
Copyright Protection in the Digital Age: Addressing Challenges and Finding Solutions in Indonesian Civil Law

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ABSTRACT: This research aims to identify the challenges faced in enforcing such legal protection. In the current digital era, advances in information and communication technology have had a major impact on various aspects of life including the creation and dissemination of intellectual works, which opens up opportunities for copyright infringement. This research uses a normative juridical approach with a qualitative descriptive analysis method. Data is collected through literature study and analysis of laws and regulations related to copyright protection and intellectual property rights. Primary data based on Law Number 28 of 2014 on Copyright, and secondary data collected from previous related research journals and other official documents. The research found that the legal protection of copyright and intellectual property rights in the digital era in Indonesia still faces various challenges. These challenges include the speed and volume of digital content dissemination, anonymity and global jurisdiction, and the effectiveness of Digital Rights Management (DRM) technology. Although Law No. 28/2014 on Copyright has regulated the economic and moral rights of creators, law enforcement is still ineffective. To overcome these challenges, a comprehensive and collaborative approach is needed between the government, digital platforms, copyright owners, and the public. Some of the proposed solutions include improved automatic detection technology using artificial intelligence (AI) and machine learning, harmonization of international copyright law, DRM technology reform, simplification and transparency of the copyright infringement reporting process, and increased public awareness and education regarding the importance of copyright and intellectual property rights.

Keywords: Copyright, Digital Era Law, Indonesia



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INTRODUCTION

Indonesia is an archipelago rich in diverse arts and culture. This diversity is supported by various ethnicities, tribes, and religions, which become national potential that must be preserved. This artistic and cultural wealth is a source of intellectual property that needs to be protected by law. In

addition, this wealth can be used to improve industrial and trade capabilities. The preservation of arts and culture can improve the welfare of the nation and state.(Sinaga, 2020)

Creating a work is not an easy process, so respect for the work is very important. Intellectual property rights (IPR) serve to protect human creativity and innovation. According to civil law, property rights must be respected and protected from unauthorized use, especially if they have economic value that can provide material and immaterial benefits to the trade sector, industry, government, and society.(Arkananta, 2023)

In the digital age, advances in information and communication technology have a major impact on the creation and dissemination of intellectual works. On the one hand, the ease of access and dissemination of information allows creators to reach more audiences and benefit from their work. However, it also opens up opportunities for copyright and intellectual property infringement.(Mashika et al., 2024)

To strengthen the relevance of the topic and provide a clearer picture of the urgency of the issue of copyright infringement in the digital age, here are some statistical data on copyright infringement in Indonesia:(Ulya & Zannah, 2024)

1. Internet Users: By early 2024, there will be 185.3 million internet users in Indonesia, with a penetration of 66.5% of the total population.
2. Digital Platforms: YouTube has 139 million users in Indonesia, accounting for 75% of total internet users. TikTok has 126.8 million adult users, accounting for 68.5% of total internet users.
3. Copyright Infringement: According to a Statista report, digital copyright infringement in Indonesia is on the rise, including cases of piracy of digital content such as music, movies, and software.(Affan, 2024)

This data shows the high usage of digital platforms in Indonesia and the challenges in controlling copyright infringement in the digital age. Effective law enforcement and increased public awareness of intellectual property rights are essential in dealing with this problem.

The focus of this research on copyright-related civil law is particularly relevant because copyright protection involves the legal relationship between creators and users of intellectual works. Civil law provides a legal framework that protects the moral and economic rights of the creator. Through legal mechanisms, creators can sue copyright infringers and obtain compensation for losses. Civil law provides legal certainty for creators and users, which is essential to support creativity and innovation. In the digital age, civil law is important in regulating the use and dissemination of digital content, which often involves cross-jurisdictions and complex technology platforms.

This research aims to fill the gap in studies related to the form of legal protection of copyright and intellectual property rights in the digital era in civil law. Although there have been several previous studies that examine the legal protection of copyright and intellectual property rights in the digital sector, none has specifically examined the challenges of legal protection in the digital era, as well as the challenges faced in enforcing legal protection of copyright and intellectual property rights in the digital era in civil law.

