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Copyright Protection for Creators of Digital Artwork

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Abstract

The development of digital technology can be a double-edged knife for the creative industry. It is undeniable that the ease of obtaining anything from internet can lead to a new problem, one of which is copyright infringement. Copyright of digital artworks should be protected since without which it will harm the rights of art workers who upload their works in the internet. The purpose of this research is to discuss and understand the copyright protection for digital artworks as well as some legal remedies that can be taken against infringement of the exclusive rights of the creators. This normative legal research employs statutory and comparative approach. The study shows that although legal protection for digital artworks has been governed under the Copyright Act 2014 (Law Number 28 of 2014 on Copyright), however its implementation but is still lacking and therefore improvement is necessary. In addition, the awareness of art workers about their rights should also be encouraged.

Keywords: copyright infringement; copyright protection; digital artworks

1. Introduction

The introduction of digital technology and the creation of a networked environment, such as the internet, have had a huge impact on the patterns of production, modification, diffusion, and consumption of creative works packaged in digital formats during the last decade of the twentieth century. Internet users and, more broadly, owners of inexpensive digital equipment (such as current personal computers) have been able to play the roles of creator, re-creator, and widespread distributor of this type of knowledge in this new, borderless world (Laygo, 2017). The advent of digitization has altered the economics of creativity, dissemination, and copyright by dramatically lowering the cost of producing perfect reproductions of a work, allowing these reproductions to be disseminated quickly, easily, and cheaply, and making technological tools and devices available that make creativity much cheaper and easier than ever before.

With the passage of time, access to information appears to be easier to gain; simply by putting keywords into Google, thousands of thousands of results can be found (Chen, 2021). This access is inextricably linked to the internet's increasingly advanced role, and it is true that the current era is the driving force behind this development, which appears to make everything look straightforward, practical, and simple. The advancement of this knowledge must undoubtedly be accompanied by an understanding of Intellectual Property Rights (IPR),

because the easier it is to search, the more innovations are available in various domains, including the realm of Intellectual Property Rights, allowing for the prevention of plagiarism problems.

The law linked to the protection of creative enterprises and economic investment in creative businesses includes Intellectual Property Rights. This Intellectual Property Rights include copyrights, industrial property (patents, brands, designs), integrated circuit protection, trade secrets, and indications of origin, according to the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement, which is an Intellectual Property Rights agreement related to trade in the World Trade Organization (WTO). Copyright is a type of dynamic intellectual property right that is influenced by a variety of social, economic, and technological circumstances (Ginsburg, 2017). Because of the numerous plagiarism infractions that have happened in the past, especially in the digital world, copyright must be dynamic.

When it comes to copyright, it must be applied to a work or creation. Both conventional works (such as music, films, novels, research contributions, and photography) and modern ways of expression are divided into transformative and non-transformative applications (e.g., multimedia works and software). When a user develops a new work while incorporating an older one, this is known as transformative use. This transformative usage is exemplified by derivative works such as caricatures, parodies, and pastiches, as well as uses such as quotations for education, criticism, and scientific inquiry. Non-transformative use, on the other hand, occurs when the person views the work without incorporating it into a new creation. Reading, watching, listening to, and copying for amusement, private study, information, and communication are examples of non-transformative use.

Certain exceptions built into copyright law ensure that new authors can build on the pre-existing pool of works currently covered by copyright. Plagiarism is already rampant among the general population, owing to a lack of public understanding of Copyright and Wealth, which allows people to readily take photographs and digital works and use them in public. As a result, as a preventive measure, legal protection of intellectual property rights entails acknowledging intellectual property rights as well as the right to enjoy or exploit the riches itself. The sole right to approve any access to and copying of protected material is conferred on right holders by digital copyright. This is a widespread extension of proprietary usage restrictions that has gone unchecked in the "real" or analog world (Litman, 2017). Traditional copyright law regulates copying at its core, and extending the same legal approach designed for real space to the digital world and the Internet has had the effect of regulating what copyright law had previously left unregulated, namely, all uses that did not create a copy in real space (unless otherwise permitted as fair use).

Because protection and recognition are only given particularly to those who have just the above property, it is sometimes argued that these rights are exclusive in nature. Other people can enjoy, utilize, or exploit rights with the consent of the right owner for a limited time. These rights are contained in Copyright Law Number 6 of 1982, which was then developed by Law Number 7 of 1987 concerning amendments to Law Number 6 of 1982, then amended again by Law Number 12 of 1997 concerning amendments to Law Number 6 of 1982 concerning Copyright, which was then changed again to Law Number 19 of 2002.

