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## Legal Analysis Of Copyright Issues In Youtube Content Reviewed From Law Number 28 Of 2014 On Copyright

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### ABSTRACT

The purpose of this study is to know the concept of copyright protection in YouTube according to Law No. 28 of 2014 on Copyright and Knowing and analyzing the factors that cause many cases of copyright infringement in YouTube Content. The type of research used by researchers in compiling this research is a type of normative research using 2 (two) approaches, namely the Regulatory Approach and the case approach, and the Comparison Approach. The results of this study show that: *First*, That The Protection of Copy Right In Youtube According to Law No. 28 of 2014 on Copyright for creators whose *video* works are re-uploaded (reuploaded) on *YouTube* illegally obtained when violating the moral and or economic rights of the creator or holder of the video in the form of preventive legal protection and legal protection Repressive. Preventive legal protection is obtained by registering the creation to the Content ID feature on *YouTube* and also registered with the Directorate General of Intellectual Property. Repressive legal protection is obtained in the form of freedom of choice of dispute resolution path either non-litigation path or litigation path. *Second*, that factors that affect the number of people who commit copyright infringement or in the context of this research are violations of copyrights in Youtube content, namely: Legal Factors, Economic Pressure Factors, Cultural Factors, Education Factors, Weak Factors in law enforcement against copyright infringement perpetrators and Lack of Public Understanding of Copyright Protection.

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## 1. INTRODUCTION

Based on data released by *Google Indonesia*, YouTube users in Indonesia have reached 50 million users throughout Indonesia.<sup>1</sup> This is an opportunity for irresponsible actions by copyright infringement with various model cases that occur, for example, *reuploaded* (re-uploading videos that are not homemade or videos owned by others), the use of songs without the permission of copyright handler, inserting some or all pieces of film or video clip into *reaction* content without regard to the provisions of the copyright. *copyright* and *monetized*.

With various advantages obtained, one of which is in the form of income, the content creators on YouTube began to compete to show their creativity by making and uploading interesting videos, in addition to being a personal satisfaction because it can show its creativity also to get many *Viewers* and *Subscribers*. What's more, YouTube has also made rules about *payment* by *monetizing* policy or registering with Google AdSense if the uploaded video channel has reached 1000 *Subscribers* and has been viewed 4000 times.<sup>2</sup>

One example of a case of *copyright* infringement in YouTube that is most prevalent is the problem of *reuploading* or uploading on youtube by taking full video content or video from someone else's *channel* and then re-edited so that it can escape the YouTube *copyright* channel which is very detrimental to the original uploader.

Like the video uploaded on the official Rice's YouTube account published on March 16, 2017, entitled Pizza Challenge which is 09:02 minutes long, in the video Rice's with Adit eating pizza with various toppings such as cayenne pepper, spicy powder, soy sauce, cold medicine, instant noodle seasoning, onions, milk, cheese, and salt. The video has been viewed by 2,061,741 viewers. Then on March 19, 2017, the video uploaded by Rice's Official YouTube account was republished by a YouTube account called Puput Sri Utami which was watched by 31,676 viewers. This is a violation of the law because Puput Sri Utami's YouTube account uploaded Rici's Pizza Challenge video without the permission of Rici's Official, to get monetized from his video.<sup>3</sup>

Selain contoh kasus tersebut, terdapat pula contoh kasus dari YouTuber Indonesia yang Fairly famous and already has 13 Million *Subscribers*, namely Bachelor Candidates. Based on a statement from the Head of the Public Relations Bureau of the Ministry of Communication and Informatics (KOMINFO) Mr. Ferdinandus Setu stated that the Bachelor Candidate *Channel* was suspended by YouTube for alleged violations of

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<sup>1</sup> Annas Tasyia Sakila, *Perlindungan Hukum Bagi Pengunggah Video di YouTube Atas Tindakan Reupload Video Untuk Monetize Prespektif Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta*, Skripsi, Fakultas Hukum Universitas Negeri Semarang, 2018. Hal 3.

<sup>2</sup> <https://creatoracademy.youtube.com/page/lesson/revenue--landscape?hl=id#strategies-zippy-link-3>, diakses pada tanggal 09 April 2021, Pukul 16.25 WITA.

