

Copyright Protection for Digital Content on Social Media Platforms: A Perspective of Law Number 28 of 2014 on Copyright

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Abstract: Advancements in information and communication technology have driven a surge in the production and distribution of digital content via social media platforms; while this fosters the growth of the creative economy, it simultaneously gives rise to serious issues regarding massive and systemic copyright infringement. This study aims to analyze the legal protections afforded to digital content copyrights, identify factors hindering the optimal implementation of such protections, and outline measures to enhance their effectiveness within the framework of Law Number 28 of 2014 concerning Copyright. Employing a qualitative method with a literature-based approach, the study analyzes primary, secondary, and tertiary legal materials. The findings indicate that, while copyright protection is normatively established through the granting of moral and economic rights alongside preventive and repressive mechanisms, its implementation in the digital realm remains suboptimal. This is attributed to legal provisions that have not fully adapted to technological advancements, law enforcement practices that remain reactive, low public legal awareness—evidenced by high infringement rates where approximately 80–85% of internet users have accessed illegal content—and technological limitations in detecting violations. Furthermore, the lack of clear regulations regarding the liability of digital platforms further undermines the effectiveness of legal protection. Consequently, robust regulatory enforcement, proactive and technology-driven law enforcement, and heightened public awareness are essential to achieving copyright protection that is more effective, adaptive, and responsive in the digital era.

Keywords: *copyright, digital content, social media, legal protection, digital platforms.*

Introduction

Advancements in information and communication technology have revolutionized the ways in which society produces, distributes, and consumes intellectual works. In Indonesia, internet penetration reaching approximately 78–80% of the total population (± 215 – 220 million users)—alongside an active social media user base exceeding 170 million—demonstrates a high level of digital interaction. Platforms such as YouTube, TikTok, and Instagram have become primary channels for content distribution, enjoying dominant usage rates among the

public¹. Against this backdrop, the production and circulation of digital content occur on a massive scale and in real time, creating a promising creative economy ecosystem while simultaneously opening up significant avenues for copyright infringement.

Emerging trends indicate that copyright infringement in the digital era is no longer sporadic; instead, it has evolved into a massive and systemic practice. Various studies show that approximately 80–85% of internet users in Indonesia have accessed illegal content—ranging from films and music to other digital videos. Furthermore, the unauthorized re-uploading, redistribution, and modification of content have become commonplace, with such material often monetized by parties lacking the legal rights to do so². This situation inflicts significant economic losses on creators, with estimated annual losses to the creative industry reaching trillions of rupiah. These developments highlight a shift in the nature of copyright infringement, which has become more complex, rapid, and difficult to control compared to conventional forms of infringement.

Normatively, copyright protection in Indonesia is regulated by Law Number 28 of 2014 concerning Copyright, which grants creators exclusive rights, both moral and economic rights, including the right to publish and reproduce works. On the other hand, regulations related to digital activities and the implementation of electronic systems are also regulated by Law Number 11 of 2008 concerning Electronic Information and Transactions and its derivative regulations, which recognize the existence of digital platforms as providers of electronic systems. In practice, the Ministry of Communication and The Republic of Indonesia has blocked access to over 800,000 pieces of content or websites containing negative material, including those that infringe upon copyright. Meanwhile, the Directorate General of Intellectual Property records approximately 100,000 to 120,000 copyright applications annually³. However, this rise in registrations has not been matched by a decrease in infringement; instead, violation rates in the digital space continue to climb.

This situation reveals a significant gap between legal provisions (*das sollen*) and actual practice (*das sein*). Although a regulatory framework exists, the effectiveness of copyright protection on social media platforms remains suboptimal regarding both preventive and repressive measures. Law enforcement tends to be reactive and complaint-driven, whereas the nature of digital infringements—characterized by anonymity, cross-border reach, and high speed—demands a more

¹ Murdani, *Perlindungan Hukum Terhadap Hak Cipta Content Creator Vidio Youtube Yang Diunggah Ulang Tanpa Watermark Pada Platform Tiktok Dan Facebook*.

