

Legal Protection of Digital Painting Works as Intellectual Property Right

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Abstract

Currently, there is evidence of plagiarism or use of digital painting works that were taken secretly without permission from the owner of the digital painting artwork, because this very free digital space makes intellectual property works vulnerable to theft. The aim and focus of the research is more on analyzing legal protection arrangements for digital painting work. The research method used is normative juridical analysis using legal data in an open source manner with digital painting objects. Based on the research results, the legal protection of digital painting is protected by Law Number 28 of 2014 concerning Copyright and an international agreement in the form of the Trips Agreement. In accordance with Article 4 of the Copyright Law which states that copyright, including digital painting, is an exclusive right which consists of moral rights and economic rights. As for legal remedies for digital painting creators whose creations are misused by other people, they can report them via the E-Commerce Platform and can take legal action outside of court and also take legal action by filing a lawsuit in the commercial court. This research contributes a new regulatory discipline to digital painting.

Keywords: *Legal Protection; Digital Painting Work; Intellectual Property Right*

Abstrak

Saat ini banyak sekali ditemukan bukti-bukti plagiarisme atau penggunaan karya digital painting yang diambil secara diam-diam tanpa seijin pemilik karya seni digital painting tersebut, karena ruang digital yang sangat bebas ini membuat karya-karya kekayaan intelektual menjadi rentan terhadap pencurian. Tujuan dan fokus penelitian lebih kepada menganalisis pengaturan perlindungan hukum terhadap karya digital painting. Metode penelitian yang digunakan adalah analisis yuridis normatif dengan menggunakan data hukum secara open source dengan objek digital painting. Berdasarkan hasil penelitian, perlindungan hukum terhadap karya digital painting dilindungi oleh Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta dan perjanjian internasional berupa Trips Agreement. Sesuai dengan Pasal 4 Undang-Undang Hak Cipta yang menyatakan bahwa hak cipta, termasuk digital painting, merupakan hak eksklusif yang terdiri dari hak moral dan hak ekonomi. Adapun upaya hukum

bagi pencipta digital painting yang ciptaannya disalahgunakan oleh orang lain dapat melaporkannya melalui Platform E-Commerce dan dapat melakukan upaya hukum di luar pengadilan dan juga dapat melakukan upaya hukum dengan mengajukan gugatan ke pengadilan niaga. Penelitian ini memberikan kontribusi disiplin ilmu hukum baru dalam bidang seni lukis digital.

Kata Kunci: Perlindungan Hukum; Karya Seni Digital; Hak Kekayaan Intelektual

INTRODUCTION

In today's technological age, we can see the emergence of sophistication from technologies that are increasingly developing and always increasing every year. Of course, the increase in technological sophistication will never be separated from the running of science that is increasingly accessible and increasingly innovative which can also affect the values of art that is often found in society, namely digital painting art, whether found consciously or unconsciously in society. It is necessary to know that digital painting is a method by creating an art object in the form of a digital painting, where the method used in painting is in a more modern way by utilizing technology. Or it can be said that digital painting art in this case is in the form of modern drawing art, where digital painting is a painting process with the help of modern technology in the form of tablets and computers.¹ The existence of digitalization in globalization provides convenience for people or someone who has a desire or passion in the field of art, where this digitalization once again cannot be separated from the name of internet development which has now entered all human life. People need the internet in various activities starting from personal and business activities to activities needed by the government. Thanks to the Internet, information dissemination becomes more efficient, where information will be presented in the form of documents, writings, images, sounds and videos that use digital painting.

Technological developments in painting that produce works in the form of digital painting that evolve due to technological advances that are increasingly sophisticated users and are produced from the thoughts of a person or group of people who make artworks produced from the digital painting process. Technology that is currently developing informationally has a very important role both for the present and for the future. Which people including the author have believed that it will have a huge positive or negative impact on technological

¹ Jati Restuningsih, Kholis Roisah, and Adya Paramita Prabandari, "Perlindungan Hukum Ilustrasi Digital Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," *Notarius* 14, no. 2 (2021): 958.

