

## **Content Creator Legal Protection of The Copyrights of Content Reuploaded by Other Parties for Commercial Purposes**

**Carissa Fayola<sup>1</sup>, Roswita Sitompul<sup>2</sup>, OK Isnainul<sup>3</sup>**

Faculty of Law, Universitas Prima Indonesia<sup>123</sup>

Email: [roswitasitompul@unprimdn.ac.id](mailto:roswitasitompul@unprimdn.ac.id)

### **ABSTRACT**

In the current era of globalization, technological advancements are rapidly progressing, especially in the field of information technology, giving rise to the phenomenon of "creators." Creators are individuals or groups who produce creative content, such as videos, photos, or other digital forms, accessible via the internet. This profession demands protection for the Intellectual Property Rights (IPR) generated by creators. This protection is crucial because content uploaded without permission can economically and morally harm the creators. Unauthorized re-uploading creates serious problems for creators, damaging their image and credibility. It also leads to economic losses as creators lose potential income from affiliate links. Copyright, as regulated by Law Number 28 of 2014, provides legal protection for creators, covering both moral and economic rights over their works. This study aims to analyze the impact on the image and economic rights of creators, the factors hindering law enforcement, and the legal efforts made to address copyright violations. The research uses a normative juridical approach with secondary data analysis from written and electronic sources. The results of this study indicate that the government has implemented various measures to protect the copyright of content creators from violations, especially by unauthorized reuploaders. These measures include supervising the content upload process, ensuring content quality meets standards, and monitoring content usage to prevent misuse. The government has also developed secure information systems, monitored user activities, and enforced legal sanctions against copyright violators. The government is expected to strengthen regulations and IPR protection and enhance monitoring of unauthorized content re-uploading.

### **Keywords:**

Content Creator, Intellectual Property Rights, Copyright Infringement, Legal Protection, Digital Law Enforcement

### **INTRODUCTION**

Along with the development of digitalization, the creation of a job called "creator". Therefore, this "creator" must protect something he has produced. What the "creator" produces is an idea or thought that originates from one's creativity. Therefore, this idea can also be called IPR (Property Rights Intellectual). These intellectual property rights have a huge impact on a person "creator". The existence of the idea of intellectual property creates creators or what is called a "creator" can be protected by law for things that have been done he created creatively. Creators usually publish their content on social media such as Instagram, YouTube, Facebook, TikTok, Shopee Video, Tokopedia Video and other platforms. So due to the development of information technology and many social media platforms can cause uploads repeated without the permission of the creator "creator" therefore the idea of intellectual rights must be really fought for.

The idea of intellectual rights needs to be fought for because it is deep Creating content takes a lot of energy, money, etc. The rise of re-uploads without the permission of the creator is very disturbing "creators" whether in the form of videos, photos or other digital products. Matter which causes concern for the "creator" with re-uploads This means that as a "creator" you will be greatly disadvantaged in terms of economic

and social rights moral rights. Due to the loss of economic rights and moral rights will be automatically appears from the time it is uploaded to the platform on your account "creator". Apart from that, the "creator" has the right to grant licenses to people other. If you don't get permission from a "creator" then the idea regarding intellectual rights that can be exercised by the "creator" to parties who the person who re-uploaded it. The rise occurs like a person conducting a review of a beauty product in the form of toner from brand A and him compare it with brand B which according to the creator of brand A products it suits his skin better and brand B products make the creator's skin itchy but the re-upload was carried out by the brand company B and edited by brand B company with the statement that the "creator" claims that brand B products are better than Brand A.

Therefore, with the idea of protecting intellectual rights, we can protect the rights of "creators" from moral and economic rights. The re-uploading of content puts the "creator" at a disadvantage morally right because the creator's face is clearly visible. The face of the "creator" is a form of image or usually called branding regarding content what he created so that people know the characteristics of the creator This is what the creator deliberately created, in other words, image. Believe that the product is good because of the creator The conduct a review with the "content" of the product is better than product A even though the facts are the opposite. This could have an impact like people will no longer trust "creators" in matters conduct product reviews. In other words, the branding image created by the creator will fade because public trust decreases. Due people buy the product and experience the same thing happened to the "creator" but was due to Brand B's actions which were not responsible for editing the content therefore when If the same thing happens, people will assume that the "creator" doesn't have it credibility in reviewing a product.

