

Criminal and Civil Law Implications of Copyright Infringement Against Content Creators' Works on Digital Platforms

Siti Sarah¹, Faiz Rahman Hakim², Jidan Sidqi Robbani³, Saji Sonjaya⁴

^{1,2,3,4} Universitas Islam Sunan Gunung Djati Bandung, Faculty of Law

*Correspondence: sitisarah248@gmail.com

Article Info: [Submitted: 11 June 2026 | Revised Version 30 June 2026 | Accepted: 15 July 2026]

Abstract: *The digital era has fundamentally transformed the creative industry by placing content creators as the primary actors in producing creative works. However, the ease of technological access has also triggered widespread copyright infringement on digital platforms, such as reuploading practices, video clipping, and unauthorized commercial exploitation. This study aims to comprehensively analyze the criminal and civil law implications of copyright infringement against content creators' works on digital platforms under Law No. 28 of 2014 on Copyright. This research employs a normative juridical method with a statutory approach and a conceptual approach. The secondary data used were collected through library research and analyzed qualitatively using juridical methods to unpack the legal liability of infringers. The results indicate that, from a criminal law perspective, perpetrators of digital piracy and illegal reuploading may be subject to imprisonment of up to ten years and a maximum fine of four billion rupiah, intended to provide a deterrent effect. However, criminal law enforcement is frequently hampered by the fact that copyright infringement is a complaint-based offense, as well as by the widespread anonymity within cyberspace. From a civil law perspective, the unauthorized exploitation of a creative work is categorized as an Unlawful Act (Perbuatan Melawan Hukum/PMH) that deprives the creator of exclusive rights. This entitles content creators to claim compensation (restitution) for both material and immaterial losses through litigation before the Commercial Court, which requires accountable proof of loss. In addition, dispute resolution may also be pursued through non-litigation channels (mediation) facilitated by digital platforms such as the Content ID system, although platforms' internal policies still require refinement to be fairer to creators. In conclusion, comprehensive legal protection for content creators requires strong synergy between state regulation, digital platform proactivity, and public legal awareness.*

Keywords: Copyright; Content Creators; Digital Platforms; Criminal Law; Civil Law.

Introduction

The massive development of information technology and the internet has brought about major transformations in human civilization, changing patterns of social interaction and opening up new economic opportunities. In this era of digital revolution, a profession has emerged in the creative industry known as the content

creator.¹ Professions such as YouTuber, vlogger, and Instagram celebrity (selebgram) are now increasingly popular because they can be pursued anywhere without time constraints and offer promising income potential.² According to Sari et al.,³ content creators work by producing works in the form of videos, music, or animation, which are then shared with the public through various social media platforms such as YouTube, TikTok, and Instagram. The works produced are not merely entertainment, but digital intellectual products of high economic value that deserve legal protection from the state.

However, the ease of information distribution in the digital era is like a double-edged sword that has given rise to various new forms of crime, particularly copyright infringement. Amid technological progress, the rate of piracy and copyright infringement against digital content has in fact been increasing and is a cause for concern.⁴ Many social media users or irresponsible individuals easily take, duplicate, and reupload other people's works. This reuploading is often carried out purely to gain popularity (*engagement*) or personal financial benefit (*monetization*) without any permission from the original creator.⁵

This infringement is very real across various digital platforms and is highly detrimental to creators. As a highlighted example, Ahmad et al.⁶ describe the phenomenon of illegal live streaming that rebroadcast the content of game creator Windah Basudara on the TikTok platform without permission, in which the perpetrators exploited the pirated broadcast to obtain profit through donation or gift features. In addition to theft on the same platform, cross-platform theft is also rampant. This is evidenced by cases of reuploading short videos from the TikTok application to YouTube Shorts, in which the perpetrators even mutilated the videos and did not include the original owner's identity at al.⁷

These acts of piracy and reuploading directly infringe upon the exclusive rights held by creators. Within the Indonesian legal system, Law Number 28 of 2014 on

¹ Kamillia Lathifah Ahmad et al., "Perlindungan Hukum Terhadap Hak Cipta Karya Konten Kreator Di Era Digital Melalui Aplikasi TikTok (Studi Kasus: Live Streaming Ilegal Windah Basudara)," *Innovative: Journal Of Social Science Research* 5, no. 4 (2025). Hlm 2