Based on the above background, this article aims to explore and answer the following research questions; How is the effectiveness of Law Number 19 of 2002 concerning Copyright in an effort to protect digital art workers in Indonesia? and What other countries do in protecting the said copyright?

2. Method

This type of the research is normative legal research which relies on secondary data. This normative legal research employs statutory and comparative approach. Some rules and principles relating to copyright protection have been studied and compared to the rule and principles of copyright protection in different jurisdiction. The analysis was made based on a qualitative method.

3. Discussion and Analysis

Information Technology Development has made it easier for the general public to share information, data, and other digital products. Many reasons, however, continue to stymie Indonesia's digitalization efforts. Starting with insufficient infrastructure, limited personnel resources in some areas, and a lack of digital expertise. As a result, a significant portion of the circulation of digital materials or illicit digital products occurs without the awareness of the work's owner.

Rapid technological advancements that lead to globalization have an impact on practically every area of people's life. If the use of technology is not adequately regulated, it has a propensity to become unmanageable, resulting in legal violations (Malikovna, 2015). The contemporary era of globalization has become increasingly reliant on technical advancements that enable efficiency across a large geographic region without being constrained by national borders. Internet technology is one type of technology that has succeeded in meeting these demands.

3.1. The Concept of Fair Use Principle

According to the doctrine of fair use or fair dealing, the creator must consent to the public's use of his work for a variety of purposes. However, it must continue to acknowledge that the original author is the rightful owner of the creation (Goudreault, 2017). Recognition for that is attained in the form of a statement that sincerely acknowledges the author by naming them. To put it briefly, one must describe the origin of the creation he utilized.

Article 10 of the Berne Convention for the Protection of Literary and Artistic Works (Paris Text 1971) stated that:

(1) It shall be permissible to make quotations from a work which has already been lawfully made available to the public, provided that their making is compatible with fair practice, and their extent does not exceed that justified by the purpose, including quotations from newspaper articles and periodicals in the form of press summaries.

(2) It shall be a matter for legislation in the countries of the Union, and for special agreements existing or to be concluded between them, to permit the utilization, to the extent justified by the purpose, of literary or artistic works by way of illustration in publications, broadcasts or sound or visual recordings for teaching, provided such utilization is compatible with fair practice.

(3) Where use is made of works in accordance with the preceding paragraphs of this Article, mention shall be made of the source, and of the name of the author, if it appears thereon.

The aforementioned article states that a use is deemed "fair" if it satisfies the requirements of fair use, including the need for attribution, proportionality, and the work

must have been legitimately made available to the public. The need of "fair practice" in particular encompasses a variety of ethical factors, including economic and moral harm, distributive justice, freedom of expression, and, in certain circumstances, custom (Borroni & Carugno, 2021).

When applied to a national context, such as US fair use, the feature of Article 10(1) Berne may point to arguments for specific considerations, such as transformative usage. A crucial factor in determining fair use in the US is transformational usage, which has changed significantly over the years. The reason for transformative use's support of "fair" usage, according to its initial proponent, Judge Pierre Leval, is that it advances copyright's justification of fostering creativity for the good of society. Thus, according to Judge Leval, this calls for quotations that are "of the transformative type that advances knowledge," as opposed to those that "merely repackage, free ride on another's inventions." This view of transformative use was adopted by the US Supreme Court in its decision in Campbell v. Acuff-Rose.

The provision of fair use is an Anglo-Saxon principle which was adopted into the Indonesian legal system (as a legacy of the system in Continental Europe). There is a legitimate interest in copyright exceptions, however it is uncertain what the specifics of the exception will be because the legal systems vary. However, if we look at the provisions in 17 U.S.C. 107 of the Copyright Act of the United States of America the parameters that are the exception are clear, namely:

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright (Aufderheide & Jaszi, 2018). In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include:

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

In terms of Indonesian copyright law, fair use means that if someone uses another person's work for scientific, educational, or other legitimate objectives and does so without violating the rights of the original creator or for financial benefit, then they are considered as not breaking the law (Buccafusco, 2016). Derived from Section 43 up to Section 49 of Law Number 28 of 2014 Concerning Copyright regulate fair use/fair dealing (hereinafter written Copyright Law), According to this clause, an act must meet the following criteria in order to not constitute a copyright infringement:

a. It is not intended for gaining a profit; b. The creator has given permission.

