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## UNCHARTED WATER: INDONESIA'S COPYRIGHT CHALLENGES IN THE DIGITAL AGE

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Digital technology has complicated copyright protection, particularly in Indonesia, where weak laws, poor enforcement, and low awareness fuel piracy. Modernizing regulations, improving enforcement, and promoting education about intellectual property rights are essential to fostering innovation, safeguarding creators, and supporting the creative economy in the digital era. This study evaluates Indonesia's copyright framework in the digital era, focusing on its legal adaptability, enforcement effectiveness, public awareness, economic impacts, and potential insights from global best practices to enhance the creative economy and tackle digital piracy challenges. This study employs comparative hermeneutics, including legal analysis of Indonesia's copyright laws, international benchmarks, and case studies of successful anti-piracy efforts to study enforcement mechanisms and economic impacts to offer actionable insights for effectively adapting Indonesia's copyright framework. The authors conclude that Indonesia must strengthen its legal framework; only by aligning with global standards like TRIPS can Indonesia safeguard creators' rights, enhance enforcement, and ensure competitiveness in the digital economy.

**Keywords:**

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## 1. INTRODUCTION

On a busy working day in a downtown coffee shop, several guests were relaxing in their seats. One of them was sitting in a corner, typing away on her laptop. Her screen displayed a digital magazine article she was working on, with images and videos embedded directly into the document. She clicked a button, and the software automatically saved her work to the cloud. A young man sitting nearby, wearing headphones, was using his phone to stream music from Spotify and create a playlist for his upcoming gig. Meanwhile, a teenage girl was relaxing in a cozy chair, engrossed in an e-book on her Kindle. She tapped the screen to highlight a passage, and a prompt reminded her of the digital rights agreement that prevents unauthorized sharing. This scene captures the essence of how digital copyright is woven into the fabric of everyday activities, highlighting the benefits and protection it offers to both creators and consumers.

The transition from traditional copyright to digital copyright marks a significant evolution in the protection and management of intellectual property. With the rapid advancement of technology and the internet, the creation, distribution, and consumption of creative content have transformed dramatically. Traditional copyright laws, initially designed to protect tangible works such as books, music, and art, now face challenges in addressing the complexities of digital content. Digital copyright encompasses a broader spectrum, covering various forms of media, including online publications, software, digital music, and videos. This transition has led to the development of new legal frameworks and technologies aimed at ensuring that creators' rights are upheld while balancing the needs of users in an increasingly connected world. As digital platforms become more prevalent, the importance of understanding and navigating digital copyright becomes paramount for creators, consumers, and policymakers alike.

When considering how copyright law applies to the electronic environment, it is necessary to ask whether digital content is treated any differently from hard copy content, and if so, how? (Paul Pedley, 2007). Clearly, the physical formats of electronic materials differ from those of hard copy. Instead of printed books, directories, newspapers, magazines and reports, electronic copyright relates to anything in machine readable form, whether that be CD-ROMs, floppy discs, Adobe PDF documents, online databases, digitized images, e-mails, websites, e-journals, news feeds, e-books, online encyclopaedias and online newspaper [20] [21].

In the digital era, copyright protection faces a variety of complex challenges. Digital technology facilitates the distribution and replication of works, which increases piracy and copyright infringement, while law enforcement becomes difficult due to the anonymity of perpetrators and differing jurisdictions. Many people lack understanding of copyright, leading to unintentional violations, and there is tension between copyright protection and the open access movement. New technologies such as AI and blockchain add to the challenges, while fair monetization and revenue sharing remain issues. The concept of fair use is often misunderstood, and collaborative creativity adds complexity to copyright management. Overcoming these challenges requires collaboration between governments, industries, academia, and civil society, as well as education and adaptive policies.

Creators in the digital age face various challenges, including the protection of copyrights due to piracy and the difficulty of enforcing laws at the global level. Additionally, monetization and revenue are often hindered by the dominance of large platforms that take a larger share of earnings, while competition for attention is increasingly fierce. Creators must also adapt to rapid technological changes, master digital skills, and manage data and privacy to avoid cybersecurity threats. Other challenges include distribution and marketing, which require specific strategies to reach the right audience, as well as maintaining a balance between the quantity and quality of work amid the pressure to continually produce new content, which can lead to creative fatigue.