² Lesza Leonardo Lombok, Arthur Tuwaidan, and Veronika Takasana, "Tinjauan Hukum Terhadap Pelanggaran Hak Cipta Karya Digital Content Creator Di Indonesia," *INVENTION: Journal of Intellectual Property Law* 1, no. 1 (July 18, 2024): 47–59, doi:10.70358/invention.v1i1.1240. hlm 48

³ Risky Tara Nabita Sari et al., "Perlindungan Konten Kreator Terhadap Konten Reupload Perspektif Hak Cipta," *Innovative: Journal Of Social Science Research* 3, no. 6 (2023). Hlm 3

⁴ Rahayu Mardikaningsih et al., "Perlindungan Hak Cipta: Perspektif Hukum Terhadap Tindak Pidana Pembajakan," *Jurnal Begawan Hukum (JBH)* 3, no. 1 (2025). Hlm 30

⁵ Lombok, Tuwaidan, and Takasana, "Tinjauan Hukum Terhadap Pelanggaran Hak Cipta Karya Digital Content Creator Di Indonesia." Hlm 54

⁶ Ahmad et al., "Perlindungan Hukum Terhadap Hak Cipta Karya Konten Kreator Di Era Digital Melalui Aplikasi TikTok (Studi Kasus: Live Streaming Ilegal Windah Basudara)." Hlm 3

⁷ Anne Gunawati, Rully Syahrul Mucharrom, and Nurul A'fiah, "Perlindungan Terhadap Pembuat Konten Video TikTok Yang Diunggah Kembali Tanpa Izin Di Aplikasi Youtube Shorts," *JPIM (Jurnal Penelitian Ilmiah Multidisipliner)* 2, no. 4 (2024). Hlm 365

Copyright (Copyright Law), particularly Article 4, affirms that copyright is an exclusive right consisting of two main pillars: moral rights and economic rights. From a legal standpoint, reuploaders frequently violate the moral rights regulated under Article 5 of the Copyright Law by failing to credit the original creator's name, changing the title, or modifying the work at will in a manner that can damage the original creator's reputation.⁸ Furthermore, perpetrators have violated the creator's economic rights guaranteed under Article 9 of the Copyright Law by exploiting the work for commercial purposes without permission. In fact, every use of a copyrighted work that has economic value must be accompanied by compensation or royalties to the creator.⁹

Although the state already has a fairly clear legal framework, the implementation and enforcement of the law in the digital realm still faces various challenges due to low public legal literacy and the borderless nature of the internet. Therefore, a criminal law approach is essential and must be optimized in order to provide a deterrent effect against these cybercrime perpetrators. In accordance with the criminal provisions under Article 113 of the Copyright Law, any person who, without right, infringes economic rights for commercial use and piracy may face imprisonment of up to ten years and a fine of up to four billion rupiah. On the other hand, civil law instruments are also absolutely necessary to guarantee the restoration of victims' rights. Based on Articles 96 and 99 of the Copyright Law, creators have a strong legal basis to file a claim for damages (restitution), for both material and immaterial losses, before the Commercial Court in order to recover the losses they have suffered as a result of such infringement.¹⁰

Based on the background outlined above, it is considered necessary to conduct an in-depth and comprehensive study of the effectiveness of legal protection for content creators in Indonesia, particularly in facing the threat of digital piracy. Therefore, this study focuses on answering two main research questions: (1) What are the criminal law implications for perpetrators of copyright infringement against content creators' works on digital platforms under Law Number 28 of 2014 on Copyright?; and (2) What are the civil law implications and the mechanism for claiming compensation for content creators whose economic rights have been infringed on digital platforms?

⁸ Sari et al., "Perlindungan Konten Kreator Terhadap Konten Reupload Perspektif Hak Cipta." Hlm 8

⁹ Wahyu Adlan et al., "Ganti Kerugian Atas Perbuatan Melawan Hukum Terhadap Pelanggaran Atas Hak Cipta Lagu Dalam Kegiatan Yang Dilakukan Tanpa Izin (Analisis Putusan Nomor 7/Pdt.Sus-HKI/Cipta/2019/PN.Niaga Sby)," *Jurnal Diktum* 4, no. 1 (2025): 36–44. Hlm 37

¹⁰ Gladis Novadilla and Mhd. Yadi Harahap, "Ganti Rugi Terhadap Pelanggaran Hak Cipta Sinematografi Prespektif Undang-Undang No. 28 Tahun 2014," *Jurnal Tana Mana* 6, no. 2 (2025). Hlm 119

Method

This research is a normative legal study (*yuridis normatif*) employing an analytical-descriptive character. According to Suyanto¹¹, the normative juridical method is a method that positions law as a norm or reference for behavior in society, used as a benchmark for resolving a legal issue. Through this method, the research does not focus on the direct collection of field data, but instead emphasizes the review of literature or secondary data relevant to copyright regulations in the digital realm.

