



The Challenges of Copyright Protection in the Digital Age: Between Innovation and Piracy

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Abstract

The development of digital technology has brought significant changes in the patterns of creation, distribution, and consumption of creative works. While the digital era encourages innovation and ease of access to intellectual works, it also increases copyright infringement practices such as digital piracy. This situation poses serious challenges for the copyright legal protection system, particularly in maintaining a balance between protecting the interests of creators and the public interest. This study aims to analyze the challenges of copyright protection in the digital era and examine legal remedies that can be taken to address piracy practices. The research method used is normative juridical research with a statutory and conceptual approach, through a review of copyright-related laws and regulations and relevant legal literature. The research stages include collecting primary and secondary legal materials, normative analysis, and drawing deductive conclusions. The results indicate that weak law enforcement, low public legal awareness, and technological developments that are faster than regulations are the main factors contributing to the rise of digital piracy. Therefore, strengthening regulations, increasing public legal literacy, and synergy between the government, creative industry players, and digital platforms are needed to create an effective and equitable copyright protection system in the digital era.

I. INTRODUCTION

Copyright is a form of legal protection for intellectual works that have economic and moral value to their creators. In modern society, creative works are viewed not only as the result of individual creativity but also as strategic assets for economic and cultural development. With the rapid development of digital technology, particularly the internet and digital media, the patterns of use of creative works have undergone significant changes.

The digital era offers easy access, duplication, and distribution of copyrighted works quickly and at relatively low cost. However, this also opens up opportunities for copyright infringement in the form of digital piracy, such as illegal downloading, unauthorized distribution, and the use of copyrighted works without acknowledging the creator's moral rights. These practices not only harm creators economically but also weaken the copyright legal protection system

itself.

Previous research relevant to this study is the research conducted by Khairil Fahmi, Muhammad Akbar, and Daud (2025) which discussed the legal protection of digital copyright in the creative economy era. The study emphasized that digital copyright holds a very strategic position in supporting the development of the creative economy based on innovation and creativity. Copyright, as an exclusive right that arises automatically, provides protection for various forms of digital works, such as music, films, software, and other digital content. However, the study also revealed that the rapid development of digital technology has actually given rise to serious challenges in the form of increasing copyright infringement, particularly through piracy and the distribution of unauthorized works on the internet, including those involving the use of cutting-edge technologies such as artificial intelligence. The findings of this study indicate that existing copyright

regulations are not yet fully adaptive to the dynamics of digital technology, so that a strengthened legal framework is needed to accommodate technological innovation without neglecting the protection of the moral and economic rights of creators. Furthermore, the study emphasized the importance of implementing digital security technology and effective law enforcement as supporting instruments for copyright protection. Copyright protection is not only seen as a legal protection effort alone, but also as a strategic instrument to increase the economic value of creative works so that they can be optimally monetized in the creative economy ecosystem. Thus, Fahmi et al.'s research provides a strong conceptual basis that digital copyright protection must be understood comprehensively, encompassing legal, technological, and economic aspects, which is in line with the focus of this research in examining the challenges and efforts of copyright protection in the digital era. (Fahmi et al., 2025)

Previous research relevant to this study is the research conducted by Fenny Wulandari (2024) in the *Journal of Contemporary Law Studies*, which discusses the problems of copyright infringement in the digital era. The study aims to examine the increasing number of copyright infringements related to digital content in Indonesia and identify concrete steps that can be taken to strengthen supervision and law enforcement. The method used is normative juridical research by analyzing secondary data in the form of laws and regulations, court decisions, journals, and related legal literature. The results of the study indicate that copyright infringement in the digital era continues to increase along with the ease of distribution and use of copyrighted works without permission, which requires the role of the legal system not only as a collection of norms, but also as a system of social behavior involving various stakeholders. This study emphasizes the importance of strengthening copyright protection institutions, such as Collective Management Institutions (LMK), implementing an effective royalty management system, and using technical protection measures and information management in accordance with WCT/WPPT provisions to control access and use of

copyrighted works. These findings provide an important contribution to this research, particularly in understanding the urgency of more effective supervision and law enforcement to create a sense of security for creators and encourage the growth of the creative industry in the digital era.