<sup>3</sup> *Ibid.* Hal 4

Intellectual Property Rights. Undergraduate accounts have been widely used *thumbnail* videos belonging to other accounts abroad without permission.

The information is then in line with what was revealed by an account named JT as the original owner of the content. In the video entitled "... I Terminated a Youtuber with 13 Million Subs... ". JT revealed the practice of undergraduate candidates, he successfully filed a *copyright strike* against videos of undergraduate candidates who imitated his content.<sup>4</sup>

## 2. PROBLEM FORMULATION

What is the concept of *copyright* protection in YouTube according to Law No. 28 of 2014 on Copyright? And What are the factors that cause many cases of copyright infringement in YouTube Content?

## 3. RESEARCH METHODS

The type of research used by researchers in compiling this study is a type of normative research using 2 (two) approaches, namely the Case Approach and the Legislative Approach. The technique of analysis of legal materials used is legal *hermeneutics*.

## 4. ANALYSIS AND DISCUSSION

### A. *CopyRight* Protection in Youtube According to Law Number 28 of 2014 on Copyright

In the context of the first arrangement in Indonesia that discusses and regulates copyright is through the term *author right*, which means the right of the creator or the right of the author, which was found in *Auteurswet* 1912 Stb. 1912 No. 600. Now, in the laws and regulations in Indonesia governing copyright, including in Law No. 28 of 2014 on Copyright, the term creator's rights or author's rights have been shifted to copyright, for the sake of efficiency.<sup>5</sup>

Copyright is defined as the exclusive right for the creator or copyright holder to make the propagation and announcement of the creation. This right is born automatically shortly after the creation has a real form, without giving a reduction to restrictions according to applicable laws and regulations. Exclusive rights as rights contained in copyright have two elements that have a connection between one element and the other. The first element is moral rights. Moral rights are defined as rights that will remain attached to the creator, even if the creator has died and/or his or her economic rights have been transferred to the copyright holder and/or the related rights or users as other parties. Moral rights are

<sup>4</sup> <https://inet.detik.com/cyberlife/d-4870465/channel-youtube-calon-sarjana-menghilang-ini-penyebabnya>, diakses pada tanggal 8 April 2021, Pukul 19.19 WITA.

<sup>5</sup> Adya Paramita Prabandari. "Komparasi Pengaturan Hak Cipta di Indonesia dan Amerika Serikat." *Masalah-Masalah Hukum* 42.2 (2011): 162-171.

the embodiment of the highest appreciation to the creator because it has given birth to creative works and full originality.

The moral right as described above is attached to a created person is to do the following:

1. Have the right to choose between putting or not putting the name of the creation on his creation.
2. Have the right to include his real name or pseudonym;
3. Have the right to make changes to his creation based on propriety in society.
4. Make changes to the title and/or title child to his creation;
5. Have the right to defend his rights to his creation, if it grows that results in harm to the self-esteem or reputation of the creator and/or his creation.<sup>6</sup>

The second element contained in the exclusive copyright is economic rights. Economic rights have an understanding as rights that can be transferred to other parties or named as users and/or copyright holders. Economic rights give the creator the right to a commercially valuable profit from the work he has created. Economic rights include the right to make announcements on the results of creation, the right to reproduce the results of creation, or the right to permit the act of announcing and/or multiplying the results of creation. Copyright users who have obtained permission to perform the Act of announcing and/or multiplying copyright will be granted a license and also given an obligation to pay royalties as a form of compensation to the creator.

The economic rights granted to copyrights regulated by Law No. 28 of 2014 on Copyright, are as follows:

1. The right to reproduce is to produce creation to multiply so that it is multiplied in large quantities, whether in the same form or not;
2. The right to conform is to make adjustments from one being to another, such as, making translations from one language to another to creation, adapting a novel into a film, and so on;
3. The right to announce, is by broadcasting, in any form that intends to disseminate a creation that can be known to the general public;
4. The right to display, is all forms of performances held by the creator in order so that his creation can be displayed by the wider community.<sup>7</sup>

The regulation of copyright in Indonesia has the principle of *automatic protection*, which means, all creations that have been realized in a real form then at that time also automatically born copyright and protection of copyright on the creation.<sup>8</sup> However, the registration of copyright in Indonesia is also held as proof that the creator is indeed a

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<sup>6</sup> Abdulkadir Muhammad, *Kajian Hukum Ekonomi Hak Kekayaan Intelektual*, (Bandung: Citra Aditya Bakti, 2001), hlm. 24.

