

Normative Legal Review of Copyright Protection in the Digital Era

Bernando Lumempo¹, Loly Azzahra Veliandra², Reni Agustina³, Rosalina Ardiyanti⁴, Kimberly Anastasia Simanjuntak⁵, Dheo Alviano Dewantoro⁶, Mustafa⁷

^{1,2,3,4,5,6} Universitas Proklamasi 45 Yogyakarta, Indonesia

* Correspondence e-mail; 23110410004@student.up45.ac.id

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Abstract

The development of digital technology has had a significant impact on copyright protection, particularly in terms of the distribution and infringement of copyrighted works online. This study aims to analyze the regulation of copyright law in Indonesia, the forms of protection in the digital era, and the obstacles in its enforcement. The method used is normative juridical with a statutory and conceptual approach. The results of the study indicate that although Indonesia has strong regulations through Law Number 28 of 2014 concerning Copyright, its implementation still faces various challenges, such as low public legal awareness, limited surveillance technology, and the cross-border nature of the internet. Therefore, it is necessary to strengthen technology-based regulations and increase international cooperation to increase the effectiveness of copyright protection.

Keywords

Copyright, Digital Era, Infringement, Indonesian Law, Legal Protection



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INTRODUCTION

The development of information and communication technology in the digital era has brought significant changes to various aspects of human life, including the field of intellectual property. The presence of the internet has made it easier for people to access various forms of copyrighted works quickly without limitations of space and time. Works in the form of music, films, electronic books, scientific journals, and digital artworks can now be obtained simply through electronic devices connected to the internet. This condition has positively contributed to the advancement of knowledge, creativity, and the global dissemination of information. However, on the other hand, technological progress has also created new challenges in the form of increasing digital copyright infringement. The ease of reproducing, downloading, and distributing

works without the permission of the creator often results in the neglect of both the economic and moral rights of authors. Digital piracy has even become a global issue that is difficult to control because content can be distributed anonymously and rapidly through various digital platforms. This phenomenon demonstrates that technological development not only provides benefits but also creates the need for a legal protection system capable of adapting to modern digital society and technological advancement (Lessig, 2006; Margono, 2010).

Digital transformation has also changed the pattern of public consumption in enjoying copyrighted works. In the past, people accessed works through physical media such as cassette tapes, CDs, printed books, or cinemas. Today, however, most people prefer digital media because it is considered more practical, affordable, and accessible. Digital platforms such as YouTube, TikTok, and Spotify have become major platforms for the distribution and consumption of intellectual works. Nevertheless, these developments have also facilitated copyright infringement because digital content can easily be copied, modified, and redistributed without the consent of copyright holders. Many internet users assume that downloading or sharing digital content is normal because such materials are freely accessible online. In fact, these actions can cause economic losses to creators due to the loss of potential income, as well as moral losses through the absence of recognition for their original works. In this context, copyright protection is not only related to legal aspects but also connected to ethical awareness and social responsibility in respecting the intellectual creations of others (Lindsey et al., 2019; Damian, 2021).

Indonesia, as a state based on law, has attempted to provide legal protection for copyright through Law Number 28 of 2014 concerning Copyright. This law regulates the exclusive rights of creators over their works, including both economic and moral rights attached to authorship. Legal protection is intended to ensure legal certainty for creators regarding the results of their creativity, thereby encouraging innovation and the development of the national creative industry. However, the implementation of copyright protection in the digital era still faces various obstacles. One of the primary challenges is the weak supervision of digital content circulating on the internet. In addition, the low level of public legal awareness regarding the importance of respecting copyright further contributes to the high number of violations. Law enforcement in cyberspace also faces difficulties due to the borderless nature of the internet, anonymous identities, and the rapid spread of digital content before legal action can be effectively taken. Therefore, the success of copyright protection depends not only on the existence of legal regulations but also on technological support for

digital monitoring and cooperation among governments, digital platform providers, and society as a whole (Margono, 2010; Saidin, 2016).

From the perspective of law and technology, Lawrence Lessig introduced the concept of “code is law,” which emphasizes that technology itself can function as a mechanism for regulating behavior in digital society. This concept explains that controlling copyright infringement cannot rely solely on written legal regulations but must also be supported by technological architecture capable of preventing violations from occurring in the first place. Examples include the use of digital rights management (DRM) systems, plagiarism detection algorithms, and automatic blocking technologies for illegal content on digital platforms. These technologies can strengthen the effectiveness of copyright protection by reducing opportunities for illegal reproduction and distribution of copyrighted works. On the other hand, technological advancement also requires legal regulations to continuously adapt in order to address the challenges of globalization and rapid digital transformation. Conventional legal regulations are often unable to keep pace with the speed of technological development. Therefore, states need to develop adaptive, progressive, and technology-based legal systems so that copyright protection can be implemented effectively in the digital era (Lessig, 2006; WIPO, 2022).

