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LEGAL PROTECTION AGAINST UNAUTHORISED USE OF CULINARY ACCOUNT VIDEOS ON THE INSTAGRAM PLATFORM

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Abstract

The aim of this research is to explore the legal safeguards against the unauthorized use of culinary account videos on Instagram. As digitalization and social media content distribution trends grow, the unauthorized reuse of culinary videos without the original owner's consent is becoming more prevalent, raising concerns about copyright and the legal standing of content creators. This study employs a doctrinal research approach, utilizing normative legal research methods through statutory and conceptual frameworks. The research draws on primary legal materials, including Law Number 28 of 2014 on Copyright, Law Number 1 of 2024 amending Law Number 11 of 2008 on Electronic Information and Transactions, and Law Number 24 of 2019 on Creative Economy. Additionally, secondary legal materials were sourced from legal journals, books, and Instagram's internal policy documents related to intellectual property rights and digital content usage. The findings indicate that videos created and posted by culinary accounts are classified as videographic works, thus receiving legal protection under Law Number 28 of 2014 on Copyright. Provisions in Law Number 1 of 2024 and Instagram's internal policies further reinforce the legal protection for culinary content creators against unauthorized use. However, in practice, violations frequently occur due to low user awareness, commercial interests in culinary content, and ineffective reporting mechanisms on the platform. Consequently, the existing legal protection is not fully optimal and requires enhancement in both regulatory and implementation aspects.

INTRODUCTION

The advancement of digital technology has fostered the emergence of new ecosystems within society's social and economic activities, notably through the utilization of social media as a public space centered around information. Nonetheless, the unauthorized re-uploading of creators' content across various social media platforms for commercial gain highlights a growing trend of copyright violations in the digital realm. This occurs as certain entities exploit the popularity of content to reap economic rewards without the original creator's consent (Nata, 2025). Additional research indicates that the removal of watermarks and the re-uploading of content by third parties serve as a commercialization tactic, leading to the loss of creators' moral and economic rights due to the exploitation of content on social media platforms (Delamarisa & Murdani, 2025). Even in live broadcasts or real-time videos, violations occur through unauthorized downloading, reproduction, and redistribution to other social media, despite copyright laws explicitly forbidding the reuse of a work without the creator's permission (Putri & Yustiawan, 2025). These findings underscore that the practice of re-uploading on social media has evolved beyond ethical information sharing into a detrimental phenomenon that exploits creators' work for economic gain, necessitating enhanced legal protection that is more adaptable to the dynamics of the digital space. This suggests that the current digitalization era is transforming the social landscape, a trend also observed in Indonesia. The rise of social media has altered behavioral patterns among Indonesians, serving as a means of long-distance communication and a source of information for the community. The use of social media has introduced new terms into everyday life, such as "content creator." Content creation can be a hobby or a profession, often serving as a side job or a primary occupation (Saputri, 2022). A content creator undertakes various tasks to produce high-quality content, including theme planning, writing, editing, and publishing. Key responsibilities of content creators encompass topic research, scriptwriting, filming or video recording, editing, and engaging with audiences through comments on different platforms (LSPR Institute of Communication and Business, 2023). Instagram is one of the most popular platforms for content creators to share their work.

The use of Instagram as a platform for content creators to share their work has beneficial aspects, but it also presents drawbacks, such as the ease with which videos can be downloaded and used without the original creator's consent. This issue was encountered by the culinary account owner @duniakulinersamarinda, whose video content was unexpectedly shared on other applications without obtaining prior permission from the creator. Similarly, the @jajankuliner._ account faced unauthorized use of its Instagram video content, with others uploading the videos to their Instagram stories and adding them to the platform's highlight feature, giving the impression that the content was their own creation.

According to Article 1, paragraph 1 of Law No. 28 of 2014 on Copyright, copyright is an exclusive right that automatically arises for the creator based on the declarative principle once a work is materialized, without diminishing any legal restrictions. Article 1, paragraph 3 of the same law defines creation as any creative work in science, art, and literature, produced through inspiration, skill, thought, imagination, dexterity, or expertise, and expressed in a tangible form. By transforming content creators' ideas into tangible videos and publicly sharing them, both the creators and account owners should have their video content protected.