<sup>7</sup> Anis Masdurohatun, *Hak Kekayaan Intelektual (HAKI) dalam Perspektif Sejarah di Indonesia*, (Semarang: Madina, 2013), hlm. 29

<sup>8</sup> Suyud Margono, *Hukum Perlindungan Hak Cipta*, (Jakarta: Novindo Pustaka Mandiri, 2003), hlm. 29.

legitimate creator in the eyes of the law for his creation because it has evidence in the form of already collecting copyright on the creation and/or related rights.

Related to the concept of legal protection. As it is known that legal protection is an effort provided by the law to protect the rights of a person and/or legal entity as a subject of law, by giving power to the protection of the rights referred to others to protect those rights. In terms of the legal protection of copyright, the object in protection is the creation or work of the creator, which is a copyrighted work in the fields of art, literature, and science.<sup>9</sup>

The problem that occurs in the field many videos uploaded on YouTube are videos that are not his own. The video was taken from someone else's *YouTube Channel* and shared with his own YouTube Channel without the holder's permission. The goal is to invite viewers to see videos on their channel, after many have watched then the *AdSense* feature or ads in the video can be activated. Those who take other people's videos and upload them on their channel or commonly known as uploaders, will benefit from advertising in the form of money as much as their videos are watched, clicked, ads are not dissipated and other advertising provisions. From this, there is injustice for those YouTube channel holders who have made videos with their content with difficulty and then taken by uploaders without permission for their channels. Although YouTube has a feature called "ContentID" that can automatically detect the videos of others using our videos in it and automatically share the economic results of the uploaded videos. However, not all videos are registered to the "Content ID" feature.<sup>10</sup>

Forms of copyright infringement also contain, among others, the collection, citation, recording, announcement of part or all of the creation of others taken without the permission of the creator or copyright holder and it is contrary to the applicable law, and others are not allowed to do the act.<sup>11</sup> The granting of copyright is both in terms of moral rights and in terms of economic rights.

The arrangement regarding the protection of moral rights as contained in Article 5 of the Copyright Act which states to keep or do not include his name on the Copy in connection with the use of his creation to the public, using his alias or pseudonym, change his creation by propriety in society, change the title and child title of the creation and maintain his rights in the event of distortion of creation, mutilation of creation,

<sup>9</sup> Arif Lutviansori, *Hak Cipta dan Perlindungan Folklor di Indonesia*, (Yogyakarta: Graha Ilmu, 2010), hlm. 65.

<sup>10</sup> Galuh Garmabrata, Idi Dimiyati, and Yoki Yusanto. *Realitas KOMPAS TV Dalam Menggunakan Youtube Sebagai Sarana Menyebarkan Berita*. Diss. Universitas Sultan Ageng Tirtayasa, 2014.

<sup>11</sup> Muhammad Djumhana, *Hak Milik Intelektual Sejarah, Teori dan Prakteknya di Indonesia*, Bandung: Citra Aditya Bakti, 1997, hal. 91; dikutip dari Febriano Ramadhan, Skripsi: *Perlindungan Hukum Bagi Pencipta Atas Ciptaan Yang Dikomersilkan Secara Ilegal Dengan Mengunggah Video Cover Musik Ke YouTube Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta*, Surabaya: Fakultas Hukum Universitas Pembangunan Nasional "Veteran" Jawa Timur, 2019, hlm. 43.

modification or creation, or anything detrimental to its self-respect or reputation. The existence of such chapters indicates that those who are entitled to these things are only creators and should not be done by others. In this case, copyright infringement is contained in the medium of information and communication in the form of *YouTubesocialmedia*.<sup>12</sup>

Separate arrangements in the Copyright Act regarding the rules of how a person can be said not to violate the copyright provisions include the mention of the source mentioned in full and the obtaining permission of the creator.