If the source is acknowledged or fully included without harm, using, retrieving, reproducing, and/or altering a Work and/or Related Rights product in whole or in part substantially, then it is not regarded as a Copyright infringement.

3.2. Copyright Infringement based on the Indonesian Copyright Law

One of the causes of violations of one's work ownership is the rapid expansion of the online world nowadays. These infractions were frequent even before the digital age. This makes it harder for the creative industry to concentrate on those who find and freely share protected content online. The creative industry, in fact, is ready to strengthen this rule to punish service providers and software distributors who indirectly aid piracy as unlawful pirates.

The more people that have access to it, the more they will edit, duplicate, duplicate, and distribute it. Then there's the lack of legal protection for the inventor. When the writing that is accessed without adding the name uses the work that is not in accordance with its designation, the possibility for breach of the creator's moral rights and/or Copyright holder's economic rights is significantly greater. In light of recent examples of copyright infringement of digital works in Indonesia, Copyright Law No. 19 of 2002 does not adequately cover and give legal answers for technology-related situations. Indonesia is very problematic in copyright or intellectual property violations, according to the announcement made by the Office of the United States Trade Representative in Washington DC in an annual report known as the 2012 Special 301 Report that the country is included in the "priority watch list."

In Indonesia, intellectual property rights infringement is common; many copyright infractions are clearly visible but tolerated. Because there are still a lot of people who don't get it. Whether or not a work is patented, it remains the property of the creator. Plagiarists or pirates, on the other hand, proudly acknowledge the work of others and trade it for personal gain by using material that is still protected by copyright without the creator's or rights holder's permission, thereby infringing on certain exclusive rights granted to the copyright holder, such as copying, reproducing, distributing, displaying or exhibiting the work, or creating derivative works (Klein et al., 2015). Of course, this will be extremely harmful to the original work owner.

As a result, all kinds of copyright infringement are already covered by legislation. Piracy of songs, films, or books is an example of copyright infringement, with the offenders profiting from their sales. Many people, even unwittingly, contribute to this. Many people become frequent users of this stolen goods because of the lower prices and ease of availability. Most people are also unaware that there are rules against piracy. Individuals who knowingly violate copyright face a sentence of up to two years in prison. (Chapter XVII Law No. 28 of 2014) However, the rich gains often lead to many people turning a blind eye and continuing to engage in piracy. Consumers who do not understand and only know how to buy at a low price are in the same boat.

The economic impact of copyright infringement is estimated differently depending on a variety of criteria (Schafer et al., 2015). Copyright holders, industry organizations, and lawmakers, on the other hand, have traditionally referred to copyright infringement as piracy or theft. There are also other aspects that highlight the hazards of this conduct.

a. Legal Risk Is Clearly Visible

The copyright infringement clause, which has been in effect since 2002, regulates acts of plagiarism. The danger of imprisonment for one month to five years, as well as a fine of

500 million to five billion rupiah, is explicitly stated in the article. Don't dare to breach copyright because the sentence isn't joking.

b. Physical and psychological injury Owners of Copyright

Plagiarism can result in financial and non-financial consequences for the original owner. If the rights breached are commercial, such as items, software, or films, this might have a serious impact on the owner's financial well-being. Because if the product is stolen and promoted at a significantly lower price, consumer interest in the product will plummet. Meanwhile, from an immaterial standpoint, this can harm the product's or owner's image in general, as well as increase the level of product abuse.

c. User Data Phishing Risk

Copyright infringement, particularly for digital intellectual property like as films, computer antivirus programs, or software, will have a direct impact on the security of your data. This occurs because hijacked digital programs are relatively easy to infiltrate by various sorts of malware and computer viruses, which can take sensitive information such as credit card details, e-mail content, and personal files. In some situations, these viruses have been known to cause damage to computer documents.

d. Creating Deceptive Forgery Data

The term "data forging" refers to the creation of false information to hide plagiarism on the internet. This is extremely harmful for internet users in general since forged data will provide false information with unknown origins. Furthermore, because the use of erroneous data can sometimes confuse various plagiarism eradication technologies, this type of infraction is tough to identify.

