

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Legal Aspects of Moral and Economic Rights Copyright Products of Micro, Small and Medium Enterprises in The Digital Transformation

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Abstract. *This research focuses on protecting the moral and economic rights of product copyright of MSME actors in the development of digital transformation. This research begins by analyzing the legal framework related to copyright of MSME products in Indonesian national regulations. By looking at the legal framework for product copyright, forms of copyright infringement through digital media, forms of restrictions on copyright infringement, and the legal protection that MSMEs can obtain, especially in the era of digital transformation, this encourages researchers to conduct in-depth studies. This research was carried out using a normative juridical approach in the form of a statutory approach, conceptual approach and case study approach. The data used is secondary data, with data collection techniques through literature study. Data analysis uses qualitative descriptive analysis methods with inductive and reflective logic and then described systematically according to the problems studied. Based on the research that has been carried out, the legal framework for copyright protection for MSME products in national regulations was first regulated in the Dutch Law, namely Auteurswet 1912 (Stb.1912 NO,600), then Law Number 6 of 1982 concerning Copyright in conjunction was promulgated. Law Number 7 of 1987, then refined with Law Number 19 of 2002 concerning Copyright, and most recently updated with Law Number 28 of 2014 concerning Copyright (UUHC). Forms of product copyright infringement through digital space can occur from actions that violate the economic rights of the owner or copyright holder without permission from the person concerned. Apart from that, maximum legal protection for MSME copyrighted products can be given to the owner or copyright holder anytime and anywhere.*

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Keywords: *Digital Transformation; Economic Rights; Moral Rights; MSMEs; Product Creation.*

1. Introduction

One part of intellectual property, namely copyright, can be interpreted as a result of human creation or creation in the fields of science, art and literature. Sugud Margono, copyright covers a field of juridical rights from works or creations resulting from human thought relating to economic and moral interests. [Sugud Margono, Indonesian Copyright Law: revised edition, Ghalia Indonesia, Jakarta, 2015, p.22.]

In the development of digital transformation, copyright in MSME products has the potential to be developed. The rapid development of technology has brought progress to almost all aspects of human life. [Agus Rahardjo, CyberCrime: Understanding and Efforts to Prevent Technological Crime, PT. Citra Aditya Bandung, 2013, p.1.] One of the rapid developments is the use of digital media for Micro, Small and Medium Enterprises (MSMEs) in obtaining economic and moral rights to product copyrights developed in the creative economy-based business world.

Copyright in the Continental European legal system is a natural rights justification which views copyright as a basic right given to creators without considering the wider economic and political consequences. The philosophical basis for the purpose of copyright protection is to provide a moral argument. This is known as the author's rights system, namely the emphasis on protecting the personality of the creator through his creation more than protecting the creative work itself.[Rahmi Jened, Copyright Protection after the TRIPs Agreement: revised edition, Juridika Press FH Unair, Surabaya, 2013, p.25- 26.] Copyright for MSME products in the development of digital transformation is expected to be able to provide maximum protection and benefits (high economic value) so that it can be a solution for MSME players to survive and succeed in the future.

Juridically, the regulation of copyright law in Indonesia was first found in a Dutch law, namely Auteurswet 1912 (Stb. 1912 No.600). The term Auteurswet, which means authors' right, is too narrow to guarantee protection of the work. Then, after 70 years of Indonesia's independence, Law Number 6 of 1982 concerning Copyright was promulgated, thus officially Auteurswet was no longer valid. Then the copyright regulations were born in Indonesia, namely: Law Number 28 of 2014 concerning Copyright (hereinafter referred to as UUHC), in conjunction with Law Number 19 of 2002. Meanwhile, the legal regulations for Legal Aspects of Moral and Economic Rights Copyright Products of Micro, Small and Medium Enterprises in The Digital Transformation
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the use of digital technology for MSMEs in developing their businesses, are regulated in Law Number 11 of 2008 concerning Electronic Information and Transactions.

Sociologically, the development of digital transformation for MSMEs has brought significant changes. In terms of benefits that can be obtained, both for individual creators and MSME groups in developing their business products so that they have an impact on improving the Indonesian economy.