The provision regarding the full mention of sources is contained in Article 43 Point C of the Copyright Act which states that the actual news taking, both in whole and part of news agencies, broadcasters, and newspapers or other similar sources with the provisions of the source must be mentioned in full, and there is also in Article 44 Paragraph 1 of the Copyright Act which states the use, the collection, duplication, and/or alteration of creation and/or product of substantial related rights in whole or in part is not considered a copyright infringement if the source is mentioned or listed in full for the purposes of:

1. education, research, scientific writing, report drafting, criticism writing, or review of an issue with no harm to the reasonable interests of the creator or copyright holder;
2. security and administration of government, legislature, and judiciary;
3. lectures that are for educational and scientific purposes only; and
4. performances or performances that are free of charge on the condition that they do not harm the reasonable interests of the creator.

While related to the granting of permission by the copyright holder of his work includes the following:

1. Exploitation (announcement, duplication, and distribution) for the commercial benefit of a copyrighted work without first seeking permission or obtaining a license from its creator, including the act of plagiarizing;
2. The removal of the creator's name on his creation;
3. Replacement or change of the creator's name to his or her creation made without the consent of the copyright holder;
4. Replacement or alteration of the title of the creation without the creator's consent.<sup>13</sup>

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<sup>12</sup> Mailangkay, Ferol. "Kajian Hukum Tentang Hak Moral Pencipta Dan Pengguna Menurut Undang-undang Nomor 28 Tahun 2014 Tentang Hak Cipta." *Lex Privatum* 5.4 (2017).

<sup>13</sup> Husain Audah, *Copyright and Copyright Music*, Jakarta: Pustaka Litera Antarnusa, 2004, p. 37; quoted from Febriano Ramadhan, Thesis: *Legal Protection for Creators of Illegally Commercialized Creations by Uploading*



Article 43 of the Copyright Law Point D also states the creation and dissemination of copyrighted content through information and communication technology media that are not commercial and/or beneficial to the creator or related parties, or the creator expresses no objection to the creation and dissemination. This indicates that if it is commercial then it must also be with the permission of the creator. A violation of economic rights is a violation relating to the utilization or exploitation of its creation.<sup>14</sup> This happens because the person who is not the holder or creator of the *video* and without the permission of the concerned to disseminate and get the material, while the copyright holder does not get the profit. The trick is to be commercialized with the *AdSense* features provided and available on *YouTube*.

The most convenient thing is the existence of ads that appear either at the beginning, in the middle, or at the end of the video when watching the video on the *YouTube* channel. The ad can also be known in the video playline there is a yellow sign that interrupts in between. The existence of ads that appear also indicates that *the AdSense* feature has been active and also earned money from the video. The money will automatically be processed by *YouTube* to the recipient if the provisions regarding the ad are met. *YouTube* has increased the requirement that *YouTube* accounts activate the *AdSense feature*, with examples having more than 4,000 hours of public watch time in the last 12 months, having 10,000 subscribers, and other terms. But there are still many *reuploaded* accounts that escape these requirements. There is also a *Content ID* feature that has been described at the beginning as an automatic detection system if there is the same video as the video that we have created, but only some video creators register the video in *Content ID*. One of them is due to the requirement that it is not easy to be able to register the video to *Content ID*.<sup>15</sup>

From these violations, legal protection is in the form of preventive legal protection and repressive legal protection. Preventive legal protection is carried out before any copyright infringement or dispute related to the registration or recording of the creation, in the form of registration of the creation in the Directorate General of Intellectual Property and also registering to the *Content ID* feature provided by *YouTube*. The protection of repressive law done to maintain and protect its creation can be done by various means of dispute resolution, either through alternative dispute resolution, arbitration or also through the courts.

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*Music Cover Videos To YouTube According to Law No. 28 of 2014 On Copyright*, Surabaya: Faculty of Law of National Development University "Veteran" East Java, 2019, p. 44

<sup>14</sup> Rahmi Jened, *Hak Kekayaan Intelektual Penyalahgunaan Hak Eksklusif*, Surabaya: Airlangga University Press, 2007, hlm. 81

<sup>15</sup> Rafik Al Hariri, Sri Maharani M.T.V.M. "Perlindungan Hukum Bagi Pencipta Yang Karya Videonya Diunggah Kembali (*Reupload*) Di Youtube Secara Ilegal Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta." *Simposium Hukum Indonesia* 1.1 (2019): 206-216.