The legal regulations governing the limitations and exclusions of copyright are formed differently in different nations. This rule is known as fair use in the United States and fair dealing in the United Kingdom. There is no idea of fair use or fair dealing in a civil law jurisdiction like the Netherlands. The Netherlands, however, contains copyright limitations and exceptions known as *De beperkingen van het auteursrecht* (copyright restrictions). Fair use is a legal notion that allows a person to reproduce without the copyright holder's consent. In America, for example, quoting a few lines from a song, summarizing or quoting news, adopting a few paragraphs from a news story for educational purposes, and citing articles in judicial proceedings are all examples of this. In certain countries, fair use is replaced with fair dealing, with an exception confined to intellectual property exclusivity, which allows for the copying or private study of the protected work with adequate or reasonable acknowledgment. The reproduction of literature, plays, music, or works of art for educational, research, or non-commercial reasons that do not infringe on any recognized copyright is considered fair dealing (Buccafusco & Fagundes, 2015).

Indonesia has harmonized all legislation in the sphere of copyright with recognized norms and standards as a member of the WTO (World Trade Organization). Harmonization of copyright limitations and exceptions in international conventions with national laws and regulations is a horizontal and vertical attempt to align various international copyright treaties regulating copyright limitations and exceptions with national laws and regulations. The Berne Convention, the TRIPs Agreement, the WCT, and the WPPT are international copyright conventions that address the limitations and exceptions to copyright, whereas the national legislation in this area is the Copyright Law No. 28 of 2014. The Berne Convention was the first international law governing and protecting copyrighted works. It contains more clauses than

any other international agreement. But that doesn't negate the importance of the others. With the introduction of international regulations following the Berne Convention, they have been adjusted to complement one another. In numerous ways, the way copyright limits and exclusions are set has changed (Bodó et al., 2018). To begin with, the convention's control of copyright limits and exceptions applies not only to traditional media but also to digital media. Second, the use of copyright objects has resulted in the extension of copyright restrictions and exceptions. Third, the three-step test approach has been used to regulate copyright restrictions and exceptions, shifting the subject of copyright from the author to the copyright holder. With the advancement of science and technology, copyright limits and exceptions have developed. This is also a beneficial result of copyright protection based on human cognition, which includes the advancement of information technology.

The government has included legal protection for copyright owners whose creations are in digital form in Law No. 28 of 2014 about Copyright and Government Regulation (PP) Number 56 of 2021 concerning Management of Royalties for Song and/or Music Copyrights in national regulations. In accordance with Government Regulation (PP) Number 56 of 2021 on the Management of Song and/or Music Copyright Royalties, if a work is performed in a commercial public space for the purpose of generating additional economic value, the presence of Intellectual Property Rights protection is highly anticipated (Ginsburg, 2017). This copyright law is fairly thorough, and PP No. 56 has now reinforced it. While performing rights are regulated in this PP, there are significant disputes and controversies about mechanical rights issues in this digital media era. This is due to a number of factors, including:

a. Copyright is an intellectual property right in the realms of knowledge, art, and literature that plays a critical part in the nation's development and advancement.
b. Because science, technology, art, and literature have advanced at such a quick pace, creators, Copyright holders, and Related Rights owners deserve additional protection and legal clarity.
c. Indonesia has joined a number of international accords relating to copyright and related rights, but more work is needed in the national legal system to ensure that native authors and creators are internationally competent.
d. Law No. 19 of 2002 on Copyright is out of date and needs to be replaced with a new law that is more in line with legal advances and community requirements.

Copyright Law No. 28 of 2014 is an attempt to adapt to a variety of developments, both legally and socially. The essence of Copyright is an exclusive right for the creator or Copyright holder to announce or duplicate his work, which occurs naturally after a work is born without diminishing limits according to existing regulations, according to Section 2 of the Copyright Law no. 28 of 2014.

Copyright changes in Indonesia will, of course, adhere to worldwide copyright regulations in terms of limitations and exceptions. some terminology used in restrictions and exclusions in Law No. 28 of 2014 do not comply with international regulations. The phrase "exception" is not used in national legislation; instead, the term "limitation" is used. As a result, this could have ramifications for future issues. The Copyright Law No.28 of 2014 clearly regulates the Three-Step Test Method as a Method of Restricting Copyright Regulations in Indonesia, and Indonesia is a country that engages in a variety of activities and international agreements. The three-step test as a form of limitation has long been controlled in international

copyright legislation, including in the Berne Convention, the TRIPs Agreement, WCT, and WPPT (Savelyev, 2018).

