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Copyright Infringement in Indonesia: Applicable Sanctions and Legal Procedures

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Abstract

Ideally, copyright, as part of intellectual property rights, should receive full protection from the state through firm and effective legal instruments. Law Number 28 of 2014 concerning Copyright provides a clear legal framework to ensure such protection. However, in reality, copyright infringement remains widespread in Indonesia, taking forms such as piracy, unauthorized use, and illegal distribution through digital platforms. This condition highlights a gap between the ideal legal norms and their implementation in practice. This study aims to analyze the sanctions and legal processes applicable to copyright infringement in Indonesia and evaluate the effectiveness of their implementation based on the existing laws and regulations. The methodology used in this research is a normative juridical approach, with primary data

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sources consisting of statutory regulations, academic literature, and relevant court decisions. The findings indicate that although Indonesia has relatively comprehensive regulations on copyright, the implementation of sanctions and legal procedures still faces obstacles, such as weak law enforcement, low public awareness, and the challenges of digitalization that facilitate the rapid spread of infringement. Therefore, a synergistic effort among policymakers, law enforcement authorities, and society is needed to build an effective and adaptive copyright protection system in response to contemporary developments.

Keywords: Copyright, Infringement, Sanctions, Legal Process, Indonesia.

Abstrak

Idealnya, hak cipta sebagai bagian dari hak kekayaan intelektual seharusnya mendapat perlindungan penuh dari negara melalui perangkat hukum yang tegas dan efektif. Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta telah memberikan kerangka hukum yang jelas untuk menjamin perlindungan tersebut. Namun dalam realitasnya, pelanggaran hak cipta masih marak terjadi di Indonesia, baik dalam bentuk pembajakan karya, penggunaan tanpa izin, maupun penyebaran ilegal melalui platform digital. Kondisi ini menunjukkan adanya kesenjangan antara norma hukum yang ideal dengan implementasi di lapangan. Penelitian ini bertujuan untuk menganalisis sanksi dan proses hukum yang berlaku terhadap pelanggaran hak cipta di Indonesia, serta mengevaluasi efektivitas pelaksanaannya berdasarkan peraturan perundang-undangan yang ada. Metodologi yang digunakan dalam penelitian ini adalah pendekatan yuridis normatif, dengan sumber data utama berupa peraturan perundang-undangan, literatur ilmiah, dan putusan pengadilan yang relevan. Hasil penelitian menunjukkan bahwa meskipun Indonesia telah memiliki regulasi yang relatif lengkap terkait hak cipta, implementasi sanksi dan proses hukumnya masih menghadapi hambatan, seperti lemahnya penegakan hukum, rendahnya kesadaran masyarakat, dan tantangan digitalisasi yang mempercepat penyebaran pelanggaran. Oleh karena itu, dibutuhkan upaya sinergis antara pembuat kebijakan, aparat penegak hukum, dan masyarakat dalam menciptakan sistem perlindungan hak cipta yang efektif dan adaptif terhadap perkembangan zaman.

Kata Kunci: Hak Cipta, Pelanggaran, Sanksi, Proses Hukum, Indonesia

Introduction

Copyright constitutes a fundamental component of the intellectual property law system, aimed at providing legal protection for individual creative works in the fields of science, art, and literature. In the era of globalization and rapid advancement of information technology, intellectual works have become increasingly accessible, widely disseminated, and easily utilized through various

digital platforms. This condition offers significant opportunities for creators to gain recognition and economic benefits; however, it simultaneously creates vulnerabilities that facilitate increasingly widespread and complex forms of copyright infringement, particularly within the digital sphere (Hadijah, 2023).

In the Indonesian context, copyright infringement has emerged as a serious and recurring issue, manifesting in various forms such as unauthorized reproduction, the use of musical works without proper attribution, and the redistribution of copyrighted content without valid licenses. Numerous cases occur on social media platforms and digital video channels such as YouTube, where both the general public and content creators frequently use copyrighted works without complying with formal licensing procedures required by copyright holders (Rusdinah & Sitorus, 2025). One notable example is the copyright dispute involving the song "Lagi Syantik", which highlights the lack of awareness or negligence among content users regarding the legal rights attached to creative works.

