

***Mirroring Movie: A Rampant Phenomenon on the Tiktok APP*****Zidane Nur Rahmatullah<sup>1</sup>, Imron Mustofa<sup>2</sup>**Universitas Islam Negeri Sunan Ampel Surabaya<sup>1,2</sup>Jl. Ahmad Yani No. 117, Jemur Wonosari, Surabaya, Jawa Timur<sup>1,2</sup>[romitanj2@gmail.com](mailto:romitanj2@gmail.com)<sup>1</sup>, [imron.mustofa@uinsa.ac.id](mailto:imron.mustofa@uinsa.ac.id)<sup>2</sup>*Submitted : October 2024**Accepted : March 2025**Published : March 2025***ABSTRACT**

*This study examines the mirroring of movies on TikTok, a rising issue that challenges copyright enforcement in Indonesia. Using a normative juridical approach, it evaluates the effectiveness of Law No. 28 of 2014 and Government Regulation No. 71 of 2019 in tackling digital piracy. Despite existing regulations, enforcement remains weak due to difficulties in identifying infringers, user anonymity, rapid content dissemination, and limited enforcement mechanisms. TikTok's reactive content moderation relies on user reports rather than proactive detection, delaying the removal of infringing content. Cross-border legal complexities further hinder enforcement. This study suggests AI-driven content detection, stricter platform accountability, stronger government oversight, and enhanced collaboration between stakeholders. Public awareness campaigns on digital copyright are also essential. Strengthening these aspects will lead to a more effective copyright protection framework in Indonesia's digital landscape.*

**Keywords:** *Copyright Law, Tiktok, Movie Piracy, Law Enforcement, Digital Regulation*

**A. Introduction**

In the age of modern technology, copyright protection has become increasingly difficult, especially on social media sites like TikTok. TikTok, with millions of active users daily, serves as a platform for content creators while also being a hub for copyright infringement. The practice of movie piracy, where partial movie content is cut and uploaded to these platforms without the permission of copyright holders, has become increasingly prevalent. This has a negative impact on the movie industry as a whole, not just artists.<sup>1</sup>

An important legal basis for protecting creative works in Indonesia is provided by Law No. 28 of 2014 on Copyright.<sup>2</sup> Copyright in the digital world includes both moral and economic rights that allow creators to control how their works are used. However, the complexity of content distribution on social media platforms is changing the way copyright protection is practiced. Authorities encounter significant challenges in enforcing copyright laws within the digital sphere. Therefore, it is necessary to conduct an in-depth study of the existing regulations and how they are implemented in the field.

<sup>1</sup> Merlin Magdalena Kaya, Teng Berlianty, and Ronald Saija, "Tanggung Jawab Pengedar Film Yang Diunggah Pada Aplikasi Tiktok Tanpa Izin Pemegang Hak Cipta," *PATTIMURA Law Study Review* 1, no. 2 (December 26, 2023): 404, <https://doi.org/10.47268/palasrev.v1i2.11786>.

<sup>2</sup> Peraturan Perundang-undangan, "Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," Pub. L. No. LN.2014/No. 266, TLN No. 5599, LL SETNEG: 57 HLM (2014), <https://peraturan.bpk.go.id/Details/38690>.

Additional regulations, such as Government Regulation No. 71/2019 on the Implementation of Electronic Systems and Transactions, are essential to protect copyright in digital media.<sup>3</sup> This regulation requires digital platforms to take proactive steps to ensure that uploaded content does not infringe copyright. TikTok, as a global platform, has the responsibility to remove infringing content after receiving reports from rights holders. However, The removal process is often delayed due to the rapid dissemination of content. This suggests a gap between regulation and practice on the ground that needs to be explored further.

The Bern Convention also provides a relevant international legal framework for copyright protection in Indonesia. As a member of the convention, Indonesia is required to provide copyright protection equivalent to that of other member states.<sup>4</sup> Differences in legal systems between countries create challenges in enforcing copyright law internationally. In this case, TikTok is subject to varying copyright regulations across the jurisdictions in which it operates. Therefore, it is important to analyze how TikTok adjusts to different copyright regulations at the global level.

To protect copyright in the digital age, regulations, technology and public awareness must work together. Technologies such as artificial intelligence-based automated detection systems can help prevent copyright infringement before content goes viral.<sup>5</sup> However, the implementation of this technology in Indonesia is still in its early stages. In addition, educating the public about the importance of respecting copyright is a key aspect in preventing infringement. Without awareness and active participation from the public, copyright protection efforts will be difficult to achieve.

Identifying copyright infringers on TikTok poses a challenge due to user anonymity, which complicates law enforcement efforts. In addition, infringers can often easily create new accounts after their accounts have been banned.<sup>6</sup> This creates a repetitive cycle that makes effective enforcement difficult. Therefore, there needs to be a stricter policy in terms of user identification and application of sanctions for copyright infringers.

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<sup>3</sup> Kementerian Komunikasi dan Informatika, “Peraturan Pemerintah Nomor 71 Tahun 2019 Tentang Penyelenggaraan Sistem Dan Transaksi Elektronik” (2019), [https://jdih.kominfo.go.id/produk\\_hukum/view/id/695/t/peraturan+pemerintah+nomor+71+tahun+2019+tanggal+10+oktober+2019](https://jdih.kominfo.go.id/produk_hukum/view/id/695/t/peraturan+pemerintah+nomor+71+tahun+2019+tanggal+10+oktober+2019).