Since the Covid 19 pandemic, many MSMEs have been affected by the pandemic which has caused their businesses to close down. Those who do business using digital technology have actually grown significantly. [<https://nasional.kontan.co.id/news/bisnis-umkm-dengan-platform-digital-mampu-berlahan-di-tengah-pandemi> , accessed on the 10th May 2023.] Results of a Tempo Data Science (TDS) survey regarding e-commerce practices in Indonesia for the period May-July 2021. According to TDS researcher, Ai Mulyani, in order to survive and develop, during the pandemic, the majority (82%) of MSMEs tried to optimize online sales activities through their outlets on e-commerce platforms and also stalls on social media. [Ibid.]

The TDS survey revealed that the digital platforms Tokopedia and Shopee are the two most popular marketplaces among MSMEs who market their products online. The popularity of these two marketplaces is more prominent, namely both 99% compared to their competitors. This survey through quantitative research using a structured questionnaire in online format also placed Tokopedia as the largest sales turnover generator for sellers, namely 36% of MSME players, followed by Shopee (32%), Bukalapak (14%), Lazada (8%), Blibli (7%) and JD.ID (3%). "E-commerce which provides the highest transaction frequency is also occupied by Tokopedia (35%), Shopee (33%), Bukalapak (13%), Lazada (9%), Blibli (7%) and JD.ID (3%)". [Ibid.] This shows that the number of MSME products offered via digital platforms is increasing. If an application for product copyright registration has not been submitted, it is feared that there will be a risk of product copyright infringement through digital technology which will be detrimental to MSME players and legal protection will not be possible.

Based on the description above, the author will analyze the legal regulations related to the legal framework for copyright of MSME products, forms of violations, limitations on violations and legal protection of copyright for MSME products in digital transformation in order to improve the community's economy, especially MSMEs in Semarang City.

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2. Research Methods

This research uses normative legal research methods in the form of a statutory approach, conceptual approach and case study approach. Collecting accurate data/information using secondary data from literature studies, either through reference books, seminar papers, statutory regulations or research results related to the research object. The data analysis used in this research is descriptive-qualitative by analyzing data/information obtained through studies from supporting literature which is then arranged systematically and described qualitatively.

3. Results and Discussion

3.1. Legal framework for copyright protection for MSME products in national regulations

Indonesia is one of the countries with the largest Muslim majority in the world, but is also a country with high needs. The existence of high needs demands that needs be met quickly and precisely based on technology. One of the rapid developments is the use of digital platforms in almost all regions of Indonesia, especially for micro, small and medium enterprises (MSMEs). MSMEs in producing products also need to receive protection for their intellectual property products, considering the role of MSMEs in improving the economy and welfare of the Indonesian people.

The role of Micro, Small and Medium Enterprises (MSMEs) as drivers of the economy is very large, where the Indonesian business world is currently still dominated by MSEs. From the results of SE2016-Advanced, the number of these businesses reached more than 26 million businesses or 98.68 percent of the total non-agricultural businesses in Indonesia. This business is also able to absorb a workforce of more than 59 million people or around 75.33 percent of the total non-agricultural workforce. Jakarta.] There are many advantages of MSMEs, namely First, they generally produce consumer goods and services that are close to people's needs. Second, not relying on imported raw materials and making more use of local resources in terms of human resources, capital, raw materials and equipment. Third, use your own capital or not be supported by a loan from a bank. [Ibid]

Intellectual Property (IP) is defined by the World Intellectual Property Organization (WIPO) as creations of the mind inventions, literary and artistic works and symbols, names and images used in commerce.[World Intellectual Property Organization, 2020, "What is Intellectual Property?" , WIPO Publication No. 450 (E), Switzerland, <https://www.wipo.int/publications/en/details.jsp?id=4528>] According to Djumhana, Intellectual Property is a right that originates from creative activities, an expressed human Legal Aspects of Moral and Economic Rights Copyright Products of Micro, Small and Medium Enterprises in The Digital Transformation
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ability to think to the general public in various forms, which have benefits and are useful in supporting human life, and also have economic value.[Muhammad Djumhana and R. Djubaedillah, Intellectual Property Rights (History, Theory and Practice in Indonesia), Citra Aditya Bakti, Bandung. 2013, p.57.]

