

# Copyright Protection and Law Enforcement Challenges in Supporting the Growth of Creative Industries

Zaenal Huda, Febrian Dirgantara, Rafadi Khan Khayru,  
Pratolo Saktiawan, Novritsar Hasitongan Pakpahan

Sunan Giri University of Surabaya, Indonesia

## ARTICLE INFO

### Article history:

Received 5 June 2023

Revised 17 June 2023

Accepted 30 July 2023

### Keywords:

Copyright,  
Law enforcement,  
Creative industry,  
Piracy,  
Regulation,  
Indonesia,  
Protection.

## ABSTRACT

Copyright law enforcement plays an important role in supporting the growth of creative industries in Indonesia. Although Law No. 28 of 2014 on Copyright provides a strong legal foundation, its implementation in the field still faces various challenges, including low public awareness and weaknesses in the law enforcement system. This leads to many copyright infringements not being adequately sanctioned, which hinders the development of the creative sector. Effective law enforcement is urgently needed to create a healthy business climate and protect creative works from piracy. For this reason, it is recommended that the government strengthen the law enforcement system, increase the capacity of human resources, and expand counseling on copyright. Simplification of the infringement reporting process is also needed to facilitate the prosecution of copyright infringement. The results of this study can provide insights into efforts to strengthen Indonesia's creative industries through more effective copyright protection.

## INTRODUCTION

Amidst the rapid development of the creative industries in Indonesia, copyright is one of the key elements that protect the works produced by creators. The creative industries which include music, film, design, and digital applications are growing rapidly, creating significant economic value. Therefore, protection of creative works through the copyright system is essential (Nainggolan et al., 2022). Copyright protects the creator's right to profit, and provides a strong legal basis for prosecuting rights infringed by irresponsible parties (Al Muroi, 2022). Effective enforcement of copyright law is crucial, especially in Indonesia, to support the growth of this creative industry sector (Nugroho & Utama, 2020).

Namun, meskipun ada berbagai peraturan yang mengatur copyright, such as Law No. 28 of 2014 on Copyright, the reality is that copyright infringement still occurs frequently in Indonesia. The practices of piracy, counterfeiting, and unauthorized use of works are increasingly prevalent, both in the digital world and in the physical market. This is a big problem for creators who feel financial and reputational losses. Suboptimal law enforcement has caused many creative industry players to feel unprotected and

hesitate to innovate further. If this problem persists, Indonesia's creative industries will struggle to reach their full potential (Martinelli & Rukmana, 2023).

The existing regulations are quite comprehensive, but their implementation in practice often encounters various obstacles. One of them is limited resources in terms of supervision and enforcement of copyright infringement. The existence of institutions such as the Directorate General of Intellectual Property (DJKI) should be able to overcome this problem, but there are still many administrative and systemic obstacles that cause supervision of copyright infringement to not run optimally. As a result, many copyright infringements are not strictly followed up, which further worsens the situation (Yanto et al., 2022).

The participation of the public and creative industry players themselves in understanding the importance of copyright is needed. Legal awareness among creative businesses and consumers is not high enough, so there is often unauthorized use of works or neglect of copyright. Improving legal education related to copyright should be one of the concerns, because without a good understanding, the copyright protection process will remain hampered. Without effective law enforcement, Indonesia's creative industry sector will not develop optimally (Sinaga, 2022).

\* Corresponding author, email address: [dr.pratolosaktiawan@gmail.com](mailto:dr.pratolosaktiawan@gmail.com)

Various problems that arise in copyright law enforcement show that although Indonesia has clear regulations, implementation in the field is still weak (Kastowo et al., 2019). One of the main problems is the lack of effective monitoring of copyright infringement in the digital world. Many works are copied or used without permission, whether on social media, websites, or other digital platforms. In this situation, creative industry players feel unprotected and find it increasingly difficult to compete fairly (Silfiani, 2022).