Among these challenges, copyright protection remains a particularly pressing issue, especially in regions where enforcement mechanisms are weak, such as Indonesia. According to the Political and Economic Risk Consultancy (PERC), in 2010, Indonesia received the lowest score for copyright protection, with a score of 8.5 out of 10. The best score, 0, was held by Singapore, followed by Japan and Hong Kong, with scores of 2.1 and 2.8, respectively. This is not surprising, as these are developed countries in Asia. Similar to Indonesia, other countries such as Vietnam (8.4), China (7.9), the Philippines (6.8), India (6.5), Thailand (6.1), and Malaysia (5.8) also received poor scores [3].

In Indonesia, copyright law has seen little development since its inception. Numerous questions surrounding copyright issues remain unanswered, and the enforcement of copyright and intellectual property laws remains inadequate. Problems such as software piracy, pirated films or games, illegal music downloads, unauthorized distribution of e-books, and sharing illegal websites for streaming paid concerts persist as significant concerns. These challenges highlight the need for stronger legal frameworks and more effective enforcement mechanisms to address such crimes in Indonesia and beyond.

The core challenges surrounding copyright protection in Indonesia are the lack of effective enforcement and insufficient public awareness of intellectual property laws. Weak enforcement not only undermines the rights of creators and intellectual property owners but also hampers the growth of Indonesia's creative economy. The prevalence of piracy discourages innovation and investment in creative industries, as creators often face financial losses due to the unauthorized distribution of their work. To address these challenges, Indonesia must prioritize developing a stronger legal framework that aligns with the demands of the digital age. This includes updating existing laws to cover emerging digital technologies, strengthening law enforcement capacity, and promoting public education about intellectual property rights.

Public awareness regarding intellectual property law in Indonesia remains alarmingly low. Many individuals are either unaware that downloading content from illegal websites constitutes a copyright violation or feel compelled to do so due to the high cost of legal alternatives [15]. This lack of awareness stems from insufficient education on intellectual property rights and minimal enforcement efforts. Furthermore, economic factors play a significant role: for many Indonesians, particularly those with lower incomes, pirated content is often the only accessible option. Cultural perceptions that view such actions as minor offenses, combined with weak legal consequences, further perpetuate the problem. Addressing these challenges requires a comprehensive strategy that includes public education, the availability of affordable legal content, and stronger enforcement mechanisms. Collaboration between the government, private sector, and civil society is essential to fostering a deeper respect for intellectual property rights and overcoming economic barriers to accessing legal content.

Studying digital copyright has become essential due to the rapid development of digital technology, which has transformed the way content is produced, distributed, and consumed. In the digital age, copyright infringement has become easier because of the nature of content that can be quickly and widely disseminated through the internet. Research in this field contributes to a deeper understanding of copyright protection in the digital age, enabling the development of a legal framework that is more adaptive to technological advancements, thereby ensuring a balance between the protection of creators' rights and public access to information. This need is particularly critical in regions like Indonesia, where copyright laws and enforcement mechanisms have struggled to keep pace with technological changes.

## 2. HISTORY AND EVOLUTION OF COPYRIGHT

The history of copyright law traces back to the early days of the printing press in the 15th century, which revolutionized the production of books and other written materials. Before the advent of the printing press, the manual copying of texts was a slow and labour-intensive process, and the concept of copyright as we know it today did not exist. The printing press allowed for mass production and distribution of texts, leading to the need for a system to protect the rights of authors and publishers. The first copyright law was introduced in England with the Statute of Anne in 1710, which is often regarded as the first modern copyright law. This law granted authors the exclusive right to print their works for a limited time, thereby recognizing the economic and moral rights of creators over their intellectual property [11].

As the concept of copyright spread across Europe and beyond, different countries began to develop their own legal frameworks to protect intellectual property. In the United States, copyright law was enshrined in the Constitution in 1787, with the intent to "promote the progress of science and useful arts." The first U.S. copyright law was enacted in 1790, granting authors protection for books, maps, and charts for a period of 14 years, with the possibility of renewal for another 14 years. Over time, the scope of copyright protection expanded to include a broader range of works, including music, art, and eventually, digital content. The Berne Convention for the Protection of Literary and Artistic Works, adopted in 1886, marked a significant step toward international copyright protection, establishing minimum standards for copyright law among member countries [22].