According to Article 40, paragraph (1), letter m of Law No. 28 of 2014 on Copyright, cinematographic works are recognized as protected creations. These works consist of moving images, such as films, which can include documentaries, narratives, news reports, advertisements, and cartoons. Cinematographic works engage both the visual and auditory senses. In contrast, videography involves the art of video production, which is generally simpler than cinematography. However, videography can also encompass cinematographic works due to their shared characteristics of utilizing two senses and resulting in audiovisual moving images.

Digital protection is addressed in Law Number 1 of 2024, the second amendment to Law Number 11 of 2008 on Electronic Information and Transactions, specifically Article 32, paragraph 1, which prohibits unauthorized transfer, dissemination, or access to electronic information and documents. This is relevant to the unauthorized sharing of culinary account videos without the creator's consent on culinary accounts. This

research, therefore, concentrates on two primary aspects: the legal protection against unauthorized use of culinary account videos on Instagram and the legal standing of such unauthorized use on the platform. The study aims to assess how effectively legal norms and enforcement mechanisms ensure certainty, justice, and protection for content creators.

RESEARCH METHODS

The study employs a doctrinal legal approach combined with a normative perspective. The doctrinal method is understood as research that examines the interconnections between norms, focusing on content, theory, norms, and legal principles (Muhdar, 2019). The normative aspect of this research method involves identifying legal rules, principles, and doctrines to address the legal issues being investigated. The foundation of the argument is constructed from a collection of legal norms, which include specific legal regulations, values, and principles (Marzuki, 2010).

In the research study of Legal Protection against Unauthorised Use of Culinary Account Videos on the Instagram Platform, two data sources are used, namely primary data and secondary data. Primary data is obtained from statutory provisions, namely Law No. 28 of 2014 concerning Copyright, Law No. 1 of 2024 on the second amendment to Law No. 11 of 2008 concerning Electronic Information and Transactions, and Law No. 24 of 2019 concerning Creative Economy. Meanwhile, secondary data is obtained from legal journals, books, and Instagram platform policy documents relevant to the issue of copyright protection in the digital space.

This study employs qualitative analysis methods rooted in legal reasoning to interpret and construct the connections between legal norms, principles, and doctrines, ultimately forming a cohesive legal argument. The analysis process involves several steps: (1) compiling relevant legal norms; (2) organizing legal norms and principles systematically; (3) interpreting copyright protection rules within the digital platform context; and (4) developing legal arguments to address the issues and research questions. This analytical approach aims to yield legal conclusions that are objective, logical, and capable of illustrating the effectiveness of legal protection against the unauthorized use of culinary account videos on Instagram.

RESULTS AND DISCUSSION

4.1. Legal Safeguards Against Unauthorized Use of Culinary Account Videos on Instagram

Copyright is a legal entitlement that governs intellectual creations in the realms of science, art, and literature, which are expressed in a unique and permanent form. Essentially, copyright grants the creator or the holder of the rights the exclusive authority to publish or reproduce their work or to authorize others to do so, while adhering to the limitations set by relevant laws and regulations (Mujiyono, et al, 2017). Cinematographic works are among the creations protected under this right. As outlined in Article 40, paragraph 1, letter m of Law No. 28 of 2014 on Copyright, cinematographic works encompass creations consisting of moving images, such as documentary films, commercials, news reports, narrative films crafted with scripts, and animated films. These works serve as examples of audiovisual formats.

On Instagram, video content created by culinary account creators is classified as videographic work. Digital videography is a type of semi-audiovisual work that evolves with recording technology (Santoso, 2015). Azhar Arsyad describes video as a sequence of images in frames, where each frame is projected through a mechanical projector lens, creating the illusion of a moving picture on the screen (Arsyad, 2011). Franky Cutuhaturunewa explains that video editing involves merging video frames captured during filming. An editor selects these frames, employing a cut-to-cut method to craft a coherent and engaging video (Miftakhul, 2014). Cinematography is the technique of assembling images into a sequence that conveys specific ideas or messages. It is both an art and a craft, involving the visual capture of images to create films. Cinematography involves the electronic recording of well-lit images onto a sensor, transforming them into a film or video. It requires careful composition of each shot, considering where attention should be focused (Anjaya, 2020).

