all stakeholders, including copyright owners, e-commerce companies, government agencies, and platform users, to work together to promote integrity and equity in the digital business environment.

A collective and clear enforcement of current legal statutes is necessary to establish legal certainty, protect creators' interests, and prevent the growth of copyright infringement in the digital era. Only through these collective efforts can the digital business environment foster innovation, equity, and sustained growth, promoting a landscape where creativity thrives and intellectual property rights are upheld with unwavering fidelity.

References

- Budhijanto, Danviranto. *Hukum Ekonomi Digital di Indonesia*. Bandung: Logoz Publishing, 2019.
- Hidayah, Khoirul. *Hukum Hak Kekayaan Intelektual*. Malang: Setara Press, 2018.
- Hutagalung, Shopar Maru. *Hak Cipta Kedudukan dan Perannya di Dalam Pembangunan*. Jakarta: Sinar Grafika, 2012.
- Merges, Robert P. Locke for The Masses: Property Rights and The Products of Collective Creativity. *Journal Hofstra Law Review*. 2008.
- Rahardjo, Satjipto. *Hukum dalam Jagat Ketertiban*. Jakarta: UKI Press, 2006.
- Ramli, Tasya Safiranita, Ramli, Ahmad M Ramli dan Permata, Rika Ratna. “Aspek Hukum Atas Konten Hak Cipta dikaitkan Dengan Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik.” *Jurnal Legislasi Indonesia* 17 No. 1, no. Jakarta 2020.
- Santika, Ranti Fauza and Tisni. *Hak Cipta dalam Konteks Ekonomi Kreatif dan Transformasi Digital*. Bandung: PT. Refika Aditama, 2022.
- Statista. (n.d.). Number of internet users in selected countries, <https://www.statista.com/statistics/262966/number-of-internet-users-in-selected-countries/>, diakses pada tanggal 17 Februari 2024.
- Susanto, Nur Agus. “Dimensi Aksiologis dan Putusan Kasus ST.” *Jurnal Yudisial* 7 (2014).

Laws and Reports

- Annual Report of the Ministry of Communication and Information of the Republic of Indonesia for 2022, Digitalizing Indonesia.
- Law Number 7 of 2014 concerning Trade.
- Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2009 concerning Electronic Information and Transactions.
- Law Number 28 of 2014 concerning Copyright.

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