APPLICATION OF ARTIFICIAL INTELLIGENCE IN COPYRIGHT PROTECTION: A CASE STUDY ON REACTION VIDEOS ON YOUTUBE

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Abstract

The development of digital technology, especially through YouTube, has given rise to a variety of creative content, including reaction videos. Despite their popularity, reaction videos often involve the unauthorised use of other parties' copyrighted works, potentially violating Law No. 28/2014 on Copyright Law. The Copyright Law provides moral and economic rights protection to creators, which includes recognition of the work as well as the exclusive right to obtain economic benefits. Infringement occurs when content is monetised without the consent of the copyright owner. This research analyses the legal protection of copyright on video reaction under the Copyright Law, using a normative approach. The results show that lack of public education and weak law enforcement exacerbate infringement. Solutions include strengthening regulations, strict law enforcement, as well as the active role of digital platforms in providing copyright protection mechanisms. Hopefully, this study contributes to copyright protection in the digital era.

Keywords: Copyrights; Law protection; Video reaction; YouTube.

Abstrak

Perkembangan teknologi digital, khususnya melalui YouTube, telah memunculkan berbagai konten kreatif, termasuk video reaction. Meski populer, video reaction sering kali melibatkan penggunaan karya cipta pihak lain tanpa izin, yang berpotensi melanggar Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. Aturan hak cipta memberikan perlindungan hak moral dan hak ekonomi kepada pencipta, yang meliputi pengakuan atas karya serta hak eksklusif untuk memperoleh manfaat ekonomi. Pelanggaran terjadi ketika konten dimonetisasi tanpa persetujuan pemilik hak cipta. Penelitian ini menganalisis perlindungan hukum hak cipta atas video reaction berdasarkan aturan hak cipta, dengan pendekatan normatif. Hasilnya menunjukkan bahwa kurangnya edukasi publik dan lemahnya penegakan hukum memperparah pelanggaran. Solusi mencakup penguatan regulasi, penegakan hukum tegas, serta peran aktif platform digital dalam menyediakan mekanisme perlindungan hak cipta. Diharapkan, studi ini memberikan kontribusi pada perlindungan hak cipta di era digital.

Kata Kunci: Hak cipta; Perlindungan hukum; Reaksi video; YouTube.

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INTRODUCTION

The YouTube platform has become a key medium in the lives of modern people around the world. With more than 50 million active users in Indonesia alone (Kamaru, 2019), YouTube is not only a platform for sharing information and entertainment but also a means of building a career, such as becoming a content creator. One of the most popular forms of content is reaction videos, which are content that shows a person's expression or response to someone else's work. The popularity of reaction videos reflects the dynamics of the digital era, which provides excellent opportunities for expression, but at the same time raises new legal challenges, especially related to copyright protection.

The reaction video phenomenon often involves the use of other people's works, such as videos, music, or clips from films, without the permission of the creator or copyright holder. This creates the potential for infringement of moral rights and economic rights as stipulated in Law Number 28 Year 2014 on Copyright. Moral rights give creators the exclusive right to the recognition of their work, including the inclusion of the creator's name and protecting the integrity of the work from harmful modifications (Asril et al. 2021). Meanwhile, economic rights include the right to benefit financially from the exploitation of the work, including royalties from its use. In other words, unauthorised video reaction can be considered a violation of both of these rights.

As part of Intellectual Property Rights (IPR), copyright in Indonesia has been comprehensively regulated in the copyright law. This law states that copyright arises automatically once a work is realised in tangible form, without the need for formal registration (Article 1 Paragraph 1 Copyright Law). The copyright law also provides for protection covering works such as videos, music, films, and other digital content. In the context of YouTube, reaction videos often use elements of these copyrighted works, either in part or in full, which in many cases is done without the authorisation of the creator or copyright holder (Bohan and Manap 2023).

Unfortunately, existing protection mechanisms, such as the Content ID feature provided by YouTube, have not been effective enough to address the various forms of copyright infringement that are rampant on the platform. Some common infringements include unauthorised re-uploading of content, use of music or video clips as background without compensation to the copyright owner, and monetisation of such content without the consent of the copyright holder (Lestari et al., 2023). In addition, law enforcement in Indonesia against copyright infringement on digital platforms is still considered weak, both in terms of regulation and implementation in the field (Asril et al., 2021).