Previous research by Sandya Rafi Arkananta, entitled "Implementation of Legal Protection of Intellectual Property Rights (IPR) in the Small and Medium Industry (IKM) of Pace Traditional Batik in Pacitan Regency," stated that the legal protection of Intellectual Property Rights (IPR) for the Small and Medium Industry (IKM) of Pace traditional batik has not been optimal due to the scope of government efforts that have not reached all IKMs and the obstacles faced by the Pacitan Regency Regional Government, related agencies, and Pace traditional batik IKMs themselves. Another study by Helitha Novianty Muchtar et al., entitled "The Urgency of Regulating Patent Valuation for Start Ups in Order to Improve the Economy in the Industrial Era 4.0," explains that the revitalization of startups using patent economic rights and valuation can encourage economic growth in the Industry 4.0 era. Research by Faridatul Jannah, entitled "Analysis of the Effectiveness of Law in Indonesia against Copyright Infringement in TikTok," states that law enforcement against copyright on the TikTok Platform has not been effective in protecting rights owners, especially in implementing these regulations. The effectiveness of law enforcement is hampered by juridical factors.

Research published in the Journal of Intellectual Property Law & Practice in 2023 addresses the effectiveness of copyright law enforcement in the digital age, with a particular focus on developing countries including Indonesia. The article highlights the juridical and technical challenges faced in protecting copyright on digital platforms and provides recommendations for policy improvements. The Statista report in 2023 noted that movie and music piracy compared to the previous year. The report also emphasized the importance of collaboration between the government and internet service providers to reduce digital piracy. Based on these data, this research focuses more on the form of legal protection as well as the challenges and solutions faced in protecting copyright and intellectual property rights in the digital era.

METHOD

This research uses a normative juridical approach, which examines the law as a norm that applies in society. With this method, regulations, court decisions, and legal literature related to copyright in the digital era were analyzed. This approach was chosen to explore and explain the legal framework and its application in copyright infringement cases. Primary data is used based on Law Number 28 of 2014 concerning Copyright. Secondary data was collected from previous related journal research and official documents. Literature was collected from academic databases such as journals and law digital libraries, then the data was analyzed by comparing the views and findings from the literature.

RESULT AND DISCUSSION

Analysis of the Challenges of Legal Protection and Intellectual Property Rights in the Digital Age in Civil Law

The digital age brings significant changes in the way information and intellectual works are generated, distributed, and consumed. Digital technology facilitates the global dissemination of creative works and inventions with unprecedented speed and efficiency. However, this ease of

access and distribution also poses new challenges in the protection of copyright and intellectual property rights (IPR). Legal protection in civil law is important to ensure that the rights of creators and rights holders are respected and protected. (Bakung & Muhtar, 2020)

The challenges posed in the protection of copyright and intellectual property rights (IPR) include:

1. Ease of Digital Content Piracy

Piracy is easy to commit because technology enables unlimited reproduction and distribution of content. This can be addressed by improving encryption and watermarking technologies to track and prevent piracy. The advantages can reduce piracy cases but the disadvantages are that it requires high costs and sophisticated technology. It can only be implemented by large companies with sufficient resources, but is less effective for individuals or small businesses.

2. Cross-Jurisdictional Challenges

It is difficult to enforce the law because violations often occur involving different countries with diverse laws. Increasing international cooperation through treaties and conventions can be a solution. The advantages can strengthen law enforcement globally. The drawback is that the international treaty process is time-consuming and requires lengthy negotiations. This solution is applicable and effective for large cases and violations by multinational entities.

3. Lack of Public Awareness

People often do not understand the importance of copyright and intellectual property rights. This is overcome by conducting education and socialization campaigns on the importance of copyright. This can increase public awareness and compliance, but requires time and sustained effort. Can be implemented through government and NGO programs.

Copyright consists of two very important rights for the creator, namely moral rights and economic rights. This aspect needs to be maintained because a work is often used by other parties without permission to seek personal gain. (Balqies & Lestari, 2024) The rapid development of technology and industry today makes copyright infringement often occur easily. These violations benefit other parties, while creators, rights owners, and even the state suffer losses. (Marbun et al., 2023)

Copyright is the exclusive right granted to creators or owners of such rights to regulate the use and distribution of their creative works, including writings, music, movies, and other works of art. Intellectual property rights include copyrights, patents, and trademarks, and industrial designs, all of which provide protection to inventions and creative works produced through human intellectual endeavor. (Rizkia & Fardiansyah, 2022)

In many countries, copyright is governed by laws that specialize in copyright issues. In Indonesia, for example, copyright protection is governed by Law Number 28 of 2014 on Copyright. This law covers the economic and moral rights of the creator as well as establishes sanctions for copyright infringement. (Jannah, 2018).

