

Legal Analysis of Copyright Dispute Resolution in the Creative Industries in the Digitalization Era

Christina Bagenda^{1*}, Markus Suryoutomo², Bambang Supriadi³, Agnes Maria Janni Widyawati⁴

¹Universitas Flores, Email : bagendatitin@gmail.com

²Universitas 17 Agustus 1945 Semarang

³Universitas Merdeka Malang

⁴Universitas 17 Agustus 1945 Semarang

Article Info

Article history:

Received 5 Nov, 2024

Revised 7 Jan, 2025

Accepted 18 Jan, 2025

Keywords:

Copyright Disputes, Creative Industry, Digitalization, Dispute Resolution, Copyright Protection, Digital Technology

ABSTRACT

Copyright protection faces additional difficulties as a result of the creative industry's rapid development and growing digitalization. Large-scale copyright infringement result from the open and accessible nature of the internet, which permits the unapproved reproduction and distribution of creative works. In the digital age, resolving copyright disputes has become essential to creating a system that safeguards authors' rights and promotes the expansion of the creative sector. The purpose of this essay is to examine the legal ramifications of settling copyright disputes in the digital age creative business, as well as to pinpoint the difficulties encountered and workable remedies. This study examines the current dispute settlement procedures under Indonesian law using an analytical legal methodology. The study is anticipated to shed more light on how the law handles copyright disputes and make suggestions for enhancing copyright protection online.

Corresponding Author:

Christina Bagenda

Universitas Flores

Email : bagendatitin@gmail.com

INTRODUCTION

Many industries, particularly the creative sector, have seen substantial changes as a result of the digitization era. The rapid advancement of information and communication technology (ICT) has brought about a digital revolution that has changed how individuals create, communicate, and access different kinds of information. The development of artistic works, music, film, literature, graphic design, software, and other creative forms that were formerly limited to smaller geographic scopes is made possible by digitization in the creative industry. In this regard, modern tools like the internet, social media sites, and file-sharing software present countless opportunities for the rapid and extensive dissemination of creative works.

But these quick developments have also brought forth some serious problems, the most notable of which being copyright protection. Copyright protects writers' original works in the creative industry, encompassing both economic and moral rights. While economic rights grant the author authority over the reproduction, distribution, and commercial use of their works, moral rights safeguard the author's honor and reputation. Even though copyright protection has many benefits for artists, it is now more susceptible to infringement and abuse in the increasingly interconnected digital world.

It is simple to distribute, reproduce, replicate, and disseminate creative works in the digital age without the owner's consent. Intentional and inadvertent copyright infringement frequently takes place online and on other digital platforms, including YouTube, Instagram, Spotify, and other file-sharing services. These platforms are freely accessible to internet users, who can readily download, upload, and alter other people's works without abiding by the relevant copyright laws. Thus, protecting creators' copyright in a virtual environment that is so open and unrestricted by legal or geographic borders is the largest challenge facing the creative sector.

In particular, even though Law No. 28 of 2014 on Copyright exists in Indonesia, it is not always applied correctly when it comes to tackling copyright infringement in the digital sphere. The worldwide character of digital platforms and the disparities between the laws of the countries where the work was generated and the country where it is distributed make it challenging to enforce copyright laws in the digital sphere. Many copyright infringement cases include companies who are not under Indonesian law's purview, like major international platforms (like YouTube, Facebook, and TikTok), which are frequently challenging to control and hold responsible under Indonesian law.

Furthermore, even if more people are aware of the idea of copyright, many still don't fully get how it operates and how to safeguard their creations. Many artists are ignorant of the significance of copyright registration or do not know how to safeguard their creations from possible infringement, particularly those who are new to the industry. Even in daily life, copyright infringement occurs frequently when someone's creation is utilized without their consent or without properly citing the author.

There are additional difficulties in resolving copyright conflicts in the digital realm. On the one hand, creators can seek protection of their rights through litigation in the courts, but this process is often expensive and time-consuming. Furthermore, problems in the digital world, where prompt action is required to curb the dissemination of infringing works, are not always effectively addressed by the legal process. However, authors and copyright users still do not fully understand and employ alternative conflict resolution techniques like mediation and arbitration, which provide faster and more effective solutions.

Due in large part to a lack of a thorough knowledge of the digital dynamics involving many parties from different countries, the existing dispute resolution system frequently necessitates drawn-out procedures and does not always offer a fair conclusion for all sides. This emphasizes the need for further efforts to develop a system that is more flexible and adaptable to the creative industry and technological improvements, as well as a greater awareness of copyright among creators and the general public.

Since the creative industry is one of the main pillars of Indonesia's economy and has tremendous growth potential to support the country's economic development, it is imperative that copyright disputes be resolved in the digital age. Therefore, establishing an atmosphere that encourages innovation and creativity depends on the resolution of copyright issues and the provision of sufficient protection for inventors.