*Reuploadedideo* would essentially be illegal if it violated the provisions regarding moral rights and economic rights in the Copyright Act. Therefore, it can be re-mapped more broadly into a type of *video* type reviewed from the purpose of making it. Divided into 5, namely story *videos*, documentary *videos*, news *videos*, learning *videos*, and presentation *videos*.

From the explanation above, the creation of a *video* based on its purpose signifies the number of content ideas that can be selected by *video* creators on *YouTube*. This is also directly proportional to the amount of content from the idea that has been created by the *video* creators, the *uploader* also uses it as material to be re-uploaded on his own *YouTube* channel. Various types, many uploaders violate the provisions of moral rights alone by not including the name of the creator or *video* holder. Many *uploaders* both violate moral rights and violate economic rights as well, not mentioning the name of the creator of the holder of the *video* and placing advertisements in the *video*. They can place ads in the *video* because they have met the requirements of the ad, it can be interpreted that they take double advantage of the *video*.

When there is copyright infringement is repressive by way of dispute resolution, it is done as an effort to defend the rights owned. The resolution of copyright disputes has been stipulated in Article 95 of the Copyright Act as follows:

1. Copyright dispute resolution can be done through alternative dispute resolution, arbitration, or court.
2. The competent court referred to in paragraph (1) is the Commercial Court.
3. Any other court other than the Commercial Court as referred to in paragraph (2) is not authorized to handle the settlement of copyright disputes.
4. In addition to copyright infringement and/or related rights in the form of Piracy, as long as the parties to the dispute are known to exist and/or be in the territory of the Unitary State of the Republic of Indonesia shall first pursue dispute resolution through mediation before making criminal charges.

The non-litigation path can be taken first with various advantages, the parties can choose an alternative path of dispute resolution or non-litigation with methods of negotiation, mediation, or arbitration. Because in the Copyright Law is not specifically explained about alternative arrangements of dispute resolution, and refers to its law, namely Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and Supreme Court Regulation No. 1 of 2016 Mediation Procedure in court. The litigation path is done by filing a lawsuit to the Commercial Court which refers to Article 95 Paragraph 2 of the Copyright Act. Regarding the procedure of the lawsuit in the Commercial Court contained in Article 100 of the Copyright Act which contains the purpose of filing, recording, and determining the day of the hearing as well as the time of notification and summoning of the parties. Related to the time contained in Article 101 of the Copyright



Law including the maximum time of pronouncement of the verdict, extension, and delivery time by the bailiff to the parties.

Thus, it can be concluded that *CopyRight* Protection in Youtube According to Law No. 28 of 2014 concerning Copyright Legal protection for creators whose *video* works are re-uploaded on *YouTube* illegally obtained when violating the moral and/or economic rights of the creator or holder of the video in the form of preventive legal protection and repressive legal protection. Preventive legal protection is obtained by registering the creation to the Content *ID* feature on *YouTube* and also registered with the Directorate General of Intellectual Property. Repressive legal protection is obtained in the form of freedom of choice of dispute resolution path either non-litigation path or litigation path.

### **B. Factors That Cause Many Cases of Copyright Infringement in Youtube Content**

The creative industry and digital technology are growing rapidly, this becomes an opportunity for those who dare to display their work. Call it Youtube, one of the video-sharing websites where users can watch, share clips and interact through the comments field of a clip. This further explains that in 2015 there has been an increase of up to 130% access with the average viewing time also increased compared to the previous year. You could say this increase is due to the continued increase in the number of smartphone users in Indonesia compared to previous years. With smartphones and easy internet access, people will more easily access the important things needed by them.<sup>16</sup>