Ideally, any utilization of copyrighted works by third parties must be based on lawful authorization and/or the payment of royalties, in accordance with the provisions of Law Number 28 of 2014 on Copyright. This law provides legal protection not only for the economic rights but also for the moral rights of creators, while regulating dispute resolution mechanisms through both civil and criminal proceedings (Suhaeruddin, 2024). The law further stipulates strict sanctions for copyright violations, including fines and imprisonment, to ensure legal certainty and prevent future infringements. However, in practice, many copyright violations are not followed by adequate legal processes. Limited public awareness of copyright protection, weak law enforcement, and insufficient technical understanding among law enforcement officials regarding intellectual property protection remain major factors undermining the effective implementation of the law (Sihotang et al., 2022). In some instances, copyright violations end without clear legal resolution or generate public controversy due to perceptions that enforcement restricts freedom of expression or digital creativity.

The gap between the ideal legal framework that guarantees comprehensive copyright protection and the suboptimal reality of its implementation has given rise to various legal and practical challenges. These issues not only result in economic losses for creators but also threaten the sustainability of the creative industry and public trust in the legal system (Akhmad Munawar & Taufik Effendy, 2016). In this context, it is essential to further evaluate how copyright infringement is legally addressed in Indonesia, including the enforcement of sanctions and the application of dispute resolution procedures in practice.

Accordingly, this study aims to examine copyright infringement in Indonesia by analyzing the applicable legal provisions, the sanctions imposed, and the legal procedures employed in resolving copyright disputes. This research also incorporates selected case studies as reflective material to assess the consistency between normative regulations and their implementation in practice. The contribution of this study is expected to provide a comprehensive understanding of the dynamics of copyright infringement and its legal enforcement in Indonesia. Furthermore, the findings are anticipated to serve as an academic, legal, and policy reference for the government, law enforcement agencies, creative industry

stakeholders, and the general public in strengthening intellectual property protection in the digital era.

Literature Review

Studies on copyright infringement in Indonesia are not recent. Several researchers have examined this issue and published their findings using various methods and approaches. Munawar and Effendy (2016), in their work entitled "Upaya Penegakan Hukum Pelanggaran Hak Cipta Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta" (Efforts to Enforce Copyright Infringement Law under Law Number 28 of 2014 on Copyright), discussed the enforcement of copyright law from a normative juridical perspective. Their study emphasized that although Law No. 28 of 2014 provides relatively comprehensive provisions regarding copyright protection, its implementation in practice still faces challenges, such as low public legal awareness and weak coordination among law enforcement agencies. Their findings indicate that efforts to enforce copyright law have not been optimal (Akhmad Munawar & Taufik Effendy, 2016). The similarity between their study and the present research lies in the focus on the implementation of copyright law. However, the difference is in the approach—Munawar and Effendy's study emphasizes normative aspects and does not explore contemporary cases in the digital context.

Stefano, Saptono, and Mahmudah (2016), in their article entitled "Perlindungan Hukum Pemegang Hak Cipta Film Terhadap Pelanggaran Hak Cipta Yang Dilakukan Situs Penyedia Layanan Film Streaming Gratis di Internet" (Legal Protection for Film Copyright Holders against Copyright Infringement by Free Online Streaming Sites), examined legal protection for film copyright holders against violations in cyberspace, particularly through illegal streaming websites. They highlighted that such websites significantly harm the film industry and revealed gaps in supervision and weak enforcement against these illegal platforms. Their findings underscore the importance of firm state action in addressing digital copyright violations (Stefano et al., 2016). The similarity of their work with the present study lies in the overarching theme of copyright infringement, while the difference is that their research focuses specifically on film copyright violations through streaming sites.

Zahida and Santoso (2023), in their study entitled "Perlindungan Hak Cipta Terhadap Gambar yang Telah Diunggah pada Media Sosial Instagram" (Copyright Protection of Images Uploaded on Instagram), provide a contemporary examination of copyright infringement in the context of social media. They analyzed legal protection for Instagram users whose works—specifically images—were reused without permission by others. The study highlights legal challenges in enforcing copyright in an increasingly complex digital era, as well as the need to enhance legal literacy among social media users. Their findings indicate that legal protection for digital content remains ineffective, particularly when violations occur across jurisdictions (Zahida & Santoso, 2023). The similarity with the present research lies in the focus on copyright infringement on digital platforms; however, Zahida and Santoso's study is limited to images on a single social media

platform (Instagram), whereas the present study encompasses sanctions and legal procedures more broadly across various forms of works and violations.