From a legal perspective, the copyright law is designed to protect the exclusive rights of creators and ensure that the use of their works is done in accordance with the law. Article 9 of the Copyright Law, for example, stipulates that any use involving economic rights of a copyrighted work must obtain the written permission of the creator or copyright holder. Violations of this provision may be subject to criminal and civil sanctions, including fines or imprisonment, as stipulated in Article 113 of the Copyright Law (Rusdiana, 2022).

However, the implementation of these rules is often hampered by a lack of public understanding of the importance of respecting copyright, as well as weak oversight of infringements in the digital space. For example, many users are unaware that most content on YouTube, including music, video clips, and movies, is protected by copyright, so their use without permission is considered unlawful (Kamaru, 2019; Lestari et al., 2023).

Previous research also shows that administrative barriers, such as the difficulty of obtaining permission from copyright holders, are often the reason creators use other people's work without permission. In addition, the licence fee, which is considered expensive by small creators, is a challenge in itself (Lestari et al., 2023). On the other hand, the government and institutions responsible for copyright protection are considered less proactive in educating the public and strictly enforcing the law (Rusdiana, 2022; Asril et al., 2021).

This article aims to examine the legal protection of video reaction content under the copyright law, with a focus on the moral and economic rights of creators. It also aims to explore the barriers to Copyright Law enforcement on digital platforms such as YouTube. With a normative approach based on statutory analysis, it is hoped that this study can provide greater insight into the protection mechanisms available and provide recommendations to create a fairer digital ecosystem for all parties involved.

METHOD

This research employs the normative method to examine the rules of law relevant to copyright protection of video reaction content on the YouTube platform. The normative method was chosen because this approach aims to analyse the applicable positive legal provisions, identify the relevance of these rules to the problems at hand, and provide legal solutions based on juridical principles. This research focuses on Law Number 28 of 2014 concerning Copyright, which serves as the primary foundation for understanding the moral rights and economic rights of creators.

In conducting this research, the statutory approach is an essential element used to explore legal provisions that are directly related to the issues discussed. This approach includes an examination of the articles in the copyright law that protect copyright, such as Article 5 and Article 6, which regulate moral rights, as well as Article 9, which grants exclusive economic rights to the creator. In addition, this research also involves an analysis of other relevant regulations, such as Law No. 19 of 2016 on the Amendment to Law No. 11 of 2008 on Electronic Information and Transactions. This regulation is essential in the context of reaction videos that are often created, uploaded, and disseminated through digital platforms such as YouTube. In addition to the statutory approach, this research also integrates a conceptual approach. This approach is used to explore legal doctrines and experts' views on copyright protection. By using a conceptual approach, this research seeks to understand the definitions, principles, and characteristics of moral rights and economic rights, as well as how they apply in the digital world. These theoretical insights provide a foundation for a more in-depth analysis of the legal implications that arise in the creation and dissemination of video reaction content.

The legal materials used in this research consist of primary and secondary legal materials. Primary legal materials include relevant laws and regulations, such as the copyright law, and other official documents governing copyright protection in Indonesia. Meanwhile, secondary legal materials include scientific literature, legal journals, articles, and relevant case reports. One of the primary references used is research by Kamaru (2019), which examines copyright protection in the context of the YouTube platform, as well as research by Lestari et al. (2023), which provides insight into legal protection in the realm of Intellectual Property Rights in the digital era. Legal data is collected through a desk study, which includes an in-depth search of legal documents and related literature. The analysis was conducted in a descriptive and prescriptive manner, where the results of the analysis not only describe the applicable legal provisions but also provide recommendations for improvements in copyright protection in Indonesia. This method is designed to provide a comprehensive overview of the

legal protection of video reaction under the copyright law and ensure that the findings of this research can be the basis for the development of better legal policies.

RESULT AND DISCUSSION

1. Moral and Economic Rights in Copyright Law

Law Number 28 Year 2014 on Copyright provides comprehensive protection to two main rights of creators, namely moral rights and economic rights. These two rights not only protect creators from exploitation but also ensure that the fruits of their creativity are valued and can provide fair economic benefits. These rights are becoming increasingly relevant in the digital age, where copyrighted works are easily disseminated through digital platforms such as YouTube.

a. Moral Rights

Moral rights are inherent to the creator and cannot be transferred to another party. This right is expressly regulated in Article 5 of the Copyright Law, which includes the right to continue to be recognised as the creator (right of attribution), the right to prevent any form of change or modification to the work that may harm the creator's reputation (right of integrity), as well as the right to reclaim ownership of their works that have been transferred to others. Unlike economic rights, moral rights have no time limit for protection, so they remain with the creator even if the economic rights of the work have been transferred.