<sup>4</sup> Oksidelfa Yanto, “Konverensi Bern Dan Perlindungan Hak Cipta,” *Jurnal Surya Kencana Satu : Dinamika Masalah Hukum Dan Keadilan* 6, no. 1 (March 1, 2016): 113, <https://doi.org/10.32493/jdmhkdmdhk.v6i1.341>.

<sup>5</sup> Ahmad Budi Sulistio Yuwono, “Inovasi Hak Cipta Dalam Bisnis Dan Industri Musik Dalam Komunikasi Massa,” *Pro Film Jurnal* 4, no. 4 (2023): 4, <https://doi.org/10.56849/nz4jj476>.

<sup>6</sup> Nabila Khairunnisa and Rianda Dirkareshza, “Indikasi Pelanggaran Hak Cipta terhadap Lagu Remix pada Aplikasi TikTok,” *National Conference on Law Studies (NCOLS)* 5, no. 1 (November 1, 2023): 1061.

Copyright protection in the digital age demands a holistic approach, involving synergies between regulation, technology and public awareness. With effective collaboration between all parties involved, copyright infringement on digital platforms such as TikTok can be minimized. This research is expected to provide a clearer picture of the challenges and opportunities that exist in copyright law enforcement. With the right steps, creators of works will get the protection they deserve. Through this research, it is hoped that understanding of copyright issues in TikTok can increase, so that protection efforts can be optimized.

To clarify the focus of this study, the following research questions are explicitly formulated: How effective are Law No. 28 of 2014 on Copyright and Government Regulation No. 71 of 2019 in addressing movie piracy on TikTok? What are the main challenges in enforcing copyright law against TikTok users, particularly regarding infringer identification, user anonymity, and the rapid spread of pirated content?

By addressing these questions, this study aims to provide insights into the enforcement of copyright law in the digital era, as well as offer practical recommendations for strengthening copyright protection on social media platforms.

## **B. Research Methods**

This research is studied with a normative approach, using descriptive analysis. According to Soejono, normative law or library law is research that utilizes secondary data or library materials. Concentrates on analyzing regulations and legal principles relating to copyright protection in digital media, especially on the TikTok website. Consider Law No. 28 of 2014 on Copyright and Government Regulation No. 71 of 2019 on the Implementation of Electronic Systems and Transactions. Legal documents, scientific journals, and official reports on copyright infringement in digital media are the data sources used.<sup>7</sup>

## **C. Results and Analysis**

### **Review of Laws and Regulations on Copyright in Digital Media**

Law No. 28 of 2014 on Indonesian Copyright protects creators morally and economically. This law is a crucial legal foundation in guaranteeing the rights of creators for their creativity and innovation. The regulation includes protection for various types of works

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<sup>7</sup> Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat* (Jakarta: PT Rajagrafindo Persada, 2015), 13–14.

such as art, literature, music, and scientific works. Classical works and digital publications are both protected.<sup>8</sup> With this law, creators get comprehensive legal guarantees for their works.

The creator has the moral right granted by this law to protect the integrity of his or her work from unauthorized alteration.<sup>9</sup> The work created by the creator has the right to be recognized as the creator and has the right to refuse any modification that may damage his reputation or integrity. These moral rights are immutable and cannot be removed, even after the economic rights to the work have been transferred to another party. This protection is essential in maintaining the originality and artistic value of a work. With moral rights in place, the creator can maintain a personal relationship with his or her work over time.

Meanwhile, economic rights allow creators to control and monetize their work financially. The right to distribute, distribute, show, and communicate the work falls under this right. The creator also has the right to license or transfer the economic rights to his or her work to another party.<sup>10</sup> Thus, creators can benefit financially from their work, which in turn can encourage further creativity and innovation in society. The protection of these economic rights incentivizes creators to continue working and contributing to the development of culture and science.

As content can be easily shared on various social media platforms like TikTok, copyright protection in the digital world has become increasingly difficult. New challenges in copyright enforcement arise because these platforms allow users to easily create, edit and share short videos. One of the main issues is when original content is recreated, modified, or used without permission by other users.<sup>11</sup> There needs to be a balance between copyright protection and freedom of expression on such platforms. Collaboration between the government, social media platforms, and content creators is necessary to create a digital ecosystem that rewards creativity while enabling innovation.

Facing the challenges of this digital era, the Indonesian government continues to work on adjusting regulations and law enforcement related to copyright. It is imperative to increase

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<sup>8</sup> Helena Lamtiur Simangunsong, Budi Santoso, and Anggita Doramia Lumbanraja, "Perlindungan Hak Cipta terhadap Pembajakan Karya Sastra Novel Versi E-Book di Tkopedia," *Notarius* 13, no. 2 (August 11, 2020): 445.