In its implementation, this research uses two main approaches, namely the statute approach and the conceptual approach. Suyanto¹² explains that the statutory approach is carried out by conducting an in-depth review of various positive legal regulations related to the issue being examined. In this case, the analysis focuses sharply on Law Number 28 of 2014 on Copyright. Meanwhile, the conceptual approach is used to build arguments through legal logic and relevant theories, such as the theory of legal protection and intellectual property rights.

The data sources used in this study rely entirely on secondary data, divided into three levels of legal materials. First, primary legal materials that are binding, namely Law Number 28 of 2014 on Copyright along with other relevant statutory regulations related to electronic transactions and information. Second, secondary legal materials that serve to explain the primary legal materials, such as legal literature, books, academic journals, and documents related to the protection of digital works. Third, tertiary legal materials that provide additional guidance, such as legal dictionaries and encyclopedias.

Data collection was carried out through the library research method, namely by reading, cataloging, and collecting various legal documents and literature related to the topic of copyright infringement against content creators. Once the data had been collected, the next step was to conduct a qualitative juridical analysis. All of the legal materials were processed and interpreted, and conclusions were then drawn deductively in order to provide a comprehensive answer regarding the criminal and civil law implications for perpetrators of digital piracy.

Results and Discussion

Criminal Law Implications for Perpetrators of Copyright Infringement Against Content Creators' Works on Digital Platforms

In this fast-paced digital era, a digital work can spread to millions of screens within seconds. However, this convenience brings new criminal loopholes that are highly detrimental to creators. In this section, the authors will examine how Indonesian criminal law, particularly through Law Number 28 of 2014 on Copyright (Copyright Law), views and prosecutes perpetrators of copyright infringement on digital platforms.

¹¹ Dr. Suyanto, *Metode Penelitian Hukum: Pengantar Penelitian Normatif, Empiris dan Gabungan*, Cetakan Pertama (Gresik: Unigres Press, 2022). Hlm 13

¹² Ibid. Hlm 26

In the world of content creation, the right to originality is a highly crucial issue for creators.¹³ Unfortunately, the ease of information distribution on the internet is frequently abused. According to Ahmad et al.,¹⁴ the ease of content distribution makes works highly vulnerable to being duplicated, rebroadcast (re-stream), or reused without the creator's permission, which constitutes a real form of copyright infringement. One of the most common characteristics of digital crime is the violation of Moral Rights. Moral rights are rights that are permanently attached to the creator and cannot be removed, even if the economic rights to the work have been transferred.¹⁵ A common criminal practice occurs when someone downloads a video, cuts out the watermark or the original creator's name, and reuploads it. Legally, this act violates Article 5 paragraph (1) letters a and e of the Copyright Law, which protect the creator's right to be credited by name and to have the work protected from distortion or mutilation. Gidete et al.¹⁶ affirm that mutilation of a work occurs when a person cuts or removes part of the elements of the original work without producing a new, meaningful work, which severely damages the dignity and moral rights of the creator.

The law is not merely a display piece; it has "teeth" with which to bite offenders. The Copyright Law provides very firm criminal sanctions for anyone who intentionally infringes upon either the moral rights or economic rights of a content creator. First, regarding violations of moral rights. If a person is proven to have modified, mutilated, or removed the name of the original creator for commercial purposes, that person may be prosecuted under Article 112 of the Copyright Law. According to Gidete et al.¹⁷, violations of this article are punishable by a maximum of 3 (three) years' imprisonment and/or a maximum fine of Rp500,000,000.00 (five hundred million rupiah). Second, regarding violations of economic rights. When a reuploader uploads someone else's work to obtain AdSense (advertising revenue) on YouTube or gifts on TikTok, they have illegally exploited the original creator's economic rights. Sari et al.¹⁸ explain that the act of resharing someone else's video for personal gain without permission is an absolute violation of the creator's economic rights.

