

Anticipation Measures for Copyright Infringement of Video in Digital Platform

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Abstract. Digital platforms become a place to enjoy copyrighted digital content that is widely distributed in cyberspace, and cyberspace becomes a digital space that connects various digital platforms through the Internet network. Copyright as a legal instrument to protect any copyrighted material. Cinematography, which is also known as video, is a material object protected by copyright. The primary research focus is resolving video copyright infringement on digital platforms and determined measures for video copyright infringement on digital platforms. This research uses a normative method with a juridical approach. The results of this study understand the concept of copyright infringement of video content on digital platforms based on Indonesian copyright law and design anticipatory measures in form of proactive action of creators and utilization copyright service features in digital platform, then enforcement measures for copyright infringement of video in digital platform by takedown content, report to authorized institutions and utilize online dispute resolution, as an initial measures before taking a legal remedy under copyright law.

Keywords: Copyright, Video, Digital Platform

Abstrak. Platform digital menjadi tempat untuk menikmati berbagai konten digital yang dilindungi oleh hak cipta yang didistribusikan secara luas di dunia maya (cyberspace), dan cyberspace menjadi ruang digital yang menghubungkan berbagai platform digital melalui jaringan internet. Hak cipta sebagai instrument hukum untuk melindungi setiap objek yang dilindungi hak cipta. Sinematografi, yang juga dikenal dengan video merupakan sebuah objek yang dilindungi oleh hak cipta. Fokus penelitian ini untuk menyelesaikan pelanggaran hak cipta video pada platform digital dan penelitian ini menentukan tindakan antisipasi pelanggaran hak cipta video pada platform digital. Penelitian ini menggunakan metode normative dengan pendekatan yuridis. Hasil penelitian ini untuk memahami konsep pelanggaran hak cipta konten video pada platform digital berdasarkan hukum hak cipta yang berlaku di Indonesia dan merancang tindakan antisipatif berupa tindakan proaktif dari pencipta serta pemanfaatan fitur layanan fitur hak cipta pada platform digital dan penegakan hukum atas pelanggaran hak cipta video pada platform digital yang diawali dengan upaya takedown konten, pelaporan ke institusi berwenang dan pemanfaatan layanan penyelesaian sengketa secara online, sebagai tindakan awal sebelum melakukan upaya hukum sesuai undang-undang Hak Cipta.

Kata Kunci: Hak Cipta, Video, Platform Digital

Submitted: 9 April 2025 | Reviewed: 28 May 2025 | Revised: 30 May 2025 |

Accepted: 10 June 2025

INTRODUCTION

An abstract space created and made by humans that is artificial in nature that becomes a new domain for various electronic devices that are connected and communicate with each other in that space in a network that is materialized in virtual reality known as cyberspace. Cyberspace consists of important components, namely computer networks and data visualization.¹ Since the beginning of the internet, the internet has grown rapidly, from a simple communication tool, and now the internet has become a multifunctional platform that can support aspects of life. The development of technology and the internet has changed various human works, which were initially in physical form, then changed into digital form that can easily be used and disseminated through the sophistication of internet-based computer technology. The link between cyberspace and the internet has given birth to various digital services and digital platforms. The use of internet technology allows changes to creations that previously existed only in physical form then converted to digital form.² The development of technology today is very rapid, especially in the field of internet technology. The internet that is present does not only bring positive effects but can also bring negative effects, including copyright. First, the presence of internet technology can increase publication efforts and dissemination of science throughout the world. A science can be useful or consumed by all parties in this world. Second, the existence of internet technology increases various actions or deeds that have the potential to cause losses and this is certainly a violation that must be anticipated.³

The digital age has transformed the way the creation, distribution and protection of intellectual property.⁴ The example of human creation is a cinematographic work

¹ Budi Agus Riswandi, and Alif Muhammad Gultom, *Cyber Crime, Cyber Law, dan Cyber Profession* (Depok: Rajawali Press, 2023).

² Irsan Rahman, Sinitha Yuliansih Sibarani, Sandi Aprianto, Arman Paramansyah, and Ayu Citra Santyaningtyas, "Protecting Intellectual Property In The Digital Age with Law," *Journal of Research in Social Science and Humanities*, vol 4, no 1, (2024): 49, <https://doi.org/10.47679/jrsssh.v4i2.85>.