In the modern era, the advent of digital technology and the internet has posed new challenges for copyright law. The ease with which digital content can be copied, shared, and distributed has led to widespread copyright infringement and has prompted the development of new laws and treaties to address these issues. The Digital Millennium Copyright Act (DMCA) of 1998 in the United States, for example, was designed to protect digital content and provide legal tools to combat online piracy. International agreements such as the World Intellectual Property Organization (WIPO) Copyright Treaty have also sought to update global copyright laws to address the challenges of the digital age. Today, copyright law continues to evolve as technology advances, balancing the rights of creators with the need for public access to information and culture [23].

In Indonesia, intellectual property (IP) legislation dates back to the 1840s when the Dutch Colonial Government introduced the first IP protection law in 1844. Subsequent laws included the Trademark Act

(1885), Patent Act (1910), and Copyright Act (1912). At that time, Indonesia, then known as the Netherlands East-Indies, became a member of the Paris Convention for the Protection of Industrial Property in 1888 and the Berne Convention for the Protection of Literary and Artistic Works in 1914. During the Japanese occupation from 1942 to 1945, these laws remained in effect. After Indonesia declared its independence on August 17, 1945, the transitional provisions of the 1945 Constitution stipulated that all colonial laws would remain in force as long as they did not conflict with the Constitution. While the Dutch legacy Copyright Act remained valid, the Patent Act was deemed incompatible with the new government. The Dutch Patent Act required patent applications to be submitted in Batavia (now Jakarta), but the examination process had to be conducted by the Octrooiraad in the Netherlands [6].

The evolution of copyright in Indonesia continued in 1982 with the enactment of the first Copyright Law, which was later revised in 1987. Further revisions were made in 1997 to align Indonesian law with TRIP's obligations. In 2002, a new Copyright Law was enacted, replacing the previous law. Finally, in 2014, a newer Copyright Law was introduced, superseding the 2002 regulation. These changes were made to align with TRIP's and to enhance the protection of intellectual works in the field of Copyright [28].

### 3. REDEFINING COPYRIGHT IN THE DIGITAL ERA

The rapid advancement of new technologies has outpaced copyright laws. The simplicity and speed with which people can create, access, and share digital content often clash with the intricate legal frameworks governing these activities, not only in the United States but globally. This gap between what technology enables and what the law permits, coupled with widespread public misunderstanding of copyright regulations, has fostered a culture where the social norms for consuming and distributing digital content often diverge significantly from legal expectations [17].

A researcher from the Legal Research Center at the National Research and Innovation Agency (BRIN), Josefhin Mareta, identified that copyright violations still frequently occur, particularly in digital forms. Examples of such violations include scanning books into e-books, illegal file sharing, and unauthorized sales on marketplace platforms. Copyright infringements in music are also prevalent, such as uploading cover songs on digital platforms like YouTube and Instagram without the copyright holder's permission, as well as bootlegging practices, including recording concerts and performances on television

or film for personal or commercial purposes. Mareta stated that the government, through the Directorate General of Intellectual Property (DJKI) and the Ministry of Communication and Information Technology (Kemenkominfo), has taken several preventive measures, including the implementation of joint regulations requiring the monitoring and blocking of content that violates copyright. These actions are taken in response to complaints from creators who feel their rights have been infringed [4].

Under President Joko Widodo's administration, Indonesia's democracy has shown signs of regression, with investment-driven politics overshadowing the commitment to liberal democratic norms and institutions. While promoting development, market-friendly policies often neglect democratic reforms and human rights [29]. The passage of the Penal Code and the Omnibus Law on Job Creation exemplifies this deviation, potentially threatening civil liberties and human rights, and contributing to the deterioration of Indonesia's rule of law index. Additionally, the use of the Information and Electronic Transactions Law and online surveillance by the government to silence critics further highlights the democratic backslide. This situation presents significant challenges for human rights protection in the digital age, underscoring the importance of the National Commission on Human Rights (Komnas HAM) in safeguarding digital rights and freedoms to ensure digital justice for citizens [29].

