

The Urgency of Establishing Regulations on the Implementation of Automatic Features as a Mitigation Measure Against the Distribution of Feature Films on the TikTok Platform

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Abstract. *This study aims to analyze the urgency of establishing regulations that require digital platforms, particularly TikTok, to implement automatic features as a mitigation effort against the illegal distribution of feature films. The background of this research is based on the phenomenon of increasing copyright infringements in the digital space due to the ease of access, distribution, and replication of content through user-generated content-based social media. This condition indicates a normative gap in Indonesia’s legal system, which has not explicitly regulated the preventive responsibilities of electronic system providers concerning intellectual property rights violations. The main issues examined include the existing legal regulations in Indonesia regarding the obligation to provide copyright infringement detection features, as well as the juridical basis for the necessity of establishing specific regulations under the Ministry of Communication and Digital Affairs. This study employs a normative juridical method with a statute approach and a literature review of legislation and Constitutional Court decisions. The findings show that existing regulations, such as the Copyright Law and Ministerial Regulations, remain reactive and have not yet regulated preventive obligations or mitigation measures for digital platforms. In conclusion, the establishment of technical regulations through a Ministerial Regulation is a juridical necessity to strengthen legal certainty and the effectiveness of copyright protection in the digital sphere. This research recommends that national policy stipulate minimum technical standards for implementing automatic detection systems on digital platforms, particularly TikTok.*

Keywords: Automatic Features; Mitigation Effort; Regulatory Formation.

1. Introduction

Indonesia is currently in the phase of the Industrial Revolution 4.0, which is substantively characterized by the integration of automation systems and the expansion of communication access among individuals as a consequence of massive digital technology development. Terminologically, the industrial revolution represents a fundamental and rapid transformation in the production system, in which the role of human labor shifts toward the use of machines or automation technologies to produce goods of commercial value (Disemadi, 2021). The Fourth Industrial Revolution began with the development of internet technology, which no longer functions merely as an information search engine but has evolved into a system capable of intelligently connecting various aspects of life, including communication (Akmal, 2019).

The rapid advancement of communication has transformed the patterns of consumption and distribution of cinematographic works, particularly feature films. One of the implications of this development is the emergence of digital platforms based on User Generated Content (UGC), which provide users the space to upload various types of videos, including those containing intellectual property rights. According to Peter Mahmud Marzuki, "*Hak Kekayaan Intelektual (HKI)* is a right that arises from a person's intellectual work which generates material benefits." Based on this expert opinion, intellectual property rights in general can be understood as a right that emerges as a consequence of human intellectual effort and constitutes an exclusive right to enjoy the economic benefits derived from the resulting intellectual creativity (Maksum, 2020).

Intellectual property rights consist of two main categories, namely industrial property rights and copyright, both of which are highly complex and detailed. Films or cinematographic works fall under the category of works protected by copyright and are regulated under Law Number 33 of 2009 concerning Film and Law Number 28 of 2014 concerning Copyright. The Film Law provides a legal framework governing the production, distribution, and protection of films as part of the nation's cultural heritage. In addition, the Copyright Law stipulates that copyright is an exclusive right owned by the creator, which arises automatically based on the declarative principle once the work is embodied in a tangible form, while still taking into account the limitations set forth in the applicable laws and regulations. (Law Number 28 of 2014 concerning Copyright).

In the era of digitalization, humans not only utilize technology and the internet but have also made them essential elements in supporting daily activities, both in professional contexts and personal needs. One manifestation of this technological utilization can be seen in social media. Social media is an online platform that facilitates users to interact, exchange information, and produce various types of

content such as blogs, social networks, discussion forums, and even virtual worlds (Liedfray et al., 2022). Furthermore, social media also serves as a means of communication and visual content distribution, as demonstrated by various platforms such as Instagram, YouTube, X, Snapchat, TikTok, and others.

The development of the functions and reach of social media has ultimately generated new dynamics in the field of law, particularly concerning the protection of copyrighted works in the digital realm. The ease of access and information distribution offered by social media carries significant legal consequences, especially when users do not fully understand the limitations on the use of content protected by copyright (Taupiqqurrahman et al., 2021). Therefore, technological advancements and the transformation of digital behaviors in society must be balanced with awareness and the proper application of intellectual property law principles.

