

Getting to Know Intellectual Property Rights Law for Young Content Creators

Gusni Cahaya Putri¹, Evandito Raihan Prayoga², Aris Prio Agus Santoso³,
Singgih Purnomo⁴

^{1,2,3,4}Duta Bangsa University, Surakarta, Indonesia
gusnicahayaputri@gmail.com

Abstract: The development of digital technology has given birth to a generation of young content creators who are actively producing creative works through various social media platforms. However, the lack of understanding of Intellectual Property Rights (IPR) law has led to many works not being legally protected, making them vulnerable to violations such as plagiarism and piracy. This study aims to analyze how the legal protection of IPR, especially copyright and trademarks, can provide legal certainty for young content creators in Indonesia. The method used is a normative juridical approach, by examining laws and regulations, legal literature, and legal protection theory. The results show that although IPR regulations are available and cover various important aspects, their implementation is not optimal due to low legal literacy and lack of access to protection procedures. Therefore, more inclusive legal educational and socialization efforts are needed, so that young creators can understand and make the most of their legal rights in the digital economy era.

Keywords: Intellectual Property Rights, Content Creator, Copyright, Trademark, Legal Protection, Legal Literacy.

Article History:

Received: 30-04-2025

Online : 24-05-2025



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A. INTRODUCTION

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In the current era of digital transformation, the role of young content creators in encouraging the growth of the creative industry is increasingly significant. Platforms such as YouTube, Instagram, and TikTok have become fertile ground for the younger generation to express creativity. However, behind the great economic potential of digital content, there is still a gap in understanding the legal aspects that protect the work, especially the Intellectual Property Rights (IPR) Law (Nurhayati, 2022). Ignorance of the legal basics of IPR makes content creators often ignore the legal rights of their creations. In fact, normatively (*das Sollen*), they should be aware that every work has moral and economic rights that are recognized and protected by law. While factually (*das Sein*), many of them do not understand the relevant legal mechanisms (Dewi & Sulaiman, 2021).

For example, there are often cases of using songs in short videos without the permission of the copyright owner. One of the cases that emerged was when independent musicians sued content creators for the use of their songs on TikTok. This case confirms that a lack of understanding of the law can lead to serious consequences, including lawsuits and content removal (Pramudito, 2023). This lack of legal awareness is reinforced by data from the DJKI in 2023, which shows that only 12% of IPR registrations come from individual individuals. The majority are dominated by institutions and corporations, indicating that young individuals, including content creators, are still far from optimal in accessing their legal rights (DJKI, 2023).

Rahmawati (2022) found that as many as 65% of content creators in Indonesia do not know that they have economic rights to the digital works produced. Meanwhile, Sugiharto and Lestari (2021) stated that low legal literacy is the main cause of this condition. Andini (2022) added that education about IPR law is more focused on MSME actors and academics, not on young content creators. This shows inequality in the dissemination of legal information, which makes the digital creative generation vulnerable to legal exploitation. Research on IPR has so far highlighted the role of law in large industries or conventional art actors. There has not been serious attention to content creator groups as legal subjects who actively produce digital content with economic value (Rahmawati, 2022; Andini, 2022; Sugiharto & Lestari, 2021). This shows the inadequacy of a legal approach that explicitly targets the need for IPR legal education for young content creators. Research by Putri and Wicaksono (2023) which examines the protection of IPR on digital platforms also does not specifically highlight this group as the main object.

The novelty of this research lies in the preparation of an applicable legal study, with a digital media-based approach that can be accessed directly by young content creators. This study combines the normative dimension of law with a practical approach that is in accordance with the reality of social media (Nugroho, 2024). The urgency is even stronger when we look at the contribution of the creative economy sector to Indonesia's GDP which will reach 7.8% in 2023, with the digital media subsector as the main contributor. However, this contribution has not been balanced with adequate legal literacy among content creators (BEKRAF, 2023).