Globally, the enforcement of copyright laws varies significantly, with some countries demonstrating better legal frameworks and active measures to combat digital piracy. For instance, the United States has implemented the Digital Millennium Copyright Act (DMCA), which provides comprehensive mechanisms for addressing online copyright infringement, including takedown notices and penalties for violators [25]. Similarly, in countries within the European Union, Copyright law grants authors exclusive rights that allow them to control how their works are used and to earn income from these uses. These rights include authorizing or restricting activities such as reproducing, distributing, and making their works accessible to the public. In the European Union, these economic rights have been standardized under the Information Society Directive (Directive 2001/29/EC), particularly in Articles 2 to 4, which address harmonizing certain aspects of copyright and related rights in the digital age [9]. Beyond the rights of authors, copyright law also establishes related or neighbouring rights (Neighbouring rights are the rights of performers and their labels to receive a share of the income from the public performance of a sound recording. These rights are also known as mechanical rights, performing rights, rental rights, and moral rights). These rights aim to compensate and encourage those who contribute to making creative works available to the public, such as performers in music and audio-visual productions, producers of



sound recordings, and radio and television broadcasters. Additionally, in the EU, the producers responsible for the initial recording of a film are also protected under related rights [10].

Developing nations often face challenges in enforcing intellectual property laws due to limited resources, lack of public awareness, and corruption. For instance, while the Philippines and India have legal frameworks aligned with international standards, enforcement remains a major obstacle. The Philippines has implemented minimum standards for intellectual property rights (IPR) protection in accordance with its TRIPS obligations. However, despite these internationally required laws, IPR infringement continues to be deeply rooted in the country. Intellectual property rights (IPR) infringers often serve as "economic levelers" by providing access to goods that would otherwise be unaffordable for many. Counterfeit items such as pirated DVDs and imitation watches help bridge the socioeconomic gap in a country like the Philippines, where class divisions are pronounced. Additionally, counterfeit goods offer a more cost-effective alternative for the small portion of Filipinos who can afford genuine products [2].

Similarly, India is a typical example of a developing country facing challenges in balancing economic growth, innovation, and IP protection. Although the country has a well-established IP legal framework that aligns with international standards, including TRIPS, enforcement remains a significant issue. The key issues are Resource Limitations, Awareness Issues, and Inconsistent Enforcement. Public understanding of IP rights is limited, especially among small businesses and in rural areas. This results in common unintentional infringements, such as unauthorized textbook reproduction or the sale of counterfeit goods [1]. Both countries face significant difficulties in enforcing intellectual property (IP) laws despite having legal frameworks in place. In developing countries, key obstacles include limited resources, institutional weaknesses, corruption, and low public awareness [1].

In Indonesia, the absence of strong copyright enforcement and comprehensive regulations has profound implications for the creative economy. Weak enforcement allows piracy to thrive, discouraging creators and innovators from investing in original content due to the high risk of financial loss. This stifles growth in film, music, publishing, and software development industries, making it difficult for these sectors to compete globally. For instance, approximately 70 percent of Indonesian films fail to break even annually. This means that out of 140 Indonesian films released, 94 failed to break even. Considering that each film production employs at least 120 to 500 actors and crew members, it becomes evident how many individuals are negatively impacted when production revenues do not match expenses. If this situation



persists without a shift toward legal consumption of films, the worst-case scenario could be the collapse of Indonesia's film industry [14].

Learn from Japan, where the movie and anime industry is one of the top five countries in high film production rates, even though film piracy is a significant issue. Piracy in Japan is particularly prevalent in the anime industry [5]. While anime is highly popular both domestically and internationally, pirated anime is commonly available through illegal streaming sites and file-sharing platforms, A study released by a Japanese anti-piracy trade organization on April 21 revealed that Japan incurred losses of approximately C\$20 billion (or 2 trillion yen) in 2022 due to the widespread online circulation of pirated Japanese entertainment, including anime, manga, and video games. As a cross-border issue, Japanese firms are working alongside similar groups and governments worldwide to crack down on the piracy of popular Japanese content such as anime, manga, and video games, which they call “operation anime” [24]. Anime producers and distributors are increasingly curbing piracy by expanding legitimate streaming services and making more content accessible globally through paid platforms. Japan's advanced technological infrastructure, strong intellectual property laws, and rising public awareness campaigns have contributed to mitigating piracy to some extent. However, the key challenge remains ensuring that legal alternatives are both widely accessible and affordable while simultaneously strengthening enforcement measures against unauthorized distribution.