² Wulandari, “Problematika Pelanggaran Hak Cipta di Era Digital.”

³ Ridhwan Listiyo Nugroho and Yudho Taruno Muryanto, “Perlindungan Hukum Pemegang Hak Cipta Karya Digital Terhadap Praktik Pelanggaran Hak Cipta Digital.”

adaptive approach⁴. Furthermore, the lack of clear regulations regarding the liability of digital platforms for user-uploaded content undermines the position of creators in securing adequate legal protection. Consequently, an in-depth study is required to assess the effectiveness of copyright protection in the digital era and to formulate a legal approach that is more responsive to technological advancements.

The research conducted by Ridhwan Listiyo Nugroho and Yudho Taruno Muryanto, titled "Legal Protection for Copyright Holders of Digital Works Against Digital Copyright Infringement Practices"—published in 2025 in *Birokrasi: Jurnal Ilmu Hukum dan Tata Negara*—employs a normative legal research method utilizing a statute approach. The study draws upon primary and secondary legal materials and applies a syllogistic method based on deductive reasoning. The research findings It demonstrates that copyright is an exclusive right automatically acquired by the creator once a work is embodied in a tangible form, as stipulated in Law Number 28 of 2014 concerning Copyright. However, advancements in digital technology have actually driven an increase in copyright infringement—particularly through piracy and the re-uploading of digital content across various platforms—resulting in both moral and economic losses for creators.

When compared to the research conducted by the author, there are significant differences regarding the focus and depth of analysis. The study by Ridhwan Listiyo Nugroho and Yudho Taruno Muryanto focuses primarily on forms of legal protection and the general phenomenon of digital copyright infringement, emphasizing piracy and re-uploading as the main types of violations. In contrast, the present study develops a more comprehensive analysis by not only examining forms of legal protection but also identifying factors contributing to suboptimal protection—such as technological aspects, low public awareness, and the lack of clearly defined responsibilities for digital platforms. Furthermore, this study offers recommendations that are more applicable and adaptable to the evolving digital landscape, thereby providing novelty by expanding the scope of inquiry from a mere normative description to a critical, solution-oriented analysis of copyright protection on social media platforms.⁵

Based on this background, the main problem in this study is the question of what form of legal protection for copyright of digital content on social media platforms is in the perspective of Law Number 28 of 2014 concerning Copyright. Although the law has provided regulations regarding the exclusive rights of creators, both in terms of moral rights and economic rights, practice in the field shows that violations continues to occur on a massive scale. Therefore, it is crucial to conduct

⁴ Fallah, *Perlindungan Hukum Kepemilikan Dan Hak Cipta Atas Konten Digital Di Era Ekonomi Kreatif*.

⁵ Ridhwan Listiyo Nugroho and Yudho Taruno Muryanto, "Perlindungan Hukum Pemegang Hak Cipta Karya Digital Terhadap Praktik Pelanggaran Hak Cipta Digital."

an in-depth analysis of the legal protection frameworks established in legislation and the extent to which these norms can address the dynamics of digital content distribution on social media platforms.

Furthermore, this study highlights the reasons why legal protection for copyright in the digital era has not yet functioned optimally, as well as potential measures to enhance its effectiveness. This entails an analysis of various impediments—spanning legal substance, law enforcement, and public awareness—including the complex issues surrounding the status and liability of digital platforms as intermediaries in content distribution. Thus, the study seeks not only to identify weaknesses in the implementation of existing laws but also to formulate more adaptive solutions to ensure effective copyright protection amidst the evolution of digital technology.

The objective of this research is to comprehensively analyze the forms of legal protection for copyright regarding digital content on social media platforms, viewed through the perspective of Law Number 28 of 2014 concerning Copyright. The analysis aims to identify how legal norms governing a creator's exclusive rights—encompassing both moral and economic rights—are implemented within the context of the massive and dynamic distribution of digital content. Consequently, this study seeks to evaluate the alignment between existing legal frameworks and practical realities in the digital realm, particularly regarding the provision of effective protection for creators.

