

The Role of State Regulation in Copyright Protection Within the Digital Ecosystem: A Case Study of TikTok

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ABSTRACT

This research examines copyright infringement on TikTok, addressing the paradox between creative freedom and intellectual property protection. Digital technology expansion enables artistic expression while simultaneously creating enforcement gaps due to low legal awareness and inadequate public literacy regarding Law No. 28 of 2014 on Copyright. The study analyzes how TikTok's policies including takedown mechanisms, safe harbor principles, and fair use doctrine function as legal instruments balancing innovation and legal certainty. Employing normative legal methodology, this research investigates the synergy between national regulations and platform policies in protecting creators' moral and economic rights. Analysis reveals the urgent need for contextual legal education and collaboration among government, platforms, and society to establish a just digital ecosystem respecting originality while cultivating ethical, globally competitive creative culture. Furthermore, the research emphasizes the state's role as a primary actor in establishing legal frameworks protecting copyright in digital spaces. Article 28C (1) of the 1945 Indonesian Constitution provides constitutional foundation that the state must provide effective regulatory mechanisms and law enforcement protecting citizens' works. Through administrative instruments including Ministerial Regulations on Information and Communications (Permenkominfo) and governmental agency authorities (DJKI, Kominfo) this study evaluates how public policy creates accountable and constitutionally compliant digital governance, ensuring equitable copyright protection in contemporary information ecosystems.

1. Introduction

The way of life of a nation never stands alone; it develops from the roots of customs, values, and traditions that are passed down through successive generations.¹ The inevitable evolution of contemporary society has propelled communities into the currents of globalization, which gradually yet inexorably transforms the modalities of cognition, interpersonal interaction, and professional engagement. Technology functions simultaneously as a conduit and an emergent challenge for humanity to effectuate requisite adaptations. The contemporary world now stands

¹ Hendri Khuan, et al. "Customary Law in Modern Legal Systems: Lessons from Indonesia and South Africa." *Novum Jus* 19.2 (2025): 77-103. <https://doi.org/10.14718/NovumJus.2025.19.2.3>

interconnected through networks of communication and internet infrastructure, which have become fundamental necessities in modern society.² Daily activities, whether in the social, educational, or economic spheres, are scarcely free from dependence upon this technology. This phenomenon represents one of the tangible manifestations of globalization that has expanded massively and rapidly, particularly in Indonesia, where the society is increasingly connected with the outside world through digital media.

This substantial transformation has altered not only lifestyles but also the social and economic order. Economic globalization marks the emergence of a system that transcends national boundaries, thereby creating a unified global marketplace.³ However, conversely, globalization is frequently perceived as a manifestation of neo-imperialism, insofar as developing nations tend to occupy a passive position vis-à-vis the influx of products, cultural artifacts, and ideological constructs originating from developed states. This asymmetry engenders the perspective that globalization exerts substantive implications not merely upon commercial enterprise, but extends into the domains of jurisprudence, social structure, and cultural production. Societies are thus confronted with the imperative to undertake adaptive measures while preserving cultural identity and institutional integrity, while simultaneously ensuring that technological advancement and informational accessibility do not erode the foundational values and normative principles that constitute the substrate of collective existence.

The advancement of information technology precipitates substantial transformation in the modalities through which individuals conduct labor and engage in interpersonal interaction. The communicative sphere has experienced unprecedented revolution, commencing from the telegraph and telephone to the contemporary dominion of the internet, an instrumentality capable of transcending geographical constraints. The internet functions not exclusively as a medium for information dissemination, but rather as a nexus for transnational collaboration. Through internet infrastructure, individual actors may assume the role of content producers, creating and distributing their intellectual and creative output directly to expansive audiences. This developmental trajectory has engendered social media platforms as novel arenas for the expression of contemporary human agency.

The early 2000s demarcates the genesis of the social media epoch, thereby fundamentally reconstituting global communication paradigms. Platforms such as YouTube emerged as significant milestones in the historical trajectory of digital communication. This video-sharing repository was initially conceived for the uploading of personal recordings and public events; however, it subsequently developed into a multifunctional space encompassing expression, entertainment, education, and instrumentalities of political discourse.⁴ A comparable phenomenon has also emerged on TikTok, which has established itself as a short-form video-based platform with an exceptionally extensive user base, including throughout Indonesia.

² Rahman, Irsan, et al. "Harmonization of Digital laws and Adaptation Strategies in Indonesia focusing on E-Commerce and Digital transactions." *Innovative: Journal Of Social Science Research* 4.1 (2024): 4314-4327. <https://doi.org/10.31004/innovative.v4i1.8240>

³ Jufryanto Puluhulawa, et al. "The Concept of Cyber Insurance as a Loss Guarantee on Data Protection Hacking in Indonesia." *Law, State & Telecommunications Review/Revista de Direito, Estado e Telecomunicações* 15.2 (2023). <https://doi.org/10.4067/S0718-09172023000200003>

⁴ Mohamad Hidayat Muhtar, et al. "Perluasan Kewenangan Komisi Penyiaran Indonesia Terhadap Pengawasan Media Digital." *Jurnal Konstitusi* 19.1 (2022): 126-148. <https://doi.org/10.31078/jk1916>

Through TikTok, numerous individuals demonstrate creativity, generate viral trends, and even generate income. The creativity originating from this platform constitutes not merely entertainment, but rather represents intellectual labor that possesses economic and social value.