Previous research relevant to this study is research conducted by Ujang Badru Jaman, Galuh Ratna Putri, and Tiara Azzahra Anzani, which examined the urgency of legal protection for digital copyright works. This research highlights the rapid development of science and technology that has led to the transformation of creative works from physical to digital form, thereby increasing the potential for copyright infringement. Using a normative juridical research method, this study views law as a written norm in legislation that regulates societal behavior. The results of the study confirm that based on Law Number 28 of 2014 concerning Copyright, copyright is an exclusive right that includes moral rights and economic rights, where every use of economic rights over a work must obtain permission from the creator or copyright holder. This study also emphasizes the important role of the government and law enforcement officials in providing legal protection through the application of firm and appropriate sanctions against copyright infringement, so that legal protection is not only preventive, but also repressive. These findings provide an important contribution to this study in emphasizing the urgency of strengthening legal protection for digital copyright works amidst the increasingly rapid development of digital technology. (Badru Jaman et al., 2021)

The emerging issue is the effectiveness of copyright protection amidst the highly dynamic development of digital technology, and the extent to which existing regulations are able to address these challenges. Therefore, this research is crucial to assess the challenges of copyright protection in the digital era and formulate legal measures that can be implemented to curb piracy without hindering innovation and public access to information. (Wulandari, 2024)

II. RESEARCH METHODS

This research employs a normative juridical research method, focusing on the

study of applicable legal norms. The approaches employed include a legislative approach and a conceptual approach. The legislative approach examines various regulations governing copyright, while the conceptual approach is used to understand the concepts of copyright protection and digital piracy from a legal perspective. (Wiraguna, 2024)

The research phase begins with the collection of primary legal materials in the form of copyright-related legislation, as well as secondary legal materials in the form of books, scientific journals, and legal articles. Next, these legal materials are systematically analyzed to identify issues and find answers to the research questions. The analysis is conducted qualitatively, drawing deductive conclusions.

III. RESULTS AND DISCUSSION

A. Research result

Research results show that copyright protection in the digital era faces increasingly complex challenges along with the rapid development of information and communication technology. Digitalization allows copyrighted works in the form of music, films, books, software, and even visual content to be copied and distributed instantly via the internet. This condition often causes existing regulations to lag behind the rapid development of technological innovation. Copyright laws and regulations were originally designed to regulate violations in physical spaces, so when applied to violations in the digital space, legal gaps and inaccuracies often arise. As a result, legal protection for creators is less than optimal, especially when violations occur across regions or even countries. (Dian Utami Amalia et al., 2024)

In addition to regulatory issues, law enforcement against copyright infringement in the digital space also faces various technical and legal obstacles. In terms of proof, copyright infringement on the internet is often difficult to trace because perpetrators can conceal their identities through anonymous accounts, overseas servers, or encryption technology. Law enforcement officials often struggle to gather valid digital evidence and meet evidentiary standards in court. From a jurisdictional

perspective, many copyright infringements are committed through digital platforms based overseas, raising questions about legal authority between countries. Limited international cooperation and differences in legal systems further complicate the process of enforcing these violations. (Hilman Nur et al., 2025)

Another obstacle is the limited resources of law enforcement officers, both in terms of numbers, competence, and understanding of digital technology. Handling digital copyright infringement cases requires specialized expertise in information technology and digital forensics, which not all law enforcement officers possess. This situation impacts the low effectiveness of legal enforcement, resulting in copyright infringement often not being handled optimally or even ignored.