For example, in the case of videos modified without the consent of the original creator, moral rights are often the main subject of dispute. When original works are re-uploaded on platforms such as YouTube without crediting the creator or are significantly altered, the creator loses recognition for his or her work. This not only harms the reputation of the creator but also reduces appreciation of the originality of the work (Casey, 2019; Nugraha et al., 2024). In a global context, the Bern Convention also recognises this moral right as a fundamental element in copyright protection, ensuring that the integrity of the work is respected (Kaye & Gray, 2021).

b. Economic Rights

Economic rights, as stipulated in Article 8 of the Copyright Law, grant the creator the exclusive right to derive financial benefits from his or her work. This right covers various forms of economic utilisation, such as reproduction, distribution, public performance, as well as the provision of licences for the use of the work by others. When a copyrighted work is used for commercial purposes without authorisation, the creator can file a lawsuit for infringement of this economic right.

Economic rights are vital to the sustainability of creators' creativity, as they provide a financial incentive to continue working. However, in the digital age, the challenges of enforcing these rights are increasing. Platforms like YouTube use automated systems like Content ID to help detect economic rights violations, but these systems are often only effective for large copyright holders who have the resources to manage their claims. Small creators are often marginalised in these systems, lacking access to equal legal protection. (Gray, 2020; Manap & Shi, 2023).

For example, reaction videos that make use of video clips or music without the copyright owner's permission may be considered an infringement of economic rights, especially if the video is monetised. In certain cases, such infringements can lead to legal sanctions, including fines and content blocking (Nugraha et al., 2024). However, automated claiming systems such as Content ID also have drawbacks, such as giving unfair decisions to small creators or false claims by copyright owners (Kaye & Gray, 2021).

2. Challenges in The Protection of Moral and Economic Rights

Infringements of moral and economic rights often occur due to low public awareness of the importance of copyright as well as weak law enforcement in some regions, including Indonesia (Manap & Shi, 2023; Nugraha et al., 2024). Infringements such as unauthorised re-uploading of videos or monetisation of content without the consent of the rights owner are often major issues on platforms such as YouTube. Another major challenge is the gap between legal regulation and technological implementation. Automated systems like Content ID, while efficient in detecting infringements, are often biased towards large rights holders and do not sufficiently support independent creators. In fact, invalid claims can harm small creators who lack the ability to legally defend their rights (Kaye & Gray, 2021). This creates a situation where small creators tend to avoid using copyrighted elements in their works, even if they have a legitimate right to do so (Gray, 2020).

To address these challenges, several recommendations for strengthening rights protection are necessary. Strategic measures include: 1) Increased Education - Awareness campaigns on the importance of copyright can be conducted by governments, non-profit organisations, and digital platforms; 2) Regulatory Reform: More inclusive and fair regulations are needed to protect all creators, including small creators; and 3) Collaboration Between Stakeholders: Governments, digital platforms, and creator communities need to work together to create a more efficient and fair copyright protection system (Nugraha et al., 2024; Manap & Wang, 2023). By strengthening the protection of moral and economic rights, creators can feel more secure in their work, while consumers can continue to enjoy innovative works without compromising justice for creators.

3. Reaction Video Content as a Cinematographic Work

According to Article 40 of Law No. 28/2014 on Copyright, cinematographic works, including videos in the form of narration, documentation, or other creative engineering results, are recognised as copyright objects. In this context, video reactions can be categorised as cinematographic works because they display creative elements in the form of moving images equipped with narratives, comments, or reactions produced by the creator (Dewi & Mirah, 2017; Rahmanissa et al., 2023). Legal protection of cinematographic works includes moral rights and economic rights that are exclusive to the creator, so any use of another party's work in a reaction video without permission can be considered a copyright infringement in accordance with Article 80 of the Copyright Law.

Reaction videos, which often use footage from films, music videos or other cinematographic works as their main elements, are required to obtain written permission from the copyright holder before being used for commercial purposes. This was emphasised in the study by Fu et al. (2023), who stated that the use of elements from film and television works for short content, such as reaction videos, is often the subject of copyright conflicts, especially when the works are used without the consent of the rights holder and monetised for personal gain.

Furthermore, Zhuo's (2019) research highlights that while creativity in video reaction can be considered a transformation of the original work, such a transformation does not exempt the creator from legal obligations. Without explicit permission, the transformation or reuse of visual and audio elements in cinematographic works may violate the basic principle of copyright protection, which is respect for the exclusive rights of the creator. The situation becomes more complex when the algorithms of digital platforms, such as YouTube, fail to automatically detect copyright infringement, leaving many infringements unmonitored or unfollowed.