<sup>9</sup> Wendelina Ernatudera, Arief Syahrul Alam, and Andy Usmina Wijaya, "Tinjauan Yuridis Perlindungan Hak Moral Pencipta Berdasarkan Undang-Undang NO.28 Tahun 2014," *Jurnal Ilmu Hukum Wijaya Putra* 1, no. 2 (August 21, 2023): 193, <https://doi.org/10.38156/jihwp.v1i2.131>.

<sup>10</sup> Adi Juardi, Martin Roestamy, and Nurwati, "Analisis Hukum Terhadap Hak Ekonomi Pencipta Karya Musik Dan Lagu Yang Di Cover Version Pada Platform Digital," *Jurnal Ilmiah Living Law* 15, no. 2 (July 31, 2023): 130, <https://doi.org/10.30997/jill.v15i02.9551>.

<sup>11</sup> Ranti Fauza Mayana et al., "Intellectual Property Development dan Komersialisasi Non-Fungible Token (NFT): Peluang, Tantangan Dan Problematika Hukum Dalam Praktik," *ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan* 5, no. 2 (June 30, 2022): 206, <https://doi.org/10.23920/acta.v5i2.812>.

public awareness of copyright and intellectual property protection.<sup>12</sup> Moreover, the technology required to identify copyright infringement on digital platforms should be improved. In addition, international cooperation is required given the cross-border nature of the internet and digital platforms. With these joint efforts, it is expected that copyright protection in Indonesia can continue to evolve following the dynamics of technology and creativity in the digital era.

Government Regulation No. 71/2019 on the Implementation of Electronic Systems and Transactions is essential to safeguard copyright in digital media. This regulation was created in response to the rapid growth of information and communication technology, which has transformed social and economic interactions in Indonesia. This law not only regulates the technical aspects of organizing electronic systems, but also touches on crucial issues such as data security, user privacy, and protection of intellectual property rights in the digital realm.<sup>13</sup> With this regulation, the government seeks to create a comprehensive legal framework to regulate various aspects of electronic transactions, including the protection of copyrighted works disseminated through digital platforms.

One important aspect of PP PSTE is the obligation imposed on digital platforms to take proactive measures to maintain the security and legality of content uploaded by users.<sup>14</sup> This includes the implementation of content monitoring systems, infringement reporting mechanisms, and procedures for removing content that violates the law or copyright. Digital platforms are required to not only be reactive to reports of infringement, but also proactive in preventing copyright infringement. This obligation suggests that, given how fast and pervasive the internet is, copyright protection in the digital age requires a broader and anticipatory approach.

As per the PP PSTE, TikTok, one of the most popular social media platforms worldwide, is responsible for copyright protection. After receiving reports from rights holders, the platform must remove content that infringes copyright. This process, known as “notice and takedown”, is a standard mechanism implemented on many digital platforms to deal with copyright infringement.<sup>15</sup> TikTok is also expected to develop systems that can detect and prevent uploads of potentially copyright-infringing content, for example through the use of audio and visual

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<sup>12</sup> Fanny Liu et al., “Perlindungan Hukum terhadap Hak Cipta Buku yang Dicetak Secara Illegal dan Diperjual-Belikan Secara Massal,” *Jurnal Pendidikan Tambusai* 8, no. 1 (January 26, 2024): 5489, <https://doi.org/10.31004/jptam.v8i1.13251>.

<sup>13</sup> Muhammad Fikri and Shelvi Rusdiana, “Ruang Lingkup Perlindungan Data Pribadi: Kajian Hukum Positif Indonesia,” *Ganesha Law Review* 5, no. 1 (May 1, 2023): 45.

<sup>14</sup> Siti Yuniarti and Erni Herawati, “Analisis Hukum Kedaulatan Digital Indonesia,” *Pandecta Research Law Journal* 15, no. 2 (December 4, 2020): 162, <https://doi.org/10.15294/pandecta.v15i2.18293>.

<sup>15</sup> Muhammad Hamid, “Penanganan Situs Internet Bermuatan Negatif,” *“Dharmasisya” Jurnal Program Magister Hukum FHUI* 2, no. 2 (December 12, 2022): 874, <https://scholarhub.ui.ac.id/dharmasisya/vol2/iss2/25>.

recognition technology. However, the implementation of such a system faces significant technical and ethical challenges, particularly in balancing copyright protection with users' freedom of expression.

In Indonesia, copyright is heavily influenced by the Bern Convention for the Protection of Literary and Artistic Works.<sup>16</sup> As a member, Indonesia must provide the same copyright protection as other member states. This means that Indonesia must adapt its domestic laws and regulations to be in line with the international standards set by the Bern Convention. Membership in the convention not only provides protection for Indonesian works abroad, but also obliges Indonesia to protect foreign works at home to the same standards. Incorporating the principles of the Bern Convention into the Indonesian legal system is an important step towards the country's integration into the global copyright regime.

All member states must adhere to the basic principles of copyright protection laid down by the Bern Convention. Among these principles are the recognition of the exclusive rights of the owner of the work and a copyright protection period that lasts as long as the creator lives and at least fifty years after his death.<sup>17</sup> These exclusive rights include the right to produce, translate, adapt, perform and broadcast the work. The Convention also establishes the principle of national treatment, which means that each member state must protect the works of other member states in the same way that they protect the works of their own member states. These principles form the basic framework for copyright protection at the international level.