#### 4. INSTITUTIONAL WEAKNESS

Indonesia remained on the Priority Watch List in the 2023 Special 301 Report, highlighting ongoing concerns from U.S. rights holders regarding the country's inadequate intellectual property (IP) protection, enforcement, and equitable market access. Key issues include the widespread prevalence of piracy and counterfeiting, particularly the insufficient enforcement measures against hazardous counterfeit goods. To tackle these challenges, Indonesia must establish and adequately fund a comprehensive and coordinated IP enforcement strategy, incorporating stringent penalties to deter infringement both in physical marketplaces and online platforms [13].

In 2024, cases of copyright violations continue to rise in Indonesia [7], despite the country's efforts to combat intellectual property (IP) crimes through the National IPR Protection Task Force or National

Team on the Tackling of Infringements of IPRs (Tim Nasional Penanggulangan Pelanggaran Hak Kekayaan Intelektual, hereinafter referred to Timnas PPHKI) and several laws concerning IP and copyright. The Indonesian National Intellectual Property Rights (IPR) Protection Task Force, established to coordinate and strengthen efforts against intellectual property violations such as piracy and counterfeiting, aims to improve enforcement and raise public awareness about the importance of IP protection [8]. The task force involves various government agencies and is part of Indonesia's broader efforts to enhance its global IP protection indices ranking. In addition, Indonesia has several laws addressing intellectual property and copyright, including Law No. 28/2014 on Copyright, which safeguards creators' rights in works such as literature, art, and software; Law No. 30/2000 on Trade Secrets, which protects businesses' confidential information; Law No. 14/2001, later revised by Law No. 13/2016 on Patents, which covers inventions and inventors' rights; Law No. 15/2001 on Marks and Geographical Indications, which protects trademarks and geographical indications; and Law No. 31/2000 on Industrial Designs, which protects unique product designs.

Timnas PPHKI was established based on a Presidential Regulation issued by the President of Indonesia. Specifically, it was formalized through Presidential Regulation No. 36 of 2006, which set up the national team to coordinate efforts to address intellectual property rights violations in Indonesia, and to combat widespread intellectual property violations and improve enforcement mechanisms and to foster a supportive environment for the development and protection of intellectual property rights also to promote further creativity, innovation, and business and industrial growth, more coordinated efforts are essential to address IPR violations effectively. The task force reports directly to the President and is instrumental in formulating policies to prevent IPR violations, educate the public, and strengthen cooperation on international, regional, and bilateral levels. This initiative was particularly important after Indonesia's inclusion on the U.S. Trade Representative's Priority Watch List due to its high levels of piracy and counterfeiting.

Over time, the task force has played a significant role in fostering awareness and improving the country's legal framework regarding intellectual property. For example, Indonesia has enacted stronger copyright laws and created regulations to protect geographical indications that benefit locally produced goods. While these efforts mark progress, persistent challenges remain, such as ongoing concerns about enforcement, particularly in the high-tech sector, and inconsistent judicial decisions undermining the legal system's effectiveness.

These shortcomings have broader consequences. Unchecked piracy damages Indonesia's reputation in international trade, as countries with inadequate intellectual property protection are often viewed as unreliable partners. This perception can lead to reduced foreign investment in the creative and technology sectors, limiting economic growth. From a societal perspective, a lack of public awareness and the normalization of piracy perpetuate a culture of disregard for intellectual property rights. This not only diminishes respect for the law but also hampers efforts to promote ethical consumer behaviour.