Digital Rights Management (DRM) is a technology used to control the use and distribution of digital works. DRM allows creators or rights holders to regulate how their works can be accessed, used, and distributed, and protects them from piracy. (Wulandari, 2024)

However, DRM severely restricts how users can access and use protected content. One of the restrictions is to prevent unauthorized copying or plagiarizing of copyrighted works from creators and copyright holders. DRM (Digital Rights Management) facilitates the modification of information in protected works and helps in the tracking of unauthorized actions. With DRM, the creator can also set conditions for users and identify their rights with respect to the technology. (Sandra et al., 2024)

The techniques used in the DRM system include: (Hidapenta et al., 2023)

1) Encryption

DRM uses cryptographic algorithms to encrypt the content which requires a secret password or key. (Simatupang, 2021) Only the holder of this key can unlock the content and read it. This algorithm scrambles the data so that it cannot be read by everyone except the authorized recipient.

2) Public/Private Key

This technique belongs to a family of cryptography that uses one-way mathematical functions, resulting in a system with two separate keys: a "public" and a "private" key. (Hidapenta et al., 2023) Each key can be used to encrypt or decrypt data, allowing the receiver to read messages sent by the sender, or encrypt messages that only the sender can read with his or her private key.

3) Watermarking

The process of embedding hidden information into a data source, such as an image, sound, or video, aimed at protecting copyright without compromising the quality of the main media. (Sarosa, 2021) Watermarks are invisible to the human eye (for images) or inaudible to the ear (for audio content).

4) Access Control

Copy protection attempts to restrict access to copyright content and/or inhibit the copying process. (Riswandi & SH, 2017) Examples of copy protection include encrypted digital TV broadcasts and software access control through license servers.

DRM systems should not only prevent copying but also control access to protect intellectual property more strongly, for example through data encryption that can only be accessed by authorized parties. To tackle copyright infringement, a combination of technologically appropriate policies, strong ethics, and careful digital protection technologies is required.

Digital license agreements are contracts that govern the use and distribution of digital works. These licenses may include limitations on use, duration, territory, and other rights granted to users. These agreements play an important role in ensuring that copyrights are protected in the digital age. License agreements must be registered by the MOLHR in the general register of copyright license agreements in order to have legal effect on the parties. For example, the Netflix platform often purchases licenses from Indonesian production houses for films that have been shown in theaters, and then shows the films on its platform for 3 (three) years in the Asia-Pacific region. (Pradita et al., 2024)

Patent protection is essential for technological innovation. Patents grant exclusive rights to inventors to exploit their inventions for a certain period of time. In the digital age, patents have

become essential to protect new technologies and software. Inventions in the field of technology are the object of Patents, which in the legal framework of Intellectual Property belong to the group of Intellectual Property Industry. Technology is at the core of patents. In this context, the Patent Law has a central role in encouraging the birth of inventions that benefit society.(Chandrawulan et al., 2021)

Technology continues to evolve rapidly, often faster than existing regulations. This creates legal loopholes that can be exploited by irresponsible parties. International cooperation is essential to deal with copyright and intellectual property infringements that cross borders. International treaties such as the Bern Convention and the TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement play an important role in this regard.

Increased awareness and education regarding the importance of copyright and intellectual property rights can help reduce infringement. Educating the public, especially internet users, about the negative impact of copyright infringement is essential. Development of protection technologies such as DRM and digital watermarking can help protect digital works from infringement and piracy.