To enforce these rules contained in the Convention, each country's legal system is different. This difference creates its own challenges, especially in the context of a global platform like TikTok that operates in different countries with different regulations. The copyright penalties applicable in each country where TikTok operates are different, but must be complied with.<sup>18</sup> This situation complicates the enforcement of international laws on copyright infringement in the digital world. Platforms need to be adaptive to different regulations while maintaining consistency in their global policies.

Copyright protection on social media platforms such as TikTok requires synergy between existing regulations and the technology used by the platform. TikTok is expected to implement

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<sup>16</sup> Galih Dwi Ramadhan, "Perlindungan Hukum terhadap Bahasa Pemrograman dalam Undang-Undang tentang Hak Cipta," *Lex Renaissance* 7, no. 1 (March 8, 2022): 124, <https://doi.org/10.20885/JLR.vol7.iss1.art9>.

<sup>17</sup> Purnama Hadi Kusuma and Kholis Roisah, "Perlindungan Ekspresi Budaya Tradisional dan Indikasi Geografis: Suatu Kekayaan Intelektual dengan Kepemilikan Komunal," *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (January 31, 2022): 111.

<sup>18</sup> Khaireza Rafa Anwar and Imam Haryanto, "Perlindungan Hak Cipta terhadap Lagu Yang Dijadikan Backsound Tiktok berdasarkan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta," *National Conference on Law Studies (NCOLS)* 5, no. 1 (November 1, 2023): 922.

automatic detection technology to prevent copyright-infringing content from being uploaded or shared.<sup>19</sup> This kind of technology, such as Content id used by several video platforms in developed countries, has proven effective in automatically detecting copyright infringement. These systems can identify and block copyright-infringing content even before it is uploaded to the platform. However, in Indonesia, the implementation of such technology is still not optimal, so piracy of movies and other content on social media is still a serious problem that needs to be addressed.

In addition to regulations and technology, educating the public about copyright is essential to prevent piracy.<sup>20</sup> To raise public awareness about the importance of protecting intellectual property rights and the value of creativity, an intensive and sustained educational campaign is needed. This includes educating users of social media platforms about the legal and ethical consequences of piracy. Collaboration between the government, digital platforms, and educational institutions is essential in this endeavor. By increasing public understanding of copyright, it is hoped that a culture that values creativity and innovation will be created, as well as reducing the tendency to commit copyright infringement on digital platforms such as TikTok.

The Indonesian government's Directorate General of Intellectual Property plays an important role in protecting copyrights and fighting infringement that occurs on digital platforms. DJKI is responsible for developing and implementing policies relating to intellectual property, including copyright, in Indonesia.<sup>21</sup> This institution is not only in charge of copyright registration and recording, but also in law enforcement and dispute resolution related to copyright infringement. In the context of digital platforms such as TikTok, the DJKI plays a role in drafting relevant regulations, conducting supervision, and cooperating with relevant parties to ensure efficient copyright protection in the digital world. Along with the increasing complexity of copyright infringement in the digital era, the role of DJKI is increasingly important.

Nonetheless, a lack of technological resources and skills is often a barrier to law enforcement in the digital sector. The DJKI, like many other government agencies, faces

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<sup>19</sup> Hari Sutra Disemadi et al., "Meningkatkan Kesadaran Remaja Terhadap Penggunaan Konten Digital Sebagai Hak Cipta," *Sang Sewagati Journal* 2, no. 1 (March 20, 2024): 46, <https://doi.org/10.37253/sasenal.v2i1.9367>.

<sup>20</sup> Gentur Cahyo Setiono and Rizki Yudha Bramantyo, "Implementasi Sanksi Pidana terhadap Pelanggaran Hak Cipta Di Indonesia," *Transparansi Hukum* 6, no. 1 (January 24, 2023): 141, <https://doi.org/10.30737/transparansi.v6i1.4596>.

<sup>21</sup> Muhammad Insan Kamil, "Pembentukan Badan Otonomi di Bidang Kekayaan Intelektual Berdasarkan Peraturan dan Perundangan di Indonesia," *Jurnal De Lege Ferenda Trisakti*, September 27, 2023, 72, <https://doi.org/10.25105/ferenda.v1i2.18278>.

challenges in keeping up with the rapid technological developments in the digital world. Limitations in budget, technological infrastructure, and human resources trained in handling copyright infringement cases on digital platforms are serious obstacles. As a result, the process of identifying, investigating and prosecuting copyright infringement on social media is often slow and ineffective. This situation creates a gap between the existing regulations and the enforcement capabilities on the ground, which in turn can reduce the effectiveness of copyright protection in Indonesia.

Another challenge faced in copyright law enforcement on digital platforms is the identification of infringers who often hide behind anonymous accounts. The anonymity and ease of creating new accounts on social media allows infringers to avoid detection and legal consequences. The process of uncovering the identity of the offender requires close cooperation between authorities and digital platforms, which is sometimes hampered by differences in jurisdiction and privacy policies. In addition, the large volume of content uploaded daily on platforms such as TikTok makes the process of identifying and monitoring offenses extremely challenging. This demands more innovative approaches and advanced technologies in detecting and tracking copyright infringement on social media.