¹³ Pandito Malim Hasayangan Tanjung and Zalzabila Agnia Husna, "Analisis Proses Hukum Yang Dapat Dijalani Oleh Content Creator Untuk Menegakkan Hak Orisinalitas," *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora* 1, no. 2 (April 4, 2024): 54–65, doi:10.62383/progres.v1i2.145. hlm 1

¹⁴ Ahmad et al., "Perlindungan Hukum Terhadap Hak Cipta Karya Konten Kreator Di Era Digital Melalui Aplikasi TikTok (Studi Kasus: Live Streaming Ilegal Windah Basudara)." Hlm 5

¹⁵ Luh Febby Liamitha et al., "Tinjauan Yuridis Pelanggaran Hak Moral Pada Konten Media Kreator Era Digital Perspektif Undang-Undang Hak Cipta," *Jurnal Ilmu Sosial & Hukum* 3, no. 5 (2025). Hlm 5918

¹⁶ Bio Bintang Gidete, Muhammad Amirulloh, and Tasya Safiranita Ramli, "Pelindungan Hukum Atas Pelanggaran Hak Cipta Pada Karya Seni Yang Dijadikan Karya Non Fungible Token (NFT) Pada Era Ekonomi Digital," *Jurnal Fundamental Justice*, March 29, 2022, 1–18, doi:10.30812/fundamental.v3i1.1736. hlm 6

¹⁷ Ibid. Hlm 13

¹⁸ Sari et al., "Perlindungan Konten Kreator Terhadap Konten Reupload Perspektif Hak Cipta." Hlm 3

For this offense, Article 113 of the Copyright Law divides the level of sanctions based on severity. If the act is classified as digital piracy (for example, duplicating and widely distributing the work for massive economic gain), the perpetrator may be sentenced to a maximum of 10 (ten) years' imprisonment and/or a maximum fine of Rp4,000,000,000.00 (four billion rupiah). This very severe threat of sanctions was designed by lawmakers to provide the maximum deterrent effect for these "thieves" of digital content.

If the threatened penalties are so severe, why are there still so many reupload accounts roaming freely on social media? The answer lies in the nature of copyright offenses themselves. Under the provisions of the Copyright Law, copyright infringement is a "complaint offense" (*delik aduan*). This means that law enforcement officers (the police) cannot act to arrest perpetrators without an official report from the creator or copyright holder who feels aggrieved. This complaint-based nature is like a padlock whose key is held by the victim; if the victim remains silent, criminal law will not proceed. Aside from the complaint-based nature of the offense, law enforcement in the digital era is also colored by various highly complex technical challenges. Digital spaces provide perpetrators with a shield of anonymity and cross-border jurisdiction. Perpetrators of piracy can easily hide behind fake accounts or disguise their location using a Virtual Private Network (VPN), making the tracking process by cyber police extremely difficult.¹⁹ On the other hand, low legal literacy among the public is also a major problem. Many netizens naively consider reuploading a funny or interesting video from TikTok to Instagram Reels to be a normal thing, without realizing that such an act is a criminal offense that violates the law.

In facing the massiveness of this legal violation, the burden should not rest solely on the shoulders of content creators and law enforcement officers. Major digital platforms such as YouTube, TikTok, and Meta (Facebook/Instagram) bear enormous responsibility. Gunawati et al.²⁰ affirm that platforms that host video uploads have a moral and legal responsibility to provide an effective reporting mechanism, remove infringing content, and impose internal sanctions on offenders. As an example of good implementation, YouTube has developed a technology called Content ID. This system functions like a digital fingerprint that allows copyright owners to automatically track and claim their copyright over videos reuploaded by other parties.²¹ Through Content ID, the original creator can choose to block the pirated video or take over its monetization, so that the advertising revenue (AdSense) from the pirated video flows into the original creator's pocket. Unfortunately, not all platforms have a system as sophisticated as YouTube's.

¹⁹ Mardikaningsih et al., "Perlindungan Hak Cipta: Perspektif Hukum Terhadap Tindak Pidana Pembajakan." Hlm 30

²⁰ Gunawati, Mucharrom, and A'fiah, "Perlindungan Terhadap Pembuat Konten Video TikTok Yang Diunggah Kembali Tanpa Izin Di Aplikasi Youtube Shorts." Hlm 366

²¹ Kadek Julia Mahadewi et al., "Penerapan Monetisasi Dan Komersialisasi Hak Ekonomi Dalam Klaim Hak Cipta Pada Platform Youtube," *Repertorium* 14, no. 2 (2025). Hlm 90

According to Ahmad et al.²², platforms such as TikTok do not yet have an automatic detection system equivalent to Content ID, so that copyright protection on such platforms is often reactive (waiting for manual reports to come in) and slow in executing content takedowns. This creates a practical legal protection vacuum that allows perpetrators of illegal live streaming and content piracy on TikTok to reap profits before their videos can be taken down (Ahmad et al., 2025). Therefore, digital platforms are legally required to be more proactive and cooperative with national law enforcement authorities in order to curb the rate of copyright crime in cyberspace.