Based on this literature review, it can be concluded that although many studies have been conducted on copyright infringement, most focus on specific types of works (such as films or images) or only address one legal aspect, such as normative protection. The research gap addressed in this study is a comprehensive examination of copyright infringement in Indonesia, analyzing not only the types of violations but also the legal processes in practice and the effectiveness of sanctions applied, both in civil and criminal contexts. By adopting this approach, the study is expected to provide a more holistic contribution to understanding the dynamics of copyright infringement in Indonesia.

Research Methodology

This study employs a normative juridical approach, which focuses on the analysis of applicable laws and regulations concerning copyright and their implementation within the Indonesian legal system. The research method used is descriptive-analytical, aiming to describe and analyze the phenomenon of copyright infringement as well as the sanctions and legal procedures applied. The data sources consist of secondary data, including legislation, court decisions, legal journals, and other relevant academic literature. Data collection was conducted through library research by examining various legal documents and previous studies. The collected data were then analyzed using qualitative data analysis techniques, which involve reviewing, interpreting, and drawing conclusions from multiple legal sources and literature to obtain a comprehensive understanding of copyright infringement in Indonesia, as well as the sanctions and legal processes applied (Sugiyono, 2021).

History of Copyright

Copyright is a concept that has evolved alongside human civilization in valuing intellectual works. In traditional societies, works such as writings, music, or knowledge were regarded as communal property, part of the collective cultural heritage, and were not claimed individually (Utomo, 2010). There was no legal system specifically providing protection for creators, as the economic value of works had not yet become a primary concern. Awareness of the importance of protecting human creations emerged only when works began to be produced on a mass scale. A major shift in the perception of copyright occurred in the 15th century with the invention of the printing press by Johannes Gutenberg. This invention enabled mass reproduction of written works but also introduced a new problem, namely piracy.

Creators lost control over the distribution and profits from their works due to the ease of unauthorized copying (Utomo, 2010). This situation triggered awareness of the need for legal rights for creators to protect both their works and economic interests. In response to this issue, England became the first country to enact copyright legislation through the Statute of Anne in 1710. This law granted creators exclusive rights to print and distribute their works for a specified period

(Dianato, 2014). This regulation marked a critical milestone as it shifted control from the monarchy to individual creators. Copyright began to be seen as an instrument for protecting both moral and economic rights of creators.

The development of copyright law systems subsequently spread to various countries and achieved a more universal form through the Berne Convention in 1886. This convention unified the basic principles of copyright protection internationally, such as automatic protection without registration and the principle of national treatment, whereby foreign works are treated the same as domestic works (Stefano et al., 2016). The Berne Convention became a global reference for copyright regulation and remains relevant today. In Indonesia, copyright protection was first introduced through the Auteurswet of 1912, enacted by the Dutch colonial government. This law remained in effect even after Indonesia gained independence. It was only in 1982 that Indonesia enacted Law No. 6 of 1982 on Copyright as an independent effort to regulate intellectual property protection. This law was later revised several times through Law No. 7 of 1987, Law No. 12 of 1997, and Law No. 19 of 2002 (Dianato, 2014). The enactment of Law No. 28 of 2014 marked an important step in adjusting copyright regulations to the demands of the times and the development of digital technology.

The revisions of the law reflect the social and economic dynamics that influence the importance of protecting creators. Law No. 28 of 2014, for example, strengthens protection for both moral and economic rights and provides broader opportunities for creators to commercially exploit their works (Zahida & Santoso, 2023). Recognition of moral rights—such as the attribution of authorship and the prohibition of distortion of works—indicates that copyright is not only economic in nature but also related to the integrity and identity of the creator. Indonesia has also demonstrated its international commitment by ratifying the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1994 and joining the Berne Convention in 1997. Participation in these international agreements shows efforts to harmonize Indonesian copyright law with global standards and to provide international protection for Indonesian works (Stefano et al., 2016).

However, the greatest challenge in Indonesia's copyright system lies in law enforcement. Despite regulatory updates, copyright violations still frequently occur in the form of piracy of music, films, books, and software. Weak supervision, lack of legal education in society, and limited resources among law enforcement agencies remain serious obstacles to effective copyright protection (Dianato, 2014). Moreover, the development of digital technology complicates copyright protection. The internet allows works to be distributed without geographic limitation but also facilitates illegal dissemination. Online piracy has emerged as a new threat that requires adaptive regulation and law enforcement mechanisms. The Indonesian government has responded by issuing regulations related to electronic transactions through the Electronic Information and Transactions Law (ITE Law) and its derivatives; however, their effectiveness still needs improvement (Zahida & Santoso, 2023).

