

LEGAL POLICY ON COPYRIGHT OF DIGITAL WORKS BASED ON ARTIFICIAL INTELLIGENCE IN THE CREATIVE ECONOMY ERA IN INDONESIA

Rara Amalia Cendhayanie¹, Megawati Barthos²

Borobudur University¹, Borobudur University²

Email : raramaliac@gmail.com¹, megawati_barthos@borobudur.ac.id²

Citation: Rara Amalia Cendhayanie., Megawati Barthos. Legal Policy On Copyright Of Digital Works Based On Artificial Intelligence In The Creative Economy Era In Indonesia. *MALA IN SE: Jurnal Hukum Pidana, Kriminologi dan Viktimologi* 3.1.2026. 134-143

Submitted:02-01-2026 **Revised:**01-03-2026 **Accepted:**01-04-2026

Abstract

The swift evolution of Artificial Intelligence (AI) has facilitated the production of digital creations via computational algorithms, prompting juridical questions about authorship, novelty, and safeguards under copyright law. In Indonesia, the copyright system—chiefly regulated by Law No. 28 of 2014—upholds humans exclusively as eligible creators. This stance engenders difficulties in providing juridical predictability for outputs produced by or with AI assistance, especially amid the burgeoning digital creative sector. This research seeks to analyze the policy dynamics underpinning the governance of AI-driven digital copyright within Indonesia. It employs a normative juridical methodology, incorporating statutory, conceptual, and comparative lenses drawn from legislative texts, doctrinal principles, and pertinent academic sources. The results demonstrate that Indonesia's prevailing copyright structure fails to expressly encompass AI-generated content. Hence, a flexible regulatory strategy is essential, achieved via the revision of normative provisions that preserve human oversight in creation while delineating a precise protective regime for AI-assisted works, thereby fostering expansion in the domestic creative economy.

Keywords: Artificial Intelligence, Copyright, Creative Economy.

A. INTRODUCTION

The accelerated progress in generative Artificial Intelligence (AI) has profoundly transformed the international intellectual property domain, especially concerning digital copyright protections. In the music sector, AI-supported composition has gained prominence, propelled by innovations like Recurrent Neural Networks (RNN), Generative Adversarial Networks (GAN), and Variational Autoencoders (VAE). Platforms such as MuseGAN, MusicVAE, Magenta Transformer, and Suno can now produce compositions across varied genres, predominantly shaped by their underlying training datasets.¹

Even now, AI-created music trends are developing on digital music platforms such as *Spotify*, one of which is *the The Velvet Sundown* account, an AI band verified on the platform. *The Velvet Sundown* itself recorded monthly listeners on *Spotify* exceeding 1 million, a large number for AI-generated copyrights. Deezer CEO Aurelien Herault said that currently 18% of the music uploaded on his platform is the result of generative AI, equivalent to more than twenty

¹ Nur Abdillah Siddiq, "How Artificial Intelligence Is Changing the World of Music: Innovation, Collaboration, and Challenges". Accessed : <https://warstek.com/ai-musik/> accessed on February 10, 2026 at 23.00 WIB

thousand per day and this number continues to rise exponentially.² The ability of AI systems to autonomously generate creative content ranging from visual artwork, music, to written works raises fundamental questions about the concept of ownership and legal protection in the contemporary copyright regime.

In Indonesia, Law Number 28 of 2014 concerning Copyright (UUHC) defines a creation as the result of a work produced from inspiration, ability, thought, imagination, dexterity, skill, or expertise expressed in real form. This definition requires the involvement of human elements in the process of making a copyright.³ However, the existence of generative AI that has significant autonomy in producing copyrighted works creates a legal *vacuum* in the national legal system. Existing research identifies the urgency to provide incentives to AI programmers and owners to stimulate development and investment in the field of AI, while addressing the need to redesign copyright regulations to accommodate issues of moral rights, economic rights, and the protection period of digital copyrights generated by AI.⁴ This situation is exacerbated by the lack of specific regulations regarding AI in sectoral laws and regulations in Indonesia, thus creating legal uncertainty for stakeholders in the digital creative industry⁵.

Historically, Indonesia's copyright regime is grounded in the romantic author theory, which views creative works as unique expressions of human individuality. This perspective is embodied in the Copyright Law of Indonesia (UUHC), which defines a "creator" as an individual or group producing a work based on their skills and creativity. However, this definition becomes problematic in the context of AI, as algorithms lack legal personality, consciousness, and free will-elements that form the moral basis of authorship.