³ Budi Agus Riswandi, "Hukum dan Teknologi: Model Kolaborasi Hukum dan Teknologi dalam Kerangka Perlindungan Hak Cipta di Internet," *Jurnal Hukum IUS QUIA IUSTUM*, vol 23, no 3, (July, 2016): 346, <https://doi.org/10.20885/iustum.vol23.iss3.art1>

⁴ OVC Okene, Nwokolu Atejimah, Blessing B Timothy, "Intellectual Property in The Digital Age," *Journal of Jurisprudence, International Law and Contemporary Legal issues*, vol 19, no 1 (2025): 6.

that was initially made using special film tape and played using a separate projector, now with the sophistication of technology, cinematographic works that are later known as videos can be enjoyed digitally thanks to technological developments. Distribution of digital content in the form of videos is disseminated on the internet with the help of various digital platforms. Video or cinematography is basically a human intellectual work that is actually an object protected by intellectual property rights (hereinafter referred to as IPR).

IPR is a right that arises from innovation or the process of the human brain (intellectual), which can produce something or a product that can be used for humans.⁵ IPR as part of civil law on ownership and property rights, which include rights to tangible and intangible objects. Human intellectual activities should receive legal protection from the state. This is in line with the concept theory by John Locke that everyone has the right to what is produced from their own work, which considers every thought process and creativity carried out to create something.⁶

The IPR environment has seen substantial changes with the advent of the digital age.⁷ The presence of various digital platforms has become an inseparable part of today's Internet-on-Things (IoT) life. The convenience and various features offered by various digital platforms have provided various benefits for human life. IPR face unprecedented challenges in the digital age, stemming from the proliferation of digital platforms.⁸ However, it also brings a challenge in terms of the distribution of content on these digital platforms that have the potential to IPR infringement, especially copyright.

⁵ Rachmat Januardi Tanjung, and Neni Sri Imaniyati, "Konsep HKI dan Royalti dalam Pajak Usaha Waralaba", *Jurnal Impresi Indonesia (JII)*, vol 1, no 6, (June, 2022): 660, <https://doi.org/10.58344/jii.v1i6.89>

⁶ Khwarizmi Maulana Simatupang "Tinjauan Yuridis Perlindungan Hak Cipta Dalam Ranah Digital", *Jurnal Ilmiah Kebijakan Hukum*, vol 15, no 1, (March, 2021): 68, <http://dx.doi.org/10.30641/kebijakan.2021.V15.67-80>

⁷ Aakash Kumar, "Intellectual Property Rights in Digital Age: A Legal Analysis of Copyright and Trademark," *International Journal of Novel Research and Development (IJNRD)*, vol 9, no 4, (2024): 452.

⁸ Mark Torous, "Intellectual Property Rights in the Digital Age: Challenges and Solutions," *Journal of International Business Research*, vol 23, no 1 (2024): 2.

Copyright is a legal protection to encourage appreciation and build a public attitude to respect a person's rights to the creations they produce.⁹ One of the problems of copyright infringement often occurs on digital platforms, due to the ease of distribution and duplication of digital works via the internet. The rise of digital platforms means works from copyright can be easily distributed without adequate control. This causes considerable losses to copyright holders and to the creators themselves, both financially and in potentially losing control over their own creations.¹⁰ Digital content in the form of videos that are widely circulated in cyberspace becomes a digital object that is vulnerable to copyright infringement of the digital content of the video. Platforms that provide media content via the internet are known as over-the-top (OTT) services that needed a network¹¹. Digital Platforms is where social and economic interactions are mediated online, often by apps. The platforms are underlying computer systems that can host services, enabling consumers, entrepreneurs, businesses, etc. ¹² Digital platforms transforming industries which are aimed at providing business-to-business services to other manufacturing and service industry, many digital platforms function by providing open data and Applications Programming Interface (APIs) for third party developers to develop useful services over them.¹³ The examples of digital platforms that focus on providing entertainment in the form of digital content in the form of videos and have become the most popular platforms among all levels of society in the world are YouTube, TikTok, Bilibili, Bstation, Disney+, Amazon Prime Video,

⁹ Ashibly, and Syarifudin, "Perlindungan Hukum Hak Cipta Musik Di Era Digital Dengan Prinsip keadilan". *Law Journal (LAJOUR)*, vol 4, no 1 (April 2023): 44, 10.32767/lajour.v4i1.175

¹⁰ Fenny Wulandari, "Problematika Pelanggaran Hak Cipta di Era Digital", *Journal of Contemporary Law Studies*, vol 2, no 2 (2024): 99, <https://doi.org/10.47134/lawstudies.v2i2.2261>

¹¹ Pramita Apriliyani, and Subekti, "Analisis Hukum Pelanggaran Terhadap Digitalisasi Ciptaan," *SOLUSI*, vol 21, no 2 (2023): 240, <https://doi.org/10.36546/solusi.v21i2.859>

¹² Daniele Schiliro, "Digital Platforms and Digital Transformation", Munich Personal RePEc Archive Paper No. 118006, Departement of Economics University of Messina (2023): 2-3.