In the context of globalization and the creative economy, copyright serves as an important instrument in promoting innovation and national competitiveness. Countries with strong intellectual property protection tend to attract more investors and are better able to create a healthy creative industry ecosystem.

Copyright protection encourages the creation of original works and enhances the contribution of the creative sector to Gross Domestic Product (Stefano et al., 2016). Thus, the history of copyright in Indonesia demonstrates significant progress, from the colonial period to the current digital era. Regulatory changes and participation in international agreements reflect the government's commitment to building a system for protecting intellectual works. However, these efforts need to be accompanied by increased legal awareness in society and strengthened capacity among law enforcement institutions.

Scope of Copyright

Copyright constitutes a crucial component of legal protection for intellectual property, particularly in the fields of science, arts, and literature. In Indonesia, copyright is specifically regulated under Law No. 28 of 2014 on Copyright (the Copyright Law), which grants creators exclusive rights over their works, including the rights to use, publish, and reproduce their works in any form or medium. This protection aims not only to safeguard the economic interests of creators but also to recognize the personal, moral relationship between the creator and their creations (Lindsey et al., 2006).

According to Article 40 of the Copyright Law, the scope of protected works is extensive and encompasses various forms of creative and intellectual expression. Works eligible for protection include books, pamphlets, scientific writings, lectures, speeches, educational aids, songs and musical compositions, drama, dance, choreography, puppetry, pantomime, visual arts such as paintings, calligraphy, carvings, applied arts, architecture, maps, batik artworks and other motifs, photography, cinematographic works, as well as derivative works such as translations, adaptations, arrangements, and other modifications (Rizkia & Fardiansyah, 2022). This demonstrates that the scope of copyright extends beyond written works to audiovisual works, stage performances, architectural designs, and traditional motifs.

The scope of copyright encompasses not only the objects of creation but also the types of rights attached to them. Broadly, copyright is divided into two main categories: moral rights and economic rights. Moral rights are personal rights inherent to the creator and cannot be transferred, even if the economic rights have been assigned. These rights include the right to claim or disclaim authorship, the right to use a pseudonym, the right to modify the work, the right to change the title, and the right to maintain the integrity of the work against distortions or modifications that could harm the creator's honor or reputation (Mardikaningsih et al., 2025). Protection of moral rights reflects recognition of the personal integrity of the creator in their work.

Meanwhile, economic rights grant the creator or copyright holder exclusive authority to derive financial benefits from their work. These rights include the rights to publish, reproduce, translate, adapt, distribute, perform, and publicly communicate the work (Kilanta, 2017). Through economic rights, creators have opportunities to obtain royalties, licenses, and other forms of compensation for the use of their works, thereby fostering a productive and sustainable creative ecosystem. In addition to these two types of rights, there are related rights that

provide protection to other parties who contribute to the dissemination or presentation of copyrighted works (Mardikaningsih et al., 2025). These related rights are granted to performers such as singers, actors, and dancers; phonogram producers who record sounds or music; and broadcasting institutions that transmit works to the public. Such rights are essential to ensure recognition and protection of the efforts of parties who indirectly contribute to the existence and dissemination of creative works..

Duration of Copyright Protection

Copyright protection serves as a vital legal instrument for safeguarding and respecting an individual's intellectual creations. In Indonesia, the provisions regarding such protection are comprehensively regulated under Law No. 28 of 2014 on Copyright. One of the crucial aspects of this protection is the duration of the rights, which varies depending on the type of rights—whether moral or economic. Understanding the duration of protection is essential for creators to ensure their rights are preserved and for users of works to respect the legal boundaries established (Rejeki et al., 2023). Moral rights are personal and permanent rights inherent to the creator. According to Articles 5 and 57 of the Copyright Law, these rights include the right to have one's name attributed, the right to use a pseudonym, the right to modify the work, and the right to preserve the integrity of the work against distortion or modification that could harm the creator's honor.

Moral rights are perpetual—they remain in effect throughout the creator's lifetime and even after the creator's death, without any fixed time limit. This protection underscores the importance of respecting the creator's identity and reputation, which cannot be contested or infringed upon by others (Rejeki et al., 2023). In contrast, economic rights have a specific duration of protection because they relate directly to the financial benefits derived from exploiting the work. For works such as writings, music, visual arts, and audiovisual works, economic rights last for the creator's lifetime plus 70 years after their death. If a work is created by multiple authors, the protection period is calculated from the death of the last surviving author (Suhaeruddin, 2024). This provides a sufficiently long period for heirs or rights holders to derive economic benefits from the work.