developments including in the field of art, namely using digital painting techniques.² But there are still many people or even the creators themselves do not understand that artwork in the form of digital painting is protected by existing laws and regulations in Indonesia, which is usually legal protection called copyright protection. Copyright itself including the creation of the results of digital painting techniques have been regulated in the Act No. 28 Year 2014 on Copyright, which copyright in Article one is explained that copyright is the exclusive right of the creator that attaches automatically based on the declarative principle after a creation in the form of digital painting is realized in real form without any reduction or restriction in accordance with applicable laws and regulations.³ As for the phrase can be interpreted that copyright has inherent rights and is specific to the creators who certainly are unique or new. Where the creator of the artwork using the digital painting process has very exclusive rights such as economic rights, moral and safeguarded his artwork that he has made. With this arrangement, the scope of copyright of digital painting has the objectives to protect private property against any infringement and any attempt to duplicate rights that violate the rules of Indonesian law in force. The enactment of copyright law of digital painting is inseparable from the international relations of countries that have agreed to protect the artwork which has been submitted to the Bern convention, which requires each country incorporated in the convention to be able to protect all copyrights including the rights of digital painting, by applying the protection into the Act or regulations in each country. With the existence of laws related to intellectual property rights, thieves or those who use digital painting owned by others can be held legally responsible by being carried out in accordance with applicable laws in each country including in Indonesia for the perpetrators can be subject to appropriate penalties.⁴

However, with the rules regarding legal protection to the creator of digital painting does not rule out the possibility of theft of scientific works that are not authorized by the creator, this can also be caused by the lack of knowledge of the public regarding the law of copyright protection of painting designs which currently causes a lot of problems of plagiarism or the use

² Nur Hadiyati and Hayllen Stathany, "Analisis Undang-Undang ITE Berdasarkan Asas Pembentukan Peraturan Perundang-Undangan Di Indonesia," *Mizan: Jurnal Ilmu Hukum* 10, no. 2 (2021): 149.

³ I Gusti Ayu Serina Anna Sari and Putu Tuni Cakabawa Landra, "Pengaturan Perlindungan Hukum Terhadap Karya Ciptaan Digital Painting Berdasarkan Undang-Undang Hak Cipta Di Indonesia," *Jurnal Kertha Desa* 11, no. 3 (2023): 3.

⁴ Fikri Setyo Arief Pambudi and Krisnadi Nasution, "Perlindungan Hak Cipta Bagi Pencipta Seni Lukis Digital Dalam Transaksi Jual Beli Non-Fungible Token," *Bureaucracy Journal: Indonesia Journal Of Law and Social-Political Governance* 3, no. 1 (2023).

of digital painting works that are taken secretly without the permission of the owner of the digital painting artwork, because the digital space is very free is what makes intellectual property in the form of digital painting vulnerable to theft or use without the permission of the owner who made it, because people who take it without permission make people to act and think practically⁵ From the theft of digital paintings, especially of digital images, to the buying and selling of works produced by their creators without the knowledge of the original owners. Along with the emergence of data convention technology, conventional creative works have emerged and can be transformed into digital media. In this day and age, the creator of a creative work or copyright owner has many technological options to create his work. The unhealthy influence of technological progress will have a detrimental impact compared to the benefits it brings. In all forms of digital works that are most often taken by thieves are in the form of data or files which distribution can not only be done by manually copying data into a flash disk or compact disc, but can also be copied from a website that can be used by internet network users from the creator to be able to upload images. So although some people download digital illustrations as files and distribute them over the Internet, this certainly makes digital illustrations more convenient and easy to apply digital painting image capture which makes digital illustrations vulnerable to copyright violations or unilateral capture or unilateral recognition by others without official permission from the creator of digital painting art.

Indeed, the presence of technology that is directly related to the process of digitizing art technology and its media has directly made a work of art from a person's creation easy to use by others without the permission of the digital painting maker. The increasingly massive use of internet technology will directly and indirectly have an impact on the wide opening of access to information and the provision of easy ways where people can access information very easily. Plus the lack of experience and knowledge of the general public to the laws that protect copyright resulted in the emergence of various problems, so that the emergence of violations of the use of digital painting without permission. This copyright infringement will often occur in digital painting, of course, the act of taking without permission will be very detrimental to the creator, which is taken or copied without the permission of the creator of the work so that massive legal protection is also needed against the exclusive rights attached to the creator.

⁵ Fajar El Pradianto, "Sebuah Karya Sangat Rentan Dicuri Di Ruang Digital, Ini Cara Menghindarinya," Rakyat Merdeka, 2022.

Because of the description above, it makes the author interested in doing further exploration such as raising several issues such as how is the regulation of legal protection for digital painting works? And how are legal remedies for digital painting creators whose creations are used by others without permission? So it is important to conduct research in legal analysis of digital painting.