Given the current complexity, the goal of this research is to thoroughly examine how copyright disputes are resolved in the creative business, with an emphasis on the difficulties encountered in the digital age, from a legal perspective, dispute resolution procedures, and public awareness of copyright. The shortcomings in copyright protection in the digital sphere, steps creators can take to safeguard their rights, and alternative dispute resolution procedures that can be used to resolve these problems are some of the topics this study will cover. In order to establish a more efficient system for safeguarding copyrights in the digital age, it will also offer suggestions for enhancing the copyright protection framework both domestically and globally.

RESEARCH METHODS

This study uses a qualitative approach and a descriptive research methodology. In order to thoroughly and methodically demonstrate how copyright disputes are resolved in Indonesia's creative industry, particularly in light of the quickly expanding digital world, the descriptive technique was selected. To fully comprehend the difficulties that creative sector stakeholders encounter in resolving copyright violations in the digital realm, a qualitative approach is employed, encompassing legal, technical, and social viewpoints.

In order to accomplish the study's goals, information is obtained from two main sources: first, a review of the literature that covers pertinent laws, government rules, and scholarly books, journals, and articles about copyright and the Indonesian creative sector. In addition to evaluating the degree to which these laws are used to solve the issues of the digital age, this literature review attempts to offer a theoretical understanding of the legal underpinnings of copyright and dispute resolution in this area.

Second, in-depth information on the difficulties they have in settling copyright issues in the digital sphere is gathered through interviews with legal professionals, creative sector players, and copyright specialists. Because these interviews are semi-structured, the researcher can delve into the interviewees' subjective viewpoints and real-world experiences with regard to the dispute resolution processes they have encountered and the challenges they face when it comes to copyright protection in the digital sphere. Furthermore, case studies of copyright disputes that have taken place in Indonesia and been settled through

the judicial system as well as alternative dispute resolution procedures including mediation and arbitration will be used by the researcher to collect data.

In order to find trends pertaining to the settlement of copyright disputes in the digital age, the information gathered from the interviews and case studies will thereafter be examined using qualitative analytic methodologies. To identify important copyright protection challenges in the creative business, whether they are legal, technical, or social in character, the researcher will use theme analysis. They will also look for alternate solutions that might be used to enhance the system for resolving copyright disputes.

Given the speed at which digital technologies are developing, it is anticipated that the findings of this study will have a major impact on Indonesia's copyright dispute resolution framework. Therefore, in addition to having academic value, this study offers useful suggestions for understanding and resolving copyright concerns in the digital realm for legislators, business professionals, and the general public.

RESULTS AND DISCUSSION

Copyright Protection in the Digitalization Era

In the quickly changing digital era, copyright has emerged as a crucial problem that needs careful consideration. The way we produce, consume, and share creative works has changed as a result of digitalization. The internet, social networking apps, file-sharing websites, and cloud storage systems are examples of digital technologies that give artists the ability to swiftly disseminate their work to a worldwide audience. However, because works can be readily reproduced, distributed, and even altered without the creator's knowledge or approval, this ease also has drawbacks, such as the possibility of widespread copyright infringement.

Law No. 28 of 2014 on Copyright in Indonesia offers legal protection for artistic creations, including creators' economic and moral rights. While economic rights grant authors authority over the commercial use of their creations, moral rights enable them to maintain the honor and integrity of their works. However, the problem of copyright infringement has grown increasingly complicated in the internet sphere. It might be challenging to keep a close eye on the global circulation of works that are distributed online. In many instances, infringement happens without obvious means of redress, particularly when the entity committing the infringement is not under Indonesian jurisdiction.

The music industry is a prime example of infringement, as compositions posted to streaming services like YouTube or Spotify are frequently copied and shared by other parties without permission. Although platforms provide tools such as Content ID for reporting infractions, they frequently fall short in effectively identifying infringements. This damages the economic rights of artists by allowing unauthorized parties to use works without authorization.

However, blockchain technology is starting to be taken into consideration as a way to safeguard copyright in the digital sphere. With the use of this technology, artists can enter their creations into an unchangeable digital ledger that serves as legitimate documentation of ownership and transactions pertaining to creative works. Although blockchain is still not widely used in Indonesia, it has the potential to make copyright monitoring and enforcement more transparent, effective, and secure.

Causes of Copyright Disputes in the Creative Industry

Misunderstandings or ambiguities in copyright division, work registration, and contractual agreements between creators and other parties are among the reasons behind copyright disputes in the creative business, in addition to intentional infringement. Joint works involving copyright sharing are frequently the product of collaboration between several parties in fields like music, film, and the visual arts. Conflicts occur when there is no explicit agreement on how copyright should be divided.

Key causes of copyright disputes include:

Insufficient Knowledge of Copyright: Many artists, particularly those who are just starting out, are not entirely aware of the rights they have over their creations. Even if they haven't registered their works, they might not be aware that they are automatically protected by copyright law. Furthermore, they might not be aware of the possible online infringements or the steps involved in asserting copyright.