The digital revolution, coupled with the expansion of a technology-driven creative economy, has heightened the need for reform in copyright law. As a member of the World Intellectual Property Organization, Indonesia is confronted with the challenge of harmonizing its national legal framework with ongoing global developments. Several jurisdictions, including the United States, the European Union, and the United Kingdom, have initiated debates regarding the legal

² Deezer, "Deezer reveals 18% of all new music uploaded to streaming is fully AI-generated", Accessed via: <https://newsroom-deezer.com/2025/04/deezer-reveals-18-of-all-new-music-uploaded-to-streaming-is-fully-ai-generated/> accessed on February 10, 2026 at 22.15 WIB

³ Made Doni et al., "Copyright Regulation for AI-Generated Images Legal Approaches in Indonesia and the United States" *SASI*, Vol.30, No. 4 ,(2024) : 355–68.

⁴ Ni Komang et al., "The Urgency of Copyright Regulation in the Era of Artificial Intelligence: Legal Challenges and Solutions in Indonesia," National Seminar & Call For Paper Hubisintek, (2024): 16–22.

⁵ Yonathan Ariel et al., "The Implications of Legal Voids on Artificial Intelligence as Intellectual Property Infringers on Digital Works" *Kertha Speech: Journal of Legal Science*, Vol. 15, no. 04 , (2025): 1–14.

status of AI-generated works. By contrast, Indonesia has yet to establish specific regulations governing ownership and legal protection for works produced through artificial intelligence systems.

From a political and legal perspective, this problem shows that the state is lagging in responding to technological changes that have a systemic impact on intellectual property rights. Indonesia's legal politics in the field of copyright are still oriented towards protecting human works, rather than an autonomous digital ecosystem. This shows that there is a gap between *law in the books* and *law in action*, where written law is no longer adequate to respond to growing social needs.⁶

This gap, of course, shows that the main problem lies not only in the substance of the law but also in the direction of national legal politics, which have not made AI a strategic issue in the development of IPR. So the government needs to decide whether to recognize AI as a protected object or simply as a technological product without copyright protection. This legal-political decision will determine the future direction of Indonesian copyright law: whether it is adaptive to innovation or lags behind the changing times.

Thus, the issue of copyright protection for AI-based digital works is not just a matter of legal interpretation, but also a reflection on the political direction of Indonesian law in dealing with technological disruption. The legal vacuum, academic debate, and practical implications that arise form the basis for this paper's examination of how the legal politics of copyright can respond to the AI phenomenon in a fair, rational, and constitutional manner. Based on this description, this research will focus on the direction and political construction of AI-based copyright protection laws in Indonesia.

B. RESEARCH METHODS

This research employs a normative juridical methodology to scrutinize copyright provisions and their applicability to the evolution of AI-driven digital copyright. It evaluates primary, secondary, and tertiary legal sources to yield a thorough insight into Indonesia's copyright policy framework. The study integrates statutory and conceptual analytical lenses. Legal resources undergo qualitative descriptive-analytical interpretation, elucidating pertinent norms

⁶ Satjipto Rahardjo, *Legal Science in the Midst of the Current of Change* (Malang: Surya Pena Gemilang, 2016): 102.

to gauge their suitability, pinpoint normative deficiencies, and determine reform imperatives for governing AI-produced digital creations amid Indonesia's creative economy.

C. RESULTS OF RESEARCH AND DISCUSSION

1. Artificial Intelligence-Based Digital Works

a. Characteristics of Artificial Intelligence-Based Digital Works

At the normative level, the Copyright Law (UUHC) does not explicitly recognize “digital copyright” as a distinct category. Instead, it relies on the broader concept of “creation,” defined as any work in the fields of science, art, or literature that originates from human intellectual capacity, imagination, skill, and expertise, and is expressed in a tangible form. This definition is technologically neutral, allowing it to encompass both analog and digital works, including computer programs, databases, and electronically distributed content. In practice, the administration of intellectual property rights in Indonesia further affirms this approach, as copyright protection is granted to a wide range of creative outputs that possess tangible form, including audiovisual works and software that exist in digital formats.⁷

In contemporary usage, the term "AI-based digital artwork" can refer to a digital work whose creation process involves artificial intelligence, whether as a supporting tool (AI-assisted) or as a system that produces works independently (AI-generated). Various studies on the copyright regulation of AI-generated images in Indonesia and the United States show that AI systems can produce complex visuals solely through text-based commands, with qualities that are often difficult to distinguish from those of human artists. However, doctrinal studies on authorship and rights ownership confirm that from the perspective of Indonesian law, AI is still positioned as an instrument. At the same time, the creator subject who obtains legal protection remains a human or legal entity that controls the technology.