To address copyright infringement on social media, international cooperation is crucial given that the internet and social media platforms operate across the globe. This involves coordination between enforcement bodies in different countries, harmonization of laws and enforcement procedures, and exchange of information and best practices in dealing with digital copyright infringement. International forums such as WIPO (World Intellectual Property Organization) can play an important role in facilitating this cooperation.<sup>22</sup> In addition, bilateral or multilateral agreements between countries on copyright protection in the digital age can also strengthen the international legal framework. With this collaborative approach, it is hoped that copyright enforcement on global platforms like TikTok can be more effective and consistent across multiple jurisdictions, transforming the digital world into a fairer and safer place for content creators and users around the world.

According to Copyright Law No. 28 of 2014, copyright infringers may be subject to fines and criminal penalties. This law stipulates quite strict sanctions, with fines that can reach billions of rupiah and imprisonment of up to 10 years, depending on the type and scale of the offense committed. These sanctions are intended to protect the rights of creators and deter

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<sup>22</sup> Frengky Desiroto and Hudi Yusuf, "Analisis Terhadap Implementasi Perlindungan Hak Kekayaan Intelektual Di Pasar Global," *Jurnal Intelek Dan Cendekiawan Nusantara* 1, no. 2 (April 29, 2024): 1220.



infringers. In addition, this law provides copyright holders or creators with a legal basis to file a civil lawsuit for losses they incur as a result of copyright infringement. The existence of these strict sanctions demonstrates the Indonesian government's commitment to protecting intellectual property and encouraging creativity in society.

Enforcement of these penalties is often ineffective in the digital realm due to limitations in enforcement and technical constraints in tracking down infringers. Law enforcers face great challenges in implementing these sanctions in cyberspace, where copyright infringement can occur quickly and in large numbers. Due to limitations in their technology and human resources, law enforcers face huge challenges in investigating and processing digital copyright infringement cases. Moreover, the borderless nature of the internet makes tracing infringers extremely complex, especially when the perpetrators are located outside of Indonesia's jurisdiction. As a result, many cases of copyright infringement on digital platforms such as TikTok cannot be effectively followed up, reducing the deterrent effect of the sanctions that have been set out in the law.

Many copyright infringement cases on TikTok never reach the legal process due to difficulties in identifying perpetrators who use anonymous accounts or reside outside of Indonesian jurisdiction. Social media platforms like TikTok allow users to create and share content easily, often without strict identity verification.<sup>23</sup> Anonymous or fake accounts can be easily created and used to upload copyright-infringing content. When infringement is detected, the process of identifying the perpetrator is often hampered by platform privacy policies and law enforcement's limited access to user data. The situation becomes more complicated when the offender is located outside Indonesia, which requires complex and time-consuming international legal proceedings. As a result, many copyright infringement cases on TikTok and similar platforms only end with the removal of the content, with no further legal consequences for the perpetrators.

This shows that although the existing laws are quite comprehensive, their implementation still faces many obstacles that require innovative solutions. The gap between regulation and enforcement in the digital realm demands a new approach that is more adaptive to technological developments. Innovative solutions may include the development of more sophisticated copyright infringement detection technologies, increased international cooperation in digital law enforcement, and revision of laws to better accommodate the complexity of copyright

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<sup>23</sup> Chriswardana Bayu Dewa and Lina Ayu Safitri, "Pemanfaatan Media Sosial Tiktok sebagai Media Promosi Industri Kuliner di Yogyakarta pada Masa Pandemi Covid-19 (Studi Kasus Akun TikTok Javafoodie)," *Khasanah Ilmu - Jurnal Pariwisata Dan Budaya* 12, no. 1 (March 29, 2021): 69, <https://doi.org/10.31294/khi.v12i1.10132>.

infringement in the digital age. In addition, a more proactive approach to the prevention of infringement is also needed, such as more intensive public education about digital copyright and its legal consequences.

Overcoming these challenges requires closer collaboration between the government, digital platforms, and the creative community. The government should improve the technological capabilities of law enforcement agencies to handle digital copyright infringement cases. Platforms such as TikTok should be more proactive in developing and implementing copyright infringement detection technology, and work more closely with local authorities in the process of identifying and prosecuting infringers.<sup>24</sup> Meanwhile, creative communities have the ability to raise public awareness about the importance of copyright in the internet age. With this comprehensive and collaborative approach, it is hoped that the implementation of Copyright Law in the digital realm can be more effective, creating a more conducive environment for creativity and innovation in Indonesia.

To address this issue, the government, copyright holders and social media platforms should work together. The government should increase its capacity in digital law enforcement, while platforms like TikTok need to be more proactive in dealing with copyright infringement. Public education should also be part of the strategy to reduce copyright infringement, especially by raising public awareness about the negative impact of piracy on the creative industry. Cooperation between copyright holders and social media platforms is essential to create an ecosystem that respects copyright.

To protect copyright in the digital age, a broader approach involving flexible regulations, modern technology and high public awareness is required.<sup>25</sup> Only with effective collaboration among all parties involved can copyright infringement on digital platforms like TikTok be minimized. The rapid development of technology demands constant updating of regulations to keep up with the changing dynamics of social media and user behavior. With the right approach, it is hoped that copyright in Indonesia can be better protected, so that creators of works get the appreciation they deserve.