The three-step test is a clause in international regulations that is used to determine whether or not a copyright limitation or exception is applicable in nations that are members of the international regulation. Regulations addressing the three-step test have been regulated in Indonesia, both in terms of copyright restrictions and as a result of the test. The three-step test is regulated under Indonesian Copyright Law, although this does not imply that Indonesia is entirely compliant with international copyright standards. When it comes to the scope of protection and protected objects, there are two sorts of distinctions between the limitations and exceptions of copyright under international rules, namely traditionally and in the digital world. Because neither the Berne Convention nor the TRIPs Agreement define the existence of protection in the digital environment or digitally created creations, the scope and object are traditionally regulated. WCT and WPPT, on the other hand, have both regulated the breadth of digital inventions (Cuzella, 2015).

Furthermore, the Technological Protection Measure as a Digital Copyright Limitation. The development of information and communication technology has become one of the factors in the General Elucidation of Law Number 28 of 2014 concerning Copyright, given that information and communication technology, on the one hand, plays a crucial role in the development of rights. On the one hand, copyright has become a tool for legal infractions in this industry. The internet is one of the advances in information and communication technology that has had a key influence in the evolution of copyright.

Copyright owners utilize technology protection measures, such as program code encryption and passwords, to safeguard their material from copyright infringement. The Technology Protection Measure was designed in order to protect the integrity, secrecy, and authentication of a copyrighted work on the internet. Owners of intellectual property utilize Technology Protection Measure to protect their creations against infringement and improper use.

Internet copying is included in the category of copying under the Copyright Law No. 28 of 2014. That is a process, act, or method of permanently or temporarily duplicating one or more copies of a work or phonogram by any means and in any form. Technology, in the form of copyright markings embedded in every digital work, can be utilized as a protective alternative to reduce losses.) the copyright labeling paradigm for digital data can be implemented utilizing the following technologies:

a. Header Marking, by providing a description or copyright information in the header of a digital data.
b. Visible Marking, by providing a digital copyright mark explicitly.
c. Encryption, encodes digital data into another representation that is different from the original representation and requires a key from the copyright holder to return to the original representation.
d. Copy Protection, provides protection to digital data by limiting or by providing protection in such a way that the digital data cannot be published.

Passwords and cryptographic procedures can be used to protect copyrighted content using Technology Protection Measures. The Access Control Technology Protection Measure type contains one of the cryptographic algorithms in Technology Protection Measure.

Then, Creative Commons as a Digital Copyright Protection Alternative. In the typical environment of copyright law, Creative Commons copyright licenses and tools strike a balance. This license provides a straightforward, standard mechanism for everyone, from individual artists to huge organizations and institutions, to provide copyright clearance to their creative works (Crews, 2017). Many of the key aspects of all Creative Commons licenses are the same. Each license allows authors to keep their copyright while allowing others to copy, distribute, and utilize their work for noncommercial reasons.

Each Creative Commons license also ensures that the work of creators is properly credited. Each Creative Commons license is valid for the lifetime of the copyright and can be used anywhere in the world (because they are created under copyright rules). These elements serve as the license's foundation, and the licensor may give extra permissions when imposing further limitations on anyone who uses their work.

The liberties afforded by law to users of creative works covered by copyright, such as exceptions and limits to copyright, such as fair use, are unaffected by Creative Commons licenses. Users of Creative Commons licenses must acquire permission from the licensor to perform actions that are required by law but are not indicated in the license. The licensee must give credit to the licensee, declare that the work is copyrighted, and connect the license to the copy of the work (Yu, 2016). Users of the work cannot prevent others from accessing it. There are six (six) different license forms in the Creative Commons licensing concept, each with legal implications for both the creator (licensor) and the user (licensee). The following are examples of Creative Commons licenses:

a. Attribution License / CC BY
b. Attribution License - Share Alike / CC BY-SA
c. Attribution License - No Derivatives / CC BY-ND
d. Attribution License - Non-Commercial / CC BY-NC
e. Attribution License - Non-Commercial - Share Alike / CC BY-NC-SA
f. Attribution License - Non-Commercial - No Derivatives / CC BY-NC-ND

Because the domain of application of law is also in Indonesia, the application of Creative Commons in Indonesia cannot be separated from the application of law in Indonesia. The Creative Commons license has been incorporated into Indonesian law. The differing ideas of moral rights in several nations is one of the key reasons for incorporating Creative Commons licenses into state legislation. Moral rights are an important consideration when using Creative Commons licenses in national legislation. Further use of a work without a legally valid license is a copyright infringement, which can result in the right to sue and other legal repercussions.