¹³ Aneesh Zutshi, Tahereh Nodehi, Antonio Grilo, and Belma Rizvanovic, *Advances in Management Research Innovation and Technology: The Evolution of Digital Platforms*, (Florida: CRC Press, 2019) 10.1201/9780429280818-3

Vidio, WeTV, etc. If copyright infringement has occurred, then some parties must be held responsible.¹⁴

A legal remedy offered in Law Number 28 of 2014 concerning Copyright (hereinafter referred to as the Copyright Law) is the final step to resolve copyright infringement issues. However, copyright infringement that occurs on digital platforms, in this case in the form of digital video content, digital video content owners who feel aggrieved because of copyright infringement of their digital video, if it must be resolved through litigation efforts become less efficient and require costs to carry out the litigation process that is carried out in real terms. The concept of IPR itself, it prioritizes preventive legal action in the sense of prevention by having a careful attitude in decision making.¹⁵ Thus, an anticipatory measures is needed to prevent violations of digital video content on digital platform.

Previous research by Mardiyana Putri Lestara et al. conducted a study entitled "*Analisis Klaim Hak Cipta Terhadap Konten Video pada Platform Youtube berdasarkan Hukum positif Indonesia*" The results of the study were to conduct a study of the copyright claim mechanism available on the Youtube platform in accordance with the provisions of the Copyright Law.¹⁶ Then the research by Fitri Astari Asril et al. conducted a study entitled "*Perlindungan Hak Cipta pada Platform Digital Kreatif Youtube* " with the results of the study being that the Copyright Law and the Electronic Transaction Information Law have not been able to answer the issue of digital platform responsibility.¹⁷

¹⁴ Nathania Abigail Hanson, Rika Ratna Permata, and Tasya Safiranita Ramli, "Protection of Video Copyrights on the Youtube Platform in Fair Use Principles," *Jurnal Legalitas*, vol 15, no 2 (2022): 116, <https://doi.org/10.33756/jelta.v15i2.15448>

¹⁵ Muhammad Andhika, and Edith Ratna MS, "Analisis Yuridis Hak Cipta Video Youtube Yang Diunggah Kembali (Reuploader) Secara Ilegal," *Notarius*, vol 16, no 3 (2023): 1141, <https://doi.org/10.14710/nts.v16i3.42478>

¹⁶ Mardiyana Putri Lestari, Lalu Wira Pra Suhartana, and Nizia Kusuma Wardani, "Analisis Klaim Hak Cipta Terhadap Konten Video Pada Platform Youtube Berdasarkan Hukum Positif Di Indonesia", *Journal Commerce Law*, vol 3, issue 2 (December, 2023): 306-314, <https://doi.org/10.29303/commercelaw.v3i2.3238>

¹⁷ Fitri Astari Asril, Rika Ratna Permata, and Tasya Safiranita Ramli, "Perlindungan Hak Cipta pada Platform Digital kreatif Youtube", *Jurnal Jurisprudence*, vol 10, no 2 (2020): 146-162, <https://doi.org/10.23917/jurisprudence.v10i2.10368>

This research has slight similarities with the research conducted by Mardiyana et al. on video as the object of research, the similarity with the research of Fitri Astari et al. is on the platform that is the object of study, and the similarity between the two is using the Copyright Law as a legal aspect. The similarities mentioned are reasonable similarities regarding the object of study and the legal aspects used. The difference between this study and previous research regarding the review of the analysis and the results of the research produced is that this study is a further development of Mardiyana's previous research, which only focused on copyright claims on the YouTube platform and Fitri Astari's research focuses on copyright protection on the YouTube platform where the research focuses on digital platforms in general and does not focus on the YouTube digital platform alone. This research examines the form of measures to prevent and enforcement for copyright infringement of video content on a digital platform while still adhering to applicable copyright laws. Then, The formulations of the problem in this research are: 1) What is the concept of copyright infringement of digital video content on digital platforms based on the Copyright Law?; 2) What are the digital anticipatory and enforcement measures for copyright infringement of digital video in digital platforms?

METHODOLOGY

This research uses normative legal research with a juridical approach. The legal materials used include primary and secondary materials. The primary legal materials in this study are Law No. 28 of 2014 concerning Copyright, Law Number 11 of 2008 concerning Electronic Information and Transactions, Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, Law Number 1 of 2024 concerning second amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, Constitutional Court Decision Number 84/PUU-XXI/2023, and the Digital Millennium Copyright Act (DMCA). The secondary legal materials comprise the literature, documents, journals, and articles related to the research. The results of this research were obtained through a descriptive literature review.