b. The Position of *Artificial Intelligence* in the Legal System in Indonesia

Article 1(2) of Indonesia’s Copyright Law (UUHC) delineates a “creator” as one or more persons crafting a unique and personal production, thus restricting recognition to human juridical entities alone. Consequently, generative AI, functioning as a technical device,

⁷ DGIP, “Hak Cipta, diaakses melalui : <https://www.dgip.go.id/menu-utama/hak-cipta/pengenalan> pada tanggal 15 Februari 2026 Pukul 21.00 WIB

disqualifies itself from creator status. Moreover, Article 1(3) describes a “work” as any scientific, artistic, or literary expression manifesting inspiration, proficiency, intellect, ingenuity, or expertise in concrete form. This prompts a pivotal inquiry: if someone generates music via generative AI through input prompts, ought that person secure copyright over the output.

The UUHC omits direct reference to generative AI outputs. Yet, it includes clauses accommodating contributions from additional actors or tools in creation. Article 34 declares that when one party devises a work and another executes it under directed oversight, the originator qualifies as the creator. Here, “direction and oversight” involve directives, commands, or amendments supplied by the conceptual initiator.

While Article 34 of the UUHC offers an initial basis for assigning copyright to generative AI music, it proves insufficient for clarifying ties among stakeholders, including AI operators and developers. Finer regulatory directives are needed, especially to specify prompt or instruction standards that fulfill musical work creation thresholds, thereby meeting originality mandates. Likewise, explicit boundaries must define requisite human engagement—like edits or alterations—during generative AI use to ascertain creator eligibility. Critical too is delineating positions between AI users and developers. Practically, generative AI music emerges not in vacuum; users typically play a constrained, passive role, mainly furnishing prompts followed by tweaks. Often, prompts themselves derive from auxiliary AI like ChatGPT. Thus, precise allocation of entitlements and duties among parties is vital to avert prospective juridical conflicts.

2. Juridical Implications of Legal Voids on the Status of Generative AI Copyrights

The absence of clear regulation on AI-generated works creates complex juridical issues within Indonesia’s legal system. The Copyright Law of Indonesia (UUHC) recognizes only individuals and legal entities as creators, leading to legal uncertainty in terms of ownership, protection, and commercialization of AI-based works. As AI cannot be treated as a legal subject, liability for such works remains with the individuals or entities that develop or operate the technology. This situation raises fundamental challenges, including determining authorship, allocating economic and moral rights, and addressing liability for copyright infringement involving AI systems. Moreover, the current legal framework fails to provide

adequate protection due to the absence of clear standards on the level of human involvement required for copyright eligibility.⁸

The advancement of artificial intelligence technology, which can now generate art, writing, music, and other forms of expression once exclusive to humans, has created a legal vacuum in determining the status of such works. This is because existing regulations remain centered on the concept of human authorship, recognizing only humans as creators and copyright holders, while partially or fully AI-generated works fall outside this framework.⁹ This disruptive condition demonstrates the urgency of a comprehensive regulation to ensure a balance between technological innovation and legal protection, where a comparison with regulation in the European Union through *the AI Act* highlights the importance of a clear legal framework about accountability, protection of creative works, and oversight mechanisms for the use of artificial intelligence.¹⁰

3. Ideal Legal Construction for AI-Based Digital Work Copyright Protection

From a conceptual standpoint, debates on copyright in the context of AI are closely connected to foundational theories of intellectual property protection. One prominent approach is the natural rights theory, which asserts that creators are entitled to both moral and economic rights over works resulting from their intellectual efforts. However, in the context of AI, this theory faces substantial challenges, as AI lacks consciousness, intention, and moral agency as a legal subject. Consequently, many scholars contend that copyright in AI-generated works should remain vested in human actors who make a meaningful creative contribution to the process, such as system developers, users, or individuals who initiate the creation through prompts.¹¹

In addition, a utilitarian perspective may also be applied, emphasizing that the primary objective of copyright protection is to promote innovation and foster creativity within society. From this standpoint, the regulation of AI-generated works should not be confined solely to safeguarding individual creators, but must also consider broader public interests

⁸ Rizki Fauzi et al., "Masa Depan Hak Cipta: Tinjauan Keabsahan Hasil Karya Kecerdasan Artifisial Di Indonesia" *Citizen : Jurnal Ilmiah Multidisiplin Indonesia*, Vol.2, No. 1 ,2022 : 118–28.

⁹ Irsyad Maulana Achmadi, Aisha Tsabita Kamila, and Feymi Angelina, "Enforcement of Copyright Protection for Artificial Intelligence Works Using the Doctrine of Work Made For Hire," *Journal of the Judicial Community*, Vol. 8, No.3, 2023 : 1–23.

