**MORAL RIGHTS AND ECONOMIC RIGHTS IN COPYRIGHT PROTECTION IN THE DIGITAL ERA: A COMPARATIVE PERSPECTIVE**

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**Abstract**

This paper explores the balance between moral rights and economic rights in copyright protection within the context of the digital era, with a comparative analysis of the legal frameworks in Malaysia, Kazakhstan, and the United States. As digital technologies have revolutionized the creation, distribution, and consumption of copyrighted works, the protection of both moral and economic rights has become increasingly complex. In this study, the significance of moral rights—particularly the right to attribution and the right to the integrity of a work—are examined alongside economic rights, which focus on the rights of creators to benefit financially from their creations. By analyzing the different approaches adopted by Malaysia, Kazakhstan, and the United States, this paper highlights the challenges and opportunities these nations face in adapting their copyright laws to the digital age. The research aims to provide a comparative understanding of how these countries protect the interests of authors and creators, while also addressing the impact of technological advancements on copyright enforcement and enforcement mechanisms.

**Keywords:** Moral Rights, Economic Rights, Copyright Protection, Digital Era, Comparative Perspective.

# Introduction

In the digital era, copyright protection has become an increasingly complex issue, with the rapid advancement of technology and the proliferation of digital content creating new challenges for creators, copyright holders, and governments alike. The tension between moral rights, which focus on the personal and reputational interests of creators, and economic rights, which center on the financial benefits derived from the use of creative works, is particularly pronounced in this age of digitalization. The removal or weakening of these rights can have significant repercussions for both individual creators and the broader creative industries. This paper examines the balance between moral and economic rights in copyright protection, with a focus on a comparative analysis of Malaysia, Kazakhstan, and the United States, to better understand how these countries address the challenges posed by the digital era.

Copyright law has long been a mechanism for protecting the intellectual property of creators, ensuring they are compensated for their work and that their personal rights are respected. Economic rights, including the right to reproduce, distribute, and perform works, provide creators with financial incentives to produce and share new content (Posner, 2005). Moral rights, on the other hand, are designed to protect the personal and artistic relationship between the creator and their work, allowing authors to control the integrity of their works and prevent modifications that may harm their reputation (Yan et al., 2024). The interplay between these two categories of rights has become more critical as digital technologies facilitate the rapid reproduction and distribution of creative works, often without proper compensation or recognition for the original creators.

The problem addressed by this research is the potential erosion of both economic and moral rights due to the rise of digital technologies and the evolving nature of copyright law. The ease with which digital content can be copied and disseminated has made it more difficult to ensure creators are properly compensated for their work (Parry & Battista, 2023). Similarly, the digital age has introduced new challenges in maintaining the integrity of creative works, particularly as works are shared, altered, and re-contextualized across digital platforms. This raises significant questions about how copyright law should evolve to provide robust protection for creators while also adapting to the realities of the digital environment.

The thesis of this paper argues that the protection of both economic and moral rights is essential for sustaining creativity in the digital era. The removal or weakening of these rights can negatively impact the motivation and willingness of creators to engage in innovative work, as it removes the incentives and recognition that are vital to the creative process (Posner, 2005; Yan et al., 2024). In the digital age, the issue of copyright protection has become increasingly complex. The rapid advancement of digital technologies, such as the internet and social media platforms, has revolutionized how creative works are shared and consumed. As a result, the traditional methods of safeguarding copyright—particularly moral and economic rights—have been challenged. While much has been written about the impact of digital technology on the enforcement of economic rights, less attention has been given to the comparative analysis of moral rights across different legal systems in the context of the digital era.