In line with technological advancements, an increasing number of individuals are reproducing and distributing other people's copyrighted works through various social media platforms without understanding the importance of applying the rules related to the economic and moral rights inherent in the copyright of a feature film (Soemarsono & Dirkareshza, 2021). One common form of copyright infringement is the act of recording and distributing parts of a feature film that is still being screened in theaters, then uploading it to social media platforms such as TikTok without permission from the copyright holder, often done solely to gain a high number of likes, comments, and shares on the content.

TikTok is currently the most popular social media platform in Indonesia. According to Statista data as of February 2025, Indonesia ranks second in the world in terms of TikTok users, with approximately 107.7 million users (Statista, 2025). This high number of users has implications for the increasing potential of copyright infringement, particularly in the form of the unauthorized distribution of feature films, which causes material losses to copyright holders. This phenomenon is further exacerbated by TikTok's characteristics, which allow users to easily record, edit, and distribute content instantly, with limited consideration of legal aspects.



Figure 1. Countries with the Highest Number of TikTok Users in February 2025

Although TikTok has implemented internal policies and terms of service that explicitly prohibit copyright infringement and provides mechanisms for reporting and taking action against violating content, the implementation of these policies is still considered suboptimal. This weakness is caused by the high volume of violations and the limitations of the platform's automated monitoring system, resulting in a large amount of content containing copyright infringements, including feature films, continuing to circulate without authorization from the rights holders. This situation causes both economic and moral losses for creators and copyright holders. Therefore, specific regulations are needed to govern the implementation of automated audiovisual-based features as a form of legal mitigation effort against the illegal distribution of cinematographic works on the TikTok platform.

2. Research Methods

This type of research is normative juridical research, which aims to examine legal principles, both through the study of written positive law and through the analysis of legal norms that exist and are applied in society (Waluyo, 2008). This research also employs a statute approach, which is an approach carried out toward existing legal materials (Efendi & Rijadi, 2022). In collecting materials, the researcher conducted a literature study by reviewing, analyzing, and studying laws and regulations, books, and research findings (Ali, 2016).

3. Results and Discussion

3.1. Legal Regulations in Indonesia Regarding the Obligation of Social Media Platforms to Provide an Automatic Feature for Detecting Copyright Infringements

The development of digitalization has led to a significant social transformation, in which interactions between individuals have become increasingly easy and the

social distance among people has narrowed (Eriyanto, 2021). In line with this dynamic, digital advancement not only influences patterns of social interaction but also gives rise to new forms of legal objects in cyberspace, namely digital content, which serves as the primary medium for information exchange across various social media platforms (Aminati et al., 2024). Digital content can be defined as any form of creative work presented on social media, whether in the form of visuals, audiovisuals, text, or sound recordings.

Although digitalization offers convenience in accessing, distributing, and exchanging information, it cannot be denied that such advancement also brings complex legal consequences. This can be seen from the increasing spread of works owned by others, particularly cinematographic works, through social media platforms without proper authorization from copyright holders (Christian, 2024). Juridically, such actions are contrary to the principles of intellectual property protection as regulated in Law Number 28 of 2014 concerning Copyright. Therefore, the Indonesian government has established regulations governing the protection and enforcement of copyright in the utilization and dissemination of works through social media platforms.

In Indonesia, copyright regulation is primarily governed by Law Number 28 of 2014 concerning Copyright, which provides a legal framework for the protection of the creator's economic and moral rights, including digital works such as feature films distributed through social media. However, the provisions in this Law do not explicitly require social media platforms to provide an automatic detection feature for copyright infringements. The government, through the Directorate General of Intellectual Property (DJKI), the Ministry of Law and Human Rights, and the Ministry of Communication and Information Technology, has taken enforcement measures by issuing the Joint Regulation of the Minister of Law and Human Rights and the Minister of Communication and Information Technology Number 14 of 2015 and Number 26 of 2015 concerning the Implementation of the Termination of Content and/or User Access Rights for Copyright and/or Related Rights Infringements in Electronic Systems.