RESEARCH METHODS

According to the opinion of Soerjono Soekanto, which states that the research method is an activity that is always associated with science, of course, based on a certain systematics, methods, and thoughts which have the aim of being able to study certain legal problems by means of in-depth analysis by checking legal facts in finding answers to the problems raised.⁶ In more detail, the research in this scientific journal uses Open Source data both from book literature, scientific journals, accredited media, and laws and regulations related to digital painting. After the information data is collected, it will be processed by legal analysis and evaluated qualitatively by breaking down the information into sentences that are organized, sequential, reasonable, consistent and legally effective which will be described in legal descriptive form, with the aim of making it easier to interpret information and understand the results of the author's analysis of the legal arrangements for digital painting that are protected and how to take legal remedies by creators who are harmed because the use of their works is used by others without permission.

DISCUSSION

Regulatory System for Digital Painting Works as a Form of Legal Protection

The interpretation of Article 32 of the 1945 Constitution states that national culture is the culture of the efforts of all Indonesian people. Then, the culture is continued which is mentioned in the constitution of the old culture and the first to be the peak of regional culture throughout Indonesia is local culture which is now modern culture. Cultural efforts should be directed towards the promotion of virtue, culture and unity, not rejecting new things from foreign cultures that can develop or improve domestic culture, and promoting the creativity of the Indonesian population.⁷ The developing culture is protected or often referred to as the

⁶ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

⁷ Djoko Waluyo and Rosmawati, "Dinamika Seni Tradisional Pada Era Digital Dynamics Of Traditional Art

intellectual property rights of those who make it or the creator of a cultural work. It is necessary to know that intellectual property rights are a work that should not be unilaterally recognized by others because if you recognize or take someone else's work then that party has committed a violation, where the violation of intellectual abilities to a person or group of people is the same as taking someone else's work by not appreciating the originality of a work including digital painting works that are not appreciated. Therefore, there are several reasons why intellectual property rights need to be protected, first, intellectual property rights are rights that are naturally attached to the creator, second, the need to protect the reputation of a work, third, the encouragement and reward of an innovation and its creator. So it is necessary to have legal protections for the rights attached to image makers by means of digital painting or digital painting images.⁸ Regarding the legal protection provided by the state to digital painting creators is regulated in Law Number 28 of 2014 concerning Copyright or often referred to as the Copyright Law. Digital painting which is a work that is newly recognized by the Indonesian people, where digital painting uses new media with the help of internet networks that are able to present the availability of digital platforms that function as a tool in making digital images where the specialty is drawing using the help of internet technology when compared to drawing artwork that still uses conventional media⁹. The changing times and the development of technology where old things have been replaced with new and more practical and efficient things, as well as in the world of art where works of art.¹⁰

Intellectual property law has principles that are in line with the rules and enforcement which are also based on the TRIPs Agreement, where there are several principles in its legal regulation in the international realm, which clearly states that all rules in a country that refer to the TRIPs Agreement must in fact prioritize the interests of the welfare of the people. The first economic principle is the right of intellectual abilities that can be obtained through creative work, the will of human thoughts expressed in various forms that will be able to bring benefits to digital painting creators. Second is the principle of justice, the justice in question is the creation of

The Digital Age," *Semi Ilmiah Populer Komunikasi Masa 2*, no. 2 (2021): 162.

⁸ Yulia Nizwana and Rahdiansyah, "Perlindungan Hak Kekayaan Intelektual (HAKI) Ditinjau Dari Epistemologi," *UIR Lae Review 3*, no. 2 (2019): 34.

⁹ Sari and Landra, "Pengaturan Perlindungan Hukum Terhadap Karya Ciptaan Digital Painting Berdasarkan Undang-Undang Hak Cipta Di Indonesia."

¹⁰ Tasya Patricia Winata and Christine, "Perlindungan Hukum Terhadap Karya Seni Digital Non-Fungible Token (NFT) Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," *Syntax Literate: Jurnal Ilmiah Indonesia 7*, no. 12 (2022): 18005.

protection for an original work of the digital painting maker by providing a sense of security because there is legal protection. Third is the principle of culture where there is a development of literary science and art to be able to improve the standard of living of the community, especially the creator of digital painting works.¹¹