Meanwhile, Rahmanissa et al. (2023) added that in Indonesian law, protection of cinematographic works includes not only recognising the originality of the work but also preventing modifications that damage the reputation of the original creator. When elements of the original work are used in a video reaction, either as visual or audio clips, it may affect the public perception of the original work if the modifications are considered detrimental to the reputation of the creator.

On the other hand, Dewi (2017) points out that in some cases, such as reaction videos made for non-commercial or educational purposes, the potential for copyright infringement can be minimised if they are used in accordance with the regulatory principles in Article 44 of the Copyright Law. However, most reaction videos on platforms such as YouTube are uploaded with the aim of monetisation, which directly involves the economic exploitation of the work of others.

Enforcement against these infringements faces various challenges, including high costs of proof and weak public awareness of the importance of copyright permission. According to research by Fu et al. (2023), one possible solution is to strengthen identification and licensing mechanisms that allow creators to legitimately use elements of cinematographic works in their content. With this approach, conflicts between video reaction creators and copyright holders can be minimised through mutually beneficial agreements.

Overall, video reaction as a cinematographic work presents unique challenges to copyright protection, especially in a digital age that facilitates widespread distribution and exploitation of works. For this reason, clearer regulations and more effective educational efforts are needed to ensure copyright protection operates effectively and in balance.

4. Copyright Protection Mechanism in Copyright Law

Law No. 28 of 2014 on Copyright provides a clear legal framework to protect copyright. This protection includes preventive and repressive mechanisms designed to ensure that copyrighted works are respected and valued both legally and economically. These mechanisms aim not only to protect creators from infringement but also to create a healthy creative ecosystem, especially in the digital age, which makes it easier to distribute works widely.

a. Preventive Measures

Preventive measures aim to prevent copyright infringement before it occurs. One of the main approaches in preventive protection is the obligation for digital platforms, such as YouTube, to implement copyright protection policies. One of the tools used is automated systems such as Content ID. These systems are designed to help copyright holders detect infringement by comparing uploaded content with references that have been uploaded by the copyright owner. While Content ID is effective in many cases, it is not perfect. Research shows that it is often biased towards large rights holders, while small or individual creators are often overlooked (Fu et al., 2023). In addition, Content ID does not always consider contexts such as fair use, which can affect the fairness of decision-making.

Another preventive measure is public education. Fu et al. (2023) emphasise the importance of increasing public understanding of copyright, including the obligation to obtain permission to use others' works. This awareness campaign can involve various stakeholders, such as governments, non-profit organisations and digital platforms. This education is not only aimed at platform users but also at creators who often do not understand the legal limitations of using others' works.



b. Repressive Measures

If copyright infringement occurs, the copyright law also provides a repressive mechanism that involves law enforcement through criminal and civil channels. Article 113 of the Copyright Law provides that copyright infringers may be subject to criminal sanctions in the form of fines to imprisonment. Infringements committed with commercial purposes, such as unauthorised monetisation of content, may be subject to more severe sanctions. For example, creators who use video clips or music without permission to generate revenue through digital platforms may be subject to both criminal and civil prosecution (Rahmanissa et al., 2023).

In addition, the civil route allows copyright owners to sue for damages for economic losses caused by infringement. However, the litigation process is often time-consuming and costly, which poses a challenge for individual creators. Therefore, there is a need to strengthen alternative dispute resolution mechanisms such as mediation and arbitration, which can offer faster and more efficient solutions compared to litigation in court (Zapata-Kim, 2016).

5. Challenges in Implementing Protection Mechanisms

While the COPYRIGHT LAW has provided a strong legal framework, its implementation is not without challenges. One of the biggest challenges is the weak implementation of technology to effectively detect copyright infringement. Automated systems such as Content ID often fail to detect infringement in complex contexts, such as remixes or transformed works, which require a deeper analysis of the intention and impact of the use of the content (Ruse-Khan, 2020). In addition, low public awareness of the importance of copyright, especially among users of digital platforms, exacerbates the problem of infringement. Another challenge is the lack of access for small creators to equal legal protection. High costs and complex legal processes often prevent them from asserting their rights or protecting their works from exploitation (Fu et al., 2023). As a result, small creators often feel powerless in the face of copyright infringement, especially when the infringement is committed by larger entities with better resources.

