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## LEGAL PROTECTION OF INTELLECTUAL PROPERTY FOR DIGITAL WORKS BY UTILIZING EMERGING TECHNOLOGIES

### Abstract

The advancement of digital technology has transformed access to information and creativity, enabling widespread distribution of digital works. However, this ease of access has led to significant challenges in enforcing Intellectual Property Rights (IPR), particularly in Indonesia, where legal frameworks like Law Number 28 of 2014 on Copyright and Law Number 11 of 2008 on Electronic Information and Transactions are tested by rampant digital infringements. This study examines the adequacy of existing Indonesian legal frameworks in protecting IPR in the digital era, focusing on gaps in enforcement and regulatory adaptation to emerging technologies such as streaming platforms and non-fungible tokens (NFTs). Using a normative juridical method, this research analyzes relevant statutes, case law, and legal doctrines to assess their effectiveness in addressing digital IPR violations. The findings reveal that while Indonesia has a robust legal foundation, enforcement remains weak due to limited public awareness and inadequate mechanisms for addressing digital-specific infringements. This study emphasizes the need for regulatory reform, enhanced enforcement mechanisms, and targeted education to strengthen IPR protection, fostering innovation and economic competitiveness in Indonesia's digital landscape.

**Keywords:** Digital Works, Innovation, Intellectual Property Rights, Legal Protection.

### INTRODUCTION

Digitalization has transformed the way society perceives work, giving rise to two primary trends. Many people are now making creative works in digital forms, like music, visual art, writing, and more (Leonardi & Jeffrey, 2020). Digital tools provide accessibility and flexibility that allow them to express their creativity more easily. Apart from that, there are those who prefer to enjoy works on digital platforms, such as streaming music, eBooks and other multimedia content. However, this change also affects copyright. Copyright gives legal rights to creators so they can control how their work is used and shared (Simatupang, 2021). These rights include moral rights, like being recognized as the creator, and economic rights, like getting money when the work is used.

In the digital age, it's harder to protect copyright because digital copies can be made and shared very easily, especially through MOOCs. Also, there are gaps in Indonesia's laws that make it more difficult to enforce these protections, such as Law Number 28 of 2014 concerning Copyright and Law Number 11 of 2008 concerning Electronic Information and Transactions, which struggle to address emerging issues like unauthorized streaming and non-fungible token (NFT) misuse (Ivana & Nugroho, 2022). This includes moral rights, such as being recognized as the author, and economic rights, such as obtaining royalties from use of the work. These regulations, while comprehensive, face challenges in enforcement due to limited mechanisms for digital-specific violations and low public awareness, leading to frequent infringements that undermine creators' rights and innovation.

Advances in digital technology provide great benefits, but also bring serious threats, especially for the younger generation who may not understand the legal consequences related to the use of digital platforms. The principle of information openness and easy access can be the main trigger for potential violations of intellectual property rights (Suryavanshi, 2017). The easier the access, the greater the possibility of unauthorized duplication, duplication, or distribution of the work. This threat is very significant, particularly in Indonesia, where enforcement of existing laws is inconsistent, and judicial precedents on digital IPR violations remain limited. Many works are accessed without including the identity of the creator or using

the work outside its intended purpose, such as use without permission for commercial purposes. This can harm the creator or the person who owns the copyright in both moral and economic ways. Because of this, this study aims to closely examine how effectively Indonesia's laws on intellectual property rights address new challenges in the digital age. It also aims to identify areas where the system is not functioning effectively and suggest ways to enhance protection for creators in the digital world.

5 Digital copyrighted works are becoming more popular among people online because they have some key benefits over physical products. Digital products are seen as useful and easier to use because they don't need special places to store them, unlike physical items (Setiawan et al., 2018). In addition, the accessibility of digital copyrighted works by downloading provides significant added value because the process is fast and effective. This makes consumers prefer digital works because they don't have to wait for delivery or face physical limitations that may occur with physical products. Practicality and ease of accessing digital works are also major factors in their popularity among the internet community. By only needing an internet connection and a suitable device, such as a computer or smartphone, consumers can easily download or access various types of digital works, from music, films, books, to software. This not only provides convenience for consumers, but also opens up new opportunities for creators to reach a wider market. However, the lack of robust enforcement mechanisms and public understanding exacerbates violations, necessitating a deeper analysis of how existing laws can be adapted to protect digital works effectively.