Intellectual property has exclusive rights, namely rights that can only be owned by the IP owner and no one has the right to enjoy them without first obtaining permission from the owner. This exclusive right has economic rights and moral rights. Economic rights are the right to obtain economic benefits from the intellectual property they own, while moral rights are the rights inherent in the owner of intellectual property in the form of the right to the integrity of his work and the right to his name to remain listed as the creator of the intellectual property. The difference between the two rights is in terms of transfer. Economic rights can be transferred to other parties, while moral rights cannot be transferred to other parties.[Bouman-Noor, Protection of Intellectual Copyright: An Obstacle or Support to Industrial Development, Paper at the Seminar on Intellectual Property Rights, Collaboration of FH USU with Naute van Haersolte Amsterdam, Medan, FH USU, p. 1.]

As part of IP, copyright is a legal term to refer to a creation or human creative work in the fields of science, art and literature. According to Suyud Margono, copyright covers a field of juridical rights from works or creations created by human thought relating to economic and moral interests.[Suyud Margono, Indonesian Copyright Law revised edition, Ghalia Indonesia, Jakarta, 2015 , p.22.]

Within the national regulatory framework, copyright regulations in Indonesia have undergone several changes. Copyright regulations were first regulated in Dutch law, namely Auteursweet 1912 (Stb.1912 NO.600), where 70 years later, Law Number 6 of 1982 concerning Copyright was promulgated, so Auteursweet was officially no longer valid. In 1987, Law Number 7 of 1987 was promulgated, then refined with Law Number 19 of 2002 concerning Copyright, and finally updated with Law Number 28 of 2014 concerning Copyright (UUHC).

Based on Article 1 number 1 UUHC, Copyright is defined as the creator's exclusive right which arises automatically based on declarative principles after a work is realized in real form without reducing restrictions in accordance with statutory provisions. Related to the subject of copyright are the creators and copyright holders. Article 1 number 2 UUHC states that "a creator is a person or several people who individually or together produce a creation that is unique or personal in nature". Article 31 UUHC states that the person considered as the creator is the person whose name is:

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- a. called creation;
- b. Declared as the creator of a creation;
- c. Mentioned in the registration letter; and/or
- d. Listed in the general register of works as the creator.

In relation to the registration of works, if a work is not registered, which means it does not have a Creation Registration Letter, then the name of the creator can be seen in the publication of the work. If a work consists of several separate parts created by 2 (two) or more people, the person who is considered the creator is the person who leads and supervises the completion of the entire creation. Furthermore, if the person who leads and supervises the completion of the work is not available, then the person who is considered the creator is the person who compiled the work without prejudice to their respective copyrights for their part of the work.

In the case of a business, whether micro, small and medium enterprises (MSMEs) have works or created products designed by someone and realized and carried out by another person under the leadership and supervision of the person who designed it, the person who is considered the creator is the person who designed the creation. Furthermore, if the copyright holder for a work created by the creator is in an official relationship, then the government agency is considered to be the creator, unless another agreement is made which states the name of the creator of the work and if the creation is used commercially, the creator and/or holder related rights receive compensation in the form of royalties.

It is possible that this may occur in a work relationship or based on an order, namely the party who creates the creation or copyrighted product, unless otherwise agreed, the copyright holder may be the party who gives the order. If a legal entity announces, distributes or communicates copyrighted products originating from that legal entity without naming someone as the creator, then the legal entity is considered the creator. However, on the other hand, if the name of the creator is known or mentioned, then the creator's name is the person mentioned in the work.

Philosophically, UUHC provides creators and their creative works in an honorable and high position. In this case, humans as creators of works or IP products are not seen as production machines that work mechanically and inhumanely. Creators are placed in an honorable position as individuals who are virtuous, dignified and cultured, who are sources of inspiration, ideas and ideas and as parties who are able to express these ideas and thoughts in a form of work that has useful and useful value. The work or product created by the creator is

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considered to be a self-reflection of the creator's personality which truly originates from him (stem for author), as the definition of creation is stated in Article 1 paragraph (3) UUHC.