Moral rights, which protect the personal and reputational interests of the creator, and economic rights, which safeguard the creator's financial benefits, are fundamental components of copyright law. However, the introduction of digital technologies has complicated the enforcement of these rights, as works can now be easily reproduced, distributed, and modified without proper attribution or compensation. The lack of a harmonized approach to copyright protection across jurisdictions—especially regarding the treatment of moral rights—presents a significant challenge for creators and copyright owners worldwide. While many countries have enacted laws to address economic rights, moral rights protection varies significantly, with some legal systems offering more extensive protections than others (Yan et al., 2024). This paper will analyze the legal frameworks in Malaysia, Kazakhstan, and the United States to explore how these countries balance the protection of economic and moral rights within the digital context, and how their approaches influence the broader creative ecosystem.

Existing research on copyright law and digital technology has primarily focused on the challenges of enforcing economic rights in the digital environment, with many scholars emphasizing the need for stronger mechanisms to combat piracy and unauthorized distribution (Tiran, 2022; Fahmi et al., 2022). Existing research on copyright protection primarily focuses on the enforcement of economic rights in the digital era, with scholars arguing that piracy and unauthorized distribution pose significant threats to creators' financial well-being (Posner, 2005). While the economic impact of copyright infringement has been extensively studied, the intersection of moral rights with new digital practices has not received sufficient attention. Few studies have conducted a comprehensive comparative analysis of how different countries balance moral and economic rights in the context of technological advancements, especially in non-Western legal systems (Tiran, 2022). Furthermore, there is a notable gap in research concerning how countries like Malaysia and Kazakhstan, which are signatories of international treaties but have different legal traditions, manage the protection of both economic and moral rights in the face of the digital age's challenges. By providing a comparative analysis of copyright laws in Malaysia, Kazakhstan, and the United States, this paper aims to address this gap in literature.

However, less attention has been paid to the impact of these legal frameworks on the protection of moral rights, particularly in countries with different legal traditions. While much of the existing research on copyright law has concentrated on the United States and European Union countries, limited attention has been given to countries in Asia and Central Asia, where unique cultural and legal factors influence copyright protection (Fahmi et al., 2022). Malaysia, Kazakhstan, and the United States provide diverse legal contexts for studying the relationship between moral and economic rights. Malaysia, with its common law system influenced by British law, contrasts with Kazakhstan, which is rooted in civil law traditions influenced by Russian legal systems. The United States, as a common law country with a strong history of copyright protection, provides a benchmark for evaluating international approaches to copyright law (Overdevest & Zeitlin, 2018).

Thus, the comparative analysis of these three countries will contribute to the broader understanding of how different legal systems handle the protection of moral and economic rights in the digital era. The gap in existing research is also evident in the treatment of how digital technologies affect the enforcement and scope of moral rights. Although economic rights, such as the right to reproduction and distribution, have been extensively discussed in the context of digital piracy and copyright infringement (Parry & Battista, 2023), moral rights such as the right to attribution and the right to the integrity of the work are often overlooked in favor of more tangible, financial protections. Digital platforms, which facilitate the unauthorized sharing and modification of creative works, complicate the application of moral rights, particularly in jurisdictions where moral rights are less robust or less well-defined (Kurniawan, 2017). Additionally, comparative studies of copyright law in multiple countries are relatively limited, especially those that address the specific challenges posed by the digital era. This research seeks to fill this gap by providing a comparative analysis of copyright law in Malaysia, Kazakhstan, and the United States, with a focus on how these countries address both moral and economic rights in their legal frameworks.

# Research Methods

This research employs a comparative analysis method, focusing on the examination of copyright laws in Malaysia, Kazakhstan, and the United States, specifically concerning the protection of moral and economic rights in the digital era. By comparing the legal frameworks of these three countries, the study aims to understand how each jurisdiction addresses the challenges posed by technological advancements in copyright protection, particularly in the context of digital content distribution.

The research analyzes key legal materials, including legislation, court decisions, and academic literature from each country, to identify differences and similarities in how moral and economic rights are protected. This comparative approach enables a detailed exploration of how each country balances the enforcement of economic rights—such as reproduction and distribution—with moral rights—such as the right to attribution and integrity of the work.