26 In Indonesia, people often violate intellectual property rules, particularly when it comes to digital content protected by copyright. This happens because many people still don't realize the importance of copyright, as mentioned in Irawan (2017). These violations are often overlooked because people are unaware of the negative consequences they can have. This lack of knowledge leads to behaviors that harm the creators or owners of the original material. Digital copyrighted works are often easily accessed and distributed without permission, whether in the form of illegal downloading, sharing without approval, or use outside its intended use. This provides an opening for rights violations that could have a detrimental impact on the original owner of the work. Even though there have been efforts to enforce laws related to copyright, such as laws governing the protection of intellectual property, violations still occur due to a lack of supervision and public awareness. Wider education is needed regarding copyright and the consequences of violating it, especially in the digital era which makes it easier to disseminate and access works. Violation of intellectual property rights not only harms the original owner of the work economically, but also reduces incentives to create new content (Ardiansyah et al., 2024). Therefore, it is important for society to understand the value and importance of respecting copyright, as well as for the government to improve law enforcement and provide better education regarding this matter.

## METHOD

27 This research applies normative juridical research methods. This approach aims to explore theories, concepts, legal principles, and legal regulations that are relevant to the research subject. The main aim of this research is to gain an in-depth understanding of the issue being researched. In this study, the normative juridical method is employed to critically analyze the adequacy of Indonesia's Intellectual Property Rights (IPR) legal framework, particularly Law Number 28 of 2014 concerning Copyright and Law Number 11 of 2008 concerning Electronic Information and Transactions, in addressing digital-era challenges. In a qualitative approach, this research analyzes the object by referring to the legal norms contained in statutory regulations. This includes evaluating relevant judicial precedents and legal doctrines to assess the effectiveness of enforcement mechanisms and identify regulatory gaps in protecting digital works. This allows researchers to understand the legal implications and impact of the topic

24 being researched more comprehensively. This research relies on secondary data sources, including laws, statutory regulations, as well as various relevant legal materials and literature. Additionally, case studies of digital IPR infringements in Indonesia are examined to provide practical insights into the application of existing laws. This approach allows researchers to gain a robust and detailed understanding of the issues discussed, as well as validate findings by comparing and analyzing various available sources.

## RESULTS AND DISCUSSION

### 21 Intellectual Property Rights (IPR) Digital Works

The use of information technology has produced a variety of products with significant economic value. However, this growth also creates new challenges regarding copyright. To support people's creativity and ensure the sustainability of the creative industry, harmony between information technology and legal protection of creative works is important. Legal protection for copyrighted works is a foundation that must be provided to provide incentives to creators to continue producing new works (Mikafa et al., 2022). With legal protection, creators will feel safer and more motivated to develop their creativity. This also lets them get fair benefits from their work. Besides that, having legal protection for creative works helps create a good and fair environment for people in the creative industry. This encourages growth in the creative sector (Sinaga, 2020).

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11 Technological progress has made it easier for people to access digital products and works, which helps them with their everyday tasks. However, behind this convenience, there are risks lurking. This ease of access is often exploited by unauthorized parties to disseminate or distribute works without permission, violating copyright unlawfully. In Indonesia, the Copyright Law Number 28 of 2014 helps protect the rights of creators, both in terms of their moral and economic interests. It includes right control how their digital works are copied and shared. However, when it comes to digital platforms like streaming services or social media, the law has some unclear rules about specific digital issues, such as illegal downloading or sharing without permission (Simatupang, 2021). Similarly, Law Number 11 of 2008 concerning Electronic Information and Transactions regulates electronic transactions but lacks specific mechanisms to address complex digital IPR violations, such as those involving user-generated content or peer-to-peer file sharing. With the ease with which a digital work can be downloaded or accessed, the work is vulnerable to piracy, duplication or modification without permission from the original owner. This is not only financially detrimental to the copyright owner, but can also damage the reputation and integrity of the work (Ivana & Nugroho, 2022). For instance, unauthorized distribution of digital music or films on platforms like Telegram or illegal streaming sites has led to significant economic losses, undermining the incentives for creators and the creative industry's growth. Moreover, unauthorized changes or modifications may alter the original meaning or context of the work. These violations highlight the legal implications of inadequate enforcement mechanisms, which fail to deter digital piracy and protect creators' rights in Indonesia's rapidly evolving digital landscape. Understanding these risks is important for society to be able to use digital products wisely and ethically. In today's digital world, protecting copyrights is more important than ever. It's essential for authorities to take action and for people to understand why respecting copyright matters. Only with a responsible attitude and respect for copyright can we maintain the sustainability of creative and innovative industries, as well as provide appropriate recognition for creators of digital works (Dharma & Mahadewi, 2023).