However, this advancement does not transpire without attendant legal complications. The popularity of TikTok has engendered various legal issues, particularly concerning copyright infringement. Features that enable users to combine music, audio, or video content belonging to other users are frequently misappropriated without authorization from copyright holders. Songs whose duration has been altered, to which sound effects have been applied, or which have been reused without clear consent clearly violate the economic rights of their creators. Although many content creators endeavor to provide attribution by including labels such as "IB" or "Inspired By" as a form of acknowledgment, such conduct does not automatically extinguish the legal obligation to obtain authorization for the use of such works. Moral recognition differs materially from legal authorization, inasmuch as copyright constitutes not merely a matter of ethics, but rather an exclusive right regulated by statutory law.

Indonesia, through Law Number 28 of 2014 concerning Copyright, has affirmed the economic rights of creators, including the right to reproduce, translate, broadcast, perform publicly, and rent copyrighted works. These provisions establish the foundation for the protection of all creative output arising from human intellectual capacity. Copyright holders possess full authority to determine the manner in which their works are utilized by third parties. Without authorization, any act of reproduction or distribution constitutes a legal violation. Article 1, Paragraph 23 of the aforementioned statute defines piracy as the unauthorized reproduction of creative works and the distribution thereof for purposes of obtaining economic benefit, which clearly contravenes the principle of justice due to creators.⁵

Public cognizance regarding copyright protection remains considerably limited. Many individuals lack comprehension that digital works, including musical recordings, video content, and graphic designs, are safeguarded under applicable copyright law. This lack of awareness frequently results in copyright infringement being regarded as trivial, notwithstanding its substantial adverse effects upon the creative industries. Intellectual property theft and unauthorized appropriation of creative expression diminish creators' incentive to innovate and consequently impede the expansion of the creative economy. Although governmental entities have undertaken educational initiatives through various public awareness campaigns, the principal challenge persists in transforming the digital public's collective mindset, which has become accustomed to treating online content as unrestricted and freely available for use.

One proposed mechanism for reconciling freedom of expression with legal intellectual property protections involves the adoption of open licensing frameworks, exemplified by Creative Commons licensing schemes. Through such licensing models, copyright holders may grant authorization to the public to utilize their creative works subject to specified conditions for instance, limiting use to non-commercial applications or mandating proper attribution to the original creator. These licensing instruments establish opportunities for creative collaboration while preserving both the moral and economic interests of copyright proprietors. Furthermore,

⁵ Dolot Alhasni Bakung, and Mohamad Hidayat Muhtar. "Determinasi Perlindungan Hukum Pemegang Hak Atas Neighbouring Right." *Jambura Law Review* 2.1 (2020): 65-82. <https://doi.org/10.33756/jalrev.v2i1.2400>

the legal doctrine of public domain establishes that creative works whose copyright protection has expired may be utilized without restriction by the general public. Such works, having satisfied their designated copyright term under Title 17 of the United States Code, become available for unrestricted use and adaptation by any person.⁶

The presence of a robust legal protection system for copyright rights has yielded substantial positive implications for the advancement of creativity in Indonesia. Such protection provides a sense of security for creators to continue their creative endeavors without apprehension that their works may be plagiarized or utilized unlawfully. Legal safeguards further furnish economic incentives that stimulate the emergence of novel innovations. Furthermore, the recognition of copyright protection strengthens the reputation of creative works and cultivates a culture of appreciation for others' intellectual labor. Nevertheless, this legal protection would be rendered ineffectual without concomitant legal awareness and consistent law enforcement mechanisms.

Globalization has created unprecedented opportunities for the Indonesian nation to showcase its creativity on the international stage. Conversely, the unrestricted accessibility of information concurrently intensifies the risks of copyright infringement. The digital era necessitates maintaining equilibrium between freedom of expression and legal accountability. Every social media user must recognize that all creative works, regardless of magnitude, represent the product of another individual's diligent effort and intellectual deliberation, thereby meriting respect and protection. Copyright law exists not as a mechanism to restrict, but rather to safeguard.

Technological advancement must be accompanied by strengthened legal consciousness and robust digital ethics. The protection of copyright is not merely an administrative concern but rather constitutes a reflection of recognition for human dignity as a thinking and creative being. When society comprehends the significance of respecting copyright, a healthy creative ecosystem shall flourish, facilitating Indonesia's progression toward cultural and economic self-reliance. Amid the robust current of globalization, the respect for intellectual property emerges as a testament that this nation not only possesses the capacity to adapt to contemporary transformations, but also stands resolute with its own distinctive identity and legal wisdom.

Consequently, this research endeavors to examine: (1) the regulatory provisions concerning copyright protection within TikTok pursuant to the Law No. 28 of the Year 2014 Concerning Copyright, and (2) the determinative factors contributing to the prevalence of copyright infringement incidents within TikTok content.

2. Research Methods

The research methodology employed in this study is normative legal research, which conceptualizes law as a system of norms that exists and operates within society. The primary focus of this research lies in the analysis of positive legal provisions, encompassing various statutory regulations, legal doctrine, and legal principles that are pertinent to the substantive issues under investigation. Normative legal research aims to examine how a legal norm is formulated, applied, and systematically interpreted in order to provide clarification regarding specific legal problems.⁷ In this context, the research is directed toward examining copyright

⁶ Alex Vermillion. "Imagining Access: What Does Digiturgy Have to Offer?." *Theatre History Studies* 41.1 (2022): 49-53. <https://doi.org/10.1353/ths.2022.0014>

⁷ Muhammad Syarif, et al. *Metode Penelitian Hukum*. Padang: Get Press Indonesia, 2024. Page, 69.

infringement involving content on the TikTok platform, with emphasis on legal provisions governing the economic and moral rights of creators, as well as the protection afforded by law to intellectual works published in digital spaces.