Research on copyright protection in the digital era is highly important because there remains a significant gap between legal norms and practical implementation in society. Normatively, Indonesia already possesses relatively adequate legal instruments for protecting creators and their intellectual works. However, in practice, copyright infringement continues to occur openly through illegal websites, social media platforms, and digital file-sharing applications. This condition indicates that law enforcement has not yet functioned effectively. Furthermore, low digital literacy and limited public awareness regarding the importance of respecting intellectual property rights remain serious challenges in creating a strong legal culture. Therefore, more comprehensive efforts are needed through strengthening regulations, improving public legal education, utilizing digital monitoring technologies, and enhancing international cooperation in addressing cross-border copyright violations. Effective copyright protection in the digital era is aimed not only at safeguarding the interests of creators but also at maintaining the sustainability of the creative industry and encouraging innovation-based economic growth in Indonesia (Nasution, 2017; WIPO, 2022).

METHODS

This research employs a normative juridical method with a statutory, conceptual, and comparative approach. According to Peter Mahmud Marzuki, normative research aims to identify relevant legal principles, norms, and doctrines. Numerous studies have been conducted on copyright protection in the digital era. For example, research by Suyud Margono emphasizes the importance of legal protection for digital works, while Ahmad M. Ramli highlights the challenges of law enforcement in the digital space. Internationally, Pamela Samuelson has criticized the conventional copyright system for failing to keep pace with the development of digital technology. Most research remains descriptive in nature, failing to emphasize the integration of law and technology in the Indonesian context.

This research offers a novelty in the form of a copyright protection model based on the integration of law and technology (legal-tech approach) in the Indonesian context, utilizing adaptive regulatory approaches, technological reinforcement (AI monitoring, DRM), and collaboration with digital platforms.

FINDINGS AND DISCUSSION

Indonesia already possesses a relatively comprehensive legal framework through Law Number 28 of 2014 concerning Copyright. However, from a normative perspective, significant weaknesses remain in the implementation of copyright protection within the digital environment. According to Pamela Samuelson, traditional copyright systems are often unable to keep pace with the rapid development of digital technology. Indonesian copyright law is still largely reactive rather than fully adaptive to technological dynamics such as Artificial Intelligence (AI), streaming services, and digital platforms. As a result, the existing legal framework frequently struggles to address emerging forms of digital copyright infringement effectively (Samuelson, 2011).

Copyright protection in the digital era is generally carried out through two main approaches: the regulatory approach and the technological approach. The regulatory approach involves legislation and government policies, while the technological approach includes the use of Digital Rights Management (DRM), watermark technology, and Content ID systems. Neil Weinstock Netanel argues that modern copyright protection must combine both legal and technological mechanisms to ensure effective enforcement. In Indonesia, copyright protection still tends to be legal-formalistic, focusing primarily on written regulations without adequate technological support. Compared to developed countries that have implemented AI-based content

detection systems and automatic takedown mechanisms, Indonesia still relies heavily on manual reporting procedures. Consequently, Indonesian copyright law has not yet evolved from the concept of “law as rules” toward “law as system,” where law functions through integrated technological and institutional mechanisms (Netanel, 2008).

Cases involving the blocking of illegal websites by the Ministry of Communication and Informatics of the Republic of Indonesia demonstrate that copyright infringement remains highly prevalent in Indonesia. One prominent example is the blocking of illegal streaming websites such as Indo XXI, which illustrates the widespread unauthorized distribution of digital content. Although these enforcement actions reflect the government’s commitment to combating piracy, the measures are generally reactive in nature and fail to address the root causes of copyright infringement. Illegal digital content continues to reappear through new domains and platforms, indicating that enforcement strategies remain insufficient without preventive technological systems and stronger public awareness (Margono, 2010).