The fast growth of technology has led to many new ways of copyright violations, and these issues are getting more complicated. If not taken seriously, these violations can have significant negative impacts, both for the industry and for creators. Intellectual Property Rights (IPR) are not only important for respecting and recognizing the existence of creators or creators

of works, but also for protecting economic rights. Copyright infringement can harm the industry by causing financial losses and reducing consumer confidence in the authenticity and integrity of products (Ullah et al., 2021). For creators, copyright infringement means losing control over their work and can reduce incentives to continue creating. IPR protection aims to provide appropriate recognition to creators, as well as ensuring that they can make fair use of the results of their work economically. This includes the right to earn royalties, determine how the work is used, and take legal action against infringement. Thus, serious handling of copyright violations is crucial to maintain the sustainability of the creative industry and encourage innovation. IPR protection not only helps create a fair environment for creators, but also strengthens the economic and cultural foundations where innovation and creativity can develop optimally (Suryavanshi, 2017).

### Protection of Intellectual Property Rights (IPR) in Digital Works

In Indonesia, violations of intellectual property rights are still common, mostly because people don't understand these rights well and the system for enforcing them is not strong enough (Manurung, 2022). Law Number 28 of 2014 concerning Copyright offers full protection for creators' moral and economic rights, giving them sole power to decide how their digital work is used and shared. However, it is hard to enforce because of the fast growth of digital platforms, like illegal streaming websites and file-sharing networks, which make it easy for people to access copyrighted material without permission (Lalamentik, 2018). For instance, a 2021 case involving the piracy of cinematographic works on Telegram highlighted the difficulty of enforcing copyright due to the platform's encrypted nature and lack of cooperation from service providers, underscoring gaps in Indonesia's legal framework (Mikafa et al., 2022). Similarly, Law Number 11 of 2008 concerning Electronic Information and Transactions establishes legal basis for protecting digital works but lacks specific provisions for addressing complex violations like user-generated content misuse or automated content-sharing algorithms (Manurung, 2022). Most Indonesians do not fully understand the concept and importance of IPR protection. In this case, IPR violations can happen because people don't know about the creative and economic rights of creators and they don't have access to copyrighted content. Even though there are some consumers who are aware of the importance of respecting IPR, there are still many who do not understand the implications of such violations. This gap in understanding could be a major factor in the continued occurrence of IPR violations in Indonesia. A comparative analysis with the United States' Digital Millennium Copyright Act (DMCA) reveals that Indonesia's framework lacks an efficient notice-and-takedown mechanism, which allows platforms to swiftly remove infringing content upon notification, thus reducing violations more effectively (United States Copyright Office, 1998). It is important to continue to increase public understanding of IPR through effective education (Dharma & Mahadewi, 2023). This can be done through public campaigns, training programs, and providing easily accessible resources on IPR. By raising public awareness, the goal is to encourage people to behave in a way that respects creative and economic rights, and to decrease the number of intellectual property rights violations in Indonesia. In addition, regular enforcement of the laws against these violations is also important to act as a warning and show that such actions are not acceptable in a civilized society.

Intellectual Property Rights (IPR) serve to safeguard the legal interests of creators over their works (Indriani, 2018). Yet in Indonesia, awareness of IPR remains limited, with many digital creators overlooking the need for formal recognition and protection. The emergence of non-fungible tokens (NFTs) further complicates this issue, as cases of unauthorized use of digital art persist in the absence of specific national regulations contrasting with the European Union, where clearer provisions on digital ownership have been established (Ivana & Nugroho, 2022). It is important to understand that IPR does not only have economic motives or only

benefit the owner or right holder. More than that, IPR also has a positive impact on society at large. IPR protection helps create an environment that supports the growth of creativity and innovation (Muchtar et al., 2021). This provides incentives for creators to continue working, raises living standards, and drives the development of the creative industry as a whole. The lack of effective enforcement, as seen in cases of widespread music piracy on platforms like Spotify or YouTube in Indonesia, results in significant economic losses and diminishes creators' incentives to innovate (Dharma & Mahadewi, 2023). Apart from that, through IPR protection, consumers also benefit. They can trust the authenticity and quality of the products or works they buy or use. IPR protection also facilitates the transfer of knowledge and technology, accelerates innovation, and increases a country's economic competitiveness.