The Joint Regulation of the Ministry of Law and Human Rights and the Ministry of Communication and Information Technology Number 14 of 2015 and Number 26 of 2015 was established to implement Article 56 paragraph (2) of Law Number 28 of 2014 concerning Copyright, with the purpose of regulating the mechanisms for reporting, verification, and termination of content or user access rights in cases of copyright infringement within electronic systems, as stipulated in Article 13 of the Regulation. Article 13 stipulates that the Minister of Communication and Information Technology must terminate content and/or block user access based on the recommendation of verification results within 1 x 24 hours if the

recommendation is urgent, or within 5 x 24 hours for non-urgent cases (Joint Regulation of the Minister of Law and Human Rights and the Minister of Communication and Informatics Numbers 14 and 26 of 2015 on the Termination of Content and/or User Access Related to Copyright Infringemen).

Although this mechanism provides a legal framework for rights holders to request action against the unauthorized distribution of feature films on social media, the regulation does not impose an obligation on social media platforms to provide an automatic detection feature for copyright violations. In other words, Regulation Number 14 of 2015 and Number 26 of 2015 function reactively, and this reactive approach can be less efficient in curbing the spread of infringements. Based on a study titled *"Analysis of Copyright Claims on Video Content on the YouTube Platform Based on Positive Law in Indonesia"* by Lestari, Suhartana, and Wardhani (2023), it is highlighted that mechanisms such as YouTube's Content ID system serve as examples of automatic detection features outside the scope of Regulation Number 14 of 2015 and Number 26 of 2015, and that while consistent with positive law, their efficiency and coverage remain limited (Lestari et al., 2023).

The implementation of an automatic content identification system, as used by YouTube, has proven effective as both a legal and technological instrument in preventing copyright infringements, particularly concerning cinematographic works or feature films. This system operates by identifying similarities between content and a database of copyrighted works, thereby preventing illegal distribution before publication. Based on the principle of legal responsibility of electronic system providers under Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) in conjunction with Government Regulation Number 71 of 2019, digital platforms such as TikTok are obligated to ensure that their systems do not become a medium for legal violations. Therefore, the implementation of an automatic detection feature on TikTok is not merely a technological innovation but a juridical necessity grounded in the principles of legal certainty and the protection of intellectual property rights.

3.2 The Urgency of Establishing Regulations Regarding the Implementation of Automatic Features as a Mitigation Measure Against the Distribution of Feature Films on the TikTok Platform

The rapid development of information technology has created new challenges in protecting copyright within the digital sphere, where infringements can occur massively through User-Generated Content-based platforms such as TikTok, as the ease of distribution and replication of content by users increases the potential for copyright violations. In the context of civil law, liability for such infringements can be linked to the provisions of Article 1365 of the KUHP, which states that any unlawful act that causes harm to another person obligates the perpetrator to compensate for

the damage (Rilani & Taupiqurrahman, 2023). However, the imposition of civil sanctions under this provision does not occur automatically but must go through a lengthy legal process, including proving the elements of the unlawful act, the causal relationship between the act and the harm, and verification of the evidence of infringement submitted to the court (Haspada, 2025). Therefore, the implementation of an audiovisual-based automatic feature in digital platforms such as TikTok is important, as it can serve as a mitigation effort that accelerates the identification and handling of infringements.

Various problems arise due to the lack of normative clarity in the principles of digital platform management within existing policies (Wahyuni, 2013). Juridically, the obligation for platforms like TikTok to provide an audiovisual-based automatic detection feature for copyrighted content can be actualized through the establishment of sectoral regulations under the authority of the Ministry of Communication and Digital Affairs. The regulatory approach at the ministerial level has a legal basis within the national legislative system, in which laws function as the fundamental norms, while ministerial regulations govern technical and implementational aspects (Ridwan, 2021). Ministerial Regulation of the Ministry of Communication and Informatics (Permen Kominfo) Number 5 of 2020 concerning the Operation of Electronic Systems regulates the obligation for registration and the handling of illegal content, including copyright violations. However, the regulation does not explicitly stipulate the obligation to provide automatic detection features, leaving a legal vacuum in preventive efforts against copyright infringements.

From the perspective of digital technology regulation theory, the use of Ministerial Regulations as legal instruments serves a strategic function in achieving legal responsiveness and flexibility toward the rapid dynamics of technological development (Bahram, 2025). Unlike laws, which are rigid and require a lengthy legislative process for amendment, ministerial regulations can adaptively adjust technical norms according to the latest regulatory needs in the digital field. Therefore, a regulatory approach based on ministerial regulations enables the establishment of more operational norms, particularly for monitoring and controlling digital platform activities. In the context of copyright, regulations at the ministerial level can establish minimum technical obligation standards for electronic system operators, including the implementation of automatic features that detect copyright infringements, especially the unauthorized distribution of feature films, as well as determining system accuracy standards.