Copyright born from the existence of digital painting artwork will automatically get legal protection against the creativity of image makers from digital painting which has specifically been regulated implicitly in Law Number 28 of 2014 concerning Copyright which is a private right which rights are often referred to as exclusive rights granted by the state based on laws and regulations in which the creation must prioritize authenticity and can be seen so that a creation including digital painting can obtain its rights in full by not copying the creation of other people's works. The exclusive rights are also mentioned in Article 4 of the Copyright Act which states that copyright including digital painting is an exclusive right which consists of moral rights and economic rights,¹² What is meant by exclusive rights economically is the right for the creator of digital painting artwork to benefit economically from the results of his creation, which someone who wants to get the economic benefits of the creation of others must first ask permission from the owner of the digital painting copyright, while the moral exclusive rights are rights that are directly attached to the creator or to the perpetrator that can not be removed or can not be abolished for any reason including the copyright has been transferred to others. These exclusive rights can certainly provide personal benefits either directly or indirectly, but the existence of these rights can also improve economic development and economic growth in Indonesia. Thus the need for comprehensive legal protection considering copyright is part of the most important elements of legal protection both internationally and nationally.

Legal protection in terms of digital painting regulation is expressly not explained in the Act on digital painting which explanation is not in detail mentioned in the Copyright Act but only the meaning of digital painting is included in the notion of copyright. If seen more deeply, there is a connection between digital painting and works of art in accordance with the provisions of Article 40 of the Copyright Law which states that the creations that can be protected are

¹¹ Hari Sutra Disemadi, *Mengenal Perlindungan Kekayaan Intelektual Di Indonesia* (Depok: Rajawali Pers, 2023).

¹² Ujang Badri Jaman, Galuh Ratna Putri, and Tiara Azzahra Anzani, "Urgensi Perlindungan Hukum Terhadap Hak Cipta Karya Digital," *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia* 3, no. 1 (2021): 11.

creations in the form of in the fields of science, art, and literature, which are further explained in Article 40 letter P which states that the compilation of creations or data, both in formats which can be read with the help of computer programs or other media is also included in the category of creation, Therefore, when viewed from the reality in terms of digital painting or digital images that are the result of computer or digital processes, this can be included in Article 40 letter P of the Copyright Law, so it is clear that the legal protection of digital painting is an intellectual work that can be protected by laws related to intellectual property rights, especially the Copyright Law.¹³ Mentioned in several articles in the Copyright Law prohibitions not to be carried out such as the prohibition to any person who without the right to commercialize the rights of other people's creations including digital painting in the form of images for personal gain without official permission can be subject to a maximum fine of one hundred million rupiah up to one billion rupiah. Further prohibition of any person who performs in the form of digital painting piracy activities without the official permission of the maker can be subject to a fine of four billion rupiah. But there are some actions that do not violate copyright that has been set into Indonesian law that is if someone who uses, takes the work, make a copy or make changes to a creation and or to other intellectual property products related in a comprehensive way or in a way that is partially in substantial law then it is not considered a violation of the law in the provisions of copyright law, with the source mentioned or has been fully listed for the purposes in the field of education, in the field of research, in the field of writing based on scientific work, in the field of preparing reports, writing criticism or a review of a problem raised with which the taking does not harm the interests of the owner of the digital painting work or the interests of the official copyright holder.¹⁴

In addition to the legal protection of digital painting works from the legal regulations of the Intellectual Property Rights Act, legal protection to digital painting in the form of images can also be pursued by means of education that must be carried out by the government. The government can make more efforts in conducting massive socialization regarding the prohibition of the use of digital painting works without the permission of the owner of the work, the materials can be included in the socialization starting from the education system until

¹³ Hari S. Disemadi, Raihan Radinka Yusuf, and Novi Wira Sartika Zebua, "Perlindungan Hak Eksklusif Atas Ciptaan Digital Painting Dalam Tatanan Hak Kekayaan Intelektual Di Indonesia," *Widya Yuridika: Jurnal Ilmu Hukum* 4, no. 1 (2021): 43.

¹⁴ Khoiril Hidayah, *Hukum HKI Hak Kekayaan Intelektual* (Jatim: Setara Press, 2017).

socialization can be carried out to reach remote areas in Indonesia. Starting from the younger generation to the oldest generation. Human interaction is only possible through seminars, but can be done using current technology such as socialization through the internet, telecommunications media, television, and others. Currently, prevention as a form of protection through socialization is very important considering the lack of human resources to handle sites that violate the law, because the problems that arise in the internet media are very limited or very difficult to overcome if only referring to the laws and regulations.

