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## RESEARCH ARTICLE

# Legal Protection for Authors as Creators in the Digital Utilization and Conversion of Works

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## ABSTRACT

Protection of authors as creators in the utilization and digital conversion of works is a crucial aspect of intellectual property rights. In the digital age, technological advancements provide easier access to distribute and convert works into various formats, yet they also pose new challenges concerning the unauthorized use of works. This article discusses the protection of authors' economic and moral rights, including reproduction, distribution, and recognition of their works. Technologies like Digital Rights Management (DRM) play an important role in safeguarding works from illegal utilization or modification and unauthorized utilization of work. This study's objectives are to determine and examine the legal safeguards that authors can obtain in the digital sphere and assess how successfully the laws in place now protect authors' copyrights from possible infringement in the digital age. Using a normative juridical approach, this study focuses on pertinent legal concepts for safeguarding digital works as well as applicable statutes like Law Number 28 of 2014 respecting Copyright. To make sure that their works are not misused and that legal remedies may be followed in cases of copyright violations, authors must also be aware of the laws, especially those pertaining to explicit digital licensing agreements. It is envisaged that these safeguards will allow writers to keep ownership over their creations in a constantly changing digital landscape. Potential copyright violations on digitally utilized works also refer to legal rules within Indonesian Copyright Law, which are expected to serve as a legal safeguard for creators to secure their rightful claims.

## KEYWORDS

*Digitalization; Copyright; Protection.*

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## I. INTRODUCTION

In the digital age, the advancement of information and communication technology has transformed the creation, dissemination, and consumption of creative works such as texts, images, music, and videos. The ease of digital access and distribution has created significant opportunities for authors and creators to reach a global audience. However, this progress also poses serious challenges regarding copyright protection and the integrity of works (Situmorang, 2015). According to Kumari and Aditi (2023), the increasing use of Artificial Intelligence (AI) in digital utilization in conversion of works raises several serious legal and ethical issues, including:

### 1. Copyright Infringement

A vast amount of data, including books, articles, and other works published online, is supplied to AI language models to generate outputs that may resemble existing works. Such digital conversions often result in literary outputs from authors, and these actions have the potential to lead to copyright infringement (Anushka, 2023).

### 2. Copyright Protection

The primary issue related to digital conversion is copyright protection, as works created by AI models are not genuinely original, being a blend of various works obtained from the internet, which may include copyright-protected literary works. Outputs

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generated by AI do not meet the originality criteria because AI-generated works are products of algorithms and patterns, potentially resembling existing works (Ravindra & Pankaj, 2011).

### 3. Economic and Moral Rights

The concept of economic and moral rights in relation to digital conversion is complex. While laws grant such rights to the authors of works, in the case of Chat GPT, those rights cannot be held by the AI itself since it is not human. According to the terms of use, these rights are transferred to the user. The transfer of rights can only be exercised by the copyright holder according to copyright law. In this case, Chat GPT lacks the human element necessary for the creation of works. Moral rights, which relate to the personality of the author and concern attribution, integrity, and authorship of the work, raise serious questions when applied to AI, as AI lacks legal personhood (Kumari & Aditi, 2023).

Copyright is the exclusive right granted to authors or creators to control the use of their creations. Law No. 28 of 2014 concerning Copyright in Indonesia seeks to protect the economic and moral rights of authors within the digital context. Economic rights encompass the rights to reproduce, distribute, and adapt their works, while moral rights include the right to attribution and the integrity of the work (Kurniawan, 2017). Nonetheless, the implementation of this law often faces challenges such as digital piracy, unauthorized distribution, and modifications that undermine the integrity of works (Raharjo, 2019).

Digital Rights Management (DRM) has been introduced as a technological solution to protect digital works from unauthorized use. DRM serves to control access and distribution of digital works, but its effectiveness in combating copyright infringement is often debated (Harris, 2018). Furthermore, addressing copyright violations in the digital context is frequently difficult legally, particularly in jurisdictions that have not fully adapted to technological advancements (Hernandez, 2021).

This research aims to examine the legal protection afforded to authors in the digital context using a normative legal approach. This method will analyze applicable regulations, international legal principles, and legal practices applied to address digital copyright infringement. The primary focus of this study is to evaluate the extent to which existing copyright laws protect authors from violations and to provide recommendations for improvements in copyright protection policies (Tanjung, 2010).

By gaining a deeper understanding of copyright protection in the digital context, this research hopes to contribute to the development of more effective policies and assist authors in safeguarding their rights and the integrity of their works. Therefore, the focus of this study is on identifying and analyzing the forms of legal protection available to authors in the digital context and evaluating the effectiveness of existing regulations in protecting authors' rights against potential copyright infringements occurring in the digital age.

## II. METHODOLOGY

In this study, a normative legal approach was adopted. Descriptive-analytical research specifications are used, with the goal of correctly, methodically, and factually describing and analyzing current facts considering pertinent legal theories. This study's method of gathering data was library research. Using secondary data from document studies—which entail the systematization of written legal materials—the data collected for this study is examined using qualitative normative methodologies. While the normative component shows that this research is predicated on current legislation as positive law, the qualitative component seeks to evaluate data obtained from literature relevant to copyright provisions in the context of digitalized works.