Meanwhile, works such as computer programs and databases receive protection for 50 years from the date of first publication. This ensures a proportional timeframe for digital works to generate economic value before entering the public domain (Suhaeruddin, 2024). Related rights—which include performers, phonogram producers, and broadcasting organizations—also have specific protection durations. Performers and phonogram producers are protected for 50 years from the date of the first performance or publication of the phonogram, whereas broadcasting organizations are granted economic rights for only 20 years from the date of the first broadcast (Lindsey et al., 2006). These provisions reflect a proportional limitation according to the nature and form of the work or service provided by the relevant parties.

The duration of copyright protection in Indonesia is also harmonized with international standards, such as those stipulated in the Berne Convention and the

TRIPS Agreement. Both agreements prescribe that works are protected during the creator's lifetime plus a minimum of 50 years post-mortem. However, Indonesia extends this period to 70 years to provide stronger protection for the creator's intellectual output and legacy, aligning with practices in other developed countries (Utomo, 2010). Understanding this duration has direct implications for two primary stakeholders: creators and users. For creators, knowledge of the protection period allows them to plan the exploitation and licensing of their works efficiently to maximize economic benefits during the legal period. For users, awareness of when a work enters the public domain helps avoid legal infringements and enables lawful and ethical use of the work.

Legal Sanctions for Copyright Infringement

Copyright infringement constitutes a violation of the exclusive rights of a creator or copyright holder without proper authorization. In Indonesia, such infringement is considered a serious violation of intellectual property rights and is explicitly regulated under Law No. 28 of 2014 on Copyright. This law stipulates both criminal and civil sanctions for any copyright violators and provides avenues for alternative dispute resolution to ensure legal certainty and justice (Arifinal, 2018).

First, criminal sanctions are imposed on individuals or legal entities that intentionally and without permission infringe upon copyright for commercial purposes. Article 113 paragraph (1) states that anyone who violates copyright or related rights for commercial purposes may be sentenced to a maximum of four years in prison and/or fined up to one billion rupiahs. For violations on a larger commercial scale, Article 113 paragraph (2) prescribes imprisonment of up to ten years and/or a fine of up to four billion rupiahs. Specifically, for violations concerning computer programs, Article 114 stipulates criminal sanctions of a maximum of five years imprisonment and/or fines up to five billion rupiahs. These provisions aim to create a deterrent effect and strengthen the protection of copyright works in Indonesia (Arifinal, 2018).

Second, civil sanctions provide creators or copyright holders with the opportunity to claim compensation in commercial courts. Plaintiffs may demand restitution for both material and immaterial losses resulting from copyright infringement. In addition to compensation, creators can request courts to issue injunctions to cease unlawful acts and confiscate infringing goods, such as pirated products or production equipment (Rotinsulu, 2016). This civil mechanism serves as an additional safeguard to ensure comprehensive restoration of the creator's rights.

Third, alternative dispute resolution methods, such as mediation and arbitration, are also regulated under the Copyright Law as non-litigation mechanisms. These methods are considered more efficient and faster than conventional court proceedings. Alternative resolution encourages parties to reach mutually beneficial agreements, particularly in cases that can still be addressed through compromise. However, the effectiveness of these mechanisms heavily depends on the good faith of the disputing parties (Sofia et al., 2024).

Despite the availability of legal regulations, the implementation of copyright law in Indonesia still faces significant challenges. First, public awareness of the importance of copyright remains relatively low. Many individuals do not understand that using or reproducing works without permission constitutes a legal violation. Second, law enforcement officials often lack adequate knowledge and resources to handle cases related to intellectual property rights. Third, piracy culture remains prevalent and is considered normal by some members of society, making systematic eradication of copyright infringement difficult (Setiono & Bramantyo, 2023). Therefore, synergy is required among the government, law enforcement, copyright owners, creative industry actors, and the general public to enhance legal awareness, strengthen enforcement mechanisms, and promote intellectual property education. Such collective efforts are expected to create a more conducive legal ecosystem for fostering creativity, innovation, and respect for copyrighted works.