Data analysis in this study is descriptive and comparative, highlighting the legal principles, developments, and challenges in each country’s approach to copyright. The research will assess how effectively these legal frameworks address issues related to the protection of creators’ rights in the digital age. Through this comparative lens, the study aims to identify strengths and weaknesses in the laws of Malaysia, Kazakhstan, and the United States, providing insights into how each legal system supports or hinders creativity and economic growth.

1. **Results and Discussion**

# The Exercise of Moral Rights and Economic Rights in Copyright

Copyright law is based on two primary forms of rights: moral rights and economic rights. These rights, while both vital for the protection of creative works, serve distinct functions in ensuring the interests of creators and their works. The theoretical foundation of copyright law lies in the recognition of the creator's connection to their work, as well as their economic and personal interests in that work.

Moral rights are designed to safeguard the personal and reputational connection between the creator and their work. These rights, unlike economic rights, are not focused on financial compensation but on protecting the integrity, attribution, and honor of the creator (De Rouck, 2019). The recognition of moral rights is deeply rooted in the belief that creative works are expressions of the creator’s personality and that these works should be protected from actions that could harm the creator’s reputation or alter the integrity of their work (Yan et al., 2024). Moral rights typically include the right of attribution (the right to be identified as the author of a work), the right to integrity (the right to object to distortion or modification of the work that could harm the creator’s honor or reputation), and sometimes the right of disclosure (the right to determine when and how a work is made available to the public) (Fahmi et al., 2022). These rights are inalienable during the creator's lifetime, although they may be transferred or waived posthumously (Entjarau, 2021). In the digital age, the enforcement of moral rights has become more challenging due to the ease of modifying and distributing digital works without the creator’s consent (Boyle, 2020).

Moral rights are often enshrined in international treaties such as the Berne Convention for the Protection of Literary and Artistic Works, which ensures that authors’ personal interests are respected globally (Nainggolan et al., 2022). In some jurisdictions, moral rights are given more emphasis than in others, with countries like France offering stronger protections compared to countries like the United States, where moral rights are limited in scope (Stryker, 2021). Thus, moral rights are seen as a vital part of the international legal framework, reflecting the need to preserve the moral and personal interests of creators.

Moral rights are inalienable rights that protect the personal and reputational interests of the creator. These rights, which remain with the creator during their lifetime, can be transferred upon their death according to specific legislative provisions, such as those outlined in Article 5, paragraph (5) of the Copyright Law 2014 (Fahmi et al., 2022). Moral rights include the right to attribution, the right to object to modifications that could harm the creator’s honor or reputation, and the right to maintain the integrity of the work. These protections ensure that the creator retains control over how their work is used, modified, or attributed, especially in the digital age where content can be easily altered and disseminated online (De Rouck, 2019). As digital technologies continue to advance, the importance of protecting these moral rights has become more evident, as creators’ works are increasingly exposed to risks of misuse or distortion.

The transfer of moral rights can occur through a will or other means, provided that the transfer is explicitly stated in writing by the recipient (Entjarau, 2021). This transfer is crucial in the digital landscape, where works are often shared or altered across multiple platforms. To safeguard the moral rights of creators, it is essential for copyright management systems to include mechanisms for tracking and preserving these rights. Copyright Management Information (CMI) and Electronic Copyright Information (ECI) play a key role in ensuring that creators’ works are properly attributed and that their rights are protected throughout the digital distribution process (Berdik et al., 2021; Todorova et al., 2017). These systems allow for the identification of the creator, the original work, and any rights attached to it, offering a safeguard against unauthorized modifications or unauthorized use.