### **Analysis of Implementation and Enforcement of Copyright Law in TikTok**

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<sup>24</sup> Pandito Malim Hasayangan Tanjung and Zalzabila Agnia Husna, "Analisis Langkah-Langkah Preventif yang Dapat Diambil oleh Content Creator Ketika Hak Orisinalitas di Langgar Dalam Konten Video," *Jembatan Hukum: Kajian Ilmu Hukum, Sosial Dan Administrasi Negara* 1, no. 2 (April 4, 2024): 33, <https://doi.org/10.62383/jembatan.v1i2.142>.

<sup>25</sup> Uday Rayana, "Empat Kontroversi TikTok: Dari Konten Negatif, Pelanggaran Privasi, Hingga Tuduhan Merugikan UMKM," *Selular.ID* (blog), July 19, 2023, <https://selular.id/2023/07/empat-kontroversi-tiktok-dari-konten-negatif-pelanggaran-privasi-hingga-tuduhan-merugikan-umkm/>.

The implementation of copyright protection on social media platforms like TikTok faces complex and dynamic challenges. These platforms, with their growing millions of active users, are becoming highly dynamic digital arenas with unusually high content activity. Every second, thousands of new videos are uploaded, shared and watched by users around the world. This complexity creates an ecosystem that is highly vulnerable to copyright infringement, both intentional and unintentional. The main challenge lies in the scale and speed of activity on the platform, which makes monitoring and controlling content a very challenging task. In addition, the global nature of TikTok means that copyright protection must take into account the differences in laws and regulations in different countries, adding a layer of complexity to the implementation of consistent and effective copyright protection policies.<sup>26</sup>

TikTok, as one of the largest global platforms, has millions of active users who daily upload a variety of content, making it vulnerable to copyright infringement. The diversity of uploaded content, ranging from music videos, dance, comedy, to movie and TV show trailers, creates a very complex environment for copyright protection.<sup>27</sup> Users of these platforms often do not fully understand the legal implications of the content they upload, especially when it involves copyrighted works. TikTok features such as duets, remixes, and the use of background music, while creative, can also complicate copyright issues. The situation is compounded by the tendency of content to go viral very quickly, meaning that copyright infringement can become widespread in a matter of hours or even minutes before it can be detected and addressed.

One common form of infringement in Indonesia is movie piracy, where movie trailers or snippets are distributed without the permission of the copyright holder. This phenomenon reflects not only the difficulty in monitoring and controlling content on such a vast platform, but also illustrates the gap in understanding and awareness among users about copyright. In Indonesia, where the movie industry is growing and legal streaming has yet to fully dominate, movie piracy on social media is a serious problem. TikTok users often upload the latest movie trailer, favorite scenes, or even full movies divided into parts. This practice violates copyright and benefits the movie industry.<sup>28</sup> The challenge is made more complex because many users

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<sup>26</sup> Made Yunanta Hendrayana, Nyoman Putu Budiarta, and Diah Gayatri Sudibya, "Perlindungan Hak Cipta Terhadap Konten Aplikasi Tiktok Yang Disebarluaskan Tanpa Izin," *Jurnal Preferensi Hukum* 2, no. 2 (June 30, 2021): 418, <https://doi.org/10.22225/jph.2.2.3351.417-422>.

<sup>27</sup> William Suryanto Suciadi, Peter Dave Ariffien Lihu, and Angeline Tania Gunawan, "Aspek Perlindungan Hukum Hak Royalti atas Hak Cipta Lagu di Industri Musik Digital Indonesia serta Perkembangannya," *Anthology: Inside Intellectual Property Rights* 2, no. 1 (2024): 408.

<sup>28</sup> Inka Dwi Octavia, M. Uzair Jadiid Zakiah, and Novia Dwi Darmayanti, "Penyebaran Film Di Platform Idlix Tanpa Izin Berdasarkan Undang-Undang Hak Cipta Nomor 28 Tahun 2014," *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 5, no. 3 (June 6, 2024): 258, <https://doi.org/10.15642/mal.v5i3.366>.

are unaware that their actions are illegal, or they assume that the use of small snippets of movies falls under the category of “*fair use*”, which is actually a complex and often misunderstood concept.

While TikTok has a policy of removing content that is reported as copyright infringing, the speed at which content spreads often outpaces the platform's ability to efficiently address infringement. TikTok has implemented a content reporting and *takedown* system that allows copyright holders to report infringement.<sup>29</sup> However, this process is often reactive and relies on reports from aggrieved parties. When a copyright infringing video goes viral, the impact has already occurred before the content can be removed. Automated systems for detecting copyright infringement, such as audio and visual recognition, still face challenges in accurately identifying infringement, especially when content has been modified or used in a different context. Moreover, the huge volume of content uploaded every day makes thorough monitoring extremely difficult, even with the help of advanced technologies.