Furthermore, this study aims to examine the factors contributing to the suboptimal legal protection of copyright in the digital era and to formulate measures to enhance its effectiveness. The analysis encompasses aspects of substantive law, law enforcement, and the roles and responsibilities of digital platforms in preventing and addressing infringements. Through this analysis, the study seeks to provide constructive recommendations for strengthening the copyright protection system, making it more adaptive and responsive to advancements in information technology.

This study employs the Legal Protection Theory proposed by Satjipto Rahardjo as its primary theoretical framework. This theory positions the law as an instrument designed to safeguard the interests of legal subjects, including creators within the copyright regime. Such protection encompasses two dimensions: preventive and repressive protection. Preventive protection is realized through the establishment of legal norms that impose limits and prohibitions on the unauthorized use of works, as stipulated in Law Number 28 of 2014 concerning Copyright. Meanwhile, repressive protection is implemented through law enforcement mechanisms—taking the form of either criminal sanctions or civil

lawsuits—aimed at creating a deterrent effect and restoring the rights of aggrieved creators.

In the digital context, the application of the legal protection theory proposed by Satjipto Rahardjo faces increasingly complex challenges due to the nature of social media platforms, which facilitate the rapid, widespread, and often anonymous reproduction and distribution of content⁶. This raises questions regarding the extent to which the law can provide effective protection for creators amidst the prevalence of copyright infringement. Utilizing this theory, the research will analyze the gap between the expected legal protection (*das sollen*) and the reality of practice in the field (*das sein*), particularly concerning the effectiveness of regulations and enforcement mechanisms regarding copyright infringement on digital platforms. Through this approach, it is hoped that a legal protection framework can be formulated that is more adaptive and responsive to developments in information technology.

Methods

This study employs a qualitative research method utilizing a library research approach. The qualitative approach was selected because the study focuses on analyzing legal norms, concepts, and phenomena regarding copyright infringement in the digital space—aspects that cannot be measured quantitatively but require in-depth understanding through legal interpretation. The library research involved examining various relevant legal sources—specifically Law Number 28 of 2014 concerning Copyright as the primary basis—along with other literature related to copyright protection and digital technology developments.⁷ This approach enables the researcher to systematically examine the relationship between legal norms and actual practices on social media platforms.

The data sources for this study comprise primary, secondary, and tertiary legal materials obtained through a review of literature, scholarly journals, books, and official documents relevant to the research topic. Data collection was conducted via document analysis, followed by a qualitative assessment using a descriptive-analytical method. This analysis aims to interpret applicable legal provisions and examine the practical effectiveness of copyright legal protection in the digital era. Consequently, this study is expected to provide a comprehensive understanding and generate logical, systematic legal arguments regarding the issues under investigation.

⁶ Prayoga et al., *Perlindungan Hukum Terhadap Hak Warga Negara Dengan Berlakunya Undang-Undang Nomor 23 Tahun 2019 Tentang Pengelolaan Sumber Daya Nasional*.

⁷ Sundari and Anshari, *Pendekatan Dalam Penelitian Kuantitatif dan Kualitatif*.

Results and Discussion

Legal protection of copyright for digital content on social media platforms has a strong normative foundation in Law Number 28 of 2014 concerning Copyright. This law grants creators exclusive rights that include moral rights and economic rights. Moral rights relate to the identity and integrity of a work, such as the right to include the creator's name and maintain the work's authenticity, while economic rights authorize creators to obtain financial benefits through reproduction activities, distribute, and communicate the work to the public⁸. In the digital context, any form of re-uploading, distribution, or utilization of content without the creator's permission constitutes an infringement of those economic rights; consequently, as a matter of principle, all activities on social media platforms must adhere to the requirement of obtaining authorization from the rights holder.