The distinction between cinematography and videography is rooted in the methods of video production and the equipment utilized for recording. Videographers typically handle their projects independently, from filming to editing, as they often employ straightforward visual effects and generally use a single camera. In contrast, cinematographers require a larger team for a single project due to the need for intricate

visual effects and multiple cameras (Theodora, 2022). Cinematography also incorporates specialized techniques, such as complex camera movements, advanced lighting setups, and the use of various camera lenses. These elements are essential to produce captivating visual effects that align with film industry standards. Conversely, videography prioritizes capturing realistic and sharp images to meet commercial objectives (Subekhan, 2023).

The rise of culinary accounts on Instagram illustrates a fascinating progression in content creation that is both informative and highly imaginative. The videos they produce have evolved beyond mere food visuals into carefully crafted artistic expressions, with the primary aim of establishing a distinct signature and identity for each account. This phase of video production incorporates various meticulously arranged elements. A standout feature is the use of voice-over, which not only narrates but often becomes the "soul" of the video. In culinary videos showcasing delectable dishes, the narration is delivered in a unique voice, characterized by distinctive intonation, regional accents, or even a lively and energetic style. This voice serves as a strong identifier, instantly reminding viewers of a specific account.

Culinary account owners have a very strong legal standing to protect their video works from abuse. Their culinary videos are not just ordinary digital content, but rather legitimate copyrighted works because they fulfil the elements of originality, are poured in real form (as cinematographic works), and are automatically protected based on the declarative principle of Law No.28 of 2014 concerning Copyright. Thus, the creator or copyright holder has a strong legal position to protect his video work from misuse. In this case, the creators of the video works on the culinary account are the culinary account owners themselves. They have the exclusive right to publish, reproduce, or commercialise their work.

Law No. 1 of 2024, which serves as the second amendment to Law No. 11 of 2008 on Electronic Information and Transactions, along with Law No. 24 of 2019 on the Creative Economy, are regulations that specifically address copyrighted works, each with its own unique substance and characteristics. However, these laws collectively aim to protect digital content, particularly videos. The concept of copyright, as outlined in Law No. 28 of 2014 on Copyright, is further expanded and reinforced in the digital sphere

through Law No. 1 of 2024, which amends Law No. 11 of 2008 to address illegal activities involving electronic information and documents. This effort is supported by Law No. 24 of 2019 on the Creative Economy, which views creative works as economic assets. Together, these laws strive to establish a digital ecosystem that is secure, equitable, and appreciative of creativity, especially for video creators and digital content producers.

Instagram enforces strict rules against using content that infringes on the copyright or intellectual property rights of others. The platform strongly advocates for users to produce their own original material and discourages the use of content derived from others' work. Instagram offers protection by allowing users to report content that breaches copyright or community standards. There is a system in place for content owners to submit reports of copyright violations. These regulations are outlined in the community guidelines and terms of use established by Meta, ensuring Instagram remains a secure and welcoming space for its users. Through these Terms and Conditions, Instagram aims to balance the freedom for users to share content with the protection of creators' rights, while maintaining a safe platform environment and honoring intellectual property rights. This policy acts as a code of conduct for users, provides a swift enforcement mechanism at the platform level, and underscores Instagram's dedication to fostering a fair digital space that respects creative works.

4.2. Legal Stance On The Unauthorized Use Of Cooking Account Videos On Instagram

Unauthorized use of culinary account videos shared on Instagram constitutes copyright infringement, as these videos fall under the category of cinematographic works protected by Law Number 28 of 2014 on Copyright. Instances of infringement include the unauthorized re-uploading of videos by fried chicken business operators from the @duniakulinersamarinda culinary account onto Facebook, as well as the unauthorized re-uploading of two videos by an Instagram account from the @jajankuliner._ culinary account. Similarly, the @makanapa_idn account has experienced unauthorized re-uploading of their videos on Instagram without the consent of the account owner or the video creator. This issue extends to other Instagram users who re-upload videos on the same platform or elsewhere without crediting the original video owner.