RESULT AND DISCUSSION

Copyright Infringement of Video

Copyright as the exclusive right of the creator which arises automatically based on the declarative principle after a creation is manifested in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations. Copyright or authors rights is a legal term used to describe the rights that creators have in their literary, artistic and scientific works.¹⁸ Copyright also relates to the creation of literary and artistic works such as books, music, pictures, sculptures, films, and various technological works based on computer programs and electronic databases.¹⁹ The creator²⁰ and copyright holder²¹ are the subjects of copyright, and the creation²² becomes an object protected by copyright.

The requirements for a creation to be protected by copyright must fill 3 aspect, are (1)fixed, (2)form, and (3)original. Legal protection of copyright is only given to the form or expression/idea/concept that has been realized in a real form as a work of creation.²³

The creator has exclusive rights that include moral rights and economic rights, which are defined as "exclusive rights" that are interpreted as rights that are only intended for the creator, so that no other party can use these rights without permission from the creator.²⁴ The copyright holder only has part of the exclusive rights in the form of economic rights. Copyright that gives birth to exclusive rights also gives birth to related rights, related rights are rights related to copyright that are exclusive rights

¹⁸ WIPO, *What is Intellectual Property?* (Geneva: World of Intellectual Property Organization, 2020).

¹⁹ WIPO, *Understanding Copyright and Related Rights* (Geneva: World of Intellectual Property Organization, 2016).

²⁰ According to Copyright Law, Creator is one or several persons who individually or together produce a creation that is unique and personal.

²¹ According to Copyright Law, Copyright holder is party who legally receives the rights from the creator, or another party who further receives the rights from the party who legally receives the rights.

²² According to Copyright Law, Creation is creative work in the fields of science, art and literature that is produced based on inspiration, ability, thought, imagination, dexterity, skill or expertise expressed in a tangible form.

²³ DJKI, *Modul Kekayaan Intelektual: Hak Cipta* (Jakarta: Direktorat Jenderal Kekayaan Intelektual - Kementerian Hukum dan HAM RI, 2020).

²⁴ *Ibid*, p.19-22.

for performers, phonogram producers or broadcasting institutions. Moral rights are rights that are inherently inherent in the creator that cannot be transferred as long as the creator is still alive, but the implementation of moral rights can be transferred by will or other reasons in accordance with the provisions of the law. Economic rights are the rights to commercialize or utilize a creation. Through economic rights every person who will utilize a creation is required to obtain permission from the creator or copyright holder, so that parties without the permission of the creator or copyright holder are prohibited from duplicating and/or using copyright content commercially.²⁵

The regulations regarding the prohibition of commercialization of a creators' creation can be found in the Berne Convention. The Berne Convention essentially confirms that every translation activity, any kind of adaptation, or arrangement of musical works is also under the scope of copyright protection, as is given to works of art and literary works.

The regulations regarding the prohibition of the commercialization of creators' creations can be found in the Berne Convention. The Berne Convention essentially confirms that every translation activity, any kind of adaptation, or arrangement of musical works is also under the scope of copyright protection, as is given to works of art and literary works.²⁶

The forms of action for moral rights and economic rights listed in the Copyright Law

Moral Rights	Economic Rights
Inclusion of the creator's name on his/her creation or not	Publication of creations
Use of real name or pseudonym on creation	Reproduction of creations in any form

²⁵ *Ibid.*

²⁶ Martin Eka Dwi Chandra, Nahrowi, and Mara Sutan Rambe, "Perlindungan Hukum Terhadap Monetisasi Karya Seni Musik untuk Konten Video Yang Diunggah Ke Youtube Ditinjau Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta," *Journal of Legal Research*, vol 4, no 2 (2022): 336, <https://doi.org/10.15408/jlr.v4i2.21414>

Changing creation according to social propriety	Translation of creations
Changing creation according to social propriety	Adaptation, arrangement, transformation of creations
Defending one's rights in the event of distortion of creation, mutilation of creation, modification of creation, or other things that are detrimental to the honor or reputation of the creator.	Distribution of creations
	Performance of creations
	Performance of creations
	Communication of creations
	Rental of creations

Protection of digital media based copyrighted works is automatically obtained protection for all forms of works that are included in the qualifications of copyright protection. The creator and/or copyright holder on the internet has exclusive rights in the form of reproduction right, adaptation right, distribution right, public performance right, public display right.²⁷

Copyright objects protected by the Copyright Law are listed in Article 40, especially objects in the form of science, art and literature. In this case, digital video content is included in Article 40 paragraph m, in the form of a cinematographic work. Cinematographic works are defined in the Copyright Law as a creation in the form of moving images in the form of documentary films, advertising films, reportage or story films made with scenarios, and cartoon films. Cinematographic works can be made on celluloid tape, videotape, video discs, optical discs, and/or other media that can be shown in cinemas, on big screens, on television or other media.