In relation to created objects, the regulations can be found in UUHC Article 40 paragraph (1). In the provisions of Article 9 paragraph (2) of the TRIPs Agreement regarding the fixation doctrine, it has been adopted in the provisions of Article 41 UUHC which states that works that are not protected by copyright include:

- a. Results of work that have not been realized in real form.
- b. Any ideas, procedures, systems, methods, concepts, principles, findings, or data even if they have been expressed, stated, described, explained, or combined in a work.
- c. Tools, objects, or products that are created only to solve technical problems or whose form is only intended for functional needs.

Furthermore, Article 42 UUHC regulates that there is no copyright on works or products in the form of open meetings of state institutions, statutory regulations, state speeches or speeches by government officials, court decisions or judge's decisions, and holy books or religious symbols. Based on the provisions of Article 40 paragraph (1) UUHC, there are 19 (nineteen) provisions on the categories of works that are protected and related to the period of protection. Based on these creations, UUHC recategorizes them into 3 (three) categories, as follows:

- a. Creation Groups regulated in Article 58 UUHC
- b. Creation Groups regulated in Article 59 UUHC
- c. Creation Groups regulated in Article 60 UUHC.

3.2. Violation of Product Copyright on Digital Media

Digital trading business activities (e-commerce) are often found in the buying and selling of products through online transactions offered through websites or internet sites. Online transactions do not require the parties to meet with each other in person. This is different from conventional transactions in the real world (offline) which are generally agreed upon by the parties to meet face to face. With the use of digital technology from various applications has been given a very broad space to transact more sharia. [Andi Aina Ilmih, et.al, Legal Aspects of The Use of Digital Technology Through Sharia Online Transactions in Traditional Markets in Increasing Community Economy, International Journal of Law Reconstruction, Volume 3, Issue II, September 2019.]

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Perry Warjiyo, said that electronic trading platform transactions compared to February 2021, have now grown by around 12% to reach 30.8 trillion. This transition certainly encourages Bank Indonesia to develop a digitalization program for MSMEs. The acceleration of digitalization of MSMEs is carried out to expand market access and increase competitiveness. The hope is that it can encourage stronger MSMEs. Through the 3 Pillars of the BI MSME Development Program, namely increasing production capacity, cost efficiency and market expansion. One program implementation of the three pillars of MSME development is through the MSME Digitalization Program. [toko-bi/Pages/Go-Digital-Strategi-Strategi-Strengthening-UMKM.aspx](https://www.toko-bi.com/Pages/Go-Digital-Strategi-Strategi-Strengthening-UMKM.aspx)]

The use of Information Technology in various fields is in accordance with what is regulated in Legislative Regulations, that the use of Information Technology can also be used to develop trade and the national economy in order to improve people's welfare (Information and Electronic Transactions Law, 2016). On this basis, national regulations related to electronic transactions are ideal and are expected to make a big contribution to boosting the economy in the MSME realm.

The development of information technology through the internet and social media platforms encourages the digitalization of daily human activities. This allows copyright infringement on created products. Copyright infringement occurs when an act violates economic rights which are the exclusive rights of the creator or copyright holder. This category of violation relates to actions/activities including: publishing works; the multiplication of creation in all its forms; translation of works; adapting, arranging or transforming works; distribution of the work or copies thereof; performance of creation; announcement of creation; creation communication; and rental of creations.

Copyright infringement can be said to occur if these acts occur or are carried out by another party without permission from the creator and/or the work is used commercially, as the exclusive rights in copyright are only given to the creator or copyright holder for a particular work of creation. Therefore, the use of a copyrighted work by another party without the permission of the creator or copyright holder can be categorized as copyright infringement. [Muhammad Amirulloh and Helitha Noviantary Muchtar, Textbook of Intellectual Property Law, Unpad Press, Bandung, 2016, p.66]

Regarding copyright settlement based on UUHC provisions, it can be carried out in civil and criminal cases. Civil copyright dispute resolution: Copyright disputes can be resolved through requests for compensation for economic violations and requests for cancellation of copyright

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for violations of moral rights. Meanwhile, criminal resolution of copyright disputes is generally used for violations of certain economic rights.

The provisions of Article 95 UUHC state that:

- a. Copyright dispute resolution can be done through alternative dispute resolution, arbitration or court;
- b. The court with authority to handle copyright dispute cases is the Commercial Court;
- c. In the case of dispute resolution in the form of piracy of copyrighted works, the disputing parties must first resort to resolving the dispute through mediation before making criminal charges.