From an ethical standpoint, it is clear that the actions of the individual who re-uploaded the video content breach the relevant sections of Law No.28 of 2014 on Copyright. This is particularly true considering the effort and time culinary content creators invest in filming food clips, followed by editing, assembling, and adding audio and other effects to make the final video appealing and attract viewers to their Instagram profiles.

In the digital landscape, particularly on social media platforms like Instagram, economic rights are closely tied to user engagement. This engagement is characterized by the extent of interaction and participation from internet users, manifesting as likes, comments, shares, and views on a post. Such engagement directly influences the visibility of the content and its creator, serving as a measure of popularity and potential for commercialization. It also helps determine the economic worth of the account or content, including opportunities for endorsements, ad revenue, or business partnerships. Consequently, if a work is used without authorization and shared by another party, especially if that account enjoys higher popularity or engagement, the original creator stands to lose the potential economic benefits associated with that engagement.

This situation can be viewed as an economic loss resulting from copyright violations. Culinary accounts assess the economic worth of their content based on the attention it garners; the more engagement or interest their content receives, the higher the economic value they assign to it. Owners of culinary accounts hold a robust legal stance to safeguard their video creations from misuse. These culinary videos are not merely typical digital content but are recognized as legitimate copyrighted works because they meet the criteria of originality, are expressed in tangible form (as cinematographic works), and are automatically protected under the declarative principle of Law No.28 of 2014 on Copyright. Consequently, the creator or copyright holder possesses a strong legal position to defend their video work against unauthorized use. In this context, the creators of the video content on the culinary account are the account owners themselves. They hold exclusive rights to publish, reproduce, or commercialize their creations.

Even though the owners of culinary accounts are aware of the infringements, many choose not to pursue legal action due to concerns about social relationships or the

business significance of the offenders, such as small and medium-sized enterprises (MSMEs). This indicates that while the legal status of video owners as copyright holders is acknowledged by law, there is still a lack of awareness regarding the enforcement of these rights and the effectiveness of protection mechanisms, whether through platforms or formal legal avenues. Consequently, it is essential to enhance legal awareness among content creators and to bolster enforcement support from digital platforms and the government.

Efforts to legally protect against the unauthorized use of culinary account videos on Instagram can be pursued through various national legal frameworks and the internal policies of digital platforms. Legal protection is normatively established by Law Number 28 of 2014 on Copyright, which classifies culinary videos as cinematographic works with both moral and economic rights. If a violation occurs, the creator is entitled to seek legal recourse through alternative dispute resolution, arbitration, or by filing a lawsuit in the Commercial Court.

Furthermore, Law Number 1 Year 2024 concerning Electronic Information and Transactions offers protection by forbidding the unauthorized transfer or sharing of electronic data, such as digital videos. Instagram, as a platform, also ensures protection through its Terms of Use and Community Guidelines, which prohibit violations of intellectual property rights and include a feature for reporting copyright breaches. Nonetheless, the practical effectiveness of these protections remains limited. Content creators often hesitate to pursue legal action due to social or technical reasons, and Instagram's reporting feature has not yet effectively addressed violations automatically. Therefore, it is essential to enhance both repressive and preventive measures by raising users' legal awareness and improving the reporting system on digital platforms..

The government is involved in educating the public about copyright issues in the digital space. By raising awareness about intellectual property, such as copyright registration, the government can seek legal protection. This increased awareness can enhance society's role in safeguarding intellectual property. Law No.1 of 2024, which is the second amendment to Law No.11 of 2008 on Electronic Information and Transactions, along with Law No. 24 of 2019 on Creative Economy, are regulations that

specifically address copyrighted works, each with its own substance and characteristics. However, generally, these laws collectively protect digital content, particularly videos.