Creative Commons underlines that it is not a law practice and does not provide legal services in every license it creates. The relationship between Creative Commons and the Creator is unlike any other. The license and associated information are provided "as is." by Creative Commons. The Author's choice of license, any material licensed under the terms and conditions of the license, and any related information are not warranted by Creative Commons. Creative Commons disclaims any and all liability for damages incurred as a result of its use. Users and licensees who use works licensed under any form of Creative Commons license must always include the author's name or give credit to the work when mentioning the work. Law enforcement officers can examine claims of copyright infringement without a

report from the Creator if there is a violation of the usage of copyrighted material (Ricketson & Ginsburg, 2022). Because copyright breaches or criminal conduct are included in common offenses in Indonesia. As a result, because Creative Commons cannot be distinguished from copyright, any infringement involving a work of creation is settled under Indonesian law.

3.3. Copyright Infringement from the Perspective of Electronic Information and Transactions Law

Given that Indonesia has an increasing number of internet users each year, it is obvious that there is a need for a legal framework that can control the use of technology (Muthoharoh, 2021). As a result, Law Number 19 of 2016 Amendments to Law Number 11 of 2008 Concerning Electronic Information and Transactions (hereafter referred to as the ITE Law) regulates public operations that fall under the purview of electronic information and transactions. The ITE Law in this instance is also an advance in copyright legal protection.

The ITE Law was created to strengthen the Copyright protection for intellectual property in the form of computer programs, as stated in Section 25 of the ITE Law, which reads: "Internet sites and the intellectual works included therein are protected as intellectual property rights under applicable laws and regulations (Kharitonova & Rahmatulina, 2020). This also applies to electronic information or electronic documents combined into intellectual works."

The ITE Law can be viewed as regulating any unlawful or illegal operations that are carried out without proper authorization. This can be viewed as protection for the individual or company that owns the copyright to their creations, as stated in Section 32 of the ITE Law, which states:

(1) Any person intentionally and without rights or against the law in any way alters, adds, reduces, transmits, damages, removes, transfers, hides an Electronic Information and/or Electronic Document belonging to another Person or public property.

(2) Any person who knowingly and without rights or against the law in any way transfers or transfers electronic information and/or electronic documents to the electronic system of another person who is not entitled.

(3) The actions as referred to in paragraph (1) that result in the disclosure of electronic information and/or electronic documents of a confidential nature to be accessible to the public with improper data integrity.

3.4. Legal Remedies Against Infringement of the Creators Exclusive Rights

Before moving on to legal remedies that can be taken by the creator for infringement of his exclusive rights, there are several factors that make this undesirable thing happen, these factors are as follows:

a. Economic Factors

One of the key contributing elements to the growth of copyright infringement, such as the theft of a digital image via the internet, is the economy. Even though digital media has only recently existed, it is not an excuse for someone not knowing the arrangements regarding this matter. People can easily do anything to increase their income due to a relatively low-income levels and a fairly high unemployment rate, where the activities carried out have violated existing laws.

b. Socio-Cultural Factors

From a social and cultural perspective, the majority of Indonesians have not been able to appreciate someone else's invention, in whatever shape it may take, and there is also no incentive to spend money on purchasing a work or creation that genuinely has worth and should be valued before being contributed. once more with the customs of the Indonesian populace, who prioritize or give priority to a product's price over its quality while making a purchase. As a result, unlicensed works will appear, harming the original authors.

c. Education Factors

The public has not yet been made aware of intellectual property rights or the existence of any laws governing them. Most individuals are unable to discern between original works generated by the owner and imitations, as well as in knowing what is included or classed into a work or creation arising from intellectual property, as a result of the public's misunderstanding of the laws already in place.

d. Lack of Strict Law Enforcement Against Copyright Infringement Perpetrators

Because the legal system is ineffective at dealing with violations that occur, one of the reasons why there are so many thefts and instances of plagiarism of copyrighted works is the lack of strict law enforcement against those who violate the rights to an object. This circumstance is used as justification for any activity that involves stealing, copying, or promoting a work.

