

## LAW AND ETHIC ON THE COPYRIGHT OF ARTIFICIAL INTELLIGENCE WORKS IN INDONESIA

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DOI: [10.53866/jimi.v6i2.1065](https://doi.org/10.53866/jimi.v6i2.1065)

### Abstract

*Technological advances open up opportunities for development for the creation of an object. In its development, Artificial Intelligence technology is able to create and produce a product so that protection of Intellectual Property Rights of it is needed. Law Number 28 of 2014 concerning Copyright has not been able to accommodate the protection of Intellectual Property Rights of product that produced by Artificial Intelligence due to the unclarity of the creator. For this reason, a protection mechanism is needed for product that produced by Artificial Intelligence. This study aims to identify and analyze the legal construction of intellectual property rights for product that produced by artificial intelligence in Indonesia and forms of copyright protection for product that produced by artificial intelligence. This research is a normative juridical research with analytical descriptive research specifications. This research uses a statutory approach, concept approach and comparison approach. The data used are secondary data that obtained from literature studies. The data are presented with normative texts and analyzed by qualitative normative methods. The results show that the legal construction of intellectual property rights for product that produced by artificial intelligence in Indonesia needs to be developed so that the creators can get copyrights to their products. The implementation of the legal construction of Artificial Intelligence also need ethical part to it.*

**Keywords:** Artificial Intelligence; Copyright; Ethic; Law

## Hukum Dan Etika Atas Hak Cipta Karya Kecerdasan Buatan Di Indonesia

### Abstrak

Kemajuan teknologi membuka peluang pengembangan untuk penciptaan suatu objek. Dalam perkembangannya, teknologi Kecerdasan Buatan (AI) mampu menciptakan dan memproduksi suatu produk, sehingga perlindungan Hak Kekayaan Intelektual (HKI) atas produk tersebut menjadi diperlukan. Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta belum dapat mengakomodasi perlindungan HKI atas produk yang dihasilkan oleh Kecerdasan Buatan (AI) akibat ketidakjelasan mengenai penciptanya. Oleh karena itu, diperlukan mekanisme perlindungan untuk produk yang dihasilkan oleh Kecerdasan Buatan. Penelitian ini bertujuan untuk mengidentifikasi dan menganalisis konstruksi hukum Hak Kekayaan Intelektual untuk produk yang dihasilkan oleh Kecerdasan Buatan di Indonesia serta bentuk perlindungan hak cipta untuk produk yang dihasilkan oleh Kecerdasan Buatan. Penelitian ini merupakan penelitian hukum normatif dengan spesifikasi penelitian deskriptif analitis. Penelitian ini menggunakan pendekatan hukum, pendekatan konsep, dan pendekatan perbandingan. Data yang digunakan adalah data sekunder yang diperoleh dari studi literatur. Data disajikan dengan teks normatif dan dianalisis dengan metode normatif kualitatif. Hasil menunjukkan bahwa konstruksi hukum hak kekayaan intelektual untuk produk yang dihasilkan oleh kecerdasan buatan di Indonesia perlu dikembangkan agar pencipta dapat memperoleh hak cipta atas produk mereka. Implementasi konstruksi hukum kecerdasan buatan juga memerlukan aspek etika di dalamnya

**Kata Kunci:** Kecerdasan buatan; Hak Cipta; Etika; Hukum

## 1. Introduction

Globalization leads the dynamics of world society, including technological advances. One of advances in technology is the creation of Artificial Intelligence (AI). In its development, AI has been implemented in various areas of life. In Indonesia, Artificial Intelligence is widely used in various industries, including education, health, manufacturing, and products. (Ririh et al., 2020) It is opening up opportunities for AI to be able to create and produce products, thus requiring protection for creations produced by AI through the mechanism of enforcing Intellectual Property Rights.

Intellectual Property Rights are the results of human creativity based on intellectual ability in the form of creative works that are intangible to meet human needs and improve well-being. (Kholis Roisah, 2015) There are two types of intellectual property, namely first copyright and non-communal intellectual property consisting patent, trademarks, trade secrets, industrial design, integrated circuit layout design, and plan variety; while communal intellectual property includes culture expressions, tradisional knowledge, indication of origin and geographical indication, and genetik recources. (Effida, 2019) The use of AI as a tool to produce products give urgency to regulate of intellectual property rights. However, if AI is used as part of an invention, it has a legal status probability that the AI is protected not as a subject, but as an object of intellectual property in general. This is because AI is an object while the inventor is a person. Moreover, placing it as an object will not cause complex legal problems, as might happen if AI is recognized as a subject. (Ramli et al., 2023) The regulation of AI as a subject or as an object in creation is an issue that needs to be further examined.