The research methodology employs two primary approaches: the case law approach and the statutory approach. The case law approach is utilized to examine the implementation of legal norms in actual practice by observing instances of copyright infringement occurring on the TikTok platform, considering both the conduct of users and the liability of platform providers. Through this approach, the research endeavors to trace patterns in the application of law in addressing digital copyright disputes and to assess the extent to which principles of justice and creator protection are implemented in practice. The statutory approach is applied through analysis of various regulations serving as the legal foundation, such as Law Number 28 of 2014 concerning Copyright, government regulations, and ministerial regulations that govern the exercise of copyright and license management. This approach aims to elucidate the hierarchy, binding force, and interrelationship of applicable regulations in order to obtain a comprehensive understanding of the juridical foundation governing copyright in digital space.

The legal materials employed in this research comprise primary, secondary, and tertiary legal sources. Primary legal materials include various national and international legal instruments that directly regulate copyright, including the 1945 Constitution of the Republic of Indonesia, Law Number 28 of 2014 concerning Copyright, as well as implementing regulations and international agreements pertaining to intellectual property rights. Secondary legal materials encompass legal literature, scholarly journals, academic works, and publications addressing the theory and practice of copyright law. Tertiary legal materials include legal dictionaries, encyclopedias, indices, and trusted online sources providing supplementary explanation to primary and secondary legal materials. All such legal materials were gathered through library research and subsequently analyzed using the hermeneutical method of legal interpretation to construe the meaning and context of norms contained within the regulations. This analysis aims to clarify the relationship between legal provisions and the social reality underlying copyright infringement on digital platforms, thereby yielding a comprehensive understanding of legal protection for intellectual works in the era of technological globalization.

3. Result and Discussion

3.1. Copyright Protection Regulations on the TikTok Platform Pursuant to Indonesian Law No. 28 of 2014 Concerning Copyright

Copyright law policy within the context of digital platforms such as TikTok reflects a substantial transformation in how society produces, distributes, and protects intellectual property. The paradigm shift in media consumption patterns from conventional to digital modalities engenders novel challenges to positive law, particularly when creative expression confronts expansive public access and rapid dissemination.⁸ TikTok, as one of the world's most popular video-sharing platforms, presents a complex legal phenomenon, as it simultaneously provides a space for expression and creativity for its users, while on the other hand, it opens potential for violations of intellectual property rights regulated by both national legislation and international instruments.

TikTok's official guidelines affirm the company's commitment to protecting original works uploaded by its users. Copyright protection in the TikTok context is not merely concerned with the economic rights of creators, but rather constitutes part of the fulfillment of state

⁸ M. Febry Saputra. "Hak Cipta Dance Challenge Yang Diunggah Ke Aplikasi Tiktok." *Jurnal Penegakan Hukum Indonesia* 2.1 (2021): 69-91. <https://doi.org/10.51749/jphi.v2i1.16>

responsibility as mandated by Article 28C, paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This constitutional norm emphasizes that the state bears the obligation to establish a digital ecosystem that is secure, equitable, and protective of the intellectual rights of its citizens. From the perspective of Constitutional Law, copyright protection represents the state's fulfillment of its duty to guarantee fundamental rights to self-development, whereas from the perspective of Administrative Law, the state bears responsibility for providing administrative instruments through ministerial regulations on information and communication technology (Permenkominfo), over-the-top service (OTT) regulations, and digital oversight policies to ensure that platform operators such as TikTok comply with standards of public accountability.

The mechanisms established serve not only as internal governance structures but also as a means of enforcing copyright law principles within the digital environment. TikTok implements policies that reject all forms of content that infringe upon copyright and provides a reporting system for rights holders to file complaints in the event of infringement. Actions such as content removal or account suspension represent concrete steps that demonstrate the application of the limited liability principle, a doctrine well-established in cyberlaw jurisprudence. This system is consistent with provisions contained in the Digital Millennium Copyright Act (DMCA) of the United States and analogous provisions in other jurisdictions that provide general guidance regarding the protection of digital works.⁹

State involvement in ensuring copyright protection is grounded in constitutional foundations. Article 28C, paragraph (1) of the Constitution of the Republic of Indonesia of 1945 provides guarantees concerning the right of every citizen to develop themselves through the utilization of science, technology, art, and culture in order to improve their quality of life. This constitutional norm affirms the state's responsibility to provide a comprehensive system of legal protection for every individual engaged in creative work, including within the digital sphere. This obligation is realized through Law Number 28 of 2014 concerning Copyright, which serves as the primary legal instrument in regulating the protection of the economic and moral rights of creators. This law does not merely position copyright as an economic right capable of commercial exploitation, but also as a manifestation of human personality that is inseparable from the results of creative endeavor.¹⁰