Youtube *media* has standard terms and conditions on its site, which provide legal protection to its users. In the agreement in the terms of youtube *service*, when the user agrees to use the media, then the User also agrees with the provisions on the media service. Users must agree to the agreement provided by *youtube* before they can take advantage of *the youtube* service.<sup>17</sup> Copyright infringement revolves around 2 (two) main things. First, intentionally and without the right to announce, reproduce or give permission for it.<sup>18</sup> Second, intentionally exhibiting, distributing, or selling to the public something created or goods that are copyright infringement. There are several examples of violations on *Youtube*, in general including:<sup>19</sup>

1. Invasion of *privacy*. It happens when someone illegally gives someone personal information.

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<sup>16</sup> *Ibid*

<sup>17</sup> Annisa Siregar, *Tinjauan Yuridis Perlindungan Hak Cipta Atas Karya Video Bagi Pencipta Video Yang Diunggah Di Youtube Yang Ditayangkan Di Stasiun Televisi Di Indonesia Berdasarkan Undang-Undang Nomor 28 Tahun 2014*, artikel, Fakultas Hukum Universitas Sumatera Utara, 2018, hlm. 57.

<sup>18</sup> Muhammad Djumhana & Djubaedillah, 2003, *Hak Milik Intelektual Sejarah, Teori dan Praktiknya di Indonesia*, Citra Aditya Bakti, Bandung, hlm. 119

<sup>19</sup> Andika Andrea Pratista & Bambang Winarno, *Tinjauan Terhadap Tindakan Pengumuman dan Perbanyak Video Melalui Situs Youtube Secara Melawan Hukum (Studi Kebijakan dan Ketentuan Hak Cipta dalam Situs Youtube)*, *google scholar*, Fakultas Hukum Universitas Brawijaya, 2013. hlm.9.

2. Harassment and cyberbullying. can include, create messages that offend other parties, and so on.
3. Things that encourage hatred towards a particular party. content that calls for violence or hatred against a particular party.
4. Impersonation of other parties' data, such as copying the user's channel layout, using the same account name, or manipulating identity, and soon.
5. Content that contains material physical threats to certain parties.
6. Content that is harmful to children, for example, content that smells of adult material.
7. Harmful content such as drug-making tutorials, or things that go against the law, public order, and decency.

Parties who use *youtube* media are most likely to violate the copyright of others because most of the videos in the media are copyright content, as well as a form of violation of the exclusive rights of creators who announce their creation through *youtube media*, there are several examples of violations committed by other parties to the exclusive rights of creators, one of which:<sup>16</sup> There is a musical copyright work belonging to others in the video uploaded to *youtube media*, although it is done without intentionality. For example, in the case of copyright infringement that occurred on a *youtube* account called Indri Lidiawati, the account received a copyright reprimand because the video it uploaded was a video recording of the carnival commemorating the anniversary of the Republic of Indonesia, wherein the video there is a parade of people dancing to the accompaniment of copyrighted Indian song music. Though the music is only a piece, about 20 seconds, the *youtube algorithm* system detects that in the video there are pieces of copyrighted *audio* content belonging to others that have previously been uploaded to *youtube media*, resulting in a copyright reprimand.

Not only in terms of internet tools and access, but the popularity of Youtube is also influenced by people's habits that have shifted, people are no longer interested in spending time reading, but more interested in seeing, listening, and at the same time practicing what they see. Call it with the emergence of various tutorial videos that can be directly followed by Youtube viewers making videos on Youtube chosen as the main target of reference in doing various things.

The mechanism offered by Youtube is quite diverse. Youtube system provides copyright protection, namely Web Forms as a tool for copyright infringement complaints, this system works with a complaint formula that can be filled by the copyright owner. In addition, there is a *Copyright Match Tool* is an automatic system of violation detection based on Content ID. Content ID system detects automatically that there has been a match of copyrighted work so that copyright infringement can be directly acted on in the system.