Without adequate legal understanding, content creators not only have the potential to become victims of plagiarism, but can also become perpetrators of violations of the law without realizing it, for example using copyrighted material without a valid license (Kurniawan, 2023). This research aims to systematically examine the legal aspects of IPR that are relevant to young content creators, including copyrights, trademark rights, and simple patents. Another goal is to design a framework for legal understanding that is easily accessible through visual and digital approaches (Saraswati, 2023). This research also compiles digital media-based educational materials to support legal counseling for young creator groups, so that they not only understand their rights, but can also take preventive steps against IPR violations (Hidayat, 2024). Thus, it is hoped that a digital ecosystem will be born that is more law-abiding, respects copyright, and is able to encourage Indonesia's creative generation to become economic actors who are not only creative, but also legally literate and ethically and juridically responsible (Putri & Wicaksono, 2023).

B. METHOD

The research method used in this study is the normative juridical method, which is a legal research approach that relies on literature studies to examine the applicable positive legal norms, especially related to Intellectual Property Rights (IPR) in the context of protecting the works of young content creators. This study analyzes various laws and regulations such as Law Number 28 of 2014 concerning Copyright, as well as regulations related to trademark rights and industrial design, in order to identify the available legal protections and the

relevance of their application for digital content creators. The main data sources come from primary legal materials such as laws and court decisions, as well as secondary legal materials in the form of legal textbooks, scientific journals, and official publications from the Directorate General of Intellectual Property. This approach was chosen because the main focus of the research is to understand and explain the applicable legal provisions and analyze the relevance of these legal norms to intellectual property practices in the digital world (Soekanto & Mamudji, 2004).

C. RESULTS AND DISCUSSION

The development of digital technology has encouraged the emergence of various forms of creative expression, especially from young people who are active as content creators on various social media platforms. The expansion of the digital space opens up great opportunities for the younger generation to produce original works that have high economic and social value. This phenomenon also poses new challenges for the legal system, especially related to the protection of Intellectual Property Rights (IPR). IPR is an exclusive right granted to individuals or legal entities for intellectual works in the fields of science, art, and technology. According to the World Intellectual Property Organization (WIPO), IPR aims to protect the results of human creativity and provide economic incentives that encourage the advancement of science and culture. Digital works such as videos, music, graphic design, and computer programs, are included in the category of creations that receive protection based on IPR principles.

One of the most relevant forms of IPR for content creators is copyright. Based on Law Number 28 of 2014 concerning Copyright, every work that has been realized automatically receives legal protection without the need to go through the registration process. This principle is known as automatic protection, which means that protection applies from the moment the work is created physically or digitally. Copyright consists of two important dimensions, namely moral rights and economic rights. Moral rights include the right of the creator to be recognized as the owner of the work, as well as the right to refuse distortion or modification of the work. Meanwhile, economic rights relate to the right to obtain rewards or economic benefits from the use of works. Understanding of these two rights is still limited among young content creators, who often only focus on the creative process without paying attention to the legal aspects.

In addition to copyright, the aspect of protecting the brand is also important. Many content creators build a personal identity through a distinctive logo, channel name, or tagline, and all of them can be classified as a brand. Law Number 20 of 2016 concerning Trademarks and Geographical Indications stipulates that the protection of trademarks is constitutive, so only registered trademarks receive legal protection from the state. Awareness of brand protection is still low, even though the existence of a brand is not only important to differentiate products or content, but also to maintain reputation and commercial value. There are many cases where the visual identity of the content creator is misused by other parties, but because it has not been officially registered, legal remedies are difficult to do.

According to the theory of legal protection from Satjipto Rahardjo, law should be present not only as a means of certainty, but also as a social engineering tool that is able to provide justice and benefits. In a rapidly growing digital ecosystem, IPR should be able to follow technological dynamics and people's behavior in an adaptive manner. However, there is a significant gap between existing regulations and the understanding of the younger generation of applicable legal norms. Norms that are not understood or accessed optimally will be difficult to implement, making them vulnerable to being violated. This is exacerbated by the lack of digital and visual-based legal education, which corresponds to the preferences of the younger generation's consumption media.