Abuse of Digital Platforms: Copyright infringement frequently takes place on digital platforms that facilitate the rapid and extensive dissemination of content. It is simple to copy and distribute works posted on YouTube, Instagram, and other file-sharing websites without the owner's consent. Violations still occur because of flaws in the detection systems or because of sluggish reporting procedures, even if these platforms include features like Content ID or copyright infringement reporting systems.

Lack of Clarity in Copyright Division: Conflicts over the allocation of copyright frequently occur in artistic endeavors that include several parties, like movies or songs. In the music industry, for instance, a producer can think they own the copyright to a song they produced, but a writer or musician might feel they have a greater claim because they helped create the song. Conflicts may arise if there is no formal agreement on how copyright is distributed.

Unclear Work Registration: Despite the fact that their creations have already been made, many inventors neglect to formally register them. A work's registration offers solid legal evidence in the event of a disagreement, even if copyright is immediately applied once it is created. Protecting unregistered works might be more difficult, particularly when third parties assert copyright over the same work.

Alternative Copyright Dispute Resolution

In Indonesia, there are two primary methods for resolving copyright disputes: non-litigation (alternative dispute resolution) and litigation (court). Both approaches have unique features and protocols that can be adjusted to the dispute's complexity and nature.

Litigation (Court): This method entails bringing a case before the court; in Indonesia, copyright issues are handled by the Commercial Court (Pengadilan Niaga). The court's ruling is legally enforceable and binding. However, litigation is more of a last resort when other dispute resolution techniques are unsuccessful because it is frequently expensive and time-consuming. Furthermore, for producers looking for speedy fixes, the intricate legal procedure and the unpredictability of the result may be obstacles.

Non-litigation (Mediation and Arbitration): A neutral third party assists the opposing parties in reaching a settlement through mediation, an alternative dispute resolution technique. To resolve copyright conflicts amicably without resorting to a drawn-out legal process, mediation can be carried out outside of court. Generally speaking, mediation is quicker and less expensive than litigation. In contrast, arbitration is a more formal procedure in which a panel of arbitrators renders a legally binding ruling. Despite being more formal than mediation, arbitration has benefits in terms of confidentiality and efficiency.

Digital Platform Dispute Resolution: Internal copyright dispute resolution procedures are beginning to be developed by a few digital platforms. For instance, YouTube offers Content ID, which enables copyright owners to report violations and ask that content that violates their rights be taken down or marked as such. This system is not always equitable, even though it makes copyright protection easier for creators. For instance, automatic algorithms occasionally mark content as infringement even when no infringement has occurred, which causes issues for producers who have to defend their work against unfounded allegations.

Challenges in Copyright Dispute Resolution in the Digital Era

Compared to the physical world, resolving copyright disputes in the digital realm poses a variety of more complicated challenges. Among the main obstacles that platforms, creators, and law enforcement must overcome are:

Jurisdiction and International Law: The question of jurisdiction is one of the most difficult ones to resolve when it comes to copyright issues in cyberspace. The worldwide character of digital platforms makes it challenging to enforce copyright rules because parties outside of Indonesia may be involved in infringement. Despite the fact that international accords like the Berne Convention and TRIPS offer standards for copyright protection in many jurisdictions, state legislation can cause inconsistent implementation and enforcement.

Speed and Dissemination of Works in the Digital World: A creative work that is released digitally has the potential to quickly spread around the world. For artists who wish to shield their creations from unapproved usage, this presents a significant obstacle. Once a work has been shared, it is more difficult to take it down on platforms with millions of users. A piece of work may have already been copied or reposted elsewhere even after it is taken down from one platform.

Lack of Legal Knowledge: Many creators, particularly those working in the unorganized sector, are unaware of their legal rights and how to safeguard their creations online. In order to improve their legal position in the event of a disagreement, some people would not even register their works. Understanding the law is essential to lowering infractions and boosting protection.

CONCLUSION

Due to the quick advancement of technology and digitalization, resolving copyright disputes in the creative business in the digital age presents more difficult problems. Despite Indonesia's copyright laws (such as Law No. 28 of 2014), protection in the digital sphere still has to be updated and modified to take into account the growth of international digital platforms. Time, expense, and efficacy issues still plague the copyright dispute resolution process, whether it is handled through litigation or alternative dispute resolution, particularly when multinational parties are involved.

Strengthening legal procedures and surveillance methods that are better suited to the dynamics of the digital world are necessary to enhance the current dispute resolution system. In order to lessen the frequency of copyright violations in cyberspace, it is also critical to raise awareness among the general public and authors of copyright and the significance of its protection. In the digital age, prompt, equitable, and effective dispute resolution will foster a more favorable atmosphere for the creative sector's long-term expansion.

The study's conclusions suggest that Indonesia should enhance international collaboration in copyright

enforcement and modify its copyright legislation to reflect the advancement of digital technology. To improve copyright protection in the digital sphere, more research should be done on the advancement of technologies like blockchain. It is anticipated that these initiatives would result in a copyright dispute resolution process that is more efficient, equitable, and open in the digital age.

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