Based on the provisions of Article 95 UUHC, one of the procedures for resolving copyright infringement disputes is through arbitration. Then, based on the provisions of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, arbitration is defined as resolving disputes outside the general court based on an arbitration agreement made in writing by the parties to the dispute.

Copyright infringement can also be resolved through litigation or court procedures, as in the provisions of Articles 100-107 UUHC which stipulate that copyright disputes can be resolved civilly through a lawsuit in the Commercial Court, where the lawsuit contains two different requests, namely a request for compensation and a request cancellation of claim for registration of creation.

Regarding the lawsuit filed, it is recorded by the clerk of the Commercial Court in the court case register on the date the lawsuit is registered. The Registrar of the Commercial Court provides a signed receipt on the same date as the registration date. The Registrar of the Commercial Court submits the lawsuit request to the Chairman of the Commercial Court no later than 2 (two) days from the time the lawsuit is registered. Within a maximum period of 3 (three) days from the time the lawsuit is registered, the Commercial Court will set a trial date. Notification and summons of the parties are carried out by the bailiff within a maximum of 7 (seven) days from the time the lawsuit is registered. The decision on the lawsuit must be pronounced no later than 90 (ninety) days from the time the lawsuit is registered. In the event that this provision cannot be fulfilled, then with the approval of the Chief Justice, the period may be extended for 30 (thirty) days. The decision of the Commercial Court must be conveyed by the bailiff to the parties no later than 14 (fourteen) days from the time the decision is pronounced.

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Furthermore, the UUHC also regulates legal action that can be taken against the Commercial Court's decision through a cassation submission which is submitted no later than 14 (fourteen) days from the date the Commercial Court's decision is pronounced in open session or notified to the parties. The appeal for cassation is registered with the Commercial Court which has decided on the lawsuit by paying fees, the amount of which is determined by the Court. The Registrar of the Commercial Court registers the cassation claim on the date the application is submitted and gives a signed receipt to the cassation applicant on the same date as the registration date and is obliged to submit the cassation request to the cassation respondent no later than 7 (seven) days from the time the cassation request is registered.

In relation to copyright infringement through digital media, plagiarism of a work can include a wide range of violations. The act of plagiarism is certainly a violation of economic rights and moral rights, especially if the work or product of the creation is bought and sold and generates economic profits without including the name of the creator and is carried out without considering the creator's rights to the integrity of his creation.

Regarding artistic products, there are technical difficulties in measuring plagiarism in the digital space. This is because in the context of art, there is the term art appropriation, which is an artistic method that allows an artist to use the forms, techniques and ideas of other artists' work to create a new work that will show a certain degree of similarity. For example, the Mona Lisa painting which was appropriated by Marcel Duchamp (1919) by adding a thin mustache and beard as a parody element was then sold in Paris for 10 billion. Then, the Mona Lisa painting was also appropriated by the Indonesian artist, Agus Suwage from Yogyakarta (2006), by adding a cigarette gesture.[Alviansyah Pasaribu, "Dissecting the Differences between Plagiarism and Appropriation in Digital Art", 2021, <https://www.antaranews.com/news/2077570/dissecting-plagiarism-and-appropriation-in-digital-art>, accessed November 3, 2023.]

The UUHC provisions do not formulate the scope of plagiarism, but contain actions that are exceptions and cannot be categorized as plagiarism in the provisions of Article 44 UUHC. The existence of digital media provides various kinds of easy access and facilities that can be used by micro, small and medium enterprises (MSMEs) regarding the announcement, distribution and marketing of created products. However, on the other hand, digital media is often misused to commit copyright violations, for example in creating business product names that are similar or even almost the same as other business products or that have already been well known to the public. [Amara F.Tahar, "NFT Polemic and Crypto Art : Cela of Exploitation of Copyright of Digital Art Works", 2021,

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<https://nasional.sindonews.com/read/628773/18/polemik-nft-dan-seni-kripto-celah-exploitation-hak-minta-karya-seni-digital-1639537962>, accessed August 27, 2023.]