On the other hand, low public legal awareness of the importance of respecting copyright contributes to the rise of digital piracy. Many internet users still view downloading and using copyrighted works without permission as normal and not illegal. The growing "free" culture in the digital space creates the false perception that all content available on the internet can be used freely without regard for the economic and moral rights of creators. The lack of education and outreach regarding copyright results in the public not understanding the negative impact of piracy, both on creators and on the sustainability of the creative industry as a whole. (Glory et al., 2025)

The combination of weak regulations, ineffective law enforcement, and minimal public legal awareness creates an ecosystem that is not conducive to copyright protection in the digital age. If this situation persists, it could reduce creators' motivation to create and hinder the development of the creative economy. Therefore, copyright protection in the digital age requires not only regulatory reform and strengthened law enforcement, but also a preventative approach through increasing public legal literacy. These efforts must be carried out in an integrated manner to create a balance between copyright protection, technological development, and the public interest. (Yulianti et al., 2025)

B. Discussion

The discussion of this research confirms that copyright protection in the digital era cannot rely solely on formal legal instruments such as laws and criminal sanctions. While regulations are the primary foundation for providing legal certainty for creators, the reality is that the dynamics of digital technology are evolving far faster than the law's ability to adapt. Therefore, a comprehensive approach to copyright protection must involve various stakeholders, including the state, the public, creative industry players, and digital platform providers. This multidimensional approach is necessary to address the complexity of copyright infringement occurring in the digital space, which is not only legal but also social, economic, and technological. (Syukri Azhari et al., 2025)

Improving public legal literacy is a crucial aspect in copyright protection efforts. Lack of public understanding of the economic and moral rights of creators means that copyright infringement practices, such as downloading and distributing illegal content, are still considered normal behavior. Adequate legal literacy can foster awareness that every work of art has value and rights that must be respected. Therefore, preventive efforts through education and legal outreach are as important as legal enforcement. Strong public legal awareness will foster a legal culture that values creativity and prevents violations early on. (Feby et al., 2025)

In addition to the public, digital platforms play a strategic role in preventing and combating copyright infringement. As providers of content distribution, digital platforms have the technical capacity to monitor, filter, and remove illegal content. Implementing a notice and takedown system, using content recognition technology, and implementing strict internal policies against copyright infringement are all examples of platforms' responsibility to support copyright protection. Without the active involvement of digital platforms, effective law enforcement by the state will be difficult, given the vastness of the digital space and the high volume of content in circulation.

The state continues to play a central role in creating an effective copyright protection system through strengthened regulations and

law enforcement. The state must ensure that existing regulations accommodate developments in digital technology without creating legal uncertainty. Furthermore, increasing the capacity of law enforcement officials to understand digital crime and digital forensics is imperative. Consistent and fair law enforcement will provide a deterrent effect for perpetrators and increase creators' trust in the legal system. (Mulyani et al., 2024)

On the other hand, a balance between copyright protection and freedom of expression must be maintained to prevent regulations from becoming a tool to restrict creativity and innovation. Overly repressive copyright protection has the potential to hinder public access to information and stifle the development of the creative industry. Therefore, copyright protection policies must be designed proportionally, while still allowing for fair use and encouraging creative-based innovation. This balance is key to creating a healthy, fair, and sustainable digital ecosystem for all parties involved. (Kosasih & Saripudin, 2023)

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Copyright protection in the digital era faces a number of increasingly complex challenges, particularly the widespread and widespread piracy of digital works across the internet. Weak law enforcement is a serious problem, stemming from regulatory limitations that have not fully adapted to developments in digital technology, as well as technical and legal obstacles in proving and prosecuting copyright infringement in cyberspace. Furthermore, low public legal awareness of the importance of respecting the moral and economic rights of creators exacerbates the situation, as unauthorized use and distribution of copyrighted works are still often considered acceptable. Technological developments, which outpace regulatory reforms, create legal gaps that are exploited by violators.

Therefore, integrated strategic steps are needed through strengthening regulations, increasing the capacity of law enforcement officers, utilizing digital security technology, and increasing public legal literacy in order to create a copyright protection system that is effective, equitable, and able to support the

sustainability of the creative industry in the digital era.