Indonesia, as stipulated in Law Number 28 of 2014 concerning Copyright, has not yet accommodated creations produced by AI, so its failing to accommodate intellectual property rights for products produced by AI. Previous research stated that the development of information technology in artificial intelligence can make or make decisions in the creative process without requiring human intervention. (Christiani et al., 2022) The difficulty of effective knowledge transfer between the various actors and knowledge domains involved is mentioned in particular also by the interviewed experts as being a permanent social and organisational problem in the development and difusion of usable AI systems. (Kreinsen, 2024) Continuing this opinion, this study will discuss that there is a dualism role of AI as a producer of work, but on the other hand, AI is onlu a tool because of hukman input and processing, so there is an urgency regarding who is entitled to copyeight. This right also has an impact on the need for ethics as an effort to minimize potential conflicts. Ethics also need to be applied when the subject of intellectual property rights has been agreed upon.

## 2. Research Methods

This research is a normative juridical research with analytical descriptive research specifications. This research uses a statutory approach, concept approach and comparison approach. The data used are secondary data that obtained from literature studies. The data are presented with normative texts and analyzed by qualitative normative methods.

## 3. Results and Discussion

### Law on Copyright of AI

Technological developments, including AI, have a significant impact on human life. AI can be a commercial products and a work of art, so regulations are needed to give the legal protection of AI and the subject that create it. AI began to become established in the Federal Republic of Germany in the 1970s, closely linked to AI development in the United States and to some extent in the United Kingdom. Various stages of development can be identified. (Kreinsen, 2024) Products produced by AI are creative works that need to be protected to ensure the enforcement of intellectual property rights. However, it is difficult to determine the subjects that receive protection by obtaining these copyrights. A number of studies show that the ambiguity of legal rules regarding the status of works produced by AI poses challenges for both creators and users of this technology. (Rizki Fauzi, 2022) This has been a topic of discussion in several countries. Malaysia does not specifically address the challenges posed by AI-generated content. The Copyright Act 1987 also does not clearly define the rights and obligations related to AI data training, leaving a legal grey area regarding the use of copyrighted works in this context. (Latif et al., 2024) In the United States, legal policy still maintains the principle that only humans can be copyright holders. In contrast, Japan has begun to develop a more flexible legal framework, taking into collective benefits of AI works. (Jamilah, N., Putri, P., Sundari, S., & Amalia, 2024) In the United Kingdom, copyright law allowa for the protection of works

generated by computers, but still requires human contribution in the creation process. In China, there are efforts to create a legal protection scheme that allows companies to obtain exclusive rights to AI works under certain conditions. South Korea, on the other hand, is more focused on creating regulations that can prevent the misuse of AI technology in the context of copyright. (Hartanto et al., 2025) The concepts offered by these countries have implications for who actually holds the rights to products created by AI.

Indonesia regulates intellectual property rights. Each type of Intellectual Property Rights has its arrangement. Copyright is regulated in Law No. 28 of 2014 concerning Copyright. The scope of objects protected by copyright works in the fields of Arts, Literature, and Science, which includes works in computer programs. Based on this, Artificial Intelligence (AI) could be protected by Indonesian copyright. (Bing Bin Lu, 2021) Indonesia still has the opportunity to determine the subject of its rights holders.

Many opinions in the legal community state that AI cannot be considered a legal subject that has legal authority and responsibility for its actions. (Israhadi, 2023) Atilla Kasap (Kasap, 2019) states that there are several options for granting copyrights: the AI system, the programmer, the trainer, the user, joint authorship, public domain, as explained below:

a. The AI-System

The AI system is considered a subject closely to the work produced. The systems that are considered to have artificial intelligence can themselves be owned by real persons or legal entities. (Gürkaynak et al., 2016) However, recognizing something other than humans as a legal subject is difficult. Referring to the Naruto case, a monkey went viral when its selfie was spread on the internet. There was a debate whether a selfie taken by a monkey could be protected by copyright. While the camera owner who lent the equipment to the monkey claimed copyright in the images, opposing parties argued that copyright could only be granted to works created by humans. The final result of the case was that the court ruled that the monkey Naruto could not copyright the photos because he was not human. (Israhadi, 2023)

The Indonesian Civil Code states that only humans and legal entities can be subjects of law. On Article 1 point 4 of Law Number 28 of 2014 concerning copyright states that the copyright holders is the creator as the owner of the copyright, the party who legally receives the rights from the creators, or another party who further receives the rights. Based on Article 10 of the Patent Law, the subject of the patent is regulated, namely the inventor or the person who further receives the rights of the inventor. If the invention is produced by more than one person, the rights to the invention are jointly owned by the inventors. Furthermore, referring to Article 1 Number 13 of the Patent Law, "Person" is defined as an individual or legal entity. In the context of AI, there have been many practices that use AI as part of a patent, in the sense that AI is registered as an inventor. (Ramli et al., 2023) Ultimately, such a technology cannot be considered an author in copyright context. (Zahariev, n.d.)