From the perspective of the Legal Protection Theory proposed by Satjipto Rahardjo, such protection can be understood through two primary approaches: preventive and repressive protection. Preventive protection is realized through the establishment of norms that prohibit the unauthorized use of works and provide legal certainty regarding the creator's exclusive rights. In practice, this form of protection is also evident in the internal mechanisms of digital platforms—such as YouTube's Content ID system and the infringement reporting features on TikTok and Instagram. However, its effectiveness remains limited due to the sheer volume of content produced and distributed daily. With the number of social media users in Indonesia exceeding 170 million and an average usage intensity of around three hours per day, the potential for copyright infringement is immense, meaning that preventive mechanisms cannot always keep pace with the rate at which content spreads.⁹

Repressive protection is implemented through law enforcement against copyright infringement, involving both criminal sanctions and civil lawsuits. Law Number 28 of 2014 concerning Copyright stipulates sanctions for infringers—including imprisonment and fines—and grants creators the right to claim damages. Furthermore, the government, through the Ministry of Communication and Informatics of the Republic of Indonesia, enforces the law in the digital space by cutting off access to illegal content. Data indicates that over 800,000 pieces of content or websites containing negative material—including those involving copyright infringement—have been addressed. Meanwhile, the Directorate General of Intellectual Property records approximately 100,000 to 120,000 copyright applications annually, reflecting growing awareness of formal legal protection.

⁸ Herlambang, *Pengaturan Perlindungan Hukum Terhadap Hak Moral Bagi Pencipta Ditinjau Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta*.

⁹ Navydien and Ditta C. P, "Perlindungan Hukum Terhadap Pencipta Atas Royalti Lagu Yang Tidak Dibayarkan Dalam Kegiatan Komersial."

However, the high rate of infringement—with around 80–85% of internet users having accessed illegal content—demonstrates that existing enforcement mechanisms still struggle to effectively tackle infringement practices that are widespread and recurrent.¹⁰

The legal protection framework—normatively designed through the preventive and repressive mechanisms stipulated in Law Number 28 of 2014 concerning Copyright—continues to face various structural obstacles in practice. A primary factor lies in the substantive legal provisions, which have not fully adapted to the evolution of digital technology. The Law was essentially drafted within a conventional protection framework; consequently, it fails to explicitly address the dynamics of content distribution on social media platforms—dynamics characterized by speed, cross-border reach, and algorithmic operations. Ambiguity regarding the liability of platforms acting as intermediaries creates a legal gray area, particularly in defining the limits of a platform's obligations concerning user-uploaded content. As a result, protection The law tends to focus on individual perpetrators, whereas the role of platforms that actually facilitate content distribution has not yet been explicitly regulated.¹¹

Furthermore, regarding law enforcement, the current mechanism remains reactive and complaint-based (requiring a formal complaint to initiate action). This means that enforcement measures against copyright infringement can only be taken if a report is filed by the aggrieved party. In the digital context—characterized by a massive volume of content and over 170 million social media users in Indonesia—this approach proves ineffective. Data from the Ministry of Communication and Informatics of the Republic of Indonesia indicates that more than 800,000 pieces of content or websites containing negative material have been addressed, including those involving copyright infringement. However, this figure actually reflects the fact that infringements continue to occur repeatedly and on a massive scale¹². Moreover, the relatively slow pace of law enforcement fails to keep up with the speed at which digital content spreads; consequently, by the time action is taken against an infringement, the content has often already proliferated widely and become difficult to control.¹³

Another contributing factor is the public's low level of legal awareness regarding the importance of copyright protection. Practices such as re-uploading, reusing, and modifying content without permission are often viewed as acceptable

¹⁰ Wulandari, “Problematisasi Pelanggaran Hak Cipta di Era Digital.”

¹¹ 1 Fatimah, “Transformasi Ruang Publik Digital.”