Not only is there a lack of supervision, but also the low level of public knowledge about the importance of copyright often causes them not to comply with existing rules (Nabila & Bintang, 2021). This leads to an increasing number of works that are not properly protected. In addition, efforts to resolve copyright disputes in Indonesia are still limited. The long and costly legal process makes many creators of works unable to access justice easily, so violations continue without any deterrent effect for the perpetrators (Habibi, 2022).

Despite the various measures that have been taken by the Indonesian government, such as the establishment of the DJKI and fairly strict regulations, the reality is that there are still many copyright infringements that do not get swift and decisive handling. This creates legal uncertainty that can lower the attractiveness of investment in the creative industries. This weak enforcement creates an unhealthy market, where original creators and other creators are harmed by piracy of their works (Sulaiman, 2022).

Various types of copyright infringement, ranging from piracy of digital products to unauthorized physical reproductions, are increasingly rampant. The e-commerce sector is also a frequent breeding ground for copyright infringement, where copyright-infringing goods are often traded online. This requires more attention from the government, so that the creative industry in Indonesia can function optimally, and can benefit creators fairly (Suryansyah, 2019).

Stronger law enforcement and more intensive counseling on the importance of copyright need to be done to support the growth of creative industries in Indonesia (Yanto et al., 2022). The government needs to improve supervision and accelerate the legal process in cases of copyright infringement in order to create a more conducive climate for creators. Creative industries supported by adequate legal protection will grow more rapidly and have a positive impact on the country's economy (Krismanto & Cahyarini, 2022).

It is important to look at this condition, considering that the creative industry is one of the sectors that can boost the Indonesian economy. In the digital era, opportunities to produce new works are increasingly wide open, but without good legal protection, all these creative efforts will be in vain. Therefore, copyright law enforcement needs to be taken more seriously so that the creative industry can develop more rapidly and provide optimal benefits for all parties.

The purpose of this study is to analyze the effectiveness of copyright law enforcement in supporting the development of creative industries in Indonesia. This research will explore the constraints faced in the implementation of law enforcement as well as provide recommendations to improve the effectiveness of the copyright protection system. Thus, the results of this study are expected to contribute to efforts to strengthen the creative industries in Indonesia, as well as create a safer and fairer climate for creators of works.

## RESEARCH METHOD

The research method used in this study is a literature study approach with normative juridical analysis. This approach aims to examine the applicable laws and regulations, as well as relevant legal theories to understand the effectiveness of copyright law enforcement in supporting the growth of creative industries in Indonesia. This research relies on primary sources such as Law No. 28 of 2014 on Copyright and Government Regulation No. 20 of 2016 on Electronically Integrated Business Licensing, as well as secondary literature in the form of books and scientific articles related to copyright and intellectual property protection. This literature study aims to explore the basic concepts of copyright as well as the implementation of law enforcement, by identifying obstacles that exist in legal practice. According to Soerjono Soekanto (2010), normative juridical research focuses on laws and regulations governing the issues under study, as well as legal doctrines related to the issues at hand.

The normative juridical approach also allows the researcher to analyze in depth how the law in Indonesia has been designed to protect copyright, as well as how the implementation of its enforcement in the field. This research will utilize the analysis of legal documents, court decisions, as well as reports relating to copyright law enforcement in Indonesia. Therefore, this research also refers to literature related to law enforcement practices in the field of intellectual property, as described by Miriam Budiardjo (2015) in her book discussing legal

research methodology. By using this approach, the research is expected to provide a clearer understanding of the challenges and opportunities in copyright law enforcement, as well as contribute to the understanding of existing legal theories, especially in supporting the creative industry in Indonesia.