In this case, a copyrighted work that has been published will be gives birth to exclusive rights by attaching moral rights as stated in article 5 paragraph (1) of Law number 28 of 2014 concerning copyright and economic rights which are contained in Article 8 of Law Number 28 of 2014 concerning copyright including publication, duplication in all forms, adaptation, arrangement, transformation, distribution, and broadcast for their creations, from an economic perspective, "creators" usually include affiliate links which are usually found on platforms such as Tokopedia, Shopee & Lazada. These links usually go directly to products that the "creator" has used. By re-uploading the edited version, the "creator" does not get economic rights from the people who make the purchase because to get these benefits, people have to make a purchase via the platform link embedded by the "creator" on the platform he has uploaded. In other words, what is called "commission" is usually around 10% per click. The link embedded by the "creator" is a programs created by platforms such as Tokopedia, Shopee, & Lazada. With the development of the era of copyright for intellectual property contained as well as the content therein, so is the need for copyright law. In legal regulations, the enactment of Law no. 6 of 1982 until the enactment of Law no. 28 of 2014 concerning copyright. With this idea, copyright regulations can protect "creators". The meaning of copyright law seems to be copyright law no. 28 of 2014 article 1 paragraph 1 states that copyright is "the creator's exclusive right which arises automatically based on declarative principles after a work is realized in real form without reducing restrictions in accordance with the provisions of statutory regulations. "Creator" is also called a creator because creator is also defined as one or more people who produce a unique and personal creation. Copyright is considered

a movable and immaterial object. Copyright cannot be transferred verbally but must be transferred by authentic word or private deed. Based on Law No. 28 of 2014 concerning undeclared copyright, which after the creator dies becomes the property of his heirs or recipients of a will, and cannot be confiscated

## METHOD

This research uses a normative juridical research type and the nature of this thesis research method is descriptive analysis, namely research that describes, examines, explains and analyzes a legal regulation, in this case related legal protection of content creators on the copyright of uploaded content return by other parties for commercial purposes, Source of legal materials used in this research is secondary data, namely data obtained from official documents, books or all forms of research relating to research objects and research results in the form of reports, journals, theses, dissertations and statutory regulations relating to intellectual property rights. The data analysis technique used is qualitative data analysis, namely a research procedure that produces analytical descriptive data, namely by collecting materials and data as well as applicable regulations and legislation which are then analyzed using logical legal thinking.

## RESULTS AND DISCUSSION

### Results

The legal protection carried out by the government to protect the copyright of content creators caused by re-uploaders is by developing an effective and transparent control system. Here are some steps you can take:

Transparency Monitoring: The government must ensure that the content uploading process is carried out transparently and can be monitored by the public. This can be achieved by developing information systems that allow direct access to related data and information.

- a. Quality Control: The government must ensure that uploaded content is of good quality and complies with established standards. This can be achieved by developing a quality control system that monitors and assesses content before it is uploaded.
- b. Use Monitoring: The government must ensure that uploaded content is not used for purposes that are inconsistent with law and ethics. This can be achieved by developing a system surveillance that monitors and stops inappropriate content.
- c. Information Systems Development: The government must ensure that the information system used for uploading content has good security and can be monitored. This can be achieved by developing information systems that allow limited access and monitor user activity.
- d. Supervision of Perpetrators: The government must ensure that perpetrators are
- e. involved in uploading content has integrity and does not have goals that are not in accordance with law and ethics. This can be achieved by developing a surveillance system that monitors and stop non-compliant actors.
- f. Legal Oversight: The government must ensure that perpetrators are Re-uploading content without permission may result in sanctions appropriate law. This can be achieved by developing a system laws that allow appropriate punishment to be imposed on perpetrators who infringe copyright.