²⁷ Maskun, et.al. *Cyber Law Kebijakan di Era Transformasi Digital* (Bandung: Refika Aditama, 2024).

Cinematography is one example of an audiovisual form. The piracy of cinematographic works often occurs on platforms.²⁸

Technological developments have resulted in changes to copyright objects that can be transformed into digital objects and can be disseminated or distributed digitally by utilizing IoT technology. Digital objects are electronic goods (intangible) that can be found in digital media. Copyright objects in the form of a video as a cinematographic work currently tend to be in digital form that can be played or played in various digital platforms such as streaming platforms or downloaded digitally.

A digital platform is an electronic system that can be used to conduct electronic transactions in the form of business activities in the form of facilities to transfer ownership of goods, services, other services through the internet network, electronic devices, and other electronic systems.²⁹ Digital platforms certainly provide services to their users, one of which is an entertainment service that displays various human creations in digital form.

Article 3 of the Electronic Information and Transactions Law emphasizes that the use of information technology must be carried out based on the principles of legal certainty, benefit, caution, good faith, and freedom to choose technology or neutral technology. In this case, regulations related to the use of digital media in electronic systems are the most effective means of achieving copyright.³⁰

Copyright protection for digital content in the form of videos on digital platforms is in line with the provisions contained in Electronic Information and Transactions Law to regulate the government's role in protecting and preventing the dissemination of electronic information, especially in Article 40 paragraph 2 and 2a. In paragraph 2,

²⁸ Firda Alfionita Saputri, Ahmad Suryono, "Perlindungan Hukum Terhadap Pemegang Hak Cipta Akibat Penyebaran Full Video Film di Media Sosial Telegram Dalam Perspektif Hukum Pidana," *Indonesia Journal of Law and Justice*, vol 2, no 1, (2024): 3, <https://doi.org/10.47134/ijlj.v2i1.3017>

²⁹ Rika Ratna Permata, Tasya Safiranita Ramli, Yuliana Utama, Biondy Utama, and Reihan Ahmad Millaudy, *Hak Cipta Era Digital dan Pengaturan Doktrin Fair Use di Indonesia*, (Bandung: Refika Aditama, 2022).

³⁰ Ranti Fauza Mayana, Tisni Santika, and Zahra Cintana, "Perlindungan Hak Cipta Digital Sebagai Bentuk Implementasi Pengembangan Kekayaan Intelektual Pada Sistem Elektronik", *Refleksi Hukum*, vol 8, no 2 (2024): 279., <https://doi.org/10.24246/jrh.2024.v8.i2.p269-290>

the government protects the public interest from all types of disturbances due to misuse of information technology that disrupts public order in accordance with statutory provisions; and in paragraph 2a, the government must prevent the dissemination and use of electronic information that contains prohibited content in accordance with statutory provisions. Thus, in Article 40A stated that the government is responsible for encouraging the creation of a fair, accountable, safe, and innovative digital ecosystem.

Measures for Copyright Infringement of Videos

The Copyright Law provides provisions for copyright infringement in information and communication technology facilities. However, the provisions contained in Articles 54-56 of Copyrights law are only a reference for the authority of the government represented by the minister in supervising the prevention of copyright infringement in information technology facilities. These provisions are considered inefficient in preventing copyright infringement, especially in digital technology. Therefore, more efficient and appropriate action is needed in anticipating and prosecuting copyright infringement content without the need for protracted matters that can lead to dispute resolution in criminal or civil litigation.

The solution to anticipating copyright infringement on the internet that can be directly prosecuted without involving legal litigation is to use facilities available on digital platforms as a place where digital video content can be distributed digitally. A digital platform is an intermediary that facilitates interactions between and among stakeholders, such as consumers, application providers and partners.³¹

The rampant copyright infringement on digital platforms, copyright experts and technology experts are trying to create various security technologies to provide copyright protection on internet media, one of which is Digital Rights Management (DRM) with the technologies protection measures (TPM) system as a security or encryption system to protect copyright on various digital media, the purpose of Digital Rights Management are provide protection of digital content, enable secure

³¹ KPMG, *Digital Platforms* (Belgium: Vlerick Business School, The Cox School, KPMG, 2022).

distribution, ensure content authenticity, prover transaction non-repudiation, and support participant identification.³² DRM refers to access control technology used by developer of digital platforms to restrict digital media use by controlling the access, duplication or conversion of copyrighted works to other formats.³³ DRM play a crucial role in controlling digital content and preventing unauthorized copying and distribution.³⁴

An anticipated measure to prevent copyright infringement in videos on digital platforms, divided into 2 measures, is as follows:

1. Self-Proactive Measure

- a. Registration Copyright in Official Institution

Copyright registration at the Directorate General of Intellectual Property of Indonesia/*Direktorat Jenderal Kekayaan Intelektual* (DJKI)³⁵ is an administrative solution for proof of ownership of a video creator's work, which is recognized by the state as a form of legal protection. Although copyright arises automatically when an idea or concept is realized, it requires ownership that is legally recognized by the state. Through registering copyright at the DJKI by following all the procedures and requirements provided, a digital video creator can obtain ownership of the copyright of a digital video in the form of a certificate of ownership. The certificate of ownership is useful if non-litigation or litigation occurs, which can be proof of ownership that is legally as evidence in court.

³² Ranti Fauza Mayana, and Tisni Santika, *Hak Cipta Dalam Konteks Ekonomi Kreatif dan Transformasi Digital* (Bandung: Refika Aditama, 2022).

³³ Agung Kurniawan Sihombing, Rika Ratna Permata, and Tasya Safiranita Ramli, "Comparison of Digital Copyright Protection on Over the Top (OTT) Streaming Content Media in Indonesia and the United States," *Jurnal Ilmu Hukum*, vol 8, no 2, (2021): 204, <https://doi.org/10.22304/pjih.v8n2.a2>

³⁴ Rahi Ajabe-Alhat, Divyanshu Priyadarshi, Urvesh Chaudhery, and Sharmila Devi Ramchandran, "Intellectual Property Rights in the Digital Era: Exploring the Legal Aspects of Copyright in the Context of Digital Content Sharing and Online Platform," *Journal of Ecohumanism*, vol 3, no 2, (2024): 7675, <https://doi.org/10.62754/joe.v3i8.5391>

³⁵ See registration of Copyright in Indonesia at <https://e-hakcipta.dgip.go.id/>

b. Embedding Watermark in Video

A watermark is a prevention measure used to prevent copyright infringement of digital video content. A watermark is the process of inserting an identification mark in the form of a logo or faint text into a digital document, which is also known as embedding. Watermark become a technique are include both visible and invisible watermark which gives an extra edge in the copyright protection.³⁶ Video watermarking is a powerful method for ensuring copyright protection of digital content.³⁷

The watermark serves as proof of ownership and attempts to track the occurrence of copyright infringement. The watermark insertion step is an effective preventive measure to prove that the creator owns the digital video content. However, watermark efforts are very weak due to the presence of various technologies that can change and modify digital video content with features to remove embeds or watermarks in digital content. Providing a watermark to digital video content can be a preventive step in anticipating copyright infringement, although it can only protect the moral rights of a digital video creation.

c. Use Creative Commons Licenses

Creative commons licenses offer flexibility for digital video content creators to share their creations while protecting their copyrights. The function of creative commons licenses to give standardized way to grant public permission to use their work under copyright law. All

³⁶ Pulami Ghosh, Rilok Ghosh, Souptik Sinha, Ujan Mukopadhyay, Dipak Kole, and Aruna Chakroborty, "A Novel Digital Watermarking Technique for Video Copyright Protection", *International Conference of Advanced Computer Science & Information Technology* (July, 2012): 608, 10.5121/csit.2012.2360

³⁷ Shahad Alumuzairai, and Nisreen Innab, "Video Watermarking System for Copyright Protection based on Moving Parts and Silence Deletion," *International Journal of Advanced Computer Science and Applications*, vol 10, no 2, (2019): 654, <http://dx.doi.org/10.14569/IJACSA.2019.0100279>

creative commons licenses offer a core set of reuse rights to the public.³⁸ The license condition and restrictions divided into:

- 1) NC – Non Commercial;
- 2) ND – No Derivatives;
- 3) SA – Share A Like.

The types of licenses are³⁹:

- 1) CC BY;
- 2) CC BY-SA;
- 3) CC BY-NC;
- 4) CC BY-NC-SA;
- 5) CC BY-ND;
- 6) CC BY-NC-ND.

Creative commons licenses are agreements made by video creators that allow others to use their videos. Video creators can determine the level of permitted use, such as copying, modifying, or distributing commercially or even exploiting economic rights by meeting certain requirements freely or including attribution of the creator. Through creative common licenses, video use can be done legally and ethically and is an effort to prevent copyright infringement.