Another case, the case of an artist from Indonesia named Kendra Ahimsa (early 2021), Kendra received a report about plagiarism carried out by a crypto artist named Twisted Vacancy regarding several elements taken directly from her illustrations without modification and encrypted into NFTs and entered into the form blockchain, then problems arise that will forever stick and not be erased. With this first to file system, there is a disadvantage that Kendra's original work will forever be considered fake because it was attached to Twisted Vacancy first.

It is recorded that the number of MSMEs in Indonesia is quite large, around 50 million MSMEs. In the current digital era, MSMEs need the right information technology to be able to grow and compete in the current digital era. MSME players find it difficult to get the right information technology solutions because MSME players do not have special staff who are experts in the dynamic field of information technology. Another obstacle, namely the large variety of technology products, makes MSME players confused about choosing the right solution. Therefore, MSME players need guidance in choosing the right information technology according to their type of business and needs. [Hadion Wijoyo, et al, Digitalization of MSMEs, West Sumatra: Mandiri Scholars, 2020, p.106]

Furthermore, the low level of public awareness in registering their created products is an obstacle for the government or State to provide protection for the economic rights and moral rights of MSME product creation in the digital space, considering the increasing opportunities for product copyright infringement in the era of digital transformation, so the participation of all is needed. parties to support government programs in the context of digitizing MSME products.

3.3. Legal Protection of MSME Intellectual Property Products in the Era of Digital Transformation

Since Indonesia entered the era of the Industrial Revolution 4.0, which has resulted in almost all activities being carried out online by the public, including business people or businesses. It is these technological changes that have made many changes to the world, which were never imagined before. [Ahmad M.Ramli, Copyright: Digital Disruption of the Creative Economy, Bandung: Alumni, 2018, p.27.] The changes in the era of digital transformation have had an impact, especially on aspects of creativity. The change to the digital era has changed human

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activities virtually, making activities easier through social media which acts as a means of accessing the creative works that humans desire.

One of the creative industries that produces products based on creativity is micro, small and medium enterprises (MSMEs). The large number of micro, small and medium enterprises involved in the digital economy, both through broadband, e-commerce, social media, cloud and mobile platforms, shows that MSMEs can grow faster in terms of income and job creation, as well as becoming more innovative and more competitive. [Prabowo, H, 2018, Development of Village Creative Economy Through Village-Owned Enterprises (Bumdes) Towards IT-Based Cooperatives. Maqdis: Journal of Islamic Economic Studies, 3, p. 17–30.]

In the context of business development, MSMEs can collaborate with other MSMEs or large companies. In this case, the absolute thing that must be mastered by MSME players if they want to survive in business competition is having digital and internet expert skills. [Purwana, D., Rahmi, & Aditya, S. (2017). Utilization of Digital Marketing for Micro, Small and Medium Enterprises (MSMEs) in Malaka Sari Village, Duren Sawit. Journal of Civil Society Empowerment (JPPM) 1(1): 1 –17] Therefore, to achieve the goals of this partnership, MSMEs are expected to be able to utilize and develop digital technology in their business activities so that digitalization of MSMEs can occur as a whole.

Digitalization has become part of today's daily routine. There are interaction patterns resulting from activities on digital platforms where consumers and businesses interact with each other. Digitalization, especially social media, has been claimed to change consumer behavior with important consequences for companies, products and brands [Muntinga, D. G., Moorman, M., & Smit, E. G. (2011). Introducing COBRAS: Exploring motivations for brand-related social media use. International Journal of Advertising, 30(1), 13–46.]. The Ministry of Cooperatives and Small and Medium Enterprises assesses that digitalization can help MSMEs take advantage of changes in consumer behavior in the Covid-19 pandemic era until post-pandemic.

The rapid development of technology, the digital world and the internet of course also has an impact on the world of marketing. Marketing trends in the world are shifting from conventional (offline) to digital (online). The use of this digital platform is more prospective because it allows potential customers to obtain all kinds of information about products and make transactions via the internet. Consumers are increasingly spending time shopping online and using social media to search for information regarding goods and transaction methods. [Nielsen in Himawan, Abdurrahman Faris Indriya. (2019). Digital Marketing: Increasing Capacity and Brand Awareness of Small and Medium Enterprises. Journal of Economic Business Analysis. Volume 17, Number 22, pp. 85-101.]