Additionally, moral rights extend to performers, who have the right to be acknowledged for their performances and to prevent distortions or mutilations of their work that could harm their reputation (Nainggolan et al., 2022). This protection is vital not only for creators but also for related parties, such as performers, whose personal connection to their work is crucial to their professional identity. In the digital era, the preservation of these rights becomes more challenging as digital platforms allow for easy alterations and unauthorized distribution of creative content. Therefore, maintaining the integrity and attribution of works through robust legal frameworks and effective copyright management is essential to protecting the honor and reputation of creators and performers alike (Pohan et al., 2021)

In contrast, economic rights in copyright law are concerned with the creator’s ability to exploit their work for financial gain. These rights allow creators and copyright holders to control the reproduction, distribution, performance, and adaptation of their works for economic benefit (Pohan et al., 2021). Economic rights are seen as essential to incentivizing the creation of new works, as they provide creators with the financial rewards for their intellectual labor.

Economic rights include the right of reproduction (the right to copy the work), the right of distribution (the right to sell or distribute copies of the work), and the right to create derivative works (the right to modify or adapt the work) (Posner, 2005). These rights are typically transferable and can be sold, licensed, or assigned to others, which allows creators to earn income from their creations (Tiran, 2022). The enforcement of economic rights has become increasingly complex in the digital era due to the proliferation of online platforms that facilitate unauthorized distribution and piracy of copyrighted works (Parry & Battista, 2023).

The protection of economic rights is crucial for fostering creativity and encouraging investment in the production of creative content. It ensures that creators, whether they are authors, musicians, or software developers, are compensated for the use of their intellectual property (Berdik et al., 2021). Without adequate protection of economic rights, creators would lack the financial incentives to produce new works, which could stifle innovation and the growth of creative industries (Fahmi et al., 2022).

Top of Form

# Moral and Economic Rights in Indonesian Copyright Legislation

Indonesia's Copyright Law provides strong protections against the unauthorized reproduction and distribution of works, with provisions for civil and criminal penalties for infringement. However, the rise of online platforms and digital piracy has made enforcement more complex. The digital environment allows for rapid and widespread distribution of copyrighted content, often beyond the control of the creator or copyright holder, leading to significant financial losses. This highlights the need for stronger international cooperation and better enforcement mechanisms to combat online piracy and ensure that creators can fully benefit from their economic rights (Parry & Battista, 2023).

Moral rights in Indonesian copyright law are explicitly protected under Article 5, paragraph (1) of Law No. 28 of 2014. These rights, including the right of attribution, the right to object to modifications that could harm the creator’s honor or reputation, and the right to maintain the integrity of the work, reflect a recognition of the personal and moral connection between the creator and their work. In the digital era, where content is easily modified, reproduced, and disseminated through various platforms, these moral rights are crucial to ensuring that creators maintain control over how their works are represented and used (Fahmi et al., 2022).

Indonesia's recognition of moral rights aligns with international standards, such as the Berne Convention for the Protection of Literary and Artistic Works, to which Indonesia is a signatory. However, despite these protections, enforcement remains challenging, particularly in the digital space. The ease of reproducing and modifying works online means that creators often lose control over how their works are used, making it difficult to uphold the integrity of their creations and maintain their reputations. This issue underscores the need for more effective copyright management systems, such as Digital Rights Management (DRM) tools and Copyright Management Information (CMI), to help creators track and protect their works in the digital environment (Berdik et al., 2021).

Moreover, economic rights in Indonesia are well established under Article 9 of Law No. 28 of 2014, which grants creators the exclusive right to exploit their works for economic benefit. These rights include the right to reproduce, distribute, perform, and adapt the work, which provides creators with the financial incentive to produce and share their works. The protection of economic rights is particularly critical in the digital era, where unauthorized copying and distribution of digital content, including piracy and infringement, are rampant.

In the copyright registration system regulated by Indonesian Copyright Law, the approach is referred to as a passive approach (Darwance & Sudarto, 2021). This means that the process of registering creations is done passively, where all registration applications are accepted without thorough examination of the applicant's rights, unless there are clear indications of copyright infringement. This passive approach indicates that Indonesia adopts a declarative registration system in its copyright legislation. This means that registering creations and related rights products is not a primary requirement to obtain copyright and related rights. However, registration is still required because it can provide strong evidence of the existence and ownership of copyright, as well as providing stronger protection in cases of legal disputes or copyright infringements (Nainggolan, 2023b).