b. The Programmer and the trainer

The idea behind this approach is that if the programmer had not designed, trained and created AI software, the work would have not been introduced to the world. Programmer and the trainer are more accurately referred to as subject that assist in the production process of a product because they do not contribute directly. Several studies emphasize that even though the owner of AI controls the system that produces the work, copyright must still consider human involvement in the creative process. (Dibit Yuniar Ekawardani, 2025)

c. The User

The user was recognized as the author of such output. Referring to the World Intellectual Property Organization (WIPO), in an article entitled "Artificial Intelligence and Copyright," it is stated that copyrighted works created autonomously by AI without human roles cannot be protected by copyright so that they can be used freely and reused by other people. (Ramli et al., 2023) The creator has exclusive rights consisting of moral rights and economic rights. (Theresia Anita Christiani, Muhammad Imran Qureshi, 2022) The Reward dan Recovery theory prioritizes rewards for human hard work.

d. Joint Authorship

Allocating ownership rights between the user, the programmer and the data proprietor as joint authors is widely discussed as an efficient solution.

e. Public Domain

It has been argued that since computers do not need be incentivized to generate creative works, any

resulting work from an AI-system should be placed immediately in the public domain, since doing so automatically benefits science with essentially no trade-off. Much recent literature has indicated that public procurement is one of the best areas in which AI can be used. (Aboelazm & Dganni, 2025) Copyright is basically the exclusive rights owned by the creator which in Indonesian copyright regulations, copyright is divided into moral rights and economic rights. So, a contrario, if a work is not classified as a creation, then the work does not have special rights so that it can be used by everyone and is in the public domain.

Based on these classifications, it makes sense that copyright is granted to the user. Users are legal subjects recognized by laws and regulations and are the people most significantly involved in the creation of an AI product. However, the protection of users' copyrights over creations made with the help of AI needs to be specifically regulated in the Intellectual Property Right Law. The copyright aims to protect the creators, to ensure fair remuneration for any forms of usage of the protectable works created by them. Furthermore, regulations regarding which products are eligible for intellectual property rights are also urgent. This determines the extent to which a product can be declared eligible for legal protection after meeting originality and ethical criteria.

### **Ethic**

When designing a new legal framework about AI and its copyright, it is important to consider various aspects, including how to respect human as the creators, how far human contribution is required to be considered the owner of a work, how to avoid misuse of technology, how to find innovations for society, and the ethics of creating the product itself.

In the legal system, copyright protection is only granted to creations that meet three main elements, namely originality, embodiment in tangible form and creativity. Originality is based on the extent of human involvement in creating a work that distinguishes it from other works, thereby forming a tangible manifestation of human creativity. Some experts propose that computer-generated works be treated like entrepreneurial works that do not require a high degree of originality and have a shorter protection period, as their production costs are also relatively low.

From a professional ethics perspective, there needs to be clarity in the use of data and responsibility for possible digital deviations or plagiarism through the creation of works using AI. In this case, ethics in the field of honesty and transparency are required by not hiding the fact that a work was created with the help of AI. The development of creations and references taken by AI via the internet also requires ethics and respect for the work of others, including avoiding digital plagiarism.

Chatterjee presented the impact of applying artificial intelligence (AI) on human rights. The research results could be used as input for policy makers and government authorities to formulate comprehensive policies that are urgently needed to regulate AI in the context of protecting citizens' human rights (Mahardhika et al., 2023). AI should be: (1) lawful, complying with all applicable laws and regulations; (2) ethical, ensuring adherence to ethical principles; and (3) robust, both from a technical and social perspective, in order to avoid unintended adverse impacts (Hickman & Petrin, 2021). In Indonesia, balancing freedom of expression with protections against malicious AI-generated content requires a nuanced regulatory approach that respects constitutional rights while addressing ethical concerns (Judijanto et al., 2025). However, deeper theoretical assessments reveal foundational ambiguities within the ethical terms used to evaluate and justify AI ethics within existing frameworks (S. Kausar, Ali Raza, 2024). The ethics of artificial intelligence is the response to a new dilemma that demands international society to provide a legal response to the many ethical challenges artificial intelligence creates. International society needs now, more than at any previous time, to consider the ethics of AI (Roumate, 2021).

The Minister of Communication and Information of Indonesia issued a regulation regarding the ethics of Artificial Intelligence. Based on Letter of Minister of Communication and Information of the Republic of Indonesia Number 9 of 2023 on ethic of Artificial Intelligence which is intended for business actors of Artificial Intelligence-Based programming activities, electronic system providers in the public scope and electronic system provider in the private scope in the field of business related to Artificial Intelligence to increase productivity, optimize business process, and provide more personalized services to customers. Ethical use of Artificial Intelligence includes inclusivity, humanity, security, accessibility, transparency,

credibility, accountability, protection of personal data, sustainable development and environment, and intellectual property.

#### 4. Conclusion

Copyright is more make sense to be granted to the user. Users are legal subjects recognized by laws and regulations and are the people most significantly involved in the creation of an AI product. Furthermore, regulations regarding which products are eligible for intellectual property rights are also urgent. This determines the extent to which a product can be declared eligible for legal protection after meeting originality and ethical criteria. Ethical use of Artificial Intelligence includes inclusivity, humanity, security, accessibility, transparency, credibility, accountability, protection of personal data, sustainable development and environment, and intellectual property.

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