Addressing these challenges requires a multi-dimensional approach that involves collaboration between platforms, copyright holders, regulators, and users. TikTok needs to continue to improve their copyright infringement detection technology, including the development of more sophisticated algorithms to identify potentially infringing content. User education is also of key importance; TikTok could integrate information about copyright into their user interface and provide clear guidance on the use of copyrighted content. On the regulatory side, the Indonesian government needs to consider updating copyright law to better accommodate the realities of social media platforms, including clarification on “fair use” in the digital context. Copyright holders, particularly film studios and distributors, could work more closely with TikTok to develop proactive solutions, such as more flexible content licenses that allow limited use by users while still protecting their rights. This holistic method is expected to improve copyright protection on TikTok and other similar platforms, thereby creating a more balanced digital ecosystem between content creators' rights and users' creativity.

TikTok has provided a reporting mechanism to make it easier for copyright holders to identify and report content deemed to infringe their rights. The platform has developed a system that allows copyright owners to file infringement claims through an online form or through the TikTok app directly.<sup>30</sup> This process is intended to provide copyright holders with an easy-to-

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<sup>29</sup> Aline Gratika Nugrahani, “Upaya Media Sosial Dalam Menanggulangi Pelanggaran Hak Cipta Lagu Pada Platfromnya,” *Jurnal Hukum PRIORIS* 10, no. 1 (July 7, 2022): 27, <https://doi.org/10.25105/prio.v10i1.17002>.

<sup>30</sup> Nury Khoiril Jamil Jamil, Dominikus Rato, and Fendi Setyawan, “Perlindungan Hukum Atas Hak Cipta Jiplakan Konten Platfrom TikTok,” *HUNILA : Jurnal Ilmu Hukum Dan Integrasi Peradilan* 2, no. 1 (December 13, 2023): 148, <https://doi.org/10.53491/hunila.v2i1.678>.

understand avenue to protect their works. The mechanism includes options for reporting various types of infringement, including unauthorized use of copyrighted music, videos, or other content. TikTok has also made efforts to speed up the process of reviewing these reports, with a dedicated team assigned to handle copyright infringement claims. However, while this system is in place, its effectiveness is still a matter of debate among copyright holders and the creative industry.

This mechanism is often considered not fast enough to deal with the widespread flow of content on the TikTok platform. The viral speed of content on TikTok poses a major challenge to traditional reporting systems. Within hours or even minutes, a video can spread to millions of users, creating a domino effect that is difficult to control. The manual review process, which is often required to verify claims of copyright infringement, cannot keep up with the speed at which this content spreads. As a result, many copyright holders are frustrated by the system's inability to respond quickly to infringements that occur. The situation is compounded by the fact that many TikTok users may not fully understand the legal implications of using copyrighted content, leading to unintentional but still costly infringements.

Copyright-infringing content can spread and reach a high level of popularity before it is removed, causing harm to the copyright holder concerned. When a copyright-infringing video goes viral, the impact is already very significant even before the removal process is complete. Copyright holders may suffer financial losses due to the loss of potential revenue from the authorized use of their work. In addition, there are also indirect impacts such as a decrease in the value of the original work or confusion among consumers as to the legitimate source of the content. In the case of music or movies, for example, an unauthorized trailer may reduce public interest in the official release or even undermine planned marketing strategies. Furthermore, the virality of copyright-infringing content can create an undesirable precedent, where other users may be inspired to commit similar infringements, creating a cycle of infringement that is difficult to break.<sup>31</sup>

This shortcoming exposes the gap between the regulations in place and the technology used by platforms to mitigate copyright infringement. Copyright laws, both at the national and international level, often lag behind technological developments and user behavior on social media platforms. Existing regulations may not fully accommodate the complexity and speed of digital interactions on platforms like TikTok. On the other hand, the technology used by

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<sup>31</sup> Ana Windarsih Windarsih and Wahyuni Choiriyati, "Etika Media dalam Kultur New Technology (Mengkaji Etika Internet versus Undang-Undang Informasi dan Transaksi Elektronik)," *Jurnal Masyarakat dan Budaya*, November 1, 2019, 249, <https://doi.org/10.14203/jmb.v21i2.763>.

TikTok to detect and address copyright infringement may not be sophisticated enough to keep up with the scale and speed of content dissemination on its platform. This gap creates a situation where copyright infringement may occur on a large scale and with significant impact before it can be effectively addressed. This points to the need for regulatory updates that are more adaptive to digital realities as well as the development of more sophisticated and responsive technologies.

Therefore, a more proactive approach is required through the use of automated technologies capable of detecting infringement in *real time*. The implementation of more advanced artificial intelligence and machine learning systems can help in the rapid identification of potentially infringing content. To compare uploaded content with a database of copyrighted works, more advanced audio and visual recognition technologies can be used. These systems should be capable of detecting infringement even when the content has been modified or used in a different context. In addition, platforms need to develop predictive algorithms that can anticipate viral content trends and increase scrutiny of potentially copyright-infringing content before it goes viral. This proactive approach should be balanced with efficient appeal mechanisms to avoid accidental removal of legitimate content. Collaboration between TikTok, copyright holders, and technologists is also needed to continuously improve and update these systems, ensuring that copyright protection remains effective in the face of the constant evolution of social media platforms.