The issue is that economic growth in a country is influenced by non-economic factors too. Several key non-economic factors significantly influence economic growth and social development, including culture, religion, family structure, social class, traditions, and the role of individuals. Additionally, political and social dependence, government involvement, and the role of religion and language as resources for human capital play a crucial role. Corruption and factors related to social pathology also contribute to shaping economic outcomes. Other variables commonly examined in modern economic research include democracy, the rule of law, government expenditure as a share of the economy, legal frameworks, colonial history, and the index of economic freedom [27].

In this context, Indonesia's inability to effectively regulate and address modern copyright challenges, such as digital piracy and unauthorized streaming platforms, threatens its economic growth. Organized criminal networks often exploit these regulatory gaps, complicating law enforcement efforts and undermining trust in the legal system. This highlights the broader institutional weaknesses, including corruption and inconsistent governance, that hinder progress in adapting to the digital age.

If left unchecked, these issues could cause Indonesia to fall behind in the global race to modernize copyright laws and leverage its creative economy for growth. Addressing these challenges requires a multifaceted approach: legislative reform to close legal loopholes, public education to promote respect for intellectual property, and international cooperation to combat cross-border piracy. Such efforts will not only strengthen the copyright regime but also create a foundation for sustainable economic development.

## 5. HOW OTHER COUNTRIES HANDLE COPYRIGHT IN THE DIGITAL ERA

In the digital era, countries worldwide have been updating and adapting their copyright laws to address the challenges posed by rapid technological advancements. For instance, the European Union implemented the Information Society Directive, which harmonizes copyright protection across member states and addresses issues like digital piracy and using copyrighted materials in user-generated content<sup>1</sup>. Similarly, the United States enacted the Digital Millennium Copyright Act (DMCA), which includes provisions to combat digital piracy and protect the rights of copyright holders. These laws aim to balance the interests of copyright owners with the need for public access to information and cultural content [18].

In contrast, developing countries are also making strides in copyright reform to protect creators while ensuring public access to information. For Example, Japan has effectively balanced enforcement with accessibility by promoting legal streaming platforms like Crunchyroll and Netflix Japan, significantly reducing reliance on pirated anime and other digital content. South Korea has actively implemented anti-piracy measures supported by the government and private sectors, incorporating advanced technologies and awareness campaigns. Streaming platforms like Melon and V Live, alongside other major services such as TVING and Wavve, use technologies like Automated Content Recognition (ACR) to monitor and prevent unauthorized content use. This approach aligns with a broader effort involving the government and industry coalitions to safeguard intellectual property in the entertainment sector, particularly during the rise of the "Korean Wave" [19]. These efforts have contributed to the global success of K-pop and Korean cinema.

China's amended Copyright Law has increased penalties for violations, introducing statutory damages up to RMB 5 million (~\$760,000) and punitive damages for intentional infringements. It also strengthens technological protection measures, ensuring tools like digital rights management are harder to bypass. These changes aim to deter piracy effectively and offer greater support for right-holders during litigation [16]. Major platforms like Tencent Video and iQIYI have collaborated to curb piracy by promoting legal content and employing advanced technologies to detect unauthorized use. Additionally, the government has empowered copyright authorities with investigative tools, such as conducting on-site inspections and seizing materials related to infringements [26]. Authorities have acted against platforms like Renren Video, which faced legal challenges for distributing pirated content. Similarly, video-sharing platforms like Bilibili are addressing issues such as unauthorized recap videos that infringe on creative works [12].

These efforts demonstrate a multi-faceted strategy that combines legal reforms, industry collaboration, and technological advancements. Indonesia could learn from other countries' emphasis on penalties, regulatory clarity, and public-private partnerships to tackle piracy while fostering a creative industry ecosystem.

## 6. CONCLUSION

By focusing on digital copyright, stakeholders can address persistent challenges such as piracy, illegal distribution, and inadequate protections for creators. These issues not only undermine the creative economy but also violate fundamental intellectual property rights enshrined in Indonesia's Copyright Law No. 28 of 2014. Strengthening the legal framework and its enforcement is critical to ensuring that creators receive fair compensation and that their rights are safeguarded in the digital era.