Based on the aforementioned criteria, it is unquestionably believed to have contributed to community infractions, and it appears that the community routinely engages in these crimes without considering the repercussions or the law (Nurhayati et al., 2019). There are 2 efforts that can be considered in legal remedies against copyright infringement. The creator of the applicable offenses may take one of two actions: repressive action or preventive action. The goal of prevention efforts, also known as preventative efforts, is to lessen the incidence of violations of moral rights and economic rights that belong to the creator of a work or other production and have the potential to inflict harm (Montagnani & Borghi, 2016). Taking or using someone else's creation in the form of a digital image without their consent is an example of a violation that can be avoided by preventative measures.

The second attempt is repressive in nature. This repressive endeavour aims to prevent actions for infringement of digital works or creations from occurring. Basically, there are two ways to approach this legal endeavour: through litigation and other non-litigation methods (Adler, 2018). Section 100 of the Copyright Law, which specifies that a case for copyright infringement is brought to the chairman of the commercial court, contains the efforts that creators can make for damages experienced by litigation. The restrictions or criminal penalties found in Section 112 of the Copyright Law are another name for this copyright issue, nevertheless, in some instances.

However, only using those two methods aren’t enough to create a good understanding of violations against copyrighted issues. That is why, to improve the quality of our own law, there is a need to do research and take reference as well as comparison of other national laws of other countries. The copyright of digital works is also protected in a number of other nations. National copyright and neighboring rights regulations are far more similar than dissimilar. The Berne Convention for the Protection of Literary and Artistic Works, which has 140 signatories today, explains much of this harmony, and the convergence of national law is

set to get even closer as the TRIPs Agreement, which has 135 signatories, brings national laws into closer compliance with Berne norms as well as norms introduced by the TRIPs Agreement itself (Bliznets et al., 2018).

No quality of a legal rule or concept is more fulfilling than universality because of the connection it implies between different legal cultures (Sahar, 2020). National copyright laws are based on a few common concepts. One is the notion that copyright law will only protect original expression, leaving ideas of creative building blocks, free for everybody to utilize. Every country's legislation or case law holds that a literary work's themes, plots, and stock characters, as well as distinct colors and shapes in visual art and rhythm, notes, and harmony in music, are unprotectible. Every national legislation acknowledges that granting a single author a monopoly over such key creative aspects will over reward that author while hindering the efforts of subsequent authors.

A second universal concept, contract freedom, guides copyright transactions all around the world. Contractual freedom is widely believed to be the norm exclusively in common law countries, while copyright contracts are strictly regulated in civil law countries. In truth, courts around the world often enforce copyright contracts in accordance with their provisions (Zeilinger, 2018). To be true, legislatures and courts have carved out exceptions to contract freedom, but these restrictions are no more visible in civil law countries than they are in common law countries

For example, the German Copyright Act will invalidate attempted transfers of the right to exploit a work in unknown technologies, but this exception to the prevailing German norm of contractual freedom differs only in degree from the general presumption against such transfers in the United States, and is, in fact, a less severe inroad on contractual freedom than provisions in the United States Copyright Act giving authors a nonwaivable right to terminate their copyright rights.

In Japan, they refer to the Patent Cooperation Treaty and the Paris Convention for the Protection of Industrial Property that are both signed by Japan. Utility models differ from patents. In that utility model, registrations are given without any assessment of the substance of the invention, such as the claimed invention's novelty, by a patent examiner. The exclusivity period for a utility model is ten years from the application date. The usage of utility models is far less common. In Japan, 'an invention' is defined as 'a highly advanced creation of technical ideas utilizing the laws of nature'.

The subject matter of computer software is patentable. The Patent and Utility Model Examination Handbook in Japan indicates that patent eligibility is determined in two ways. An examiner will first look to see if the claimed invention is the "development of a technological idea using a natural rule," rather to delving deeper into the specific challenges that may arise with software inventions. Software that controls an apparatus 'based on a structure, system component, composition, action, function, nature, property, operation, etc.', 'to realize operations according to the purpose of an apparatus', or 'integrated control of a whole system comprising multiple related apparatuses' satisfies the requirement of 'creation of a technical idea employing a natural law'. If the examiner is unable to identify whether the first step has been met, the patent eligibility will be determined by whether "information processing by software is concretely realized by utilizing hardware resources."