B. Suggestion

It is recommended that the government not only strengthen regulations and enforcement of copyright law in the digital space but also conduct regular evaluations of existing regulations to ensure they remain relevant to technological developments. Improving public legal literacy is crucial to fostering awareness and responsibility in respecting the creative works of others. Furthermore, closer collaboration between the government, creative industry players, and digital platforms must be strengthened, for example through the development of digital content monitoring systems, the implementation of copyright protection technology, and educational programs and anti-piracy campaigns. Incentives for creators to register copyrights and utilize legal mechanisms to protect their works are also needed. With this integrated approach, it is hoped that copyright protection will be effective, piracy can be minimized, and innovation in the creative industry will continue to develop sustainably, along with the creation of a safe and fair digital ecosystem for all parties.

REFERENCE LISTAN

- Badru Jaman, U., Ratna Putri, G., & Azzahra Anzani, T. (2021). Urgensi Perlindungan Hukum Terhadap Hak Cipta Karya Digital. *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia*, 9. [Http://www.Rajaebookgratis.Com](http://www.rajaebookgratis.com)
- Dian Utami Amalia, Bagos Budi Mulyana, Fajar Falah Ramadhan, & Noerma Kurnia Fajarwati. (2024). Perlindungan Hukum Terhadap Kekayaan Intelektual Dalam Era Digital Di Indonesia. *Terang: Jurnal Kajian Ilmu Sosial, Politik Dan Hukum*, 1(1), 26-46. <https://doi.org/10.62383/terang.v1i1.52>
- Fahmi, K., Akbar, M., Daud,) & Hukum, P., & Hamzah, U. A. (2025). Perlindungan Hukum Atas Hak Cipta Digital Dalam Era Ekonomi Kreatif. 19(03), 2716-3083.
- Feby, Y., Angkat, F., Putra Nainggolan, N., & Purba, B. (2025). Hukum Perlindungan Hak Kekayaan Intelektual Pada E-Commerce Di Era Digital. *Jurnal Cendekia Ilmiah*, 4(6), 587.
- Glory, O.; Laipiopa, J., Senewe, E. V. T., & Maramis, M. M. (2025). Efektivitas Penegakan Hukum Terhadap Hak Cipta Atas Karya Tulis Melalui Media Elektronik 1. 13(1). <https://www.hukumonline.com/klinik/a/pelanggaran-hak-cipta->
- Hilman Nur, May, N. S., Ega Puspita, Fuji Raihan Azhari Kusworo, Natasya Insani Auliarrahma, M Rafly Pradipa, Arfa Fadillah Tanjung, & Retno Dwi Lestari. (2025). Penghilangan Watermark Digital: Tinjauan Hukum Dan Tantangan Penegakannya. *Journal Customary Law*, 2(2), 12. <https://doi.org/10.47134/jcl.v2i2.3874>
- Kosasih, A. P., & Saripudin, A. (2023). Tinjauan Yuridis Perlindungan Hukum Hak Cipta Digital Terhadap Produk Aplikasi Digital Di Perusahaan Startup. *Jurnal Ilmiah Wahana Pendidikan*, Juni, 2023(12), 37-46. <https://doi.org/10.5281/zenodo.8068340>
- Mulyani, S., Tyaswati, A., Lestari, W., Janni, A. M., & Tedjosaputro, L. (2024). Perlindungan Hukum Hak Cipta Pada Industri Konten Digital Dalam Perspektif Society 5.0. 21(1). <https://doi.org/10.56444/sh>
- Syukri Azhari, D., Padang, Y., & Naskah, H. (2025). Undang-Undang Hak Cipta Dan Perlindungan Program Komputer. *Jurnal Hukum Bisnis*, 14(04), 1. <https://doi.org/10.47709/hukumbisnis.v14i04.6905>
- Wiraguna, S. A. (2024). Metode Normatif Dan Empiris Dalam Penelitian Hukum: Studi Eksploratif Di Indonesia. *Public Sphere: Jurnal Sosial Politik, Pemerintahan Dan Hukum*, 3(3), 58. <https://doi.org/10.59818/jps.v3i3.1390>
- Wulandari, F. (2024). Problematika Pelanggaran Hak Cipta Di Era Digital. *Journal Of Contemporary Law Studies*, 2(2), 99-114. <https://doi.org/10.47134/lawstudies.v2i2.2261>