The stipulation in Law Number 28 of 2014 regarding copyright of artistic paintings in the form of logos or distinguishing marks used as trademarks in the trade of goods/services or as symbols of organizations, business entities, or legal entities is that such works cannot be granted copyright (Fernandes & Syahfitri, 2017). This indicates that a logo or distinguishing mark used as a trademark in the context of trade will not receive copyright protection. Although this may raise controversy because copyright and trademark are different intellectual property rights, this stipulation aims to clarify that even though the artistic painting has copyright, its use as a trademark will give rise to separate trademark rights. In other words, the copyright owner has rights to the artwork itself, while the trademark owner has rights to the use of the work as a brand identity in trade (Tiran, 2022).

The development of information and communication technology has been a significant factor in the evolution of copyright laws. On one hand, information and communication technology plays a strategic role in the development of copyright by enabling the creation, distribution, and broader access to creative works (Jones et al., 2017). Technological innovations also allow creators to produce more complex and interactive works. However, on the other hand, this technology also serves as a tool for copyright infringement, such as digital piracy and content theft. Therefore, proportional regulation in copyright laws is essential. This allows for optimizing the positive functions of information and communication technology in supporting the creative industry and copyright while minimizing its negative impacts such as copyright infringement and content theft. Proportional regulation should consider the needs and rights of creators to protect their works while also ensuring fair and sustainable access to these works for the public. This involves collaboration between governments, industries, and civil society to create a balanced and effective regulatory framework to address the challenges and opportunities brought by the development of information and communication technology.

The replacement of Law Number 19 of 2002 on Copyright with Law Number 28 of 2014 is a serious effort by the state to protect the economic and moral rights of creators and related rights holders as crucial elements in national creativity development (Entjarau, 2021). This change in the law was also triggered by the need to update regulations to adapt to the development of information and communication technology and to fulfill Indonesia's commitments as a member of various international agreements on copyright and related rights. Further implementation in the national legal system is required to ensure that national creators and creators have adequate protection and can compete internationally. Law Number 28 of 2014 is designed to create a more comprehensive and modern legal framework that accommodates developments in the creative industry and provides better protection for intellectual property rights (Shittu et al., 2021).

However, the digital era has significantly reshaped the landscape of copyright protection, presenting both opportunities and challenges for creators. While Indonesia’s Copyright Law (Law No. 28 of 2014) has made notable progress in recognizing both moral and economic rights, the protection of these rights in the digital context remains insufficient. The widespread issues of piracy, unauthorized reproduction, and digital modification of works highlight the gaps in the legal framework, undermining the protection of creators’ moral and economic rights.

Moral rights, which protect the personal and reputational interests of creators, face substantial enforcement challenges in Indonesia. While the 2014 Copyright Law provides for moral rights, such as the right of attribution and the right to protect the integrity of the work (Fahmi et al., 2022), these rights are often undermined in the digital sphere. The ease of sharing and modifying digital content without proper attribution or consent of the creator is a major concern. Social media platforms, online video sharing sites, and other digital distribution channels frequently lead to the unauthorized alteration of works, thereby threatening the integrity and reputation of the creators (Boyle, 2020). Since the law’s enforcement mechanisms are not sufficiently adapted to address digital infringements, creators often struggle to control how their works are presented and used, diminishing the effectiveness of moral rights protections.

Economic rights, which allow creators to financially benefit from their works, are equally threatened in the digital environment. Piracy and unauthorized distribution of digital content are rampant in Indonesia, especially through file-sharing sites and illegal streaming platforms. The rapid spread of pirated content reduces the economic benefits that creators should be entitled to, as their works are consumed without compensation (Parry & Battista, 2023). While Indonesia’s Copyright Law has provisions for combating digital piracy, enforcement is weak due to the anonymous nature of online infringement and the difficulty in tracking digital piracy across borders (Nainggolan, 2023a). As a result, creators lose significant revenue opportunities, and the creative economy suffers.