In terms of regulations, the mechanism for registering copyrights and trademarks has actually been provided online by the Directorate General of Intellectual Property (DJKI), but it is not yet fully known and utilized by digital creators. For example, e-Copyright, which can be accessed independently by creators, is still unfamiliar among social media users. Based on a utilitarian approach, the IPR protection system is aimed at creating the greatest benefits for society, by giving exclusive rights to creators as an incentive for their contribution. If this system is not functioned fairly and effectively, there will be an inequality in the distribution of benefits between the creator and other parties who use the work without permission.

Copyright infringement phenomena such as plagiarism and content piracy occur massively in the digital space. Many content creators have their work reused, reuploaded, or monetized by other parties without permission. Unfortunately, not all creators have a strong enough understanding or supporting documents to take the legal route. Sanctions for IPR violations have actually been regulated in Indonesian positive law, both in the form of civil and criminal sanctions. However, the effectiveness of law enforcement is still low due to the lack of legal literacy and lack of awareness of the importance of official documentation of digital works.

The state's efforts through DJKI to increase IPR literacy have been carried out, such as through campaigns and training. However, education segmentation is still limited to business actors and academics. The young generation as digital creative actors has not yet become the main target of the legal literacy program. Previous research has shown that most IPR legal education is more aimed at the formal sector. In fact, the growth of the digital economy is actually spurred by informal actors who are active on social media. The absence of a legal approach directed at this group widens the gap between normative protection and legal reality.

Content creators often don't realize that works such as videos, background music, and captions can be categorized as protected works. Article 40 of Law No. 28 of 2014 explicitly mentions the types of protected works, including cinematographic works, photography, and computer programs. Legal aspects are also very important in commercial cooperation. Many business collaborations between content creators and sponsors are done without a clear contract or licensing agreement. This can lead to potential legal disputes related to the ownership of works or the distribution of monetization proceeds.

Juridical analysis shows that IPR regulations in Indonesia are quite adequate in terms of substance, but their implementation faces obstacles at the level of socialization and accessibility. Therefore, a legal strategy that is more communicative and responsive to the

needs of digital creators is needed. Increasing legal awareness through a digital-based educational approach is one of the alternative solutions. Legal materials that are presented visually, interactively, and contextually can be a bridge between legal norms and the understanding of the young creative generation. Enforcement of IPR law is not only the responsibility of the state, but also the community. With a good understanding of the law, content creators can actively protect their work while respecting the work of others. The existence of a fair and informative legal ecosystem will support the creation of a healthy, creative, and equitable digital space.

D. CONCLUSIONS AND SUGGESTIONS

This research shows that legal protection of Intellectual Property Rights (IPR) has a crucial role in ensuring certainty and justice for young content creators who are active in the digital space. Although IPR regulations in Indonesia, such as Law No. 28 of 2014 on Copyright and Law No. 20 of 2016 on Trademarks, have substantially regulated the protection of digital works, there is still a gap between legal norms and the understanding and practices carried out by creators. Lack of legal literacy, lack of utilization of IPR registration facilities, and suboptimal law enforcement cause content creators' rights to be vulnerable to being ignored or violated, both economically and morally.

Therefore, more strategic and sustainable efforts are needed to increase legal awareness among young content creators, especially through an educational approach that is adaptive to the digital media they use. The government, educational institutions, and digital platforms are expected to work together to provide practical guidance, online training, and legal information services that are easily accessible and understood. In addition, content creators are also advised to be proactive in registering the works and brands they produce, as well as understanding their legal rights and obligations to create a productive and legally protected digital ecosystem.

ACKNOWLEDGMENTS

With all due respect, we would like to express our deepest gratitude to Assof. Prof. Dr. Singgih Purnomo, MM, Rector of Duta Bangsa University of Surakarta, for the support, guidance, and opportunities provided during this research process. He has made a significant contribution to creating a supportive academic environment and providing constructive direction. Hopefully the steps that have been taken will continue to provide benefits for the advancement of education and research at Duta Bangsa University of Surakarta, as well as advancing the academic world in general. Thank you for your attention and cooperation.

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