And then, In Canada, there is also a general rule of “life-plus-fifty”; that is to say, copyright protection lasts for the duration of the lifetime of the author, plus 50 years from the

end of the calendar year of their death. There are several exceptions to this general rule. For example, Crown or government works in Canada are protected until published and for an additional 50 years from the date of publication (Stokes, 2021). A further exception exists for works of joint authorship, in which case the copyright will last for the remainder of the calendar year in which the last author dies, and for 50 years after that. Other exceptions do exist. If the creator need clarity about the term of copyright in a particular work, it is best to contact a copyright lawyer who can assess the particular situation.

Another decent comparison is from America's copyright and fair use system. The Copyright and Patent Clause of the U.S. Constitution is the foundation of federal copyright law. It gives Congress the power to advance science and useful arts by ensuring for a finite period of time to authors and inventors the exclusive right to their own writings and discoveries. The United States Copyright Office claims that only original, creative, and tangible works are protected under copyright laws. The US copyright law also grants four exclusive rights to its creators. These include the right to reproduce the work, prepare derivatives (e.g., translations, audio and video productions, abridgements), distribute copies publicly, and perform or display works publicly.

Several statutory restrictions on the copyright monopoly are included in the Copyright Act. One of these is the "first sale doctrine," which restricts the copyright owner's exclusive control over the dissemination of the tangible things that embody a work. According to the "first sale doctrine," a copy of a work that is protected by a copyright may be sold or otherwise disposed of by its owner without the prior consent of the work's creator. Other restrictions include allowing only restricted performances and exhibitions for educational purposes or during services at a place of worship, as well as certain performances for non-profit, charitable causes. Libraries and archives are also permitted to make certain replicas. The "fair use" theory in copyright law recognizes the public's ability, in some situations, to reasonably use content that is protected by a copyright without the owner's permission.

The rights granted to a copyright holder do not endure indefinitely (Joyce et al., 2020). The length of time a copyright holder may use his or her exclusive rights is restricted. In general, a creative work's author is entitled to copyright protection for the duration of the author's life plus an extra 70 years. The copyrighted work enters the public domain when a term has passed. The Copyright Act has both criminal and civil provisions for infringement. Civil copyright infringement involves a violation of any of the exclusive rights of the copyright owner that are provided by 17 U.S.C. §§ 106-122, 602, including the right to control reproduction, distribution, public performance, and display of copyrighted works (Finck & Moscon, 2019).

Criminal copyright infringement includes the following offenses:

a. copyright infringement for profit, 17 U.S.C. § 506(a)(1)(A), 18 U.S.C. § 2319(b);
b. copyright infringement without a profit motive, 17 U.S.C. § 506(a)(1)(B), 18 U.S.C. § 2319(c);
c. pre-release distribution of a copyrighted work over a publicly accessible computer network, 17 U.S.C. § 506(a)(1)(C), 18 U.S.C. § 2319(d);
d. circumvention of copyright protection systems in violation of the Digital Millennium Copyright Act, 17 U.S.C. § 1204;
e. bootleg recordings of live musical performances, 18 U.S.C. § 2319A;

f. unauthorized recording of motion pictures in a movie theatre (Cam cording), 18 U.S.C. § 2319B; and

g. counterfeit or illicit labels and counterfeit documentation and packaging for copyrighted works, 18 U.S.C. § 2318.

4. Conclusion

It is clear now that the copyright exceptions are not endless. However, there are economic principles that should not be infringed. The principle of the copyrighted work's form and its nature should not be changed. Besides, the principle of the copyright owner's own interests also should not be violated. Furthermore, the definition of fair can be linked with the notion of propriety in Indonesia's legal system for intellectual property rights if restrictions surrounding copyright exceptions are made clear. Digital copyright gives right holders the right to approve access to and copying of protected material. This is a widespread extension of proprietary usage restrictions that have gone unchecked in the real or analog world. Other people can enjoy, utilize, or exploit rights with consent of the right owner for a limited time. These rights are contained in Copyright Law Number 6 of 1982, which was then developed by Law Number 7 of 1987 concerning amendments to Law Number 6 of 1982, then amended again by Law Number 12 of 1997 concerning amendments to Law Number 6 of 1982 concerning Copyright, which was then amended again to Law Number 19 of 2002. Although copyright protection and fair use in Indonesia for digital works has been regulated in Section 43 to Section 49 of Law Number 28 of 2014, but is still considered lacking in implementing and establishing legal rules to ensure that digital technology does not damage the basic principles of Copyright. Therefore, the level of awareness of art workers to their rights that have been regulated and protected by law still needs improvement.

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