Furthermore, the current copyright enforcement mechanisms in Indonesia are largely outdated and do not effectively address the nuances of digital copyright violations. The lack of robust digital copyright management tools, such as Digital Rights Management (DRM) systems or automated tracking systems, means that creators have limited control over the distribution of their works online (Berdik et al., 2021). This gap in protection leaves creators vulnerable to exploitation, as their works are often distributed freely without their consent, causing financial harm.

**Strengthening Copyright Protection in Indonesia: Comparative Analysis**

In Malaysia, the digital era has posed significant challenges to copyright protection, particularly in the music industry. The widespread prevalence of digital music piracy has become a major concern, with unauthorized downloading and distribution of music threatening the financial sustainability of the industry. A study by Lim and Lee (2023) highlights the socio-demographic factors that influence consumers' engagement in digital music piracy in Malaysia. The study found that factors such as age, ethnicity, and social influences—especially from family members and the media—play a significant role in the decision to pirate music. Notably, younger individuals were more likely to engage in piracy, despite awareness of intellectual property rights and the potential legal consequences. These findings indicate a gap in the enforcement of copyright protection and awareness among the public, suggesting that current legal frameworks may be insufficient to curb the growing piracy issue. Furthermore, while there are some legal measures in place, the lack of public awareness and understanding of the importance of copyright protection in the digital space remains a barrier to effective enforcement (Nasir et al., 2007).

In addition to the challenges posed by piracy, Malaysia faces difficulties in enhancing its legal frameworks to protect digital copyrights. According to a study by Abdullah, Hanafi, and Nawang (2021), the rise of digital technologies has outpaced the existing intellectual property laws, which are not equipped to address the complexities of the digital environment. The research points to several key issues, including the lack of specialized enforcement officers, the need for cross-border cooperation with international agencies, and territorial limitations in monitoring and preventing digital copyright infringements. The study emphasizes the importance of strengthening Malaysia’s enforcement mechanisms and increasing public awareness of intellectual property rights. Moreover, it recommends leveraging advanced technologies to combat digital piracy effectively, such as adopting digital rights management (DRM) tools and other technological solutions. Without addressing these challenges, Malaysia will continue to struggle with protecting the moral and economic rights of creators in the digital age, limiting the potential growth of its creative industries.

In Kazakhstan, the rapid advancement of digital technologies has significantly impacted copyright protection, posing new challenges that require reforms to the national legal framework. Despite being a signatory to international treaties such as the Berne Convention, Kazakhstan’s existing copyright laws, particularly the "Copyright and Related Rights" law, have proven to be inadequate in addressing digital infringements, including online piracy and unauthorized reproduction. The advent of the internet, mobile phones, and social networks has made it easier for the public to reproduce and distribute copyrighted works without the authorization of the creators, leading to significant issues of plagiarism and piracy (Aronov & Idrysheva, 2024). As noted by Aronov and Idrysheva, while Kazakhstan’s current legal framework provides for the protection of copyrighted works, it fails to address the challenges posed by the digital environment effectively. This gap in the legal regime has allowed digital piracy to flourish, undermining both the moral and economic rights of creators. The lack of clear legal responsibilities for intermediaries, such as internet service providers (ISPs), exacerbates the problem, as they often escape liability for facilitating copyright infringements on their platforms.