Solutions in the Legal Protection of Copyright and Intellectual Property Rights in the Digital Age in Civil Law

Large digital platforms like YouTube and Facebook have developed copyright reporting systems to deal with infringements on their platforms. While these systems are an important step in protecting copyright, they are often deemed inadequate due to the enormous volume of content uploaded every day. For example, YouTube reports that more than 500 hours of video are uploaded every minute, making manual monitoring almost impossible. Automated systems like YouTube's Content ID and Facebook's Rights Manager tools use technology to detect infringements, but still, they often fail to identify all infringements accurately and in a timely manner. In addition, the process of handling reports can be time-consuming, so infringing content can remain available and continue to spread before action is taken.(Ramli et al., 2021)

One of the major drawbacks of the copyright reporting system on platforms like YouTube and Facebook is the enormous amount of content uploaded every day. This volume makes it difficult for automated systems and human review teams to detect and address all infringements quickly and accurately. Moreover, these systems sometimes misidentify content, resulting in improper copyright claims against content that is not actually infringing. This can hurt legitimate content creators and create dissatisfaction among platform users.(Wijoyo et al., 2021)

Besides the issue of detection and handling of inaccurate claims, the copyright reporting system also faces challenges in terms of transparency and appeal process. Many users complain that the appeals process against unauthorized copyright claims can be complicated and time-consuming. The lack of clear and transparent communication from platforms about the status of claims and the resolution process can add to the frustration for both content owners and users. This points to the need for improvements in communication and management of the appeals process to ensure fairness and efficiency.(Sawlani & SE, 2021)

To improve the copyright reporting system, several steps can be taken. First, improving automated detection technologies using artificial intelligence (AI) and machine learning can help in identifying copyright infringement more accurately and quickly.(Erwin et al., 2023) AI can be trained to recognize infringement patterns and minimize detection errors. Secondly, it strengthens the appeals process by providing clearer and more responsive lines of communication between the platform and the user. Providing better customer support and speeding up the appeals review process can increase user confidence in the system.(Zebua et al., 2023)

In addition, education and collaboration with copyright owners and platform users is also important. Digital platforms should be active in providing information and guidance to users about copyright and how to properly report infringements. Collaboration with copyright owners to understand their needs and develop suitable solutions can help improve the effectiveness of the reporting system. With these measures, it is hoped that the copyright reporting system on digital platforms can become more effective in protecting copyright and creating a fairer environment for all users.(Saudira, 2024)

Legal protection of copyright and intellectual property rights is becoming increasingly crucial in the digital age. It is important to safeguard the rights of creators and encourage creativity and innovation. However, there are various challenges in enforcing civil law related to copyright and intellectual property in the digital era. These challenges include:(Ardiansyah et al., 2024)

1. Speed and Scalability of Digital Content

One of the key challenges in enforcing the legal protection of copyright and intellectual property rights (IPR) in the digital age is the speed and volume of content dissemination.(Diza, 2022) Digital technology allows content to be uploaded and disseminated within seconds across the globe, which makes enforcement more complex. Traditional civil law systems, which usually involve time-consuming litigation, are often unable to keep up with the speed at which digital content spreads. As a result, copyright and IPR infringement can be widespread before legal action can be taken.

2. Anonymity and Global Jurisdiction

Anonymity on the internet and differences in legal jurisdiction between countries add to the challenges in enforcement. Many copyright and IPR infringements are committed by individuals or entities that can remain anonymous or reside in countries that do not have strong legal cooperation agreements with the copyright owner's home country.(Pratiwi, 2019) This makes cross-border enforcement difficult and often requires complex international cooperation. Differences in copyright law between countries also add another layer of complexity, as an infringement may be recognized in one country but not in another.

3. Digital Rights Management (DRM) Technology

DRM technologies have been introduced to help protect copyright in the digital world, but they are not always effective and are often controversial.(Huda, 2020) DRM can be avoided by users who are experienced with the technology, and can be perceived as restricting the legitimate use of content that has been legally purchased. Another challenge is that DRM does not prevent the dissemination of content through platforms that do not use this technology, so the protection

provided by DRM is often incomplete. In addition, DRM can alienate consumers who feel restricted in their legitimate use of content, creating a conflict between copyright protection and user rights.

4. Reporting and Claims Handling Process

The system of reporting and handling copyright claims on digital platforms is often inadequate. While platforms like YouTube and Facebook have mechanisms for reporting copyright infringement, the sheer volume of content makes it difficult to handle all reports in an effective and timely manner. Errors in claims handling, such as false positives (content incorrectly flagged as infringing) and false negatives (undetected infringements), are common. The appeals process against incorrect claims can also be complicated and time-consuming, which adds to the frustration for both copyright owners and platform users.