To tackle these challenges effectively, Indonesia must go beyond the limitations of its traditional copyright enforcement mechanisms and adopt legal and technological solutions tailored to the complexities of the digital age. This includes leveraging advanced technologies for monitoring and combating piracy, conducting public awareness campaigns to promote legal compliance, and fostering partnerships between government agencies, creative industries, and international organizations. By refining copyright enforcement through amendments, such as incorporating provisions for digital content protection and strengthening penalties for online infringements, Indonesia can build a robust legal ecosystem that supports its creative economy. Such measures will not only uphold creators' rights but also align Indonesia with international standards under agreements like the TRIPS Agreement, ensuring competitiveness in the global digital marketplace.

## REFERENCES

- [1] Arman, A. H., & Kahkeshan, S. (2024). Comparative Study of IP Law Enforcement in Developing vs. Developed Countries: Identifying Primary Challenges and their Implications. *JLSR* 10505, DOI: 10.55662/JLSR.2024.10505.
- [2] Jaynes, A. (2009). Why Intellectual Property Rights Infringement Remains Entrenched in the Philippines. *Pace Int'l L. Rev.* (21) 1, pp. 55-135. 102. DOI: <https://doi.org/10.58948/2331-3536.1035>. Available at: <https://digitalcommons.pace.edu/pilr/vol21/iss1/3>.
- [3] BBC News Indonesia. (2010) The Republic of Indonesia is the worst IPR violator in Asia
- [4] BRIN. (2023). Lindungi Hak Cipta, BRIN Kaji Kasus Pelanggaran di Era Digital.
- [5] Coda. (2019). Estimated Amount of Damage from Pirated Japanese Content Distributed Online in 2019.
- [6] DJKI. (2024). Sejarah Perkembangan Perlindungan Kekayaan Intelektual,
- [7] DJKI (2024). Pelindungan Hak Cipta di Era Digital: DJKI Intensifkan Penegakan Hukum dan Edukasi Publik.
- [8] DJKI. (2022). Indonesia Komitmen Lindungi Kekayaan Intelektual Melalui Satgas OPS.
- [9] EUR-Lex. (2001). Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society.
- [10] EUIPO Project Team. (2021). Online copyright infringement in the European Union: Music, films and TV (2017–2020), trends and drivers. European Union Intellectual Property Office.
- [11] Ginsburg, J. C. (1990). A Tale of Two Copyright statutes: The development of the U.S. and U.K. copyright law. *Columbia Law Review*, 90 (5), 1337-1416.
- [12] Global Times. (2021). Chinese Entertainment Industry Moves to Combat Piracy and Strengthen IP Rights.
- [13] International Trade Administration. (2024). Protecting Intellectual Property.
- [14] Itsjev. (2019). Lepas Perfilman Indonesia dari Cekikan Parasit Bernama Pembajakan,
- [15] Rizal, J. G., & Hardiyanto, S. (2021) Berkaca Dari Kritik Tere Liye Soal Buku Bajakan, Ini Faktor Yang Mendorong Pembajakan Buku Kerap Terjadi.
- [16] Ng, J. (2021). Combating Digital Piracy in China and its Unintended Side Effects.
- [17] Palfrey, J. G., Gasser, U., Simun, M., & Barnes, R. Youth, Creativity, and Copyright in the Digital Age (2009). Berkman Center Research Publication No. 2009-05.