The mechanism of the Youtube system called *Content ID* is in the form of artificial intelligence, and a series of simple steps for copyright owners to allow Content ID to follow the following way of working: The use of a Content ID system where the copyright owner prepares an account and by sending a reference file (audio, video, or audiovisual) to be recorded in youtube assets as a match measuring tool. Identify the match of content carried out by the youtube system from the results of submissions of reference files from the copyright owner. Action options for copyright owners as a follow-up to Block, Monetize (share results with users of their creation), and Track video analytics.<sup>20</sup>

The development of copyright infringement activity is influenced by many factors. Because the circumstances are based on:

1. Still not the ethics to appreciate someone's copyrighted work;
2. Lack of understanding of the meaning and function of copyright, as well as the provisions of copyright law in general, due to the lack of counseling on the matter; and
3. To light the threat specified in the copyright law against copyright piracy.

Copyright infringement usually begins with the use or use of the right, in general copyright is considered infringed if its use is without obtaining legal permission from the owner of the rights that have exclusive rights to the copyright.

Soerjono Soekanto stated that law enforcement is the activity of aligning the relationship of values that are manifested in the rules of steady values and spelling out and attitudes of action is a series of the last alignment of values, to build, maintain and maintain peace in life. As stated by Soerjono Soekanto, five factors affect law enforcement, namely legal factors, law enforcement, facilities, society, and culture. All factors are strongly interconnected, because as a substance of law enforcement, also a reference of the effectiveness of law enforcement.<sup>21</sup>

In the context of the applicative opinion conveyed by Soerjono Soekanto regarding the effectiveness of law enforcement, from various references used as references by researchers, the researcher takes several factors that affect the number of people who commit copyright infringement or in the context of this research is a violation of *the right copy* in Youtube content, namely:

#### **a. Legal Factors**

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<sup>20</sup> Nanang Kuncoro, dan S. H. Inayah. *Tinjauan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta terhadap Cover Version Lagu untuk Keperluan Komersil Tanpa Seizin Pencipta dan Perlindungan Hukum Hak Cipta Pencipta Lagu (Studi pada Channel Youtube Roni Ramadhan dan Allya Putri)*. Diss. Universitas Muhammadiyah Surakarta, 2021.

<sup>21</sup> Soerjono Soekanto. *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. (Jakarta: Rajawali Pers, 2010), hlm. 56

The lack of socialization of copyright law leads to a lot of delays to this regulation or the rise of regional song piracy that occurs. Such conditions have an impact on the enforcement of copyright law in Indonesia which seems not optimal. To study this will be discussed with the guidance of Friedman's theory.<sup>22</sup> The essence in the development of the legal system in a State must pay attention to three main aspects if the development of the legal system wants to succeed, namely the substance aspect, structural aspect, and cultural aspect of law.<sup>23</sup>

According to the Copyright Act which adheres to what is said with positivism, the law to engineering society is "*Law as a tool of Social engineering*". So far the understanding or understanding possessed by law enforcement officials or the community is still chaotic. But in its development that according to the Copyright Law on copyright rules, both material and legal sanctions are sufficiently accommodated, it is only unfortunate that the law until now has not been implemented optimally fully to prevent the occurrence of copyright violations in the Youtube platform which in this case is related to CopyRight.<sup>24</sup>

#### **b. Economic pressure factor**

The biggest cause of violations of the *copyright* in the Youtube Platform is economic factors. These economic factors on the one hand bring good luck, but on the other hand, it brings disaster, especially the creators or copyright holders of uploading on the youtube platform suffered many losses due to rampant copyright infringement. Economic pressure factors are the main factors for copyright infringement, especially violations of the creator's exclusive rights announced through youtube *media*. Low community income, economic pressure makes the community want to do anything even if the act is against the law.<sup>25</sup>

#### **c. Cultural factors**

One of the serious problems that cause the lack of optimal protection of intelektual wealth rights in the youtube platform that is currently much loved by millennials is because of the turtle awareness in the community that forms a stigma that has been cultured. Lack of public awareness about the importance of appreciating the copyrighted work of others. Therefore copyright infringement is often considered a common and common thing to do.<sup>26</sup>

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<sup>22</sup> Achmad Ali, Menguak Teori Hukum dan Teori Peradilan. Kencana Prenada Media Grub Hal 9

<sup>23</sup> Usman, Atang Hermawan. "Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia." *Jurnal Wawasan Yuridika* 30.1 (2015): 26-53.