The research further highlights the need for comprehensive reform to Kazakhstan’s copyright laws to better protect creators’ rights in the digital era. To this end, experts have proposed several legislative and technological measures aimed at improving copyright protection. These include holding ISPs accountable for digital infringements, implementing Digital Rights Management (DRM) technologies, and adopting modern solutions such as blockchain and watermarking to track and protect copyrighted content (Narikbayev, 2024). These measures are crucial to enhancing the protection of both moral and economic rights in the digital space, as they would provide creators with better tools to safeguard their works against unauthorized distribution and modification. The comparative analysis of copyright laws in other countries, such as the US, UK, and Ukraine, suggests that Kazakhstan can learn from these jurisdictions to improve its legislative framework and enforcement mechanisms (Aronov & Idrysheva, 2024). In conclusion, while Kazakhstan has made strides in recognizing the importance of copyright protection, it must modernize its legal system to effectively address the complexities introduced by digital technologies and ensure that creators’ rights are fully protected in the digital age.

In the United States, the protection of copyright in the digital era has evolved to address the challenges posed by technological advancements, particularly the rise of the internet and digital media. The Digital Millennium Copyright Act (DMCA), passed in 1998, was a significant step in adapting U.S. copyright law to the digital landscape. The DMCA provides a framework for managing online copyright infringement, including provisions for the liability of internet service providers (ISPs) and the removal of infringing content from online platforms. However, despite the advancements, studies show that digital piracy remains widespread, particularly with the easy sharing and downloading of digital content through peer-to-peer (P2P) networks, social media platforms, and streaming services (Karaganis, 2020). This persistent issue suggests that while legal frameworks like the DMCA have had some success, they may not be fully effective in curbing widespread infringement in an increasingly digital world.

One major challenge highlighted in the research is the legal ambiguity surrounding the application of copyright laws in the digital space. The DMCA, for instance, provides a "safe harbor" provision that shields ISPs from liability for copyright infringement committed by their users, as long as the ISP follows a notice-and-takedown procedure. While this provision has been vital in promoting the growth of the internet, it has also led to debates over its potential misuse, with critics arguing that it encourages platforms to remove content indiscriminately, often infringing upon users' free expression (Berkman Klein Center, 2021). Moreover, as the internet has evolved, questions about how to balance copyright protection with fair use, free speech, and innovation have become more complex. Researchers argue that the DMCA and similar laws may need to be updated to better address the realities of the modern digital ecosystem.

Furthermore, there are significant concerns regarding the protection of both moral and economic rights of creators in the digital era. In a study by Lothian (2021), it was found that the rapid dissemination of digital content often undermines the economic rights of creators, as unauthorized use of works leads to lost revenue opportunities. While U.S. copyright law provides economic rights to creators, such as the right to control reproduction, distribution, and public performance of their works, enforcement remains a challenge due to the decentralized nature of the internet. Additionally, the protection of moral rights, which ensure that creators' works are not distorted or mutilated, is limited in the United States compared to other jurisdictions, such as the European Union, where moral rights are more strongly protected (Lothian, 2021). This limitation in moral rights protection is often criticized by creators, particularly those in the visual arts and performing arts, who feel their personal connection to their work is not adequately recognized by U.S. law.

In response to these challenges, some scholars and policymakers have called for reforming U.S. copyright law to better suit the digital era. Proposals include updating the DMCA to better address the role of ISPs and social media platforms in copyright infringement, as well as strengthening protections for creators' moral rights (Lessig, 2021). Moreover, the use of emerging technologies such as blockchain to track and protect digital works has been suggested as a way to enhance copyright enforcement and ensure that creators can maintain control over their works in the digital space. While the current legal framework provides some protections, there is broad agreement that further reforms are necessary to address the unique challenges posed by the digital age. The evolution of copyright law in the U.S. will likely require a balance between enhancing enforcement mechanisms, protecting creators' rights, and fostering innovation in the digital economy.