The authority of creators in exploiting their intellectual works is explicitly guaranteed under Article 9 of the Copyright Law. This provision affirms that creators possess the right to undertake economic actions regarding their works, including publishing, reproducing, translating, adapting, distributing, publicly performing, making available, communicating, and leasing the creation. These rights provide the legal foundation for creators to derive economic benefits from their creative output while simultaneously ensuring that any form of exploitation by third parties requires valid authorization or licensing. In the context of TikTok, this right frequently intersects with user activities involving uploading, editing, or re-utilizing copyrighted material such as music and videos without authorization. This phenomenon gives rise to legal issues when such

⁹ Mary Kate Sherwood. "Protecting Fair Use from Algorithms, Internet Platforms, and the Copyright Office: A Critique of the Section 512 Study". *John's L. Rev.* 95 (2021): 921. <https://scholarship.law.stjohns.edu/lawreview/vol95/iss3/9>

¹⁰ Lydia Rinjani, Abdul Atsar, and Diman Ade Mulada. "Perlindungan Hukum Atas Karya Cipta Kreator Tiktok Sebagai Karya Sinematografi Menurut UU Nomor 28 Tahun 2014 Tentang Hak Cipta." *Commerce Law* 3.2 (2023): 283-287. <https://doi.org/10.29303/commercelaw.v3i2.3524>

conduct potentially qualifies as unauthorized reproduction or distribution as established by statutory provisions.

Legal protection of copyright in the digital sphere encompasses not only economic rights but also moral rights inherent to the creator. Moral rights safeguard the integrity of the work and the identity of the creator, ensuring that such works are not misappropriated, altered, or appropriated by third parties without consent. The monistic theoretical perspective introduced by Bluntschli and further developed by Gierke provides philosophical underpinning for the recognition of such moral rights. This perspective emphasizes that copyrighted works constitute direct manifestations of the personality and intellectual expression of their creators, thereby establishing an inherent and inseparable relationship between creator and creation. From a legal standpoint, this means that any action altering, distorting, or exploiting a work without authorization violates not merely economic rights but also infringes upon the dignity of the creator.

The intrinsic relationship between creator and creation establishes a compelling legitimacy for moral and legal protection. Within the context of social media platforms such as TikTok, this principle carries broad implications inasmuch as the forms of expression presented constitute a combination of visual and auditory elements producing cinematographic works. Videos uploaded by users encompass elements of creativity, production techniques, and stylistic uniqueness meeting the criteria of audiovisual works as recognized within the copyright regime. The presence of dynamic visual elements combined with auditory components creates a new entity acknowledged as original work meriting legal protection. Each video upload fundamentally constitutes a manifestation of creative process involving intellectual aspects; therefore, re-utilization without authorization must be characterized as copyright infringement.

The legal obligation incumbent upon users of digital platforms to respect the intellectual property rights of others is reflected in TikTok's official community policies. The community guidelines explicitly prohibit the distribution or utilization of copyrighted material without authorization from the rights holder. Any user violating such provisions faces the risk of losing platform access through takedown mechanisms directed against either the account or its content. TikTok implements automatic content removal procedures against reported infringing material and provides users with the opportunity to file appeals should they claim legitimate legal authorization for utilizing such material.¹¹ This appeals procedure upholds the principles of procedural due process and transparency, and enables both content creators and users to resolve disputes in a proportionate manner.

From the perspective of procedural justice, the notice and takedown mechanism implemented by TikTok must safeguard users' rights to due process of law. This encompasses clear notification regarding the grounds for content removal, accessible appeal mechanisms, and proportionate evaluation of the usage context. This principle relates to the constitutional protection of citizens' rights to receive fair administrative treatment from digital platforms. The government must

¹¹ Laura Cervi, Santiago Tejedor, and Fernando García Blesa. "TikTok and political communication: The latest frontier of politainment? A case study." *Media and communication* 11.2 (2023): 203-217. <https://doi.org/10.17645/mac.v11i2.6390>

exercise oversight to ensure that such mechanisms do not facilitate abuse, whether by users or by the platform itself, and remain consistent with applicable legal principles.

The implementation of notice and takedown policies on the TikTok platform reflects the safe harbor principle a legal doctrine that grants limited immunity to digital service providers against infringements committed by their users. This principle establishes that a platform cannot be held liable provided that it has implemented effective mechanisms to address reported violations and does not actively participate in the dissemination of infringing content. In Indonesia, this principle receives formal legitimacy through the Ministerial Regulation on Communications and Informatics Number 5 of 2020 concerning Private Electronic System Operators.¹² Section 11 of the aforementioned regulation establishes that electronic system operators cannot be held liable under law for user violations provided that they have fulfilled procedural obligations, including but not limited to: establishing security systems, providing users with notice regarding prohibited content categories, and implementing access termination measures against prohibited content.