2. Utilize Digital Platform Feature

a. Copyright Claim

On various platforms for uploading video content, a creator can make a copyright claim on the video upload platform, which has the benefit of being a sign of ownership registration for video content works. The process for copyright claims has generally been provided by the platform owner; thus, a creator only needs to fill out a special form and provide supporting evidence for the submitted copyright claim. A copyright claim when uploading a video on a video platform can

³⁸ Thomas Margoni, and Diane Peters, "Creative Commons Licenses: Empowering Open Access," *SSRN Electronic Journal*, vol 9, no 2, (2016): 3, 10.2139/ssrn.2746044

³⁹ See detail on <https://creativecommons.org/share-your-work/cclicenses/>

provide a basis for blocking the use of videos used by other parties without the creator's permission. It can also be an alternative step for creators when tracking video distribution to prevent the spread of video content that violates their copyright. A copyright claim can be a way to emphasize the exclusive rights you have over a digital video work uploaded on an IoT-based video platform.

b. Copyright Match Tool/Content ID

Copyright Match Tool is a sophisticated feature owned by several video platforms, such as YouTube, Vimeo, and Dailymotion. Content ID is a content identification system that uses a modified search algorithm to compare newly uploaded videos with a large database of uploaded videos and register copyright claims. The content ID feature system or copyright matching tool performs various aspects of analysis in a video, such as audio, visuals, and visuals, to find a match. If copyright infringement is found, the original content owner can choose the action that can be taken, such as blocking the video, limiting monetization, or allowing use under certain conditions. The Copyright Match Tool or Content ID feature, which is available on several video platforms, provides an additional layer of protection to protect the exclusive rights of video creators.

c. Content Verification

Content verification is a feature present in various video media platforms to ensure and maintain platform integrity and protect the exclusive rights of digital creators. Content verification involves checking and validating the authenticity and ownership of a video with the aim of ensuring that the uploaded video does not violate the copyright of other video creators. By verifying the content, the video platform can prevent the spread of digital video content that can violate the exclusive rights of the video owner.

Digital Enforcement measure for video content suspected of being a copyright infringement on the internet can be implemented in the following ways:

1. Takedown Content by DMCA

A content removal request based on the provisions of the Digital Millennium Copyright Act (DMCA) is an effort to take down or delete digital video content on the internet on the basis of copyright infringement that applies in the United States and has become a reference for various other countries, especially in taking action on the internet. DMCA provides safe harbor from liability for copyright infringement to intermediaries that host user content, provided they meet a number of conditions, including, most notably the implementation of a notice and takedown policy. The takedown request regulated in DMCA U.S.C. 17 § 512(c)(3). A notice and takedown policy requires that intermediaries act to remove or disable access to content upon notification by rights holder that the content is infringing.⁴⁰ DMCA content removal request is a formal request submitted by the copyright owner to an internet service provider (ISP) or online platform, to remove content that is suspected of infringing copyright. A DMCA takedown notice is a legal document containing a claim that a copyrighted work has been used illegally on several online media platforms.

2. WIPO – Alternative Dispute Resolution

World of Intellectual Property (WIPO) provides services in the form of an WIPO Arbitration and Mediation Center (WIPO AMC) that is specialized in IP and technology disputes and offers efficient alternative dispute resolution (ADR) options, such as mediation, arbitration, expedited arbitration, and expert determination, to enable private parties to settle their domestic or cross-border commercial disputes. Digital copyright and content become one of specific sector specialized WIPO ADR services.⁴¹ Digital copyright

⁴⁰ D Bondy Valdovinos Kaye, and Joanne E Gray, "Copyright Gossip: Exploring Copyright Opinions, Theories, and Strategies on YouTube," *Sage Journals: Social Media + Society*, vol 7, issue 3 (2021): 2, <https://doi.org/10.1177/2056305121103694>

⁴¹ WIPO, *WIPO Alternative Dispute Resolution Options* (Geneva: World of Intellectual Property Organization, 2022).

problems can be resolved through WIPO AMC by utilizing WIPO ADR services, namely WIPO Expert Determination for Digital Copyright and Trademark Infringement (WIPO DCTI). WIPO DCTI can help a diverse range of individuals and entities navigate copyright and trademark disputes in the digital environment. The purposes of WIPO DCTI are to help users of online platforms, including right holders, and online platforms resolve copyright infringement disputes swiftly and effectively by using the expertise of impartial neutrals appointed by the WIPO Arbitration and Mediation Center (WIPO AMC) to resolve disputes.

3. Complaint Portal by DJKI Platform

The existence of government services through the Directorate General of Intellectual Property of Indonesia/*Direktorat Jenderal Kekayaan Intelektual* (DJKI), which presents an official platform for complaint intellectual property issues.⁴² The DJKI platform which can be used by the public to report various types of intellectual property rights violations found by the public in the real world or in cyberspace. Through DJKI complaint portal, Copyright violations of video content circulating on digital platforms can be referred to as alleged copyright infringement. With DJKI platform, Creators or copyright holders can submit online reports that provide evidence of the claim. The DJKI will then verify the report and take legal action for those parties suspected of violating copyright in video content.

