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## **INTELLECTUAL PROPERTY RIGHTS IN THE DIGITAL ERA (Challenges and Opportunities for Creative Industry Players in Indonesia)**

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### **Abstrak**

Era digital telah membawa transformasi besar pada industri kreatif, memungkinkan distribusi dan akses yang lebih luas terhadap karya-karya kreatif. Namun, hal ini juga menimbulkan tantangan baru dalam perlindungan hak kekayaan intelektual (HKI) bagi pelaku industri kreatif di Indonesia. Artikel ini bertujuan untuk mengkaji tantangan dan peluang yang dihadapi oleh pelaku industri kreatif dalam melindungi HKI di era digital. Penelitian ini menggunakan pendekatan kualitatif dengan mengumpulkan data melalui studi literatur dan wawancara dengan beberapa stakeholder terkait, termasuk pelaku industri kreatif, pengamat HKI, dan pihak berwenang. Hasil penelitian menunjukkan bahwa meskipun era digital menawarkan peluang ekspansi pasar yang signifikan bagi pelaku industri kreatif, tantangan seperti pelanggaran hak cipta dan merek menjadi semakin kompleks. Penelitian ini juga mengidentifikasi kelemahan dalam kerangka hukum saat ini yang mempengaruhi efektivitas perlindungan HKI dan menawarkan beberapa rekomendasi untuk mengatasi tantangan tersebut, termasuk penyempurnaan regulasi, peningkatan kesadaran HKI, dan penguatan kerjasama antarlembaga. Artikel ini berkontribusi pada pemahaman tentang dinamika HKI di era digital di Indonesia dan memberikan insight untuk pembuat kebijakan, praktisi hukum, dan pelaku industri kreatif dalam mengoptimalkan potensi industri kreatif sekaligus melindungi hak-hak pencipta dan inovator.

**Kata kunci:** Hak Kekayaan Intelektual, Industri Kreatif, Era Digital

### **Abstract**

The digital age has brought a major transformation to the creative industries, enabling wider distribution and access to creative works. However, this also poses new challenges in the protection of intellectual property rights (IPR) for creative industry players in Indonesia. This article aims to examine the challenges and opportunities faced by creative industry players in protecting IPR in the digital era. This research uses a qualitative approach by collecting data through literature studies and interviews with several relevant stakeholders, including creative industry players, IPR observers, and authorities. The results show that although the digital age offers significant market expansion opportunities for creative industry players, challenges such as copyright and brand infringement are becoming increasingly complex. The study also identifies

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weaknesses in the current legal framework that affect the effectiveness of IPR protection and offers several recommendations to address those challenges, including regulatory improvements, increased awareness of IPR, and strengthened interagency cooperation. This article contributes to an understanding of the dynamics of IPR in the digital era in Indonesia and provides insight for policymakers, legal practitioners, and creative industry players in optimizing the potential of the creative industry while protecting the rights of creators and innovators.

**Keywords:** Intellectual Wealth Rights, Creative Industries, Digital Era

## INTRODUCTION

The development of digital technology has changed the landscape of the creative industry globally, including in Indonesia (Udayana, 2020). The digital revolution not only expands the distribution range of creative works but also makes it easier for consumers. On the one hand, this provides a great opportunity for creative industry players to expand the market and increase income. However, on the other hand, the digital era also brings new challenges, especially related to the protection of intellectual property rights (IPR). This challenge requires special attention considering the importance of IPR in ensuring the sustainability and growth of the creative industry. Creative industry players in Indonesia, covering various sectors such as music, film, visual arts, and software, face difficulties in protecting their works from IPR violations. Cases of piracy and copyright infringement are becoming increasingly prevalent in the digital era, where the distribution of digital content can be done quickly and easily through the internet (Kaunang, 2013). This situation causes significant losses for creators and copyright owners, which has an impact on the sustainability of creativity and innovation in Indonesia.