Safe harbor provisions constitute a compromise framework between freedom of expression and legal liability. Digital platforms such as TikTok function as intermediaries between users' rights to create content and copyright holders' rights to obtain legal protection for their intellectual property.¹³ Such limited liability provisions are also embodied in Regulation No. 5 of 2016 of the Minister of Communication and Informatics regarding Consumer Protection in the Operation of Electronic Systems¹⁴, which establishes the doctrine of limited liability for intermediaries providing user-generated content services. This regulatory scheme allocates primary responsibility to users, while platforms are required to implement systems and mechanisms designed to ensure that disseminated content complies with applicable law and does not result in injury or damages to other parties.¹⁵

The Indonesian legal system further clarifies the classification of Over-The-Top (OTT) services, which encompasses the provision of applications, content, or any combination thereof through internet networks.¹⁶ From the perspective of public accountability, the government has an obligation to ensure that all administrative actions in addressing copyright infringement are transparent and subject to public scrutiny. The Ministry of Communication and Information Technology (Kominfo), the Directorate General of Intellectual Property (DJKI), and law enforcement authorities must function not merely as regulators but as public institutions obligated to provide public access to information regarding complaint procedures, report handling mechanisms, and policies governing access termination. This accountability is essential to enable the public to assess the effectiveness of the state in providing protection for intellectual

¹² Peraturan ini masih berlaku dan menjadi acuan utama dalam pengaturan tanggung jawab penyelenggara sistem elektronik, meskipun beberapa ketentuan teknisnya telah diperbarui melalui kebijakan turunan Kominfo.

¹³ Sebastian Felix Schwemer, Tobias Mahler, and Håkon Styri. "Liability exemptions of non-hosting intermediaries: Sideshow in the Digital Services Act?." *Oslo Law Review* 8.1 (2021): 4-29. <https://doi.org/10.18261/issn.2387-3299-2021-01-01>

¹⁴ Peraturan ini masih berlaku dan menjadi acuan utama dalam pengaturan tanggung jawab penyelenggara sistem elektronik, meskipun beberapa ketentuan teknisnya telah diperbarui melalui kebijakan turunan Kominfo.

¹⁵ Handoyo Prasetyo, Subakdi, Dan Bambang Waluyo. "Revitalizing The Role of Consumers and OJK in Overcoming Illegal Online Loan" *International Journal of Multicultural and Multireligious Understanding* 17, no. 11 (11 November 2022): 188–97. <https://doi.org/10.5281/zenodo.7313458>.

¹⁶ Zamroni Abdussamad, and Mohamad Hidayat Muhtar. "Etika penggunaan media sosial dalam promosi destinasi wisata di desa patoameme." *Akuntansi Dan Humaniora: Jurnal Pengabdian Masyarakat* 1.2 (2022): 132-139. <https://doi.org/10.38142/ahjpm.v1i2.339>

property rights while simultaneously ensuring that all administrative actions conform to the principles of good governance.

TikTok falls within the category of integrated application and content delivery services, functioning as a platform where users simultaneously create, distribute, and consume content. The Circular Letter from the Minister of Communication and Information Technology Number 3 of 2016 provides the legal basis for this classification, thereby subjecting all activities conducted on the platform to regulations governing electronic system operators. The clarity of this classification is significant because it delineates the boundaries of responsibility between the platform provider and users, including with respect to copyright infringement.

The protection of copyright in video works on TikTok cannot be separated from the concepts of moral rights and economic rights as established in the Copyright Law of Indonesia. Moral rights affirm the necessity of respecting the integrity of the work and the identity of the creator, while economic rights provide creators with the authority to determine the manner of exploitation of their work and to derive economic benefit from their creations. Articles 6 through 9 of said legislation assert two fundamental dimensions of legal protection: recognition of the personal relationship between creator and creation, and protection of the economic value inherent in the work. The implementation of these provisions is critical in the digital era, as the boundary between lawful use and infringement is often obscured by the ease of access and content reproduction.

From the perspective of constitutional law, moral rights relate directly to the dignity and personal identity of the creator as an essential component of the fundamental rights of citizens, while economic rights reflect state protection of the commercial value of a work. Consequently, the distinction between these two categories of rights is important for affirming the constitutional obligation of the state to ensure that respect for the personality of the creator is exercised in consonance with protection of the economic value of their work.

Indonesian law provides for certain exceptions to the protection of copyrighted works. Article 43(d) of the Copyright Law states that the dissemination of a creation through social media shall not constitute an infringement if it is not undertaken for commercial purposes and does not result in economic harm to the creator. Simultaneously, Article 44(1) provides the legal foundation for the use of protected works for purposes of education, research, or scholarly writing, provided that the source and name of the creator are clearly cited. These exceptions function as a counterbalance between the protection of creator rights and the public interest in accessing and utilizing works for the advancement of knowledge and learning. This principle is recognized internationally as fair use or fair dealing, which emphasizes the balance between intellectual property protection and freedom of expression.

The existence of fair use mechanisms in the social media context has significant implications for TikTok's policy framework. The platform endeavors to align itself with legal provisions in various jurisdictions, including Indonesia, by implementing limitations that permit users to create content without infringing copyright. Creativity in the form of parody, criticism, or transformation of certain content may be deemed lawful if it satisfies the principles of fair use and does not result in harm to the rights holder. However, the boundary between lawful use and

infringement remains dependent upon legal interpretation that must account for context, intent, and the economic impact of such action.

From the perspective of administrative law, the application of the Ministerial Regulation on Information and Communication Technology Number 5 of 2020 and its derivative regulations constitute instruments of administrative governance that ensure active state involvement in monitoring digital practices. These administrative instruments function as mechanisms of supervision, control, and enforcement binding upon electronic system operators. The effectiveness of such regulations determines the extent to which the state is capable of executing its public service function in protecting the copyright of citizens through mechanisms such as notice and takedown procedures, access termination, and the obligations of platform providers to prevent and address infringement.