There is an additional measure carried out constitutionally process by conducting a material test of copyright law in constitutional court. There is an example material test of Article 10 of the Copyright Law on application number 83/PUU/PAN.MK/AP3/07/2023, which stated that "Trading place managers are prohibited from allowing the sale and/or duplication of goods resulting from copyright infringement and/or related rights in the trading place they manage", the material test of article 10 of Copyright law for legal certainty of digital platform managers to be responsible for supervising the circulation or distribution of digital

⁴² See complaint portal of DJKI platform at <https://pengaduan.dgip.go.id/>

video content that violates copyright that has been uploaded to their digital platforms with User Generated Content (UGC).

Indonesia Constitutional Court Decision No. 84/PUU-XII/2023, The results of the judicial review of Article 10 of the Copyright Law stated that Article 10 of Law Number 28 of 2014 concerning Copyright which states, "Trading place managers are prohibited from allowing the sale and/or duplication of goods resulting from infringement of Copyright and/or Related Rights in the trading place they manage" is contrary to the 1945 Constitution and has no binding legal force unless interpreted, "Trading place managers and/or User Generated Content (UGC)-based Digital Service Platforms are prohibited from allowing the sale, display, and/or duplication of goods resulting from infringement of Copyright and/or Related Rights in the trading place and/or Digital Service they manage"

The focus of Indonesia Constitutional Court Decision No. 84/PUU-XII/2023 is to interpret the management of a trading place that can be applied to a User Generated Content (UGC)-based Digital Service Platforms. In this case, a digital platform is a trading place where the owner or manager of the digital platform is required to take action to prohibit the sale, display, and duplication of digital content that has the potential to copyright infringement. Based on the Constitutional Court decision No.84/PUU-XII/2023 on the judicial review of Article 10, it provides legal certainty that a trading place is not only a physical place that is present in real terms, but a trading place can be in the form of a digital place in cyberspace which is referred to as a digital platform that has an obligation to prohibit the sale, display, and/or duplication of goods resulting from violations of Copyright and/or Related Rights in the trading place and/or Digital Services that it manages.

Legal remedy can be made when there is a copyright violation in the form of repressive means by resolving disputes, to defend the rights held.⁴³ If the creator,

⁴³ Rafik Al Hariri, and Sri Maharani, "Perlindungan Hukum Bagi Pencipta Yang Karya Videonya Diunggah Kembali (reupload) di Youtube Secara Illegal Menurut Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta," *Simposium Hukum Indonesia*, vol 1, no 1 (2019): 213.

copyright holder, or owner of related rights to digital video is not satisfied with the takedown or deletion of digital video content and feels the need to resolve it non-litigation by using alternative dispute resolution in Indonesia through arbitration by choosing the Intellectual Property Rights Dispute Resolution Agency/*Badan Arbitrase Mediasi Hak Kekayaan Intelektual* (BAM HKI) or the Indonesian National Arbitration Board/*Badan Arbitrase Nasional Indonesia* (BANI). However, alternative resolution steps are unsatisfactory. Then, the creator or copyright holder can file a civil lawsuit for damages in commercial court. The legal remedies regulated in the Copyright Law are civil dispute resolution efforts through a lawsuit for damages and adding a request to cancel the registration of copyright by involving the DJKI as optional depends on the case. However, if the creator or copyright holder it is felt that a civil settlement cannot be carried out, then the legal remedies that can be taken are criminal process as last measures (*ultimatum remedium*) to resolve a copyright infringement.

CONCLUSION

Cinematographic or video works on various digital platforms are protected by copyright based on the moral and economic rights of their creators. Video protection with copyright arises automatically when the elements of permanence, form, and originality are met. Although video works are protected by copyright, this legal protection does not guarantee that the video work will be free from copyright infringement. The circulation of videos on various digital platforms provides the potential for copyright infringement that occurs in the scope of cyberspace by using the Internet. Thus, a creator or copyright holder of a video work can take action to provide additional security that is carried out personally with the aim of preventing copyright infringement on digital platforms for videos owned.

The measures that can be taken by creators'/copyright holders of video works to prevent copyright infringement on digital platforms are carried out proactively, such as registering copyright with an official copyright registration agency, inserting a watermark on the video and including a Creative Commons License, or utilizing the

features available on digital platforms, such as copyright claims, content verification, and copyright matching tools. In addition to anticipatory measures, digital action can also be taken by taking down content using DMCA, a complaint portal using DJKI Platform, or using ADR services from WIPO. Anticipatory and enforcement measures are carried out online, but if a battle occurs, it can be carried out in real terms through a non-litigation or litigation process (civil or criminal).

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