Legal Remedies for Digital Painting Creators Whose Works Are Used by Others Without Permission

The existence of works or creations of digital painting today can be found everywhere because of its current existence is very fast because of the times and make digital painting as a trend and some even make it a source of income for people who have high creativity so that digital painting artwork created can be of economic value to be traded digitally, with which previously digital painting works must first be registered by the creator to the Directorate General of Intellectual Property Rights for the authorization of the work of his creation. The procedure for recording has been regulated into the provisions of Article 66 of the Copyright Law.¹⁵ An example of a digital painting product is the sale of images from digital painting results related to wallpaper, three-dimensional painting images and so on that are digitally similar to digital painting so that digital painting can be used as a new business field to sell it to the market segment of the community in today's internet world. With the market segment, the economic rights of digital painting image creators that have been guaranteed by Indonesian law are very useful and meaningful to be protected in the current situation. However, it is not impossible if the work is used by others in the absence of permission, especially for economic use, so that ignorance can be ensured for violations by parties who do not have a sense of responsibility who have deliberately stolen and have taken advantage of these circumstances for their own benefit or interest without regard to the interests of the creator of the work. So that in the end the creator of the digital painting image feels harmed either directly or indirectly by the fraudulent actions of someone who benefits either economically or morally.¹⁶

¹⁵ Irodad, "Perlindungan Preventif Terhadap Hak Cipta Potret Pada Mesin Pencarian Google Gambar," *Jurnal Hukum Positum* 5, no. 1 (2020): 16.

¹⁶ Disemadi, Yusuf, and Zebua, "Perlindungan Hak Eksklusif Atas Ciptaan Digital Painting Dalam Tatanan

The existence of misuse of digital painting works that we can see today especially on social media such as Instagram, Tiktok, X, and other internet social media applications in the future the use of digital painting works without permission is very unfortunate where the creators of digital painting works who have struggled in terms of pouring their creativity in the form of works must experience unpleasant actions for a creator or a group of creators, especially it is certain that the creator will be violated by a person or group of people who have no responsibility. As for some examples of violations of the use of digital painting works, the first is the act of copying done for commercial purposes without the permission of the original creator of the work, second, the deliberate act of reproducing digital painting works with no official permission from the copyright owner. Third, there is an act that intentionally shows or distributes to the wider community related to a creative product that has commercial value and the act has violated copyright rules. The fourth copyright infringement is quoting, broadcasting, receiving by unlawful means, as well as selling parts or other works in any way without the authorization of the creator or copyright owner, which of course these actions have violated the law. The above violations are examples of some unlawful acts relating to digital painting or digital images. Therefore, if there are violations that cause everyone who can be harmed, of course there will be efforts from the injured party, which in this case are efforts in accordance with the applicable laws in Indonesia.¹⁷

In essence, the existence of arrangements to protect digital painting copyright holders have been given automatically since the work is produced after the registration of digital painting works as a form of authentic evidence of copyright owners, the protection is given because there are still many people or even the creators themselves do not understand that the work of art in the form of digital painting is protected by existing laws and regulations in Indonesia which are usually legal protection is called copyright protection to overcome the harmful actions of the creator of digital painting for the harmful actions are prohibited. Mentioned in several articles in the Copyright Law are prohibitions not to be carried out such as the prohibition to any person who without the right to commercialize the rights of other people's creations including digital painting in the form of images for personal gain without official permission can be subject to a maximum fine of one hundred million rupiah up to one billion.

Hak Kekayaan Intelektual Di Indonesia.” hlm.43.

¹⁷ Gatot Soemartono, *Arbitrase Dan Mediasi Indonesia* (Jakarta: Gramedia Pustaka, 2006).

The next prohibition is that anyone who carries out in the form of digital painting piracy activities without official permission from the author can be fined four billion rupiah. As for legal remedies for digital painting creators whose creations are still found to be misused by others without permission, they can report through the E-Commerce Platform for the act of selling digital images belonging to the creator that have been taken by others who do not have permission, where e-commerce platforms have their respective policies to be able to protect digital painting works as intellectual property rights by providing a column of reports or complaints on the platform as an effort to overcome various kinds of violations of intellectual property rights taken without permission to be able to close the online store or give a warning in the form of takedown.¹⁸ In addition to legal remedies in the form of complaints through e-commerce applications, the creator can also make legal efforts outside the court such as by making mediation efforts in a family first by finding a win-win solution here mediation efforts are part of alternative copyright dispute resolution through the help of mediators in civil law where the parties are brought together to find a solution to the creation taken without the permission of the owner of the digital painting artwork. The use of mediation on copyright issues is based on the settlement of criminal offenses with a guarantee of monetary compensation as a form of compensation commensurate with the creator's creative work. In addition, it allows the perpetrator to realize his mistake and not do it again in the future without being subject to penalties such as imprisonment.¹⁹