## III. RESULTS AND DISCUSSION

Digital rights refer to an individual's rights to access, use, create, and disseminate digital content on devices such as computers and mobile phones via the internet (Reventflow, 2017). Given the speed and diversity of access and technology usage worldwide, placing these digital rights in a challenging position to ensure that every individual has equal rights in the same digital space, necessitates legal frameworks to establish and secure digital rights that encompass all stakeholders on platforms, including creators, designers, users, and other stakeholders (Goggin et al., 2017). A deeper exploration reveals the inherent tension within digital rights, namely the inconsistency between the free exchange of ideas and the legal certainty needed to protect creators from copyright infringement (Livingstone, 2014).

Law No. 28 of 2014 on Copyright provides two main categories of protection for authors: economic rights and moral rights. Economic rights grant authors exclusive control over the reproduction, distribution, and adaptation of their works, including the right to receive financial remuneration from the use of their works, which is particularly critical in the digital context where works can be easily copied and disseminated (Kurniawan, 2017). On the other hand, moral rights encompass the right to be recognized as the creator and the right to protect the integrity of the work from alterations that may harm the author's reputation (Raharjo, 2019). This protection is vital as, despite the broad access provided by digital technology, the risks of plagiarism and unauthorized use of works are also heightened (Situmorang, 2015).

DRM technologies are designed to protect digital works from unauthorized use and distribution. DRM systems employ encryption technology to restrict access and reproduction of digital works (Harris, 2018). The core concept of DRM involves the use of digital

licenses. Rather than purchasing digital content outright, consumers buy a license that grants them certain rights. These licenses are digital data files that set specific usage rules for the digital content, which can include criteria such as frequency of access, expiration dates, transfer restrictions to other devices, and permissions for copying (Qiong Liu et al., 2003). DRM can prevent illegal copying and distribution while controlling how works can be accessed and used by consumers. However, the implementation of DRM is not without challenges. Some critics argue that DRM often restricts legitimate user rights, such as the right to create backup copies or use works across multiple devices (Tanjung, 2020).

Additionally, DRM technologies can be circumvented by hackers with technical skills, raising questions about their effectiveness in protecting copyright (Harris, 2018). Therefore, assurances regarding the certainty of legal protection within the context of digital rights often experience ambiguity, particularly regarding the principles of active nationality and passive nationality. Referring to the Rome Statute of the International Criminal Court (ICC), which emphasizes the importance of the defendant's nationality, the statute states that unless a situation where the crime occurred is referred to the court by the Security Council under Chapter VII of the UN Charter, "the court may exercise its jurisdiction if one or more of the following states are parties to this statute or have accepted the jurisdiction of the court: (a) the state on the territory of which the crime was committed or, if the crime was committed on a ship or aircraft, the state of registration of that ship or aircraft; (b) the state of which the person accused of the crime is a national" (Ralph Wilde, 2017). Thus, a fundamental question arises: how can copyright infringements be resolved when they occur across national boundaries?

At the global level, copyright protection is governed by international treaties such as the Berne Convention and the World Copyright Treaty (WCT). The Berne Convention establishes international standards for copyright protection and facilitates the recognition of copyrights across countries (Hernandez, 2021). Meanwhile, the WCT extends copyright protection to digital formats and the internet, providing a legal framework to combat copyright infringement online. At the bilateral level, various countries enter into agreements to enhance protection and facilitate the enforcement of copyright. For instance, free trade agreements often include clauses regarding copyright protection that affect how participating countries safeguard digital works (Situmorang, 2015). The use of digital technology for copyright infringement necessitates adaptive and integrated law enforcement. Enforcement in this field must include mechanisms to address cross-border infringements and the technologies employed that circumvent DRM systems (Tanjung, 2020).

#### IV. CONCLUSION

This research emphasizes the importance of digital rights protection in the context of rapid and diverse developments in information technology. The study successfully provides a comprehensive understanding of how Law No. 28 of 2014 on Copyright in Indonesia offers protection through two main categories: economic rights and moral rights, which are highly relevant in the digital age. With the rising risks of copyright infringement such as plagiarism and unauthorized use of works, this research highlights the necessity of strong law enforcement and the implementation of technologies like Digital Rights Management (DRM) that can help maintain the integrity of creators' works.

Additionally, this research contributes to the discourse on the challenges faced in implementing copyright laws at both the national and international levels, particularly in the context of cross-border infringements. By incorporating international agreements like the Berne Convention and the World Copyright Treaty (WCT), this study underscores the importance of collaboration among nations to strengthen copyright protection. The findings illustrate that an adaptive and integrated legal approach can be a solution for addressing complex copyright infringements while raising awareness among creators about the significance of understanding applicable laws and policies.

Thus, policies must be developed to enhance copyright protection in the digital era. By highlighting the need for a comprehensive and flexible legal framework and wisely utilizing technology, this research aims to serve as a reference for policymakers, researchers, and practitioners in formulating more effective strategies for protecting copyright and fostering creativity in the ever-evolving digital landscape.

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