The main challenge in enforcing copyright on TikTok lies in the technological limitations implemented by the platform. Manual steps to review reported content are not effective enough. The speed of content distribution on TikTok is very high. TikTok's algorithm is designed to promote viral content.<sup>32</sup> This makes the problem of copyright infringement even worse. Copyright infringing content can reach a wide audience in a short period of time. Hence, the implementation of advanced technology is needed. An artificial intelligence-based automated detection system can identify infringement quickly.

In addition to technological challenges, copyright enforcement in TikTok is also hampered by international jurisdictional complexities. TikTok, as an overseas-based company, operates in various countries with different copyright laws, including Indonesia. When copyright infringement occurs in Indonesia, legal proceedings often require cross-border cooperation to execute effective legal action. In the absence of solid international cooperation,

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<sup>32</sup> Amelia Nurazizah, "Kreativitas dan Inovasi dalam Redaksi Digital : Komodifikasi Berita menjadi Video Pendek Di TikTok," *Sintesa* 3, no. 02 (July 31, 2024): 123, <https://doi.org/10.30996/sintesa.v3i02.11152>.

copyright infringement in the digital realm can be hampered by differences in policies and regulations across jurisdictions, making enforcement even more difficult.

TikTok is expected to comply with local copyright regulations. Enforcement against copyright infringement in the digital world still faces many challenges despite Indonesia's strict laws.<sup>33</sup> The slow legal process and challenges in identifying perpetrators of copyright infringement are major obstacles in the quest for justice. Collaboration between Indonesian authorities and TikTok is crucial in strengthening copyright enforcement mechanisms on the platform, especially in cases involving piracy of local content.

TikTok's current content monitoring system is reactive, with copyright-infringing content only being removed after being reported by rights holders. This approach is clearly insufficient in the face of the speed and volume of content generated every day. Therefore, TikTok needs to develop a more proactive monitoring system through the implementation of automatic detection technologies, such as those used on other video platforms. For example, technologies such as Content ID can be an effective solution to detect and remove copyright-infringing content before it has a chance to spread widely.

Moreover, one of the fundamental problems in copyright enforcement on TikTok is the difficulty in identifying infringers. Many TikTok users operate anonymously or use fake identities, which complicates the identification and prosecution process. In some cases, copyright infringers can easily create new accounts after their old accounts have been blocked, resulting in repeated infringements. This points to the need for stricter policies in identifying users as well as implementing more effective sanctions for copyright infringers.

Technological developments in copyright infringement detection are crucial in improving the effectiveness of law enforcement on TikTok. Artificial intelligence-based technology capable of automatically detecting violations will be very helpful in minimizing copyright infringing content spread on this platform. However, the development of such technology must also be accompanied by clear and firm policies from TikTok and supportive regulations from the Indonesian government. The synergy between technology and law is the main key in tackling copyright issues on digital platforms.

Ultimately, copyright enforcement on TikTok is not only the responsibility of the platform, but also requires the active role of the government and other stakeholders.<sup>34</sup> To

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<sup>33</sup> Dahtiar Dahtiar, "Penegakan Hukum Pidana Dalam Kasus Pelanggaran Hak Cipta di Era Digital," *Causa: Jurnal Hukum Dan Kewarganegaraan* 1, no. 2 (2023): 2, <https://doi.org/10.3783/causa.v1i2.2627>.

<sup>34</sup> Kartika Eka Rilani and Taupiqqurrahman Taupiqqurrahman, "Tanggung Jawab Perdata terhadap Kreator Konten atas Penyebaran Komik Online di Aplikasi TikTok," *Jurnal USM Law Review* 6, no. 2 (August 30, 2023): 691, <https://doi.org/10.26623/julr.v6i2.7280>.

reduce copyright infringement, governments, tech companies, and copyright holders must work more closely together to strengthen current laws. Without strong collaborative measures in place, efforts to enforce copyright in the digital age will always be left behind by continuous technological innovations and developments.

The implementation of copyright protection on TikTok requires a comprehensive and integrated approach, involving technology, law, and international cooperation. Without a good combination of these three elements, copyright infringement on social media will continue to be an intractable problem. TikTok and similar platforms should innovate in the development of monitoring technologies and cooperate with legal authorities in different countries to ensure better protection for copyright holders in the digital world.

#### **D. Conclusion**

The phenomenon of pirated movies on social media platforms such as TikTok has become a significant issue in the context of copyright protection in the digital age. The spread of this illegal content not only impacts the revenue of the movie industry, but also affects people's perception of the importance of respecting copyright. With TikTok's high accessibility and virality features, users are often caught in ethical dilemmas regarding the consumption of illegal content without realizing the legal and moral consequences of such actions. Therefore, this research shows the need for a deeper understanding of the patterns of pirated movie distribution and its impact on the creative industry. The challenges in enforcing copyright law on TikTok are complex and involve many aspects, including technological limitations, different regulations in each country, and difficulties in identifying infringers. With a holistic approach, involving technology, adaptive regulations, and high public awareness, copyright protection on TikTok can be improved. Only with effective collaboration among all parties involved can copyright infringement on this digital platform be minimized. Such measures will ensure that the creators of the works get the appreciation they deserve and the creative industry can function better amidst the challenges of media digitization and globalization.

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