Within Indonesia's legal framework, Ministerial Regulations hold a strategic function as legal instruments that regulate the technical implementation aspects of norms established in laws and government regulations (Wajdi & Andryan, 2021). This aligns with Jimly Asshiddiqie's view, which emphasizes that Ministerial Regulations

function as *regeling* instruments that are technical and operational in nature, oriented toward the implementation of policies determined by higher-level regulations (Assshiddiqie, 2020). The existence of implementing regulations such as Ministerial Regulations is essential to ensure the effectiveness of legal norms in practice, as laws often provide only a normative framework without detailed implementation guidelines. Moreover, the main advantage of Ministerial Regulations lies in their ability to regulate standards, procedures, and legal mechanisms in a technical manner, thereby clarifying the administrative and operational responsibilities of relevant institutions (Nusanto, 2021).

The proposal to establish a Ministerial Regulation governing the implementation of automatic features on the TikTok platform should focus on clear and operational technical provisions. Such regulation must stipulate that if a user is proven to have committed copyright infringement, the platform's system is required to automatically remove the infringing content without the need for a lengthy manual verification process. This provision is based on the principle of effective law enforcement in the digital sphere, where technologies such as automatic content moderation or upload filters have proven to be effective mitigation tools in preventing and reducing the unlawful distribution of cinematographic works on TikTok. This approach aligns with McGonagle's research, which demonstrates that automated moderation systems can improve the efficiency of copyright infringement detection and strengthen the legal accountability of digital platform operators (McGonagle, 2013).

Furthermore, the regulation should establish a tiered sanction mechanism (escalative sanction) for users who repeatedly commit violations. For instance, after the system automatically removes infringing content, the user should receive a warning, and if the violation occurs three or more times, the user's account may be permanently suspended. This regulatory model is consistent with the repeat infringer policy under international copyright law, which mandates that digital platforms must implement an account termination policy for users who repeatedly infringe copyrights (Suwardi & Kurniawan, 2025). Such a policy not only serves as a preventive or mitigating mechanism but also functions as a prerequisite for platforms to obtain legal protection in the form of safe harbor, or exemption from liability for user-uploaded content.

The juridical necessity for establishing regulations that require TikTok to provide an automated audiovisual-based detection feature for copyright infringements, such as the illegal distribution of films, lies not only in technological considerations but also in fulfilling the state's responsibility to protect intellectual property rights in the digital space. Within the framework of law and technology theory, the law must function as an adaptive system capable of responding to technological

developments through relevant normative instruments. The absence of an explicit obligation for TikTok to actively prevent copyright infringement indicates a regulatory gap that weakens the effectiveness of legal protection (Widyaningsih, 2024). Therefore, the formation of a sectoral regulation under the authority of the Ministry of Communication and Digital Affairs becomes a crucial instrument to operationalize the principle of due diligence for electronic system providers, namely the obligation to actively prevent legal violations committed by TikTok users.

4. Conclusion

The development of information technology has created new challenges in copyright protection within the digital sphere, particularly on User-Generated Content (UGC) platforms such as TikTok, which make it easier for copyright infringement to occur through the unauthorized distribution of feature films. Although legal provisions already exist, namely Law Number 28 of 2014 on Copyright and the Joint Regulation of the Minister of Law and Human Rights and the Minister of Communication and Informatics Numbers 14 and 26 of 2015 on the Termination of Content and/or User Access Related to Copyright Infringement, these regulations remain reactive in nature and do not explicitly stipulate an obligation for platforms to provide automated detection features for copyright violations. This condition indicates the presence of a legal vacuum, which weakens preventive efforts against copyright infringement on digital platforms. Therefore, the establishment of a Ministerial Regulation specifically governing the implementation of automated detection features on the TikTok platform constitutes a normative urgency to strengthen the effectiveness of legal protection for cinematographic works. Such regulation should be technical and operational in nature, requiring that any content infringing copyright be automatically removed by the system, while also implementing tiered sanctions for users who repeatedly commit violations, including the possibility of permanent account suspension. This regulatory approach aligns with the principles of effective law enforcement, legal certainty, and the state's responsibility to ensure copyright protection within the digital environment.

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