¹² Wulandari, “Problematisasi Pelanggaran Hak Cipta di Era Digital.”

¹³ Fallah, *Perlindungan Hukum Kepemilikan Dan Hak Cipta Atas Konten Digital Di Era Ekonomi Kreatif*

within digital culture¹⁴. This is reinforced by data indicating that approximately 80–85% of internet users in Indonesia have accessed illegal content—whether films, music, or other forms of creative work. This phenomenon reveals a gap between legal norms (*das sollen*) and social practices (*das sein*), where the law has not yet been fully internalized in public behavior. Ultimately, this lack of legal literacy undermines the effectiveness of preventive protection, which ought to serve as the first line of defense in preventing infringement.

On the other hand, technological factors and the characteristics of digital platforms present distinct challenges. Platforms such as YouTube and TikTok enable the instantaneous distribution of content with an extensive reach that transcends jurisdictional boundaries. Although some platforms have developed automated detection systems—such as Content ID—these technologies are not yet fully capable of identifying all forms of infringement, particularly those involving content modification or the use of only portions of a work.¹⁵ Furthermore, user anonymity complicates the process of identifying offenders, thereby making law enforcement more complex. In such a context, legal protection faces not only issues regarding norms and enforcement but also technological limitations that have yet to fully keep pace with evolving infringement practices in the digital realm.

Given the challenges outlined above, enhancing the effectiveness of copyright legal protection in the digital era requires an approach that is not merely normative but also adaptive to the characteristics of technology. The first necessary step is to strengthen the regulatory framework—specifically by adjusting the provisions of Law Number 28 of 2014 concerning Copyright—to make them more responsive to the dynamics of digital platforms. Regulations regarding the liability of platforms as electronic system providers need to be clarified, covering both preventive obligations and obligations to address infringements (corrective obligations). This could involve strengthening mechanisms for addressing infringements and mandating that platforms actively monitor content for potential copyright violations. Consequently, the burden of legal protection would not fall solely on the creator as the aggrieved party; instead, it would also involve platforms as key actors within the digital ecosystem.¹⁶

Furthermore, regarding law enforcement, a paradigm shift is required—moving from a reactive approach to one that is more proactive and technology-driven. Law enforcement should no longer rely solely on individual reports but

¹⁴ Annisa, *Fungsi Hukum Sebagai Instrumen yang Menjamin Perlindungan dan Pemenuhan Hak Asasi Manusia di Indonesia*.

¹⁵ Murdani, *Perlindungan Hukum Terhadap Hak Cipta Content Creator Vidio Youtube Yang Diunggah Ulang Tanpa Watermark Pada Platform Tiktok Dan Facebook*.

¹⁶ Sari et al., *Efektivitas Perlindungan Hukum di Era Digital: Kajian Normatif terhadap Hak Cipta*.

should also be supported by integrated digital monitoring systems.¹⁷ In this context, the Ministry of Communication and Informatics of the Republic of Indonesia plays a strategic role in overseeing the distribution of illegal content, including through the use of automated scanning technology and collaboration with digital platforms. Given that data indicates over 800,000 pieces of content have already been addressed, a proactive approach is essential to curb the rising rate of violations. Additionally, strengthening coordination among law enforcement agencies, government bodies, and copyright holders is necessary to establish a more effective and integrated law enforcement system.

On the other hand, enhancing public legal awareness is a fundamental factor that cannot be overlooked. The high rate of copyright infringement, with approximately 80–85% of internet users in Indonesia having accessed illegal content, indicates that the problem lies not only in the legal framework and its enforcement but also in the legal culture of society.¹⁸ Therefore, continuous and large-scale educational efforts are necessary to raise awareness of the importance of respecting copyright through educational institutions, public campaigns, and collaboration with social media platforms such as Instagram and TikTok. These educational initiatives are expected to foster collective awareness that the unauthorized use of copyrighted content is not merely an ethical issue but also a legal violation with tangible legal consequences.