Analysis of Copyright Cases in Indonesia: A Study of the “Lagi Syantik” Song Ruling

Copyright is an integral part of the intellectual property law regime that provides legal protection for human creative works in the fields of science, arts, and literature. In Indonesia, this protection is regulated under Law No. 28 of 2014 on Copyright (the Copyright Law), which replaced previous legislation and seeks to adapt to the dynamics of the digital era. In the context of rapid technological development and the unstoppable flow of information, copyright has become increasingly crucial as works can be easily copied, modified, and freely distributed on social media platforms and video-sharing sites such as YouTube. One case that reflects the complexity and challenges of copyright enforcement in Indonesia is the legal dispute over the song “Lagi Syantik,” adjudicated by the Central Jakarta Commercial Court in Decision No. 82/Pdt.Sus-Hak Cipta/2019/PN.Niaga.Jkt.Pst (Sihotang et al., 2022).

The case began when PT. Nagaswara Publisherindo, along with two songwriters, sued the Gen Halilintar family for alleged copyright infringement. The defendants were accused of rearranging, re-producing, and publishing the song “Lagi Syantik” in the form of a music video uploaded to their YouTube channel without permission from the copyright holders. The plaintiffs claimed that the defendants’ actions violated not only their moral rights but also their economic rights as the legitimate owners of the work. The unauthorized adaptation of the song, digital distribution, and monetization of the content were considered serious infringements causing harm to both the creators and the official publisher (Sihotang et al., 2022).

During the trial, the legal basis cited referred to Law No. 28 of 2014, particularly Article 9 paragraph (1) letter e and paragraph (2), which prohibit the reproduction and/or distribution of a work without authorization from the copyright holder. Furthermore, Article 98 stipulates that moral rights of creators are inalienable except by inheritance, and Article 99 paragraph (1) grants creators the right to claim compensation for infringements of their economic rights. Additionally, Article 113 paragraph (3) prescribes criminal sanctions and/or fines

for violations of economic rights, demonstrating the seriousness of the state in protecting creative works (S. A. Rahayu et al., 2025).

The plaintiffs presented key evidence during the trial. Exhibit P-1, a music video uploaded by the defendants to YouTube, served as primary evidence of unauthorized publication. Exhibit P-2, Copyright Certificate No. EC00201944884, strengthened the legitimacy of ownership over "Lagi Syantik," while Exhibit P-5, a warning letter sent to the defendants prior to filing the lawsuit, demonstrated an attempt at out-of-court settlement. The defendants, meanwhile, argued that cover songs are a common phenomenon in the digital world and constitute a form of non-commercial appreciation of the original creators, yet they failed to provide explicit authorization from the copyright holders (Abya et al., 2024). Interestingly, the court rejected all claims filed by the plaintiffs, denied their provisional requests, and ordered the plaintiffs to pay court fees of IDR 5,411,000. This decision sparked controversy and debate, particularly because it appeared misaligned with the spirit of copyright protection as emphasized in the Copyright Law.

From a jurisprudential perspective, the ruling sets a precedent that could create legal uncertainty, particularly regarding the interpretation of economic rights infringement in the digital era (Sihotang et al., 2022). Normatively, the decision raises a fundamental question: can the creation and redistribution of a song in the form of a cover be exempted from copyright infringement if done without written permission? Intellectual property law theory asserts that the exclusive rights granted to creators include the right to announce, reproduce, and economically exploit their works. This implies that any use of the work for distribution or monetization without explicit consent from the copyright holder can still legally qualify as infringement (Hadijah, 2023). Consequently, this court ruling raises concerns over weak legal protection for the original creators.

Moreover, the decision reflects a tension between the digital culture, which emphasizes open access and public participation, and the principle of legality that requires compliance with the exclusive rights of creators. While cover songs can be a positive trend for popularity and promotion, lacking clear licensing mechanisms may result in losses for the original creators. As noted by Rusdinah & Sitorus (2025), unauthorized exploitation of digital content can reduce creators' incentives to produce new works due to the absence of guaranteed economic rewards for their intellectual output. The implications of this ruling are significant for creative industry actors and content creators in Indonesia. On one hand, content creators are now more aware of the need to obtain licenses or permissions before using others' works.

On the other hand, the ruling also opens legal speculation, as it demonstrates that the success of a lawsuit is not solely determined by substantive law but also by the strength of evidence and arguments presented during trial. This indicates that similar disputes in the future must be prepared with greater technical and legal precision (J. Rahayu et al., 2026). Practically, this case calls for more flexible and transparent mechanisms for licensing the use of works on digital platforms. Collective licensing models or platform-based digital licenses could provide a long-term solution to prevent unintentional copyright infringement. Additionally, outreach and education to the public, especially active social media

users, need to be intensified to raise legal awareness regarding copyright. Without adequate understanding, similar infringements may continue under the guise of “appreciation” or “non-commercial” use (Hadijah, 2023).