In Indonesia, intellectual property protection is codified through several legal instruments, most notably Law No. 28 of 2014 on Copyright (Rahayu et al., 2019). This regulation extends comprehensive safeguards to creative works across science, art, and literature. It outlines both the economic and moral rights of authors and specifies remedies available in cases of copyright violation (Lalamentik, 2018). However, its implementation in the digital realm is hindered by the lack of specific provisions addressing modern challenges, such as automated content distribution or cross-border violations on global platforms. A comparative analysis with the European Union's Copyright Directive (Directive 2019/790) shows that Indonesia could benefit from adopting proactive measures, such as requiring platforms to implement content-filtering technologies to prevent unauthorized uploads (European Union, 2019). The protection provided includes the exclusive right to use the work, both commercially and non-commercially, as well as the right to regulate how the work is used by other parties. Apart from Law Number 28 of 2014, there are also other regulations that regulate specific aspects of intellectual property, such as the Trademark Law, Patent Law and Industrial Design Law. All of them aim to provide appropriate protection for creators or owners of intellectual property in realizing economic value and promoting innovation. The absence of robust judicial precedents in Indonesia, unlike in jurisdictions with established case law like the United States, further complicates enforcement, as courts often lack clear guidance on handling digital IPR disputes (United States Copyright Office, 1998).

Furthermore, Law No. 11 of 2008 on Electronic Information and Transactions serves as a key legal foundation for safeguarding Intellectual Property Rights (IPR) within Indonesia's digital and electronic transaction sphere (Amelia, 2022). The law affirms that electronic information, digital documents, websites, and the intellectual content they contain fall under IPR protection in line with existing regulations. Nevertheless, its provisions remain too broad to effectively tackle specific digital infringements, such as deepfake technology or automated content scraping, which demand more specialized enforcement mechanisms that are still absent in Indonesia's legal framework (Ivana & Nugroho, 2022). Law Number 11 of 2008 strengthens protection for intellectual works that exist in digital form, such as writing, images, music, videos, etc. that are composed or presented via electronic media. This protection covers the economic and moral rights of work owners, as well as providing a legal basis for enforcing these rights in the digital realm. Apart from strengthening IPR protection, Law Number 11 of 2008 also provides a basis for law enforcement against violations that occur in the context of electronic transactions, such as data theft, dissemination of misleading information, and other illegal acts involving intellectual works in digital form (Kurniawan & Soeskandhi, 2022).

## CONCLUSION

This study demonstrates that digitalization has transformed the way people create and experience their work. However, because digital content is easily accessible, there is a risk of copyright violations, which still occur frequently in Indonesia. Public awareness of the importance of Intellectual Property Rights (IPR) still low, so many creators or creators of

digital works are not aware of the need for legal recognition and protection for their works. This study finds that while Law Number 28 of 2014 concerning Copyright and Law Number 11 of 2008 concerning Electronic Information and Transactions provide a robust legal foundation, their enforcement is hindered by inadequate mechanisms for addressing digital-specific violations, such as unauthorized streaming or non-fungible token (NFT) misuse. To address these gaps, it is recommended that Indonesia adopt a notice-and-takedown mechanism similar to the U.S. Digital Millennium Copyright Act and introduce specific provisions for emerging technologies like NFTs to enhance legal clarity and enforcement. IPR protection is not only about economic rights for work owners, but also has a broad positive impact on society. Through IPR protection, creativity and innovation are encouraged, living standards are improved, and a country's economic competitiveness is increased. Therefore, alongside public awareness campaigns, regulatory reforms and stronger judicial precedents are needed to build a more effective IPR framework, ensuring respect for copyright and fostering a competitive and culturally vibrant digital environment in Indonesia.

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