In addition to the legal efforts above, there are also two other efforts such as efforts that can be made by creators of digital painting works with repressive efforts and preventive efforts. Efforts such as prevention or prevention are efforts whose purpose is to reduce the occurrence of infringement activities related to exclusive rights in the form of moral rights and economic rights of a creation or work that is owned and potentially detrimental such as violations in the form of plagiarism and taking pictures for sale without granting official permission from the creator. An example of preventive efforts is branding and official announcement to the website of the Directorate General of Intellectual Property Rights with official registration by the state with the legal basis of Article 66 of Law Number 28 of 2014 concerning Copyright. In addition to preventive legal remedies copyright owners can also make repressive efforts is an effort made

¹⁸ Renata Christha Auli, "Upaya Hukum Pencipta Atas Pelanggaran Hak Cipta," *Hukum Online*, 2022.

¹⁹ Dewa Gede Yudi Putra Wibawa and I Gusti Ayu Agung Ari Krsnawati, "Upaya Mediasi Dalam Penyelesaian Sengketa Pelanggaran Hak Cipta," *Hukum Dan Keadilan* 3, no. 1 (2021): 11.

to address the practice of infringement of digital or creative works by which basically by way of court legal channels. Where this repressive effort can be done by the creator of digital painting works to be able to overcome the losses suffered due to the act of plagiarism and taking pictures for sale without the granting of official permission from the creator. The legal efforts or litigation efforts as a preventive effort is contained in the provisions of Article 100 of the Copyright Act, which explains in this article about copyright infringement that the creator can file a lawsuit against people who infringe the copyright of digital painting works by submitting an application to the chairman of the commercial court. But in some cases, copyright disputes are also referred to as criminal provisions or restrictions contained in Article 112 of the Copyright Act²⁰. Then the creator can also report the actions of someone who takes without permission criminally, which legal provisions have been regulated in the Copyright Act which expressly regulates the criminal provisions for infringement of copyright including digital painting works. The existence of these criminal provisions can be seen starting from the provisions in Article 112 on Copyright. Regarding the provisions of criminal law in this Act, there are many discussions related to economic offenses, where the sanctions vary depending on the type of offense committed. So it can be said that the form of legal efforts to protect intellectual property, especially digital painting, is certainly a form of legal effort given from a country to the owner of digital painting artwork that has intellectual property rights over his work.

CONCLUSION

Based on the results of research and discussion to answer the formulation of the problem that first, the legal protection of Digital painting which is a work in the form of intellectual property rights (IPR) of the results of intelligence and the results of human thought has been protected by the rule of law as contained in the provisions of the article on Act No. 28 Year 2014 on Copyright has been agreed with the protection of international agreements in the form of Trips Agreement in terms of protecting the rights of its creators. Legal protection in the Copyright Act as an exclusive right is also mentioned in Article 4 of the Copyright Act which states that copyright including digital painting is an exclusive right consisting of moral rights and economic rights, which means exclusive rights economically is the right for the creator of

²⁰ Disemadi, Yusuf, and Zebua, "Perlindungan Hak Eksklusif Atas Ciptaan Digital Painting Dalam Tatanan Hak Kekayaan Intelektual Di Indonesia."

digital painting artwork to benefit economically from the results of his creation, where someone who wants to get the economic benefits of the creation of others must first ask permission from the owner of the digital painting copyright, while the moral exclusive right is a right that is directly attached to the creator or to the perpetrator who cannot be eliminated or cannot be abolished for any reason. The second conclusion is that efforts have been made by the government by including prohibitions in the Article on the Copyright Law, such as the prohibition to any person who without the right to commercialize other people's creation rights including digital painting in the form of images for personal gain without official permission can be subject to a maximum fine of one hundred million rupiah up to one billion. As for legal remedies for digital painting creators whose creations are still found to be misused by others without permission, they can report through the E-Commerce Platform for the act of selling digital images belonging to the creator that have been taken by other people who do not have permission. In addition to legal remedies in the form of complaints through e-commerce applications, the creator can also take legal remedies outside the court such as mediation efforts and can take preventive legal remedies by filing a lawsuit to the chairman of the commercial court. The author recommends that future research examine the effectiveness of copyright holders in collaborating with the government, especially the DJKI, in eradicating or preventing acts of taking digital painting works without permission in accordance with the Copyright Act.

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