To strengthen copyright protection in Indonesia, it is crucial to reform the country’s legal framework, drawing insights from the experiences of other nations such as Malaysia, Kazakhstan, and the United States. The current Copyright Law (Law No. 28 of 2014) requires updating to address the complexities of digital infringement, which includes the widespread unauthorized distribution and piracy of content. As demonstrated by Malaysia, public awareness campaigns can play a pivotal role in educating consumers about the importance of intellectual property rights and the detrimental effects of piracy on creators' livelihoods. Additionally, leveraging advanced digital protection technologies, such as Digital Rights Management (DRM) systems and blockchain, could enhance the enforcement of copyright in Indonesia. DRM tools, for example, enable creators to manage and monitor the usage of their works in the digital space, which would mitigate the current vulnerabilities where creators often lose economic rights due to unchecked piracy (Abdullah et al., 2021). These technological solutions, combined with legal reforms, would empower Indonesian creators to safeguard their economic rights and enhance the sustainability of the creative economy.

Further, addressing the protection of moral rights in the digital environment is essential for ensuring creators' reputations and personal connection to their works are preserved. In countries like the United States, the Digital Millennium Copyright Act (DMCA) establishes a legal framework that holds internet service providers (ISPs) accountable for hosting or disseminating infringing content, provided they follow the notice-and-takedown procedures (Berkman Klein Center, 2021). Indonesia can adopt a similar mechanism, obligating platforms to ensure proper attribution of authorship and to take down infringing content promptly. This would address the growing concern of unauthorized modification and attribution issues in the digital space. Moreover, Indonesia should consider strengthening its legal provisions surrounding moral rights, taking inspiration from jurisdictions like the European Union, where moral rights are more rigorously enforced. Implementing such safeguards would allow creators in Indonesia to retain control over the integrity and attribution of their works in the rapidly evolving digital space.

Finally, in light of the transnational nature of digital copyright infringements, Indonesia must enhance international cooperation to combat piracy effectively. The rise of online piracy, particularly through peer-to-peer networks and illegal streaming platforms, has highlighted the limitations of national copyright frameworks. Drawing lessons from Kazakhstan, which has identified the need for cross-border cooperation in the digital realm (Aronov & Idrysheva, 2024), Indonesia could improve its enforcement by working more closely with international agencies and adopting standardized digital copyright laws. Additionally, the role of international treaties such as the Berne Convention must be reinforced through stronger national-level enforcement mechanisms, ensuring that Indonesia's copyright protection is in line with global standards. The implementation of coordinated international legal frameworks and enforcement initiatives, supported by technology-driven solutions, would significantly bolster Indonesia's ability to address digital piracy, protect moral and economic rights, and foster a more robust creative economy.Top of Form

# Conclusion

This research found that the evolving digital landscape presents significant challenges for copyright protection, particularly in terms of safeguarding both economic and moral rights. While countries such as Malaysia, Kazakhstan, and the United States have made strides in adapting their legal frameworks to address digital piracy and unauthorized distribution, there are critical lessons for Indonesia to learn in strengthening its copyright protections. Despite the advancements in Indonesia's Copyright Law (Law No. 28 of 2014), the digital realm continues to expose gaps in the protection of creators' rights, particularly regarding the unauthorized use and modification of works.

The protection of moral rights, such as attribution and integrity, is often overlooked in the digital era, where the ease of sharing and altering digital content undermines creators’ reputations. Indonesia can draw inspiration from countries like the United States, which enforces the Digital Millennium Copyright Act (DMCA), holding platforms accountable for infringements. Moreover, adopting advanced technologies like Digital Rights Management (DRM) and blockchain could significantly enhance enforcement efforts and empower creators to control the use of their works, minimizing the financial damage caused by piracy.

To further strengthen protections, Indonesia must not only reform its national laws but also improve international cooperation, especially with countries like Kazakhstan, which face similar challenges in cross-border digital infringements. By aligning with international standards, such as those established by the Berne Convention, and enhancing enforcement through technology-driven solutions, Indonesia can create a more effective copyright regime that benefits creators, the creative economy, and consumers alike. The need for comprehensive reform, both locally and internationally, is critical to ensuring that moral and economic rights are effectively safeguarded in this digital age.

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