The researchers recommend several points to strengthen protection mechanisms. Addressing these challenges requires a more holistic and collaborative approach. The following steps can be taken, such as 1) Technology Strengthening: Enhancing the capacity of technologies like Content ID to detect offences more accurately and to consider legal contexts, such as fair use; 2) Regulatory Reform: Develop more inclusive and fair regulations that protect the rights of all creators, including small and individual creators; 3) Improved Public Education: Awareness campaigns on the importance of copyright should be increased to create a culture that is more respectful of other people's work; and 4) Multistakeholder Collaboration: Governments, digital platforms, and creator communities need to work together to create an ecosystem that supports effective and fair copyright protection (Rahmanissa et al., 2023; Fu et al., 2023).

6. Content Creator Liability

Video reaction creators have significant legal responsibilities in using the works of others. Under Article 80 of Law No. 28/2014 on Copyright, any use of copyrighted works must obtain written permission from the copyright holder, especially if the use is for commercial purposes. Failure to fulfil this obligation can be considered copyright infringement, for which the creator is criminally and civilly liable (Nabila & Bintang, 2021).

These legal provisions emphasise the importance of protecting the moral and economic rights of creators. According to the copyright law, moral rights include the right to be recognised as the creator, while economic rights include the exclusive right to make commercial use of the work. In the context of video reaction, creators often use elements of cinematographic works such as music or video clips without permission, which can have serious legal consequences (Ruse-Khan, 2020). Unauthorised use of work elements also contradicts international principles in the Bern Convention and other relevant regulations applied globally.

Creators who violate the provisions of the copyright law may be subject to criminal sanctions as stipulated in Article 113 of the Copyright Law, with penalties ranging from fines to imprisonment. In addition, violations of economic rights, such as unauthorised monetisation of content, can trigger civil claims for damages (Nabila & Bintang, 2021; Fu et al., 2023). Cases such as 'Karna Su Sayang' show how copyright infringement on digital platforms can lead to cross-border legal conflicts, highlighting the importance of transparency and respect for licences (Nabila & Bintang, 2021). Platforms such as YouTube have developed automated mechanisms such as Content ID to help detect copyright infringement. These systems allow copyright owners to identify infringements in real-time and choose to block content or monetise infringing videos. However, these systems also have drawbacks, such as bias against small creators and the risk of unauthorised claims (Ruse-Khan, 2020). Therefore, content creators must ensure legal compliance by utilising these technologies ethically and responsibly.

As key players in digital content production, video reaction creators have a moral responsibility to respect the original works they use. Ruse-Khan (2020) points out that in a culture of 'remixing,' creators often consider the use of elements of copyrighted works as part of their creativity without understanding the inherent legal implications. Therefore, education regarding legal responsibilities in the use of copyrighted works should be a priority. Increasing legal understanding among creators is an important step in reducing copyright infringement. This can be done through comprehensive education and strict policy implementation by digital platforms. In addition, cooperation between the government, copyright owners, and content creators is needed to create a fair and sustainable digital ecosystem.

CONCLUSION

Law No. 28/2014 on Copyright provides strong protection to the two main rights of creators, namely moral rights and economic rights. Moral rights ensure the recognition and integrity of works are maintained, while economic rights allow creators to financially benefit from their works. In the digital age, the relevance of copyright law has increased, given the ease of distribution and exploitation of works through platforms such as YouTube. Moral rights are perpetual and inherent to the creator, protecting the reputation and recognition of their original work. Meanwhile, economic rights provide exclusivity in the utilisation of works for commercial purposes. Infringement of both rights is common in practice, especially through re-uploading, unauthorised monetisation or modification of works without the consent of the creator. Video reaction, which is often categorised as a cinematographic work, presents new challenges in copyright protection. Unauthorised use of visual and audio elements from other works often involves infringement of the law, especially if the content is utilised for commercial purposes. Automated systems such as Content ID on the YouTube platform, while helpful, have weaknesses in providing fair protection, especially for small creators.

Law enforcement in Indonesia, despite having a strong legal foundation, faces implementation challenges. Low public awareness and ineffective law enforcement mechanisms are the main obstacles. For this reason, a collaborative approach between the government, digital platforms, and the creator community is needed. Strategic steps include public education, strengthening regulations, and updating



technology to detect violations more accurately. This article emphasises that strengthening copyright protection through preventive and repressive measures, education, and cooperation between stakeholders is key to creating a fairer digital ecosystem. With a more inclusive mechanism and higher awareness, creators can feel more secure in their work, while consumers can still enjoy innovation without violating the rights of creators.

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