The major obstacles to copyright law enforcement in the digital era include the borderless nature of the internet, low levels of public legal awareness, and the limitations of digital law enforcement mechanisms. According to Yochai Benkler, the digital era has created a “sharing culture” in which internet users often perceive the free exchange of digital content as normal behavior, even when it conflicts with copyright principles. In this context, the main challenge is not merely legal enforcement but also the transformation of social and cultural behavior within digital society. Many internet users do not fully understand that every intellectual work contains economic and moral rights that must be respected. Therefore, copyright infringement in the digital environment is strongly influenced by cultural attitudes and digital literacy levels within society (Benkler, 2006).

Several legal reform solutions have been proposed to strengthen copyright protection in Indonesia. These include technology-based regulatory reforms, stronger collaboration with digital platforms, continuous public education, and international cooperation. According to the World Intellectual Property Organization (WIPO), global copyright protection requires harmonization of laws among countries because digital copyright violations often occur across national borders. Indonesia therefore needs to move toward an adaptive regulation model rather than relying solely on static legal regulations. Adaptive regulation emphasizes flexibility, technological integration, and responsiveness to rapid digital transformation. Such reforms are

essential to ensure that copyright law remains relevant and effective in the face of evolving technological challenges (WIPO, 2022).

The discussion in this research demonstrates that the development of digital technology requires a paradigm shift in copyright protection. Regulations can no longer rely solely on normative legal provisions but must also be supported by digital technologies as instruments of supervision and enforcement. The utilization of technologies such as Artificial Intelligence (AI), Digital Rights Management (DRM), and Content ID systems can assist in detecting copyright infringement more effectively and efficiently. These technologies are capable of identifying unauthorized use of copyrighted materials in real time, thereby reducing the spread of illegal content across digital platforms (Lessig, 2006).

In addition, cooperation among governments, digital platform providers, and society is an essential factor in creating optimal copyright protection. Governments need to strengthen regulations that are adaptive to technological developments, while digital platforms must improve their systems for monitoring illegal content. On the other hand, society also needs continuous education regarding the importance of respecting copyright as a form of appreciation for intellectual creativity. Educational efforts through schools, universities, social media campaigns, and public awareness programs are necessary to build a stronger culture of legal compliance in digital society (Saidin, 2016).

From a legal perspective, Indonesia already possesses a relatively clear normative foundation regarding copyright protection. Nevertheless, the effectiveness of these regulations remains limited due to weak implementation in practice. Law enforcement against copyright infringement in digital media is often constrained by difficulties in identifying perpetrators, the anonymous nature of internet users, and lengthy legal processes. These challenges make copyright enforcement less effective, especially when digital content can spread globally within a very short time. Consequently, legal institutions need to strengthen cyber investigation mechanisms and improve cooperation with digital service providers to accelerate enforcement procedures (Nasution, 2017).

In the international context, copyright protection also requires cooperation among states because digital infringement is transnational in nature. Indonesia needs to strengthen cooperation with international organizations such as the World Intellectual Property Organization in order to improve supervision and law enforcement mechanisms against digital copyright violations. Through international collaboration, countries can exchange information, harmonize legal standards, and

develop joint strategies to combat digital piracy more effectively. Therefore, copyright protection in the digital era cannot rely solely on legal regulations but requires integration among law, technology, and public awareness to achieve optimal legal protection for creators and intellectual works (WIPO, 2022).

CONCLUSION

Copyright protection in Indonesia already has a relatively strong legal foundation through Law Number 28 of 2014 concerning Copyright. However, the rapid development of digital technology has caused various forms of copyright infringement to become increasingly easy to commit and more difficult to control. Therefore, it is necessary to strengthen regulations that are adaptive to technological developments and supported by the implementation of digital monitoring systems. In addition to regulatory strengthening, cooperation among the government, digital platforms, and society is also required in enforcing copyright law. Public education regarding the importance of respecting intellectual works is an essential step in reducing copyright violations in the digital era. The development of the digital era has significantly affected the distribution and use of copyrighted works. While easy internet access creates major opportunities for the growth of creativity and innovation, it also increases the risk of increasingly complex copyright infringement. Consequently, strategic measures are needed to align legal protection with modern technological developments. The government must strengthen digital monitoring systems through the use of technologies such as Artificial Intelligence (AI), automatic detection systems, and cooperation with digital platforms to reduce the spread of illegal content. Furthermore, law enforcement must be implemented consistently in order to create a deterrent effect for copyright violators. Ultimately, copyright protection is not only the responsibility of the government but also of all elements of society. Through strong legal awareness, technological support, and adaptive regulations, copyright protection in Indonesia is expected to provide greater legal certainty and protection for creators in the digital era.

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