The current legal framework in Indonesia regarding IPR still shows several weaknesses, especially in terms of law enforcement and adaptation to technological developments. Regulations that are not fully in accordance with the needs of the digital era make it difficult for creative industry players to get adequate legal protection. This condition encourages the need to revise and refine policies and regulations related to IPR, in order to be more effective in protecting the rights of creators and innovators in

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the digital era. In addition, awareness of the importance of IPR among creative industry players and the general public is still relatively low. Education and socialization about IPR are important to increase understanding and appreciation of the value of creative works (Rongiyati, 2018). This awareness is expected to reduce IPR violations and form a healthier and more sustainable creative industry ecosystem.

Collaboration between the government, industry players, and related institutions is also key in overcoming IPR challenges in the digital era. Strengthening this cooperation is needed to improve the effectiveness of law enforcement, as well as to facilitate dialogue and cooperation in the development of innovative solutions that support IPR protection. This study aims to examine more deeply the challenges and opportunities faced by creative industry players in protecting IPR in the digital era. Through a qualitative approach, researchers collect data from various sources, including literature studies and interviews with relevant stakeholders. This analysis is expected to provide *valuable insights* for policymakers, legal practitioners, and industry players in optimizing the potential of the creative industry while protecting the rights of creators and innovators.

The results show that although significant challenges are faced, there are also opportunities that can be utilized by creative industry players to overcome IPR problems. Among them are the use of technology to protect and utilize copyright, as well as innovative marketing and distribution strategies that utilize digital platforms (Mardikaningsih & Darmawan, 2023). The recommendations resulting from this study include improving IPR regulations, increasing awareness and education about IPR, and strengthening inter-institutional and inter-state cooperation. These recommendations are expected to help overcome existing challenges and take advantage of the opportunities available to advance the creative industry in Indonesia.

This article contributes to the understanding of the dynamics of IPR in the digital era in Indonesia. By focusing on challenges and opportunities for creative industry players, this research provides a new perspective in discussions on IPR protection and creative industry development in the midst of the digital revolution. In

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conclusion, IPR protection in the digital era is a complex issue that requires a multidisciplinary approach and close cooperation between all relevant parties (Kamani & Khaerunnisa, 2023). By overcoming challenges and seizing opportunities, Indonesia can create an environment conducive to the growth and sustainability of the creative industries.

## **METHODS**

In this study, researchers chose to use qualitative methods to gain an in-depth understanding of the challenges and opportunities faced by creative industry players in protecting intellectual property rights (IPR) in the digital era in Indonesia. The qualitative approach is chosen for its ability to explore the perceptions, experiences, and attitudes of research subjects to the phenomenon under study. Data were collected through several techniques, including literature study, in-depth interviews, and participatory observation. The literature study involves analyzing documents, journal articles, research reports, and other related materials that discuss IPR, creative industries, and the impact of digitalization.

In-depth interviews were conducted with various stakeholders who are directly involved in the creative industry and IPR protection in Indonesia. Respondents are selected through purposive sampling techniques to ensure that they have knowledge and experience relevant to the research topic. The interviews were designed to explore their experiences in dealing with IPR challenges in the digital age, the strategies they implemented to protect copyright, as well as their views on opportunities that could be exploited. Interview questions are prepared in a structured manner to ensure that all relevant topics are covered, but are also flexible enough to allow in-depth discussion of specific issues that arise during the interview.

Data analysis is done by content analysis techniques, where data from interviews and literature studies are categorized and analyzed to identify key themes, patterns, and relationships between data. This analysis allows researchers to build a comprehensive understanding of the dynamics of IPR in the context of the creative

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industry of the digital era in Indonesia (Rochani, 2017). The findings from the data analysis are then linked to previous theories and research to discuss their practical and theoretical implications. Through this approach, the study aims to make a significant contribution to the existing literature and provide evidence-based recommendations for relevant stakeholders.

## **RESULTS AND DISCUSSION**

This research reveals that the challenges of intellectual property rights (IPR) in the digital era for creative industry players in Indonesia are very complex. These challenges range from piracy issues, to unauthorized use of works, to difficulties in effective law enforcement. The results showed that piracy was the main problem faced by almost all respondents (Katon, 2017). Piracy not only reduces revenue from the sale of original works but also lowers the value of those creative works in the eyes of consumers. In addition, the results of the study found that many creative industry players feel they do not have adequate access to information on how to protect their intellectual property rights. This lack of knowledge is one of the factors that makes them vulnerable to IPR violations. This condition is exacerbated by the legal system which is considered not fully supportive of IPR protection, especially in the digital context (Dragono, 2023).