<sup>24</sup> Beby Paradiptha. *Tinjauan Yuridis Perlindungan Hukum Bagi Pemegang Hak Cipta Lagu Daerah di Kota Palu (Studi Kasus: Hasan M Bahasyuan Institute Palu)*. Diss. Tadulako University. Hlm. 5

<sup>25</sup> *Ibid*

<sup>26</sup> Alvin Lazuardie Alkhaf, dan S. H. Inayah. *Relevansi Perlindungan Hukum Antara Penulis & Penerbit Selaku Pemegang Hak Cipta Atas Pembajakan Buku Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta*. Diss. Universitas Muhammadiyah Surakarta, 2020. Hlm. 56

#### **d. Educational factors**

Lack of education and socialization to the public that there is a copyright law that is the legal basis that regulates the protection of copyright in the country of Indonesia. As a result of ignorance, people cannot distinguish between copyrighted creation and creation that does not have copyright.<sup>27</sup>

#### **e. Weak factors in law enforcement against copyright infringement**

Law enforcement sociologically has a position (*status*) and role (*role*), position is a certain position in the structure of society. The role that should be from certain law enforcement circles has been formulated in some of these laws are also formulated regarding the ideal role such as the Law on the Basic Provisions of the State Police. But sometimes some obstacles may be found in the application of the role. Which causes a rampant violation of the exclusive rights of the creator, due to the indecisiveness of law enforcement in completing the fence.<sup>28</sup>

#### **f. Lack of Public Understanding of Copyright Protection**

Forms of copyright infringement include the collection, citation, recording, inquiry, and announcement of part or all of the creation of others in any way without the permission of the creator or copyright holder, contrary to the law or in violation of the agreement. Likewise with the form of violations against the work of music copyright in the Youtube content.<sup>29</sup>

Thus, many factors that affect many violations of *copyrights* or copyright infringement are influenced by several factors as they have been explained in the discussions as they have explained above.

## **5. CONCLUSION**

The author can provide the conclusion that: *First, CopyRight Protection In Youtube* According to Law No. 28 of 2014 on Copyright for creators whose *video* works are reuploaded on *YouTube* illegally obtained when violating the moral and/or economic rights of the creator or holder of the video in the form of preventive legal protection and legal protection Repressive. Preventive legal protection is obtained by registering the creation to the Content ID feature on *YouTube* and also registered with the Directorate General of Intellectual Property. Repressive legal protection is obtained in the form of

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<sup>27</sup> Abdul Ghofur. *Kekerasan Terhadap Anak Dalam Keluarga Perspektif Hukum Islam Dan Undang-Undang No. 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang No. 23 Tahun 2002 Tentang Perlindungan Anak (Studi di RT 03 RW 06 Kelurahan Jati Padang Kecamatan Pasar Minggu Jakarta Selatan)*. BS thesis. Fakultas Syariah dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta. Hlm. 67

<sup>28</sup> Sinaga, V. Selvie. "Faktor-Faktor Penyebab Rendahnya Penggunaan Hak Kekayaan Intelektual Di Kalangan Usaha Kecil Menengah Batik." *Jurnal Hukum Ius Quia Iustum* 21.1 (2014): 61-80.

<sup>29</sup> Akhmad Munawar, and Taufik Effendy. "Upaya Penegakan Hukum Pelanggaran Hak Cipta Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta." *Al-Adl: Jurnal Hukum* 8.2 (2016).

freedom of choice of dispute resolution path either non-litigation path or litigation path. *Second*, factors that affect the number of people who commit copyright infringement or in the context of this research are violations of copyrights in Youtube content, namely: Legal Factors, Economic Pressure Factors, Cultural Factors, Education Factors, Weak Factors in law enforcement against copyright infringement perpetrators and Lack of Public Understanding of Copyright Protection.

## 6. RECOMMENDATIONS

Research recommendations are that: *First*, it is necessary to socialize the Copyright Act massively and widely, especially to the millennial generation as the most users who have plunged into the world of youtube platforms. *Second*, law enforcement of copyright laws needs to be done in a planned and massive manner, because the weakness of law enforcement will have an impact on the number of copyright violations. *Third*, it is necessary to do education early on in terms of the use and utilization of youtube platforms to the community, especially to the millennial generation.

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