Civil Law Implications and the Mechanism for Claiming Compensation for Content Creators

If criminal law instruments focus on imposing imprisonment or fines to provide a deterrent effect on offenders, civil law instruments exist to restore the victim's condition. For a content creator whose work has been stolen or pirated, seeing the perpetrator imprisoned may provide inner satisfaction, but it does not restore the financial losses they have suffered. Therefore, civil law provides room for creators to claim compensation for the loss of their potential income. The following is an in-depth examination of how civil law works to protect the economic interests of creators on digital platforms.

In today's digital ecosystem, a work of creation is no longer merely a form of artistic expression, but a commercial asset. The number of views, likes, and engagement is directly proportional to the income flowing into a creator's pocket, whether through AdSense (advertising revenue sharing from the platform), audience donations, or endorsements from certain brands. Therefore, when someone takes another creator's work and reuploads it on their own channel to obtain financial gain, such an act clearly constitutes a form of economic rights deprivation. According to Takasana et al.²³, every creator, as a copyright holder, possesses an exclusive right that is absolute in nature and must not be exploited by other parties without valid consent. Protection of this exclusive right is expressly guaranteed under Law Number 28 of 2014 on Copyright (hereinafter referred to as the Copyright Law). Specifically, Article 9 paragraphs (1) and (2) of the Copyright Law require any person who wishes to use, duplicate, or distribute another person's copyrighted work for commercial purposes to first obtain permission and provide royalties or compensation to the creator. If this obligation is neglected, the perpetrator has automatically committed a violation of economic rights.

From the perspective of Indonesian civil law, the act of stealing content in order to obtain AdSense revenue is construed as an Unlawful Act (*Perbuatan Melawan Hukum/PMH*), the legal basis of which refers to Article 1365 of the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata/KUHPerdata*). A PMH claim requires the existence of an act that violates another person's rights, the existence of fault,

²² Ahmad et al., "Perlindungan Hukum Terhadap Hak Cipta Karya Konten Kreator Di Era Digital Melalui Aplikasi TikTok (Studi Kasus: Live Streaming Ilegal Windah Basudara)." Hlm 7

²³ Lombok, Tuwaidan, and Takasana, "Tinjauan Hukum Terhadap Pelanggaran Hak Cipta Karya Digital Content Creator Di Indonesia." Hlm 54

and the existence of resulting loss. When an anonymous account on YouTube or TikTok reuploads a vlog or animation belonging to the original creator and garners millions of viewers that are converted into cash, the elements of an Unlawful Act have been perfectly fulfilled. Money that should have flowed into the original creator's account instead flows into the pirate's account. This is the primary basis for creators to proceed to the stage of claiming compensation.

Once a creator realizes that their economic rights have been taken away, the next step is to calculate the extent of the losses suffered. In copyright law, there is a concept of restitution or loss recovery, which aims to restore the victim's condition as if the infringement had never occurred. Based on Article 96 of the Copyright Law, a creator or copyright holder is entitled to appropriate compensation for the economic losses they have suffered. In claiming such compensation, the law divides damages into two broad categories: material losses and immaterial losses. Understanding these two types of losses is very important for content creators so that they do not make the wrong move when filing a claim amount in court.