## **RESULT AND DISCUSSION**

Enforcement of copyright law in Indonesia is a crucial component in supporting the growth of the creative industry, which is now one of the sectors relied upon for the national economy. Copyright protects original works produced by individuals or groups, such as music, movies, graphic design, software, and more (Habibi, 2022). This protection gives exclusive rights to the creator of the work, and serves to create a healthy business climate by preventing piracy and counterfeiting of works (Nabila & Bintang, 2021). The Indonesian government has regulated copyright protection in Law No. 28 of 2014 on Copyright, which states that every copyrighted work is protected by copyright that gives the creator the right to control the use of his or her work by other parties. Explained in Article 113 of Law No. 28 of 2014 on Copyright stipulates that any person who intentionally and without the right to infringe on the economic rights of the creator, or related owners, may be subject to criminal sanctions in the form of imprisonment and / or fines as a form of enforcement of applicable laws.

However, despite clear regulations, the implementation of copyright law enforcement in Indonesia still faces various challenges (Martinelli & Rukmana, 2023). One of the most fundamental problems is the low level of public awareness, both creators and users, regarding the importance of copyright protection. Many creators underutilize their rights or are not even aware of the existence of copyright on the works they create. Then the sophistication of today's technology also makes industrial works can be easily duplicated and uploaded again through social media that can be uploaded by anyone (Nugrahani, 2018).

Users are often unaware or even deliberately ignore the existence of copyright in the works they use. This creates a gap between existing regulations and their application in the field, leading to the proliferation of copyright infringement in various sectors of the creative industry. Thus, it is necessary to socialize by instilling habits to the community, giving direct warnings to the perpetrators of piracy and blocking accounts used to upload pirated products (Prandika, 2015).

The role of the community and connoisseurs of creative industry works is important in knowing the impact of piracy on a work. Public awareness of piracy is one of the things that causes the perpetrators of piracy to dare to disseminate the duplicated works (Sutisna, & Dirkareshza, 2022). In addition to awareness, another obstacle is related to the suboptimal law enforcement system. Institutions responsible for copyright enforcement, such as the Directorate General of Intellectual Property (DJKI) and the Creative Economy Agency (Bekraf), often experience limitations in terms of resources, both personnel and funds. The complaint and litigation process to prosecute copyright infringement also tends to be slow and time-consuming, which makes most creative businesses reluctant to fight for their rights in court (Sinaga, 2022). In some cases, despite reports of infringement, effective enforcement is still rare, and copyright infringers often receive only light administrative sanctions, if any.

Existing regulations have indeed provided a strong legal basis for protecting copyright, but in practice, many violations do not get sanctions that are firm enough. Law No. 28 of 2014 on Copyright provides protection to various forms of work, in accordance with the nature and copyright stimulates or stimulates the activities of creators who must be supported and protected, this form of protection is confirmed in the law by placing criminal sanctions against people who violate copyright (Utama, Titawati, & Loilewen, 2019). The lack of an effective mechanism for monitoring and enforcement makes its implementation a big problem (Silfiani, 2022).. Inadequate supervision is often caused by limited personnel and a system that has not been well integrated between the institutions involved. As a result, copyright infringers often feel unafraid to continue infringing, given that there are no sanctions that are sufficiently deterrent.

The creative industries in Indonesia have enormous potential, but challenges in copyright law enforcement are one of the main obstacles to their growth. Without effective copyright protection, creative works produced by individuals and groups are easily pirated, further reducing the incentive for creators to innovate (Al Muroi, 2022). Many creative industry players, especially those in the film, music, and software sectors, report that their products are frequently pirated or counterfeited, which reduces their revenue and market potential (Krismanto & Cahyarini, 2022). This reduction in revenue also results in a reduction in employment opportunities within the sector, affecting overall economic growth (Saleh, 2022).

This challenge of copyright law enforcement is also related to the low level of legal education and understanding of copyright among the public, including creative entrepreneurs. Often, those who do not fully understand copyright tend not to register their works or do not know how to legally protect their copyrights (Wijayanto & Nurhajati, 2020). Therefore, it is imperative to improve copyright legal literacy for creative industry players, so that they better understand the importance of copyright and the appropriate ways to file copyright claims for their works.