¹⁰ Cokorda Gede Yasnu Suwargit, "Perlindungan Hukum Terhadap Hasil Karya Artificial Intelligence Dalam Perspektif Hak Cipta Di Indonesia" *Nusantara Hasana Jurnal*, Vol 5, No. 7 ,2025 : 289–305.

¹¹ Chrisna Bagus Edita Praja et al., "Authorship and Ownership of AI-Generated Works in Indonesia: A Doctrinal and Comparative Review," *Jurnal Media Hukum* , Vol. 32, No.1, (2025) : 151-170.

and ongoing technological developments. Accordingly, adaptive regulatory frameworks are necessary to ensure that copyright law remains responsive to technological progress.

In this scenario, an optimal regulatory structure for safeguarding AI-generated digital creations in Indonesia could embrace multiple strategies. Primarily, it ought to uphold the doctrine of human-centric authorship, vesting copyright ownership in persons providing meaningful input to AI-supported productions. This model treats AI as an instrument aiding human creativity, not as a juridical entity eligible for authorship rights. Such a viewpoint aligns with precedents in regions like the United States and the European Union, where AI receives no status as a copyright proprietor.

Second, special arrangements are needed regarding copyright ownership of AI-based works. Some of the regulatory models that can be considered include:

- a. granting copyrights to AI users who provide creative input;
- b. granting rights to AI system developers; or
- c. a joint ownership model between AI users and developers.¹² This model is important to provide legal certainty regarding who is entitled to economic benefits from the work generated by AI.

Third, strengthening transparency and accountability mechanisms in the use of AI in creative processes. Regulations can regulate the obligation to disclose that a work is produced with the help of AI. This policy aims to maintain the integrity of the copyright system and prevent potential copyright infringement of training data used in AI systems.¹³

Fourth, the establishment of special regulations or revisions to the Law on AI technology to accommodate the development of AI technology. The regulatory reform can include regulations on the definition of AI-based works, legal protection mechanisms for generative digital works, and limitations on the use of data in the AI training process. This step is important so that the national legal system is able to provide legal certainty while encouraging the growth of a technology-based creative economy.¹⁴

The ideal legal framework for protecting AI-based digital works requires regulatory reform that adapts to contemporary technological developments. Several concepts, such as

¹² Laurensia Andriani, *Protecting Artificial Intelligence-Generated Works in Indonesia: Insights from the European Union Approach* (Cham: Springer, 2025).

¹³ Junaidi, "The Urgency of Regulating Copyright of Artificial Intelligence Works with the Fair Use Principle," in *Regulatory and Intellectual Property Impacts on AI* (IGI Global, 2026).

¹⁴ Lu Sudirman et al., "Intellectual Property Challenges for AI-Driven Creativity," *Lex Scientia Law Review*, Vol.9, No. 1, (2025) : 1285-1312.

legal entity theory and organ theory, open the possibility of recognizing artificial intelligence within the scope of legal subjects, even though this raises challenges, particularly in relation to criminal liability and copyright attribution.

The swift evolution of artificial intelligence has deeply influenced diverse industries, notably the copyright system, which faces persistent upheaval from digital transformations. Contemporary AI technologies can independently produce creative outputs with little to no human involvement, thereby undermining the established notion that ties a human author inextricably to their creation as the cornerstone of intellectual property safeguards. Such advancements pose pressing juridical inquiries about the legitimacy of AI-produced works and the prospective direction of copyright legislation in Indonesia, especially since prevailing statutes fail to expressly account for these innovations.

To guarantee sufficient juridical safeguards for AI-generated content, a thorough evaluation of existing legal structures and intellectual property doctrines is essential, aiming to cultivate flexible regulations and deliver certainty in the digital age. A promising strategy entails leveraging AI within the protective apparatuses themselves, potentially reducing human inaccuracies and enhancing operational dependability. Therefore, the Indonesian authorities must urgently develop and enact a dedicated regulatory framework that holistically tackles copyright challenges arising from artificial intelligence.

D. CONCLUSION

Indonesia's legal policy in responding to Artificial Intelligence-based digital copyright issues are still in a transitional stage, with a regulatory framework that is not yet optimal. Law Number 28 of 2014 concerning Copyright and other related regulations contains vague norms that do not explicitly address the phenomenon of AI, creating a significant legal vacuum. The juridical implications of this condition include uncertainty regarding ownership status, legal protection, and accountability for AI-generated works, as the current legal system recognizes only humans and legal entities as creator subjects. This regulatory vacuum poses complex problems regarding the determination of creators, the distribution of economic and moral rights, and the mechanisms for legal accountability. The construction of the ideal law requires a comprehensive reformulation that is adaptive to technological developments, taking into account the theory of legal entities and organs to accommodate AI within specific legal subjects, as well as the use of AI itself to minimize errors in copyright protection systems.