Discussions with stakeholders point to an urgent need for policy and legal reforms that are more adaptive to technological developments. Respondents emphasized the importance of laws that not only protect copyright but also facilitate the law enforcement process against IPR violations in the digital realm. They argue that without legal reform, efforts to protect IPR will continue to face significant obstacles (Rendie Meita Sarie Putri et al., 2022). Further analysis revealed that although the challenges are quite severe, there are also significant opportunities that can be exploited by creative industry players. Digitalization opens up wider market access and allows the distribution of works in a more efficient way. This research found that some industry players have begun to utilize digital technology to protect and market their

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works (Dewatara & Agustin, 2019), such as through the use of digital platforms that offer automatic copyright protection systems.

On the other hand, the results of the study also highlight the importance of education and increasing awareness about IPR (Widarni & Madyasta, 2023). Not only for creative industry players, but also for the general public. This increased awareness is expected to reduce the incidence of IPR violations and build a greater appreciation of the value of creative works. In the discussion on law enforcement, respondents suggested strengthening coordination between government agencies authorized in handling IPR cases. They argue that closer cooperation between governments, industry players, and internet service providers can improve the effectiveness of law enforcement (Utama et al., 2023).

Furthermore, the results show that the application of new technologies, such as blockchain, can be an innovative solution in IPR protection. This technology offers the possibility to track and manage copyrights more efficiently, reducing the risk of piracy and other copyright violations (Wibowo, 2023). Respondents also emphasized the importance of international collaboration in addressing IPR issues. Given that many IPR violations involve parties from various countries, cross-border cooperation is considered crucial to effectively address this problem.

This research also identifies several positive initiatives that have been undertaken by industry players and the government to overcome IPR challenges. This includes education and training programs on IPR, as well as the development of digital platforms that support the creation and distribution of creative works legally (Raihana et al., 2023). However, despite the positive initiatives, there is still a gap between the needs of industry players and the support provided by the government and relevant institutions. This research suggests that the development of policies and programs that are more focused and tailored to the needs of the creative industries is essential to address IPR issues effectively (Indonesia & No, 2008).

In conclusion, the results of this study show that IPR challenges in the digital era require a comprehensive and multidisciplinary approach. Through a combination

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of policy reforms, education, technology implementation, and international cooperation, creative industry players in Indonesia can overcome these challenges and take advantage of the opportunities offered by the digital era (Raharjo, 2021).

## CONCLUSION

This research has investigated various aspects related to intellectual property rights (IPR) in the digital era, especially the challenges and opportunities faced by creative industry players in Indonesia. From the results of the study, it can be concluded that the digital era has brought significant changes to the way of distribution and access to creative works, which in turn poses new challenges in IPR protection. These challenges include piracy, unauthorized use of works, and difficulties in effective law enforcement. However, in addition to challenges, the digital era also offers great opportunities for creative industry players to reach a wider market and utilize new technologies for the protection and marketing of their works.

Furthermore, this study emphasizes the importance of policy and legal reforms that are more adaptive to the development of digital technology. This research also shows the urgent need to increase awareness and education about IPR among creative industry players and the general public. This increased awareness is expected to reduce the incidence of IPR violations and build a greater appreciation of the value of creative works. In addition, the results suggest strengthening cooperation between the government, industry players, internet service providers, and international institutions in an effort to protect IPR in the digital era.

In conclusion, overcoming challenges and taking advantage of existing opportunities in IPR protection in the digital age requires a comprehensive and collaborative approach. This research hopes to contribute to policy makers, creative industry players, and related institutions in an effort to develop a conducive ecosystem for the growth of creative industries in Indonesia. Through policy reform, effective education, technology implementation, and close cooperation, creative industry players

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in Indonesia can protect their copyrights while taking full advantage of the potential offered by the digital era.

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