The reporting system for copyright infringement is also an important issue that needs to be addressed. Currently, the process to report copyright infringement in Indonesia is still relatively complicated and time-consuming. Although the DJKI has provided an online reporting system, the lengthy process and complicated bureaucracy is still a major hindrance for many individuals or companies to claim their rights. If this process is not simplified and more efficient, then many copyright infringements will be left without clear legal action (Yuspin et al., 2019).

In order to support the rapidly growing creative industries, stronger copyright law enforcement is needed. One of the efforts that can be made is to strengthen the institutions tasked with enforcing copyright in Indonesia, such as the DJKI, to have greater capacity in handling copyright infringement. This can be done through increasing the budget, recruiting more competent personnel, and strengthening an integrated monitoring system. In addition, there needs to be increased coordination between the DJKI, law enforcement officials, and other relevant parties, so that law enforcement can run more efficiently and effectively (Santoso, 2023).

Meanwhile, public education about copyright and the importance of registering works should also be expanded (Al Muroi, 2022). Educating creative industry players and the general public about the importance of copyright and ways to register it will increase legal awareness and minimize violations that occur. This should be part of the government's strategy to strengthen the foundation of the creative industries in Indonesia, which will directly contribute to the overall growth of the creative economy (Utami et al., 2022).

To strengthen the competitiveness of Indonesia's creative industries, the strengthening of the copyright law enforcement system should be followed by the development of policies that favor the creators of works. The government also needs to provide incentives to creative industry players who

actively protect their copyrights and engage in a legitimate system. This is important to encourage the growth of this sector, which will further contribute to the national economy (Arifardhani, 2022).

In addition, strengthening copyright law enforcement can also include efforts to further tighten the law against violations committed by large companies or online platforms that trade works without permission. The need to improve law enforcement and institutions related to copyright protection so that the copyright protection process can run optimally (Kurniawati, 2020). Especially with the development of e-commerce and other digital platforms, which are often a means for copyright infringement. Thus, stricter supervision of online activities with a high risk of copyright infringement is needed (Okubor & Omonemu, 2022).

The existing copyright regulations in Indonesia are good enough, but implementation in the field still needs to be strengthened (Suryansyah, 2019). In addition, support from other sectors such as the education sector, information technology sector, and the financial sector is also needed so that copyright protection can be implemented more effectively and thoroughly (Nainggolan et al., 2022). In this case, cooperation between the government, private sector, and society is needed to create a healthy ecosystem for the creative industries (Dewi, 2014).

Given the challenges and obstacles to copyright law enforcement in Indonesia, a better and more collaborative approach is needed. Stronger enforcement, accompanied by education, supervision, and relevant legal system updates, can create a more conducive climate for the growth of creative industries. This will provide better protection for creators, and contribute to Indonesia's sustainable economic progress.

## CONCLUSION

Copyright law enforcement has a very important position in supporting the growth of creative industries in Indonesia. Although there have been clear regulations through Law No. 28 of 2014 on Copyright, the reality on the ground shows that the implementation of law enforcement still faces many obstacles. The main problem lies in the low public awareness of the importance of copyright, as well as weaknesses in the law enforcement system that causes copyright infringement to often not get adequate sanctions. This hampers the creative industry to develop optimally, considering that industry players feel their works are not safe from piracy and misuse.

The implications of these findings suggest that while the creative industries sector in Indonesia has enormous potential, without effective legal protection of copyright, the growth of the sector could be hampered. Piracy of creative works harms the creators of the works, and creates an unhealthy climate in the market. Therefore, strict and efficient law enforcement is needed so that copyrights can be optimally protected, which in turn will support the creation of a healthy, innovative, and sustainable creative industry.

To that end, it is recommended that the government and relevant institutions strengthen copyright law enforcement by increasing the capacity of human resources, accelerating the litigation process, as well as expanding counseling to the public on the importance of copyright protection. In addition, there is a need to strengthen the monitoring system and coordination between institutions to reduce frequent violations. Simplifying the procedure for reporting copyright infringement can also increase public participation in reporting violations, so that the creative industry in Indonesia can develop better.

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