First, material losses. These are tangible losses, can be calculated with a calculator, and have a definite economic value. According to Novadilla dan Harahap²⁴, material losses in cases of digital piracy include the loss of potential income that can be logically calculated. For example, if a creator's original video typically generates ten million rupiah in AdSense revenue per one million views, and the pirated video receives two million views on the perpetrator's account, then the creator has lost real potential income. In addition, material losses may also take the form of the cancellation of a licensing contract with a third party or the loss of an opportunity to secure an exclusive endorsement because the video has already circulated illegally on the internet. Second, immaterial losses. Unlike material losses, which are easy to calculate, immaterial losses concern psychological and emotional aspects that have no market price standard. Mardikaningsih et al.²⁵ explain that copyright infringement often causes non-financial impacts, such as the destruction of the creator's reputation, insult to the quality of their work, and even severe psychological pressure or stress experienced by the victim. Imagine an educational video that was painstakingly made by a creator being cut (mutilated) out of context and inserted into a video containing hate speech by an irresponsible party. The creator would not only lose money, but their good name would also be ruined in the eyes of the public. It is this loss in the form of shame, stress, and loss of public trust that is claimed in the form of immaterial damages, the nominal amount of which is often filed for far greater than material losses, as a form of financial "punishment" for the perpetrator.

If the perpetrator of the infringement refuses to remove the pirated video or is unwilling to surrender the profits illegally obtained, the sword of civil law must be drawn through litigation (dispute resolution in court). Under Article 99 of the Copyright Law, every claim for damages related to copyright infringement falls exclusively under the jurisdiction of the Commercial Court. The government

²⁴ Novadilla and Harahap, "Ganti Rugi Terhadap Pelanggaran Hak Cipta Sinematografi Prespektif Undang-Undang No. 28 Tahun 2014." Hlm 123

²⁵ Mardikaningsih et al., "Perlindungan Hak Cipta: Perspektif Hukum Terhadap Tindak Pidana Pembajakan." Hlm 35

designated the Commercial Court because judges at this court possess specialized expertise in the field of Intellectual Property, and there are very strict and fast time limits for resolving cases so that the creator's losses do not continue to drag on. However, filing a lawsuit with the Commercial Court is no easy matter. Content creators will be confronted with very rigid and strict rules of evidence. As the plaintiff, the creator must accountably detail the source of the claimed loss. If a creator claims billions of rupiah in damages without being able to show the mathematical calculations behind that figure, the judge will reject the claim.

As concrete evidence, Adlan et al.²⁶ analyzed an actual case set out in Decision Number 7/Pdt.Sus-HKI/Cipta/2019/PN.Niaga Sby. In that trial, the plaintiff (the copyright holder) filed two types of claims for damages: material and immaterial damages. The panel of judges granted the claim for material damages amounting to Rp210,000,000 (two hundred ten million rupiah) because the plaintiff was able to submit strong evidence in the form of a cooperation agreement document showing the real value of their work. Surprisingly, however, the panel of judges flatly rejected the claim for immaterial damages amounting to Rp500,000,000 (five hundred million rupiah). The judges referred to Supreme Court jurisprudence affirming that compensation cannot be granted if the plaintiff is unable to concretely detail and prove the psychological or reputational harm suffered. This is an important lesson for creators: claiming immaterial damages cannot rely merely on assumed feelings of sadness, but must be supported by evidence such as medical records from a psychologist or concrete evidence of declining reputation from clients who canceled cooperation agreements. In this civil litigation process, legal instruments also provide preventive measures for creators. Putra et al.²⁷ in their analysis of a commercial song dispute, highlight the availability of a request for a Conservatory Attachment (Sita Jaminan/Conservatoir Beslag). During an ongoing trial, a creator may request the judge to temporarily seize the pirating party's assets, such as a house or vehicle. This is intended to secure the perpetrator's assets so that, if the creator wins the case, the perpetrator cannot evade paying compensation on the grounds of "having no money," since their assets have already been frozen by the court.

Although the litigation mechanism at the Commercial Court offers binding legal certainty, the trial process in fact requires costly legal fees, consumes time, and drains mental energy. For most individual content creators with limited capital, suing a perpetrator in court often feels like "winning turns to ash, losing turns to dust" (i.e., a Pyrrhic victory either way). Therefore, the law strongly promotes Non-Litigation mechanisms or Alternative Dispute Resolution (ADR) outside of court. Referring to Article 95 of the Copyright Law, the law actually requires disputing parties to first seek resolution through mediation, negotiation, or arbitration before proceeding to criminal or civil court proceedings. Out-of-court settlement is

²⁶ Adlan et al., "Ganti Kerugian Atas Perbuatan Melawan Hukum Terhadap Pelanggaran Atas Hak Cipta Lagu Dalam Kegiatan Yang Dilakukan Tanpa Izin (Analisis Putusan Nomor 7/Pdt.Sus-HKI/Cipta/2019/PN.Niaga Sby)." Hlm 40

²⁷ I Komang Mahendra Putra et al., "Penyelesaian Sengketa Hak Royalti Lagu Nuansa Bening: Analisis Berdasarkan Ketentuan Undang-Undang Hak Cipta," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 2 (2026). Hlm 3524

considered far more effective, confidential, inexpensive, and capable of producing a win-win solution that preserves good relations between the parties. In the negotiation process, for example, the original creator can directly send a cease-and-desist letter (somasi) to the reuploader and request that the perpetrator share a certain percentage of the AdSense profits without having to involve a judge.