E. REKOMENDATION

Based on this analysis, several strategic measures should be pursued. First, the Indonesian government must promptly formulate and enact specific regulations that clearly define the legal status of AI-based copyrights, including criteria for ownership, protection mechanisms, and the allocation of economic and moral rights, while taking into account the extent of human involvement in the creative process. Second, strengthening the institutional framework is essential. This can be achieved by establishing a dedicated body or task force responsible for supervising, evaluating, and providing policy recommendations on the use of AI in the creative industry and intellectual property systems. Finally, regulatory harmonization at the international level is necessary. This includes conducting comparative legal studies and aligning national regulations with global standards, such as the EU AI Act, to ensure that Indonesia's legal framework remains competitive while supporting technological innovation and safeguarding fairness for stakeholders in the creative industry.

Bibliography

Books

- Andrini, Laurensia., *Protecting Artificial Intelligence-Generated Works in Indonesia: Insights from the European Union Approach* (Cham: Springer, 2025).
- Aplin, Tanya., Bently, Lionel., *Global Copyright: Three Hundred Years Since the Statute of Anne, from 1709 to Cyberspace*, Oxford: Oxford University Press, 2019.
- Drahos, Peter Drahos., *A Philosophy of Intellectual Property* (Aldershot: Dartmouth Publishing, 1996).
- Junaidi, "The Urgency of Regulating Copyright of Artificial Intelligence Works with the Fair Use Principle," in *Regulatory and Intellectual Property Impacts on AI*, IGI Global, 2026.
- Landes, William M. and Posner, Richard A., *The Economic Structure of Intellectual Property Law*, Cambridge: Harvard University Press, 2003.
- Satjipto Rahardjo, *Ilmu Hukum di Tengah Arus Perubahan*, Malang : Surya Pena Gemilang, 2016.

Journal

- Ariel, Yonathan. et al., "Implikasi Kekosongan Hukum Terhadap Kecerdasan Buatan Sebagai Pelanggar Kekayaan Intelektual Terhadap Karya Digital" *Kertha Wicara: Journal Ilmu Hukum*, Vol. 15, no. 04, (2025).
- Doni, Made., et al., "Copyright Regulation for AI-Generated Images Legal Approaches in Indonesia and the United States" *SASI*, Vol.30, No. 4, (2024).
- Fauzi, Rizki., et al., "Masa Depan Hak Cipta: Tinjauan Keabsahan Hasil Karya Kecerdasan Artifisial Di Indonesia" *Citizen : Jurnal Ilmiah Multidisiplin Indonesia*, Vol.2, No. 1, (2022).

Komang, Ni., et al., “Urgensi Pengaturan Hak Cipta Di Era Kecerdasan Buatan : Tantangan Dan Solusi Hukum Di Indonesia,” Seminar Nasional & Call For Paper Hubisintek, (2024).

Praja, Chrisna Bagus Edita., et al., “Authorship and Ownership of AI-Generated Works in Indonesia: A Doctrinal and Comparative Review,” *Jurnal Media Hukum* , Vol. 32, No.1, (2025).

Rama, Bagus Gede Ari., “Urgensi Pengaturan Artificial Intelligence (Ai) Dalam Bidang Hukum Hak Cipta Di Indonesia” *Jurnal Rechtens*, Vol.12, No. 2 ,(2023).

Sudirman, Lu., et al., “Intellectual Property Challenges for AI-Driven Creativity,” *Lex Scientia Law Review* , Vol.9, No. 1, (2025).

Suwargit, Cokorda Gede Yasnu., “Perlindungan Hukum Terhadap Hasil Karya Artificial Intelligence Dalam Perspektif Hak Cipta Di Indonesia” *Nusantara Hasana Jurnal*, Vol 5, No. 7 ,(2025).

Internet

Deezer, “Deezer reveals 18% of all new music uploaded to streaming is fully AI-generated”, Diakses melalui: <https://newsroom-deezer.com/2025/04/deezer-reveals-18-of-all-new-music-uploaded-to-streaming-is-fully-ai-generated/> diakses pada tanggal 10 Februari 2026 Pukul 22.15 WIB

DGIP, “Hak Cipta, diakses melalui : <https://www.dgip.go.id/menu-utama/hak-cipta/pengenalan> pada tanggal 1 Januari 2026 Pukul 21.00 WIB.

Regulation

Indonesia, Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta