

Ethics as A Prevention Effort Against Copyright Infringement at State Polytechnic of Creative Media

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Abstract. Higher education plays a role in preparing skilled graduates and fostering a responsible society with high integrity. In the creative industry, integrity is necessary to maintain legal order and promote fair competition. Polimedia, as an educational institution focused on the creative industry, serves as a platform that equips future creative industry professionals with good skills and morals. This research aims to provide materials or a foundation for compiling a textbook on professional ethics and intellectual property rights, which includes principles and regulations regarding the implementation of intellectual property rights, as well as guidelines for good ethical practices for students. The research method used is a juridical-empirical approach, with data processed through a conceptual approach, using legislation as the main variable alongside the empirical conditions at the research site. The respondents in this study consisted of 102 Polimedia students who were selected randomly. The results of the study show that 97.1% of respondents indicate a correlation between education in professional ethics and intellectual property rights and their behavior when using the creative works of others. This suggests that knowledge about ethics and intellectual property rights has a high level of effectiveness in preventing copyright infringement.

Keywords: Copyrights, infringement, ethics.

1 Introduction

Politeknik Negeri Media Kreatif (Polimedia) is a vocational higher education institution under the Ministry of Education, Culture, Research, and Technology of the Republic of Indonesia. This campus was established in 2008, focusing primarily on education in the creative industry. Polimedia has four departments: Communication, Design, Tourism, and Industrial Technology, with a total of 14 study programs beneath them. Diploma students must complete 6 semesters to graduate, while undergraduate students complete 8 semesters. At the end of each semester, both diploma and undergraduate students are required to create a final project in the form of a creative product accompanied by a final report. This is a mandatory requirement for obtaining a degree.

The products created must represent the creativity of the students and have market value. The goal is that the works not only fulfill graduation requirements but also become innovative products accepted in the industry. For example, in the Publishing program under the Communication department, nearly 98% of the final projects produced by students take the

form of books, including non-fiction and fiction works such as novels, children's stories, poetry, and other types. The creative ideas for these final projects stem from the students' imagination after reviewing existing works. Students then apply the model of observing, imitating, and modifying to create new works.

This process of creating works through the observe, imitate, and modify model has significant potential for copyright infringement. Essentially, ideas for a work can be sourced from anywhere, as long as the new creation has distinguishing elements from previous works. In addition to the creative work, students are also required to produce a final report detailing the scientific steps taken in the creation process. At this stage, students often engage in plagiarism of academic works from senior students. This has been indicated by an average similarity rate of over 25% in final project proposals before the final assessments are conducted.

One of Polimedia's missions is to "build and develop creative, innovative, competitive human resources with noble character and a sense of nationalism," which is realized through how students can create works with the principles of academic honesty and respect for copyright. Education fundamentally aims to produce human resources ready to work and compete in the business world. During this educational stage, students are introduced to various sciences, skills, and ethics to support both soft and hard skills. This is to prepare graduates in the best possible way according to the campus's mission. Therefore, any form of academic dishonesty during the learning process cannot be taken lightly or excluded. As a campus focused on the creative industry, Polimedia also aims to develop the creative industry business in Indonesia. Various sectors of the creative industry designated by the Indonesian government include the book publishing business. The current technological advancements also support the creativity of the publishing world, transitioning from print to digital forms. Certainly, the Publishing program at Polimedia is responsible for educating students to become more creative and competitive while upholding ethics and copyright.

The development of the creative industry, particularly in the publishing sector in this digital era, presents both challenges and opportunities. The opportunities include unlimited access that can be utilized by both consumers and producers and the relatively faster dissemination of information compared to conventional methods. However, on the other hand, digitization brings about new challenges, including the emergence of Artificial Intelligence (AI) and an increase in copyright infringement cases in Indonesia. Potential copyright violations in the publishing sector include book piracy, illegal distribution, and, in the academic realm, frequent occurrences of plagiarism or quoting without proper citation.

Sources of reference or ideas for creating works can come from anywhere and are now easily accessible due to technological advancements. During the creation process, being inspired by pre-existing works can lead to potential copyright violations in the form of plagiarism. Several factors contributing to the prevalence of piracy in Indonesia include: (1) the capital required to start a pirated business is lower than that for a legal business. Pirates only need to copy without the need for creative thinking; (2) public habits that prefer cheaper products and ignore whether those products are original or pirated; (3) the enforcement of copyright laws is not yet a top priority for law enforcement agencies in Indonesia. These three factors are interconnected, making it increasingly difficult to take legal action against piracy, which has even evolved into a new industry. The impact of piracy not only harms creative industry players but also harms the state. Revenue from taxes on the sale of creations will not be maximized. Therefore, efforts to enforce copyright protection must begin with society, creative industry players, and the government working together. Law No. 28 of 2014 on

Copyright, currently in effect, can serve as a repressive measure after copyright infringement has occurred.

Preventive measures need to be promoted to reduce copyright infringement. These preventive efforts, in the form of education, target consumers to raise awareness about choosing original works. The next target is creative industry players to uphold the values of fair competition and for creators to prioritize ethics in their work. The ethics in question involve avoiding dishonest activities in the creation process. Polimedia students, both as consumers and participants in the creative industry, need to enhance their awareness of the importance of work ethics and copyright