Finally, optimizing the use of technology is key to addressing the challenges of copyright protection in the digital age. Platforms like YouTube have demonstrated that automated detection systems like Content ID can be a valuable tool in quickly identifying infringement. However, technology still requires further development to detect more complex forms of infringement, including content modification and partial use. Furthermore, developing artificial intelligence-based systems and integrated copyright databases could offer a solution to enhance the effectiveness of preventive protection. By combining strengthened regulations, proactive law enforcement, increased public awareness, and adequate technological support, copyright protection in the digital era can be made more effective and responsive to the changing times.¹⁹

Based on the analysis of copyright protection on digital platforms, there is a need to strengthen regulations so they are more adaptive to technological advancements. The government needs to refine Law Number 28 of 2014 concerning Copyright by incorporating more explicit provisions regarding the responsibilities of digital platforms as electronic system providers. These provisions must encompass preventive obligations—such as content filtering—as well as obligations

¹⁷ Sari et al., *Efektivitas Perlindungan Hukum di Era Digital: Kajian Normatif terhadap Hak Cipta*.

¹⁸ Wulandari, “Problematisasi Pelanggaran Hak Cipta di Era Digital.”

¹⁹ Dian Utami Amalia et al., “Perlindungan Hukum Terhadap Kekayaan Intelektual Dalam Era Digital Di Indonesia.”

to address infringements through "notice and take-down" mechanisms that are more effective, swift, and transparent. Furthermore, it is necessary to reinforce the norms governing the limits of platform liability; platforms should no longer occupy an ambiguous position but instead play an active role in protecting copyright within the digital space.

Furthermore, regarding law enforcement, a shift in approach is required—moving from a reactive stance to one that is proactive and technology-driven. The government, through the Ministry of Communication and Informatics of the Republic of Indonesia, needs to develop an integrated digital monitoring system that utilizes artificial intelligence to detect copyright infringements in real time. Strengthening coordination among law enforcement agencies and rights holders creation, as well as digital platforms, is also necessary to establish faster and more effective enforcement mechanisms. Furthermore, enhancing the capacity of law enforcement officials to understand the characteristics of digital violations is a crucial step to ensure that law enforcement does not lag behind technological advancements.

From a social perspective, raising public legal awareness must be a priority through continuous education. Large-scale public campaigns regarding the importance of respecting copyright need to be conducted, involving educational institutions, the government, and digital platforms—such as YouTube and TikTok—as channels for disseminating information. This education should not only emphasize legal aspects but also foster a culture of respecting creative work as part of digital ethics. Furthermore, an incentive system for law-abiding creators should be developed to create a digital ecosystem that is both productive and equitable. Thus, copyright protection in the digital era relies not only on the strength of regulations and law enforcement but also on collective public awareness and adequate technological support.

Conclusion

The legal protection of copyright regarding digital content on social media platforms rests on a fundamentally strong normative foundation provided by Law Number 28 of 2014 concerning Copyright. This regulatory framework grants creators exclusive rights—comprising both moral and economic rights—and incorporates preventive and repressive protection mechanisms consistent with the Theory of Legal Protection. Conceptually, this legal framework effectively addresses the fundamental requirements for copyright protection, including within the digital realm. In practice, however, the implementation of such protection faces various challenges, primarily due to the nature of social media platforms, which facilitate the rapid, widespread, and often anonymous reproduction and distribution of content. The suboptimal nature of this legal protection stems from various factors, including legal frameworks that have not yet fully adapted to technological

advancements, law enforcement practices that remain reactive, low public legal awareness, and technological limitations in detecting violations.

This situation reveals a gap between prevailing legal norms and actual practices on the ground. Therefore, comprehensive efforts are required—involving the strengthening of regulations, the optimization of technology-based law enforcement, the enhancement of public awareness, and the development of digital systems that support copyright protection. Such efforts are crucial for establishing legal protection that is more effective, adaptive, and responsive to the dynamics of the digital era.

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