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The development of information technology has opened up many business opportunities for society. Currently there are many technology-based MSMEs run by Indonesian people. Some examples of MSMEs in the technology sector include: [Hadion Wijoyo, et al, Op.Cit., p.151.]

- a. Sell online, both physical and digital products.
- b. Website creation service business.
- c. Graphic design services business.
- d. Content creation service business (articles or videos).
- e. Online marketing services business.
- f. And so forth.

Since entering the era of the industrial revolution, every product created by MSMEs requires a recognizable mark. This has an impact on MSMEs being required to be able to compete in global trade, by making identification marks on products or known as brands. With a brand, it shows ownership of a product created by a business actor or business actor and is expected to minimize the occurrence of product violations of the brand.

Protection of intellectual property rights is very important, because Indonesia has great potential in the creative industry and abundant natural resources, so support for the protection of intellectual property rights needs to be optimized through various IPR instruments.

Various IPR instruments related to MSMEs include brands, patents, trade secrets, industrial designs and copyrights. Each of them is subject to the provisions in Law Number 20 of 2016 concerning Trademarks and Geographical Indications, Law Number 13 of 2016 concerning Patents, Law Number 30 of 2000 concerning Trade Secrets, Law Number 31 of 2000 concerning Industrial Design, and Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright.

Meanwhile, legal protection for copyright, especially intellectual property products, is provided in the form of protection of economic rights and moral rights for created products which are then stated in statutory provisions, namely Law Number 28 of 2014 concerning Copyright. This is intended to provide maximum protection to creators.

Copyright is a right granted to the creator, which is a derivative of intellectual property. Copyright itself is a part of creativity that has changed a lot through digital aspects, which emerged based on human intellectual abilities which are closely related to human rights, and has economic value.[Tim Lindsey, et al., Legal Aspects of the Context Copyright is linked to the Law Number 19 of 2016 concerning ITE, Indonesian Legislation Journal, 17 (1), 2020.]
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Meanwhile, the term digital transformation indicates rapid changes in society, and has impacts that are closely related to people's lives in implementing technological aspects. Examples of the digital transformation that is currently occurring include the use of paperless, where business actors are now trying to no longer use paper as a medium, but instead use technology such as the use of e-books. [Tasya Safranita Ramli, et al., Principles of Cyber Law on Media Over The Top E-Commerce based on Digital Transformation in Indonesia, Indonesian Legislation Journal 16 (3), 2019, p.393.]

Various programs and facilities from the government are carried out to increase awareness and legal protection for products produced by MSMEs. However, providing copyright protection is not enough and does not provide meaning and benefits for the growth of talent alone or the creativity of creators. Therefore, efforts are needed to encourage progress in the field of creative works. One of the efforts is to provide protection to creators wherever and whenever so that legal certainty can truly be realized. Providing international copyright protection is the right step to guarantee the quality of the creator's creativity.

4. Conclusion

From the discussion above, conclusions can be drawn as follows: 1) The legal framework for copyright protection for MSME products in national regulations has undergone several changes. Copyright regulations were first regulated in the Dutch law, namely Auteursweet 1912 (Stb.1912 NO.600), where 70 years later, Law Number 6 of 1982 concerning Copyright was promulgated, so Auteursweet was officially no longer valid. In 1987, Law Number 7 of 1987 was promulgated, then refined with Law Number 19 of 2002 concerning Copyright, and finally updated with Law Number 28 of 2014 concerning Copyright (UUHC). 2) Product copyright infringement occurs when an act violates economic rights which are the exclusive rights of the creator or copyright holder. Copyright infringement can be said to occur if these acts occur or are carried out by another party without permission from the creator and/or the work is used commercially on digital media. This category of violation relates to actions/activities including: publishing works; the multiplication of creation in all its forms; translation of works; adapting, arranging or transforming works; distribution of the work or copies thereof; performance of creation; announcement of creation; creation communication; and rental of creations. 3) Legal protection for copyright, especially intellectual property products, is provided in the form of protection of economic rights and moral rights for created products which are then stated in statutory provisions, namely Law Number 28 of 2014 concerning Copyright. This is intended to provide maximum protection to creators.

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