By developing an effective control system and transparent, the government can ensure that content creators copyright protected from re-uploaders and that the uploaded content have good quality and comply with the standards set by the Government using various strategies to complete copyright issues regarding content created by creators, which include:

- a. Pass Law: Pass copyright law to provide legal protection for intellectual works and provide legal tools to enforce these rights.
- b. Law Enforcement: Activate and support law enforcement to effectively crack down on copyright infringement. This includes investigations and prosecution of violators.
- c. Global Cooperation: Participate in international agreements for guarantee compliance with copyright protection standards uniforms, such as the TRIPS Agreement and the Bern Agreement.
- d. Tracking and Protection Technology: Supports technology development such as digital rights management to help creators protect and track the use of their work.
- e. Education and Awareness Initiatives: Implement educational programs to increase public awareness about the importance of copyright and negative impact of copyright infringement.
- f. Takedown System: Implement a notification and takedown system (notice and takedown) to give copyright holders the ability to apply for the removal of the offending content from the platform online
- g. Industry Partners: Working with technology companies, providers internet services, and hosting-platforms to combat piracy and online copyright infringement. The government can also provide incentives for the development of creative industries, which supports creators through funding, grants, and other initiatives that enable them to continue to produce work with appropriate protection.

Other parties who upload content commercially without permission can subject to several sanctions, including:

- a. Written Warning: Parties who violate copyright can be given a warning written as a form of administrative sanction. This warning contains a warning and an order to stop actions that infringe copyright.
- b. Government Coercion: If written warnings are not effective, the government can carry out coercion to stop actions that violate rights create. This coercion can take the form of closing the violating site or account Copyright.
- c. Suspension of Permission: Parties who infringe copyright may be issued suspension of permits to carry out activities related to copyright. This suspension means that the party cannot carry out the activities violate copyright again.
- d. Revocation of Permit: If the party violating copyright is proven to have done so repeated violations, the permit may be revoked carry out activities related to copyright. This repeal is meaningful Such parties cannot carry out activities that violate copyright anymore and cannot obtain permission to carry out that activity related to future copyright.
- e. Penalty: If the party who violated copyright is proven If you commit a serious violation, you may be subject to criminal penalties. This punishment can take the form of imprisonment or a fine.
- f. Site Closure: Sites or accounts that infringe copyright may be closed by the authorities. This closure means the site or account cannot can be accessed again and cannot carry out activities that violate copyright.

- g. Refund of Profits: The party who infringed the copyright may ordered to return profits derived from activities that violate copyright. This return means the party must return the profits obtained from the activity which violates the copyright of the copyright owner.
- h. Stricter Supervision: Parties who infringe copyright can subject to stricter supervision by the authorities. this supervision This means that these parties must be monitored more closely to prevent activities that violates copyright in the future.
- i. Thus, other parties upload content commercially without permission can be subject to several sanctions that vary depending on the level of violations and interests that occurred.

## **Discussion**

Governments of various countries usually have laws and regulations designed to protect copyright and prevent violation of such rights, including unauthorized re-uploading of content. Actors who re-upload copyright protected content without permission the owner may face legal action which may include court orders to remove content, fines, or even penalties imprisonment depends on local laws and the severity of the offense. The government also collaborates with internet service providers and social media platforms to monitor and remove infringing content Copyright. Procedures such as notification and deletion systems (notice and takedown) is often implemented in response to copyright reports. It should be noted that regulations and laws are related with copyright and infringement varying between countries, so government efforts against perpetrators who re-upload as well can vary

The Indonesian government has taken several steps to confront and stop perpetrators who re-upload, namely the act of reloading content that has been previously uploaded without permission from the copyright owner. Some of the efforts made by the government include other:

- a. Human resource development: The Indonesian government has made efforts to improve public awareness about the importance of copyright protection and the importance of stopping re-uploaders. HR Development (Human Resources) through education and training on rights It is hoped that copyright and law can help society more understand and respect copyright.
- b. Digitalization of Government: The government has also made efforts enhance its digital capabilities to monitor and stops the re-uploader action. Government digitalization through the use of information and communication technology can help increase efficiency and effectiveness in supervision and termination of re-uploader actions.
- c. Synchronization of Legislation: The government has also made efforts synchronization of legislation relevant to copyright for ensure that applicable regulations can help stops the re-uploader action. This synchronization of legislation can help ensure that regulations in effect can help stop re-uploaders.
- d. Monitoring and Termination: The government has also made efforts increasing monitoring and stopping the actions of re-uploaders through the use of information and communication technology. Supervision and this termination can help stop the uploader's actions rework and ensure that copyright is maintained.
- e. Public Complaints: The government has also made efforts to improve public complaints about the actions of re-uploaders. Complaint This community can help



ensure that the uploader's actions repeats can be recognized and stopped before they cause further harm.

The Indonesian government protects creators through some laws are specifically designed to provide legal protection for their intellectual works. The following is several efforts made through law:

1. Law Number 28 of 2014 concerning Copyright:
  - a. Exclusive Rights: Gives the creator exclusive rights to control the use of their work, including the rights to reproduce, publish, distribute and exhibit the work.
  - b. Protection Period: Set the protection period Copyright varies depending on the type of work. For example, for works of literature, music, and art, copyright lasts for life
  - c. creator added 70 years after his death.
  - d. Violation Sanctions: Establish criminal sanctions and fines for parties who infringe copyright, such as reproducing or distributing works without permission.
2. Law Number 13 of 2016 concerning Patents<sup>19</sup>:
  - a. Patent Rights: Grants exclusive rights to the inventor or holder patents to use and exploit their inventions. Right this includes the production, use, sale, or import of products which is protected by a patent.
  - b. Invention Protection: Protecting new, proprietary inventions inventive step, and can be applied in industry for 20 years from the date of patent filing.
3. Law Number 20 of 2016 concerning Marks and Indications Geographic:
  - a. Brand Protection: Provides legal protection to trade and service mark owners to control use their brand in the market. This includes the right to prevent others using the same or similar marks without permission.
  - b. Geographical Indication: Protects geographical indications that show the origin of products from certain regions that have a certain quality or reputation, such as Gayo coffee or Sumba ikat weaving.
4. Law Number 31 of 2000 concerning Industrial Design:
  - a. Industrial Design Protection: Gives owners of industrial designs the exclusive right to use and protect their designs for 10 years. It includes the shape, configuration, or composition of lines and colors that give a special appearance to an industrial product.
5. Law Number 30 of 2000 concerning Trade Secrets<sup>22</sup>:
  - b. Trade Secret Protection: Protects business information that is confidential and has economic value, such as formulas, production techniques, or marketing methods. Trade secret owners have the right to protect such information from unauthorized use or disclosure.

Through this law, the government provides a strong legal foundation to protect the rights of creators and ensure that they can enjoy the economic benefits of their works and inventions. In addition, the government also ensures that there are legal mechanisms to enforce these rights and impose sanctions on violators.

## **CONCLUSION**

The government is obliged to carry out continuous regulations to protect the intellectual property rights of creators, so that creators feel protected by copyright protection and stop creators from re-uploading. The government has attempted to increase monitoring and stopping the actions of creator re-uploaders through the use of information and communication technology, as well as increasing public complaints

about the actions of creator re-uploaders. In some cases, these government efforts can help protect creators from creator re-uploaders and ensure that copyrights are maintained. However, these government efforts must also be combined with other efforts, such as education and training, to ensure that the public better understands and respects copyright. Copyright law helps creators as best as possible to protect their copyright for economic rights and image rights to protect creators from irresponsible commercial re-uploaders and is stated in Law Number 28 of 2014 concerning Copyright.

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