In the digital realm, this non-litigation dispute resolution mechanism is also sophisticatedly facilitated by the platforms that host creators. As an example, the YouTube platform has an internal mediation procedure through the appeal system on the Content ID feature. Mahadewi et al.²⁸ highlight that when a work is claimed to have been pirated, both the original creator and the reuploader can submit arguments and proof of originality directly to YouTube's internal team, acting as a virtual "mediator." Unfortunately, this "algorithmic mediation" practice by platforms is not yet entirely perfect or fair. Mahadewi et al.²⁹ present a case example in which a cultural creator (of Denpasar's Ogoh-Ogoh) was accused of reuploading, even though he was the actual original owner of the work. To restore his monetization rights, which had been revoked by YouTube, the creator had to go through a months-long appeal process, and ironically, he was forced to delete his own viral video so that the platform's system would restore his YouTube channel. This phenomenon is concrete proof that although alternative dispute resolution through digital platforms is faster than going to court, the system still has policy gaps that can actually harm legitimate creators economically. Therefore, the adaptive integration of legal protection between state regulation and platforms' internal policies is a matter of urgency that needs to be refined.

Conclusion

Based on the comprehensive analysis outlined in the previous sections, it can be concluded that copyright infringement against content creators' works on digital platforms — such as unauthorized reuploading, illegal live streaming, and video mutilation — carries very firm criminal and civil law implications under Law Number 28 of 2014 on Copyright (Copyright Law).

From a criminal law perspective, digital piracy has genuinely deprived creators of both their moral and economic rights. Under the Copyright Law, perpetrators may be subject to a maximum of ten years' imprisonment and a fine of up to four billion rupiah. Although the law provides for severe penalties to create a deterrent effect, criminal law enforcement in the digital era still faces a rocky road. According to Ahmad et al., this is due to the nature of copyright infringement as a complaint-based offense, the anonymity of perpetrators in cyberspace, and the uneven level of legal literacy among social media users. Therefore, digital platforms such as YouTube and

²⁸ Mahadewi et al., "Penerapan Monetisasi Dan Komersialisasi Hak Ekonomi Dalam Klaim Hak Cipta Pada Platform Youtube." Hlm 93

²⁹ Ibid. Hlm 94

TikTok bear a moral and legal obligation to help prevent this crime through automatic detection systems and responsive reporting mechanisms.

Meanwhile, from a civil law perspective, the exploitation of a copyrighted work for commercial gain (such as AdSense revenue or endorsements) without permission is construed as an Unlawful Act (PMH). This gives content creators the absolute right to seek recovery of losses or restitution. Through litigation at the Commercial Court, creators are entitled to file claims for both material damages (loss of potential income) and immaterial damages (damage to reputation and psychological harm), provided that such claims are supported by concrete and accountable evidence of loss in order to be granted by the judge. As a more efficient and cost-effective alternative, copyright disputes are also strongly encouraged to be resolved through non-litigation channels (mediation and negotiation) to reach an amicable settlement. Although digital platforms have provided internal dispute resolution features such as Content ID, this system still requires refinement to be fairer and to avoid harming legitimate creators.

To minimize copyright infringement in the future, the government, through law enforcement agencies, needs to intensify cyber patrols and step up legal education for the wider public regarding the importance of respecting intellectual property rights in cyberspace. Content creators are strongly advised to be more proactive in registering their works with the Directorate General of Intellectual Property (DJKI) as strong initial proof of ownership should they ever have to go to court. In addition, the government also needs to encourage digital platform providers to create more transparent internal dispute resolution systems that favor the protection of local creators' rights.

References

- Adlan, Wahyu, Nelita Tarigan, Rudolf Silaban, and Lestari Victoria Sinaga. "Ganti Kerugian Atas Perbuatan Melawan Hukum Terhadap Pelanggaran Atas Hak Cipta Lagu Dalam Kegiatan Yang Dilakukan Tanpa Izin (Analisis Putusan Nomor 7/Pdt.Sus-HKI/Cipta/2019/PN.Niaga Sby)." *Jurnal Diktum* 4, no. 1 (2025): 36–44.
- Ahmad, Kamillia Lathifah, Intan Rahayu Kholillah, Kania Oktavia Parnika, and Januar Hukmawa Janatino. "Perlindungan Hukum Terhadap Hak Cipta Karya Konten Kreator Di Era Digital Melalui Aplikasi TikTok (Studi Kasus: Live Streaming Ilegal Windah Basudara)." *Innovative: Journal Of Social Science Research* 5, no. 4 (2025).

- Gidete, Bio Bintang, Muhammad Amirulloh, and Tasya Safiranita Ramli. "Pelindungan Hukum Atas Pelanggaran Hak Cipta Pada Karya Seni Yang Dijadikan Karya Non Fungible Token (NFT) Pada Era Ekonomi Digital." *Jurnal Fundamental Justice*, March 29, 2022, 1–18. doi:10.30812/fundamental.v3i1.1736.
- Gunawati, Anne, Rully Syahrul Mucharrom, and Nurul A'fiah. "Perlindungan Terhadap Pembuat Konten Video TikTok Yang Diunggah Kembali Tanpa Izin Di Aplikasi Youtube Shorts." *JPIM (Jurnal Penelitian Ilmiah Multidisipliner)* 2, no. 4 (2024).
- Liamitha, Luh Febby, Kadek Julia Mahadewi, Kadek Januarsa Adi Sudharma, and I Gede Agus Kurniawan. "Tinjauan Yuridis Pelanggaran Hak Moral Pada Konten Media Kreator Era Digital Perspektif Undang-Undang Hak Cipta." *Jurnal Ilmu Sosial & Hukum* 3, no. 5 (2025).
- Lombok, Lesza Leonardo, Arthur Tuwaidan, and Veronika Takasana. "Tinjauan Hukum Terhadap Pelanggaran Hak Cipta Karya Digital Content Creator Di Indonesia." *INVENTION: Journal of Intellectual Property Law* 1, no. 1 (July 18, 2024): 47–59. doi:10.70358/invention.v1i1.1240.
- Mahadewi, Kadek Julia, I Putu Edi Rusmana, Dewa Krisn Prasada, Bagus Gede Ari Rama, and Anak Agung Sagung Mirah Pratiwi. "Penerapan Monetisasi Dan Komersialisasi Hak Ekonomi Dalam Klaim Hak Cipta Pada Platform Youtube." *Repertorium* 14, no. 2 (2025).
- Mardikaningsih, Rahayu, Siti Nur Halizah, Eli Retnowati, Didit Darmawan, and Rommy Hardyansah. "Perlindungan Hak Cipta: Perspektif Hukum Terhadap Tindak Pidana Pembajakan." *Jurnal Begawan Hukum (JBH)* 3, no. 1 (2025).
- Novadilla, Gladis, and Mhd. Yadi Harahap. "Ganti Rugi Terhadap Pelanggaran Hak Cipta Sinematografi Prespektif Undang-Undang No. 28 Tahun 2014." *Jurnal Tana Mana* 6, no. 2 (2025).
- Putra, I Komang Mahendra, Dewa Ayu Putri Sukadana, I Gede Agus Kurniawan, and Kadek Julia Mahadewi. "Penyelesaian Sengketa Hak Royalti Lagu Nuansa Bening: Analisis Berdasarkan Ketentuan Undang-Undang Hak Cipta." *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 2 (2026).
- Sari, Risky Tara Nabita, Windra Hilmi Nazhip, Ghifari Vioga Batubara, and Ridha Wahyuni. "Perlindungan Konten Kreator Terhadap Konten Reupload Perspektif Hak Cipta." *Innovative: Journal Of Social Science Research* 3, no. 6 (2023).

Suyanto, Dr. *Metode Penelitian Hukum: Pengantar Penelitian Normatif, Empiris dan Gabungan*. Cetakan Pertama. Gresik: Unigres Press, 2022.

Tanjung, Pandito Malim Hasayangan, and Zalzabila Agnia Husna. "Analisis Proses Hukum Yang Dapat Dijalani Oleh Content Creator Untuk Menegakkan Hak Orisinalitas." *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora* 1, no. 2 (April 4, 2024): 54–65. doi:10.62383/progres.v1i2.145.