In today's world, safeguarding digital videos is crucial due to the numerous possibilities a single video can offer. This protection extends beyond copyright issues to include video security, as mandated by Law No. 1 of 2024, which amends Law No. 11 of 2008 on Information and Electronic Transactions. To achieve this, the government plays a vital role in bridging the gap between platforms and the creators who utilize them.

Indeed, the execution of this initiative in the digital space has been less than perfect, as numerous unauthorized uses of videos from culinary accounts by dishonest Instagram users persist. The owner of the culinary account, who continues to feel that their moral rights are unmet due to these actions, should see the government and society collaborate to establish a secure digital environment. This would enable small content creators to achieve equitable legal protection, particularly concerning video copyright works.

CONCLUSION

The findings of this research affirm that the legal safeguarding of culinary account videos on Instagram is thoroughly addressed by several interrelated laws. These include Law No. 28 of 2014 on Copyright, which ensures the moral and economic rights of creators of video-based cinematographic works; Law No. 1 of 2024, which amends Law No. 11 of 2008 on Electronic Information and Transactions, prohibiting the unauthorized transfer and distribution of digital video content; and Law No. 24 of 2019 on the Creative Economy, which recognizes culinary video content as part of the creative economy deserving legal protection. Additionally, Instagram's terms of use and community guidelines provide regulations for safeguarding creative copyrighted works on the platform. Legally, culinary videos on Instagram fall under the category of cinematographic or videographic copyright works, granting content creators exclusive rights over the use, reproduction, and distribution of their creations, including the authority to approve or deny others' use of their work. Despite this regulatory framework, unauthorized use of culinary videos remains common due to a lack of understanding of legal rules by violators, insufficient platform oversight in addressing

copyright breaches, and creators' reluctance to pursue legal action. This highlights the necessity for enhanced legal education, improved platform monitoring systems, and more effective law enforcement to ensure content creators' rights are adequately protected.

Bibliography

- Arsyad, A. (2011). Learning media. PT RajaGrafindo Persada.
- Delamarisa, D., & Murdani, D. (2025). Legal Protection of Copyright Content Creators of YouTube Videos Re-uploaded without Watermark on Tiktok and Facebook Platforms. *Indonesian Law Journal*, 4(4), 224-233.
- Khoir, M. (2014). Video editing process of "Musik & Inspirasi" programme of PT Bama Berita Sarana Televisi (BBS TV) Surabaya (Bachelor thesis, STIKOM Surabaya).
- LSPR Institute of Communication and Business. (2023). Content creator: Turning passion into profit. <https://www.lspr.ac.id/apa-itu-content-creator/>
- Marzuki, P. M. (2010). Legal research. Kencana.
- Muhdar, M. (2019). Doctrinal and non-doctrinal research: An applicative approach in legal research. Mulawarman University Press.
- Mujiyono, et al. (2017). Guidebook for the application of copyright intellectual property rights. Sentra HKI LPPM Yogyakarta State University.
- Nata, A. A. L. (2025). Legal Protection of Tiktok Content Creators Who Re-Upload on Different Applications for Commercial Purposes. *Islamic Law Journal*, 3(1), 1-11.
- Putri, A. M., & Yustiawan, D. G. P. (2025). COPYRIGHT PROTECTION OF TIKTOK LIVE VIDEOS THAT ARE REUPLOADED ON OTHER PLATFORMS. *Journal of Academic Media (JMA)*, 3(3).
- Santoso, V. (2015). Campaign videography in the myth of propaganda art (Semiotic analysis of political video clips of the 2014 Indonesian presidential election). *Journal of Contemporary Indonesian Art*, 1(1), 5-15.
- Saputri, N. A. (2022). Legal protection of TikTok content creators who are re-uploaded by other accounts in different applications for commercial purposes (Undergraduate thesis, Hasanuddin University Makassar).
- Subekhan, A. (2023). Similarities and differences between cinematography and videography. <https://otakkanan.co.id/perbedaan-videografi-dan-sinematografi/>
- Theodora, L. C. (2022). Cinematography vs videography: What's the difference? Multimedia Nusantara University. <https://www.umn.ac.id/sinematografi-vs-videografi-apa-perbedaannya/>