In the context of constitutional law, the protection of copyright on TikTok is closely related to questions of state sovereignty in the digital realm. The state possesses the authority to regulate foreign platforms operating within its jurisdiction, including the establishment of standards for transparency, platform accountability, and mechanisms of oversight. Conflicts between TikTok's global policies and national regulations frequently present challenges, as digital platforms operate under standardized procedures that are not always aligned with the interests of domestic law. Consequently, the state must ensure that national legislation, such as the Copyright Law and Koinfo policies, remains the primary reference point for the protection of the rights of citizens in the digital sphere.

The strengthening of copyright protection in the digital realm cannot depend solely on internal platform enforcement mechanisms; it requires effective legal enforcement by the state. The legal system must be capable of adapting to the dynamics of technology and digital society. Enforcement efforts that are merely reactive are insufficient, as violations in the digital realm occur at a pace far exceeding conventional legal processes. Therefore, the development of preventive legal instruments, such as mechanisms for digital registration, certification of work authenticity, and content identification systems based on algorithmic analysis, constitutes an essential step in maintaining a balance between innovation and rights protection.

The development of information technology has driven the emergence of new paradigms in intellectual property law. The protection of copyright is no longer limited to physical works but now encompasses digital works that, while incorporeal, possess tangible economic value. This development necessitates continuous updating of legal instruments to maintain relevance with social practice and technological advancement. The adaptation of law to developments in social media platforms such as TikTok demonstrates an effort to balance the interests of individuals, corporations, and society. The legal system is expected to function not merely as a repressive instrument but also as an educational mechanism that fosters legal awareness among digital users.

The philosophical dimension of copyright protection affirms that human creativity represents the purest expression of freedom of thought. Recognition of copyright constitutes recognition of human existence as a rational being capable of creation. Every violation of copyrighted work is, in essence, a violation of the dignity of the creator himself. This perspective provides moral legitimacy for law to act in the protection of individual creative works from all forms of misuse.

Robust legal protection of copyright also functions as a stimulus for cultural advancement and the development of the creative industries, which serve as one of the foundations of the modern economy.

Platforms such as TikTok have created vast opportunities for the emergence of new talent in the fields of art, music, and entertainment. However, this same space carries significant responsibility for the preservation of authenticity and integrity of works. Legal awareness among users represents a determining factor in the success of this protection system. Public education and awareness regarding copyright must be continually strengthened so that society understands that freedom of expression in the digital realm does not constitute freedom to use the works of others without limitation. Every creative act that respects the rights of others will strengthen an equitable and sustainable digital ecosystem.

The protection of copyright on TikTok is ultimately not merely a technical matter concerning authorization and licensing but rather a reflection upon digital ethics and appreciation for the fruits of human labor. The state, through its legal instruments, and the platform, through its policies, bear equal moral responsibility for fostering a culture of respect for intellectual works. Collaboration among legal enforcement, corporate policy, and public awareness will create a balance between innovation and legal protection. This synergistic relationship constitutes the key to establishing a healthy, productive, and equitable digital ecosystem, wherein every work is valued not merely because of its market value but because it represents the product of the thought, time, and spirit of the human creator.

3.2. Factors Contributing to the Prevalence of Copyright Infringement Cases in TikTok Content

The insufficient understanding of intellectual property law among TikTok users represents a key factor explaining the persistent recurrence of copyright violations, notably the unauthorized utilization of copyrighted music. The disparity in regulatory literacy engenders an erroneous assumption among most users that all audio content available within the platform's library constitutes public domain material available for unrestricted use, including commercial exploitation.¹⁷ This misunderstanding conflates two fundamental legal principles: the applicability of the Copyright Act to digital content within the United States and the existence of a licensing regime for musical compositions that determines the lawfulness of content exploitation. This perceptual distortion subsequently crystallizes into widespread unlawful practices: the unauthorized republication of copyrighted works, the preparation of derivative arrangements without requisite permission from the copyright holder, and the monetization of content incorporating third-party musical compositions. Consequently, the digital ecosystem which should theoretically foster creative expression has become a legal gray area wherein the exclusive rights of copyright holders are systematically violated.

The most coherent policy trajectory involves convening the state, digital platforms, and users within an integrated educational framework oriented toward practical compliance. Effective legal outreach must remain grounded in tangible reality: the legal instruction should address actual

¹⁷ Clarisa Ayu Aprilia, Silviani Indah Wahyuni, and Wann Nurdiana Sari. "Pemanfaatan Media Sosial Oleh Generasi Z Sebagai Media Pembelajaran Era Post Pandemi." *PESHUM: Jurnal Pendidikan, Sosial dan Humaniora* 2.3 (2023): 530-536. <https://doi.org/10.56799/peshum.v2i3.1797>

problems confronted by the target community rather than providing an abstract enumeration of statutory provisions divorced from context. Musical content creators, operators of local brand accounts, and students engaged in creating viral video challenges must encounter copyright law through concrete applications specifically, how to request permission pursuant to Section 106 of the Copyright Act, when the fair use doctrine under Section 107 may constitute an applicable defense, and what consequences attend the unauthorized incorporation of third-party musical works into monetized content without the consent of the copyright proprietor. Contextualized legal education illuminates the path for lay users; for when law is comprehended as a normative instrument providing guidance, it commands greater compliance than law perceived as an impenetrable labyrinth.¹⁸

Litigated cases that have garnered public attention reveal a dichotomous nature of digital platforms: a venue that propels creative expression while simultaneously serving as a stage that invites dispute. Musicians' lawsuits challenging unauthorized use of copyrighted works have heightened awareness that digital prominence does not extinguish the necessity for proper authorization. Conversely, examples of choreography that has ascended to global trending status demonstrate that TikTok possesses the capacity to elevate creators to an international stage. These dual facets necessitate a delicate equilibrium: the recognition of originality and the maintenance of open conduits for legitimate creative transformation. The burgeoning consciousness of legal compliance serves as a bridge ensuring that viral content remains protected from unauthorized appropriation, while adapted works maintain respect for their creative origins.