5. Public Education and Awareness

Lack of awareness and education about the importance of copyright and IPR among the public is also a major challenge. (Dewi et al., 2024) Many individuals and businesses do not realize that their actions may infringe copyright and have legal consequences. Educational campaigns targeting various groups of society are needed to increase understanding of copyright and the importance of respecting these rights. By increasing public awareness, it is hoped that the rate of infringement can be reduced and respect for copyright can be increased. (Andrias et al., 2024)

In the face of these challenges, a comprehensive and collaborative approach is required between the government, digital platforms, copyright owners, and the public to ensure that the legal protection of copyright and IPR can be effectively enforced in the digital age.

To address these challenges, comprehensive and integrated solutions are required. Here are some solutions that can be considered:

a. Enhancement of Auto-Detection Technology

To address the issue of the speed and volume of digital content dissemination, digital platforms need to improve their automated detection technologies. The use of artificial intelligence (AI) and machine learning can improve the accuracy and speed of detecting copyright infringement. AI can be trained to recognize patterns of infringement and update itself based on new data, making it more effective in detecting infringement even before the content is uploaded to the public. Collaboration between tech companies and copyright owners can help develop algorithms that are more sophisticated and responsive to infringement.

b. Harmonization of International Law

To address the challenges of anonymity and global jurisdiction, harmonization of copyright law at the international level is required. Countries need to work together to harmonize their copyright laws and create more effective cross-border cooperation mechanisms. This could involve international treaties that strengthen copyright protection and enable easier enforcement across different jurisdictions. International organizations such as the World Intellectual Property Organization (WIPO) can play an important role in facilitating dialogue and cooperation between countries.

c. Digital Rights Management (DRM) Technology Reforms

While DRM has been helpful in protecting copyright, the technology needs to be improved to address existing weaknesses. One approach is to make DRM more flexible and user-friendly without compromising copyright protection. For example, DRM could be designed to allow for more fair and legitimate use of content by consumers, while still preventing infringement. In addition, digital platforms could develop a more transparent DRM system, where consumers are given clear information about the limitations on content usage.

d. Simplification and Transparency of Reporting Process

Simplifying the process of reporting and handling copyright claims can improve the effectiveness of copyright protection. Digital platforms should ensure that the reporting process is easily accessible and usable by all parties. Also, increasing transparency in the handling of claims and providing clear information on the status of claims can help reduce user dissatisfaction. Implementation of a more responsive and user-friendly system for handling appeals against erroneous claims is also required.

e. Public Education and Awareness

Increasing public awareness and education about the importance of copyright and IPR is key to reducing infringement. Educational campaigns targeting different groups of people, including students, professionals, and general internet users, can help improve understanding of copyright. Governments, digital platforms, and copyright owners can work together to organize educational programs and provide easily accessible resources on copyright and the consequences of infringement. By increasing public awareness, it is hoped that there will be fewer infringements and more respect for copyright.

With these measures, the enforcement of copyright and intellectual property law protection in the digital age can be significantly improved, creating a fairer environment that respects the rights of creators and users.

CONCLUSION

Copyright and intellectual property protection in the digital age faces complex and multifaceted challenges. Among other things, the speed and volume of digital content dissemination makes it difficult for traditional legal systems to keep up and enforce copyright protection effectively. Anonymity and global jurisdiction add another layer of challenge, as infringements are often committed by anonymous entities or in countries that are not legally cooperative. Digital Rights Management (DRM) technologies, while useful, are often inadequate and conflict with the rights of legitimate users. In addition, the process of reporting and handling claims on digital platforms is often slow and inaccurate, adding to the frustration of content owners. Lack of public education and awareness about the importance of copyright is also a major challenge that needs to be addressed. Proposed solutions include improved automatic detection technology using artificial intelligence (AI) and machine learning, harmonization of copyright law at the international level, reform of DRM technology to make it more user-friendly, and simplification and transparency of the reporting process. In addition, extensive educational campaigns to raise public awareness about

copyright are necessary. With these measures, it is expected that the legal protection of copyright and intellectual property rights in the digital age can be significantly improved, creating a fairer environment and respect for creative and innovative rights. The results of this study can serve as a basis for the government and stakeholders in formulating policies that are more effective and responsive to the challenges in the digital age. This research also paves the way for further studies that can delve deeper into other innovative solutions to copyright challenges in the digital age.

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