- [18] Hua, J. J. (2014). Copyright Law Changes and Developments in Digital Network Era. In: *Toward A More Balanced Approach: Rethinking and Readjusting Copyright Systems in the Digital Network Era*. Springer, Berlin, Heidelberg.
- [19] Walsh, O. (2024). Shutting Down the Pirates: How The Kokoa TV Case Strengthens South Korea's Content Creation Industry.
- [20] Pedley, P. (2007). *Digital Copyright*. Facet Publishing. London. 1
- [21] Pedley, P. (2007). *Digital Copyright*. Facet Publishing. London. 2
- [22] Goldstein, P. (2001). *International Copyright: Principles, Law, and Practice*. Oxford University Press.
- [23] Samuelson, P. (1999). The U.S. Digital Millennium Copyright Act and the Geneva Convention. *International Review of Intellectual Property and Competition Law*, 30 (1), 1-25.
- [24] Harrison, S., Sakudo, M., Eom, T. Y., & Jeong, S. (2023). *Operation Anime: The Global Crackdown on Pirated Japanese Entertainment*, Asia Pacific Foundation of Canada. 2023
- [25] Bar-Ziv, S., & Elkin-Koren, N.. (2018). Behind the Scenes of Online Copyright Enforcement: Empirical Evidence on Notice & Takedown *Connecticut Law Review*. 402.
- [26] Baruzzi, S. (2021). *China's Copyright Law Amended: Key Changes*
- [27] Letunic, S. & Dragicevic, M. (2014). Importance of Non-Economic Factors for Economics, Chapter 11 in *DAAAM International Scientific Book 2014*. 145-152, B. Katalinic (Ed.). Published by DAAAM International. ISBN 978-3-901509-98-8. ISSN 1726-9687. Vienna, Austria DOI: 10.2507/daaam.scibook.2014.11.
- [28] Lindsey, T., Damian, E., Butt, S., & Utomo, T. S.. (2019). *Hak Kekayaan Intelektual Suatu Pengantar*. Asian Law Group & Alumni. Bandung. 93
- [29] Power, T., & Warburton, E. (2022). The decline of Indonesian democracy in *The 2022 Annual Report of Indonesian National Commission on Human Rights 2022 HAM RI*.



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## ABOUT THIS ARTICLE

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## AGUAS DESCONOCIDAS: LOS RETOS DE LOS DERECHOS DE AUTOR EN INDONESIA EN LA ERA DIGITAL

### RESUMEN

La tecnología digital ha complicado la protección de los derechos de autor, especialmente en Indonesia, donde la debilidad de las leyes, la aplicación deficiente y la escasa concienciación fomentan la piratería. Modernizar las regulaciones, mejorar la aplicación y promover la educación sobre los derechos de propiedad intelectual son esenciales para fomentar la innovación, proteger a los creadores y apoyar la economía creativa en la era digital. Este estudio evalúa el marco de derechos de autor de Indonesia en la era digital, centrándose en su adaptabilidad legal, la eficacia de la aplicación, la concienciación pública, el impacto económico y las posibles perspectivas de las mejores prácticas globales para impulsar la economía creativa y abordar los retos de la piratería digital. Este estudio emplea hermenéutica comparativa, incluyendo un análisis legal de las leyes de derechos de autor de Indonesia, referentes internacionales y estudios de caso de iniciativas exitosas contra la piratería para estudiar los mecanismos de aplicación y el impacto económico, con el fin de ofrecer perspectivas prácticas para adaptar eficazmente el marco de derechos de autor de Indonesia. Los autores concluyen que Indonesia debe fortalecer su marco legal. Solo alineándose con estándares globales como el Acuerdo sobre los ADPIC, Indonesia podrá salvaguardar los derechos de los creadores, mejorar su aplicación y garantizar la competitividad en la economía digital.

Palabras clave: derechos de autor digitales, Era digital, tecnología digital, infracción de derechos de autor, aplicación de la ley, piratería

### 未知领域：数字时代印度尼西亚的版权挑战

#### 摘要

数字技术使版权保护变得复杂，尤其是在印度尼西亚。该国法律薄弱、执法不力、意识低下，盗版现象猖獗。在数字时代，更新法规、加强执法和促进知识产权教育对于促进创新、保护创作者和支持创意经济至关重要。本研究评估了数字时代印度尼西亚的版权框架，重点关注其法律适应性、执法有效性、公众意识、经济影响以及借鉴全球最佳实践的潜在经验，以促进创意经济的发展并应对数字盗版挑战。本研究采用比较诠释学，包括对印度尼西亚版权法的法律分析、国际基准以及成功的反盗版案例，以研究执法机制和经济影响，从而为有效调整印度尼西亚的版权框架提供可行的建议。作者得出结论，印度尼西亚必须加强其法律框架；只有与《与贸易有关的知识产权协议》(TRIPS)等全球标准接轨，印度尼西亚才能保障创作者的权利，加强执法，并确保在数字经济中的竞争力。

关键词：数字版权、数字时代、数字技术、版权侵权、执法、盗版