Internal factors frequently serve as the initial catalyst. Inadequate legal education fosters the mistaken belief that "attribution" constitutes sufficient compliance, despite the requirement for explicit authorization from copyright proprietors for utilization beyond certain boundaries. Economic incentives compound the problem. Many content creators perceive digital content as a expeditious avenue toward revenue augmentation; commercial partnerships necessitate music with "viral" potential, whilst licensing fees are regarded as financial burdens. Economic pressure propels pragmatic decisions: overlaying popular musical excerpts upon promotional videos or recycling trending choreography and subsequently monetizing it. Moral considerations frequently capitulate when economic uncertainty presents an immediate barrier.

External factors amplify the breach. A permissive culture normalizing infringement constructs a thick veil that dulls moral culpability. Technology facilitating audio-visual editing creates the perception that all actions are permissible insofar as the requisite tools are accessible. Inconsistent enforcement of intellectual property rights attenuates the deterrent effect, precipitating calculated risk assessment: minimal liability exposure paired with substantial profit potential. The dynamics of social environmental factors reinforce this tendency; peer pressure, the pursuit of viral content, and algorithmic logic that rewards sensational material displace ethical deliberation to the periphery. Frequently, virality feels as warm as sunlight until one forgets that its rays can also scorch.

¹⁸ M. Febry Saputra. "Hak Cipta Dance Challenge Yang Diunggah Ke Aplikasi Tiktok." *Jurnal Penegakan Hukum Indonesia* 2.1 (2021): 69-91. <https://doi.org/10.51749/jphi.v2i1.16>

Platform policy should function as a clearly demarcated boundary from the initial phase of content creation. TikTok has articulated prohibitions against the use of copyrighted works without authorization, established notice-and-takedown procedures, and implemented sanctions including content removal and account suspension for repeat offenders. Nevertheless, several lacunae persist. The terminology delineating categories of protected works, particularly cinematographic works, remains insufficiently precise compared to the frameworks established by national intellectual property statutes. Automated detection mechanisms for cinematographic work infringement frequently lag behind user propensity to redistribute video segments; the reporting mechanism depends upon community vigilance whose information literacy remains uneven. The identity of infringers often remains obscured behind anonymous accounts, rendering the investigative process akin to pursuing shadows at twilight.¹⁹

National copyright protection rests upon two principal pillars: moral rights and economic rights. Moral rights protect the honor and integrity of creative works; economic rights regulate the manner in which works may be exploited for commercial purposes. These two pillars support a unified structure grounded in the recognition that a work constitutes not merely a commodity, but rather an extension of the creator's personality. This conception insulates the legal regime from the reductive fallacy of reducing all considerations to economic quantification, since harm to a work frequently inscribes itself upon the identity of the creator. Within the audiovisual domain, each frame and layer of sound reflects aesthetic and technical choices emanating from the creative process, such that unauthorized alteration or superimposition risks distorting the intended meaning.

Exceptions for purposes of education, research, criticism, or parody provide breathing room for transformative creativity. However, such exceptions demand circumspection. Noncommercial character does not automatically confer universal permission, particularly when content distribution culminates in obscured economic flows through product promotion or paid partnership arrangements. The source must be attributed; the scope of use must remain proportional; and the impact upon the original market must be considered. This principle inculcates balance: creativity that flourishes without extinguishing the rights of creators, and public access that expands without degrading the value of works. Just law stands like an evenly balanced scale; its needle rests level only when both sides bear their prescribed measure of burden.

Legal education requires a foundation resting upon three pillars. The first pillar presents highly practical knowledge: the nature of licenses, where permission must be sought, how to interpret platform terms, when use constitutes fair dealing, and how to draft simple collaboration agreements. The second pillar integrates education with economic incentive: explanation concerning royalties, revenue sharing, and legally compliant monetization models. Creators who understand that compliance unlocks long-term collaboration opportunities will regard permission as investment rather than impediment. The third pillar strengthens empathy toward creators: creative exercises involving the reconstruction of songs or videos without copying essential elements cultivate habits of respecting boundaries a character-building instrument no less significant than any catalog of obligations.

¹⁹ Ni Putu Ega Maha Wiryanthi. "Copyright Infringement in Online Media: Corporate Legal Liability." *Al-Adalah: Jurnal Hukum dan Politik Islam* 10.1 (2025): 151-167. <https://doi.org/10.30863/ajmpi.v10i1.7681>

Enforcement must proceed through stratified pathways such that responses prove proportional to the dynamic nature of violations. Non-litigation mechanisms namely mediation, clarification, and takedown procedures may serve as the initial line of defense, offering speed and minimal cost. Administrative channels through competent authorities provide procedural certainty and documentary trail useful should disputes escalate. Civil litigation operates as the instrument when actual damages require remediation, while criminal sanctions guard against the normalization of commercial piracy. Strengthening inter-agency coordination becomes imperative: intellectual property authorities, music industry associations, and platform representatives must share data and protocols such that responses align rather than operate in isolation.