From a policymaker’s perspective, this case highlights the need for regulatory reform and stronger copyright law enforcement, particularly in the digital context. The government, through the Directorate General of Intellectual Property (DGIP), should actively promote collaboration between copyright holders and digital platforms to establish adaptive notification and licensing systems. This would enhance legal certainty and protect the rights of creators in today’s highly open environment (Sihotang et al., 2022). The “Lagi Syantik” case serves as a critical reflection on the direction and future of copyright protection in Indonesia. While controversial, the court decision remains part of the legal dynamics that must be critically addressed. Harmonization is needed between strong legal protection for creators, open access to information, and the evolving digital culture. Without collective awareness and progressive legal policies, copyright protection risks becoming a mere symbolic law without effective implementation.

Conclusion

Copyright infringement in Indonesia has become an increasingly complex legal issue alongside the rapid development of information technology and digital content. Although a strong legal foundation exists through Law No. 28 of 2014 on Copyright, numerous violations still occur, both intentional and unintentional, particularly on digital platforms such as YouTube, TikTok, and other social media. These infringements not only cause economic harm to creators but also disregard their moral rights as legitimate owners of copyrighted works. Legal action against copyright violations can be pursued through civil lawsuits and/or criminal proceedings, with sanctions including compensation, fines, and imprisonment as stipulated in specific articles of the Copyright Law. However, significant challenges remain in terms of evidentiary proof, public legal awareness, and the capacity of law enforcement agencies to handle intellectual property cases.

Therefore, strengthening copyright protection in Indonesia requires three key aspects: regulation, education, and law enforcement. In terms of regulation, the government needs to develop adaptive policies that respond to technological developments, including transparent and easily accessible digital licensing systems. Regarding education, public awareness about the importance of respecting copyright must be intensified, particularly among younger generations and content creators. In terms of law enforcement, coordination among the Directorate General of Intellectual Property (DGIP), police authorities, and judicial institutions should be enhanced to ensure legal certainty and optimal protection for creators. With these measures, copyright protection in Indonesia can become more effective, fostering sustainable growth in the national creative industry.

References

- Abya, J., Abas, M., Rahmatiar, Y., & Lubis, A. (2024). Penegakan Hukum terhadap Pelanggaran Hak Cipta: Studi Kasus Re-Upload Video Konten Kreator Sosial Media untuk Kegiatan Komersial (Studi Putusan Mahkamah Agung Nomor 41 Pk/Pdt.Sus-Hki/2021). *Jurnal Ilmu Hukum, Humaniora Dan Politik*, 4(6), 2306–2318. <https://doi.org/10.38035/jihhp.v4i6.2533>
- Akhmad Munawar & Taufik Effendy. (2016). Upaya Penegakan Hukum Pelanggaran Hak Cipta Menurut Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. *Al-Adl*, 8(2). <https://doi.org/10.31602/al-adl.v8i2.453>
- Arifinal, M. (2018, October 1). *Perlindungan Hukum terhadap Pelanggaran Hak Cipta dalam Ruang Lingkup Hak atas Kekayaan Intelektual (HAKI) dan Rahasia Dagang sebagai Hak-Hak Kebendaan di Indonesia*. Laporan Penelitian Mandiri. <https://eprints.untirta.ac.id/24402/>
- Dianato, W. A. (2014). *Implementasi Perlindungan terhadap Hak Cipta di Bidang Musik (Studi Compact Disc/Video Compact Disc Bajakan di Kecamatan Tampan Kota Pekanbaru)* [Skripsi, Universitas Islam Negeri Sultan Syarif Kasim Riau]. <https://repository.uin-suska.ac.id/8693/>
- Hadijah, S. N. (2023). *Analisis Pertimbangan Hukum Hakim Agung dalam Perkara Putusan Nomor 41 PK/Pdt.SusHki/2021 tentang Pelanggaran Hak Cipta*.
- Kilanta, D. R. (2017). Penegakan Hukum terhadap Hak Cipta Berdasarkan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. *Lex Crimen*, 6(3). <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/15604>
- Lindsey, T., Damian, E., Butt, S., & Utomo, T. S. (2006). Hak Kekayaan Intelektual: Suatu Pengantar. *Bandung: Alumni*, 252.
- Mardikaningsih, R., Halizah, S. N., Retnowati, E., Darmawan, D., & Hardyansah, R. (2025). Perlindungan Hak Cipta: Perspektif Hukum Terhadap Tindak Pidana Pembajakan. *Jurnal Begawan Hukum (JBH)*, 3(1), 29–38. <https://doi.org/10.62951/jbh.v3i1.106>
- Rahayu, J., Natalia, C. L., Trijaya, M. W., Ariani, N. D., Nurhasanah, S., & Mustika, D. (2026). Pertanggungjawaban Hukum atas Pelanggaran Hak Cipta pada Dokumentasi Ruang Terbuka Publik. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 4(1), 774–782. <https://doi.org/10.61104/alz.v4i1.3155>
- Rahayu, S. A., SH, M. K., Susanti, D. O., SH, M., Sari, N. K., & SH, M. (2025). *Wakaf Hak Cipta*. CV. Bintang Semesta Media.
- Rejeki, H. P., Iriyanti, I., & Dadang, D. (2023). Pelanggaran Hak Cipta pada Penjualan Buku Hasil Bajakan Berdasarkan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum Dan Keadilan*, 10(1), 52–68. <https://doi.org/10.32493/SKD.v10i1.y2023.32254>
- Rizkia, N. D., & Fardiansyah, H. (2022). *Hak Kekayaan Intelektual Suatu Pengantar*. Penerbit Widina.
- Rotinsulu, L. U. (2016). Penegakan Hukum atas Pelanggaran Hak Ekonomi Pencipta Lagu Menurut Undang-Undang Nomor 28 Tahun 2014. *Lex Crimen*, 5(3). <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/11676>
- Rusdinah, R., & Sitorus, R. (2025). Legal Liability of Event Organizers in Cases of Song Copyright Infringement: A Study of Decision No. 92/Pdt.Sus-

- HKI/Cipta/2024/PN Niaga Jkt.Pst. *JUSTISI*, 11(3), 949–967.
<https://doi.org/10.33506/js.v11i3.4628>
- Setiono, G. C., & Bramantyo, R. Y. (2023). Implementasi Sanksi Pidana terhadap Pelanggaran Hak Cipta di Indonesia. *Transparansi Hukum*, 6(1).
<https://doi.org/10.30737/transparansi.v6i1.4596>
- Sihotang, L., Nababan, R., & Habeahan, B. (2022). Perlindungan Hukum terhadap Pencipta dan Pemegang Hak Cipta Lagu “Lagi Syantik” (Studi Putusan Nomor 82/Pdt.Sus-HKI/Cipta/2019/PN Niaga Jakarta Pusat). *Visi Sosial Humaniora*, 3(1), 18–36.
- Sofia, S., Disemadi, H. S., & Agustianto, A. (2024). Penegakan Pelanggaran Hak Cipta di Era Revolusi Industri: Studi Putusan. *PAMALI: Pattimura Magister Law Review*, 4(3), 334–350. <https://doi.org/10.47268/pamali.v4i3.2336>
- Stefano, D. A., Saptono, H., & Mahmudah, S. (2016). Perlindungan Hukum Pemegang Hak Cipta Film terhadap Pelanggaran Hak Cipta yang Dilakukan oleh Situs Penyedia Layanan Film Streaming Gratis di Internet (Menurut Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta). *Diponegoro Law Journal*, 5(3), 1–11. <https://doi.org/10.14710/dlj.2016.11384>
- Sugiyono. (2021). *Metode penelitian kuantitatif, kualitatif, dan R&D*. Alfabeta.
- Suhaeruddin, U. (2024). Hak Kekayaan Intelektual dalam Era Digital: Tantangan Hukum dan Etika dalam Perlindungan Karya Kreatif dan Inovasi. *Jurnal Hukum Indonesia*, 3(3), 122–128. <https://doi.org/10.58344/jhi.v3i3.888>
- Utomo, T. S. (2010). *Hak Kekayaan Intelektual (HKI) di Era Global: Sebuah Kajian Kontemporer*. Graha Ilmu.
- Zahida, S. I., & Santoso, B. (2023). Perlindungan Hak Cipta Terhadap Gambar Yang Telah Diunggah Pada Media Sosial Instagram. *Jurnal Pembangunan Hukum Indonesia*, 5(1), 186–203. <https://doi.org/10.14710/jphi.v5i1.186-203>