Civil construction provides a firm foundation for accountability. Wrongful conduct demands compensation for damages inflicted, including scenarios wherein indirect infringement occurs through accounts operating under the control or oversight of third parties. Adoption of both direct and indirect liability principles expands the reach of remedial recovery for instance, when agencies or commercial entities exploit works without propriety control. This doctrine precludes "hands-off" strategies through intermediaries, as law regards the substance of relations rather than their mere form.

Platform governance warrants advancement along three innovative trajectories. First, integration of more precise content identification systems for local audiovisual works, including adequate reference databases for Indonesian songs and national films. Audio-visual fingerprinting technology may serve as an initial bulwark, intercepting infringing content before it proliferates across user feeds. Second, appeal panels incorporating fair use/fair dealing standards grounded in instructive case examples would aid creators in comprehending thresholds; procedural transparency reduces the sensation of being "judged" by automated systems. Third, a micro-licensing dashboard facilitating expedited permission for limited use would substantially reduce friction; smaller creators would no longer navigate circuitously seeking rights holders, as formal channels would be established upstream.²⁰

The efficacy of copyright education is perpetually measured through behavioral modification rather than mere participation metrics in dissemination activities. Tangible indicators encompass, inter alia, decreased reports of recidivous infringement, enhanced demand for licensing instruments, increased formal collaboration between content creators and rights holders, and measurable improvements in attribution quality within content metadata. Regional governmental authorities may establish strategic partnerships with creator communities to design thematic educational intensives in music production, choreography, and short-form cinematography that integrate copyright compliance modules as mandatory curriculum components within each production session.

Academic institutions and arts conservatories may align practical curricula with licensing simulation exercises. Music industry associations may disseminate simplified technical toolkits addressing licensing fee structures, representative contract provisions, and procedural channels for license procurement. When the regulatory ecosystem mobilizes in coordinated fashion, legal education ceases functioning as aspirational rhetoric and becomes institutionalized practice.

²⁰ Douglas Guilbeault, et al. "Online images amplify gender bias." *Nature* 626.8001 (2024): 1049-1055. <https://doi.org/10.1038/s41586-024-07068-x>

The cultural dimension necessitates more sophisticated pedagogical approaches. The prevailing stigma characterizing creators who decline unauthorized derivative use as "restrictive" requires deconstruction through humanistic narrative frameworks. Musical compositions, choreographic works, and audiovisual performances emerge from substantial investments in research, iterative production, and invisible intellectual labor that remains absent from consumer-facing platforms. Such narratives engage affective dimensions of user consciousness: respect evolves not from fear of legal sanctions but from understanding of concealed creative effort. Clear, accessible communication functions as a conceptual aperture it reconceptualizes copyright protection not as exclusionary barriers but as gateways inviting proper procedural engagement.

Multistakeholder governance structures facilitate responsive institutional design. Digital platforms possess institutional incentives to maintain credibility; creators require contractual certainty; rights holders pursue equitable economic returns; and the general public demands reasonable access. These interconnected interests may be harmonized through standardized licensing frameworks for choreographic collaborations, modular licensing packages for popular musical compositions in derivative formats, and promotional partnerships for indigenous musical content that facilitate experimental exploration by emerging creators. Such interest reconciliation represents pragmatic governance rather than utopian idealism; when transparency mechanisms remain operational, technological implementation employs sound design principles, and legal frameworks function as protective scaffolding rather than prohibitive barriers, stakeholder alignment becomes achievable.

Sustainable institutional reform demands consistency across all governance vectors. National authorities must strengthen regulatory frameworks and enforcement capacity; digital platforms must enhance detection mechanisms and procedural clarity; creator communities must establish ethical standards and information literacy programs; rights holders must establish user-friendly licensing channels. The convergence of these four institutional currents will elevate the quality of Indonesia's digital ecosystem transforming chaotic institutional failure into a coherent regulatory environment that sustains innovation while protecting creator interests. Law that is comprehended and voluntarily respected cultivates entrepreneurial confidence; fertile creative production sustains economic development in cultural industries; respect for creator authorship reinforces cultural dignity. When these institutional vectors achieve structural alignment, copyright infringement transitions from normalized behavior to recognized institutional aberrance a phenomenon warranting systematic correction rather than passive acceptance.

4. Conclusion

Copyright protection in the digital era, particularly on the TikTok platform, necessitates a delicate balance between freedom of expression and legal certainty for creators. The dynamic ecosystem of social media generates creative opportunities while simultaneously amplifying the risk of infringement, primarily due to insufficient legal literacy, economic pressures, and the weakened state of digital ethical awareness within society. Although domestic legal instruments specifically Law No. 28 of 2014 concerning Copyright have established a robust foundation for protecting both the moral and economic rights of creators, their effectiveness depends on synergistic collaboration among government entities, digital platforms, and user communities in cultivating a legally conscious and participatory culture. Contextually relevant legal education, consistent law enforcement, and transparent platform policies constitute three essential pillars

for fostering respect for intellectual property. When these three elements operate in concert, law transcends its perception as an impediment to creativity, instead functioning as a protective barrier that preserves the originality and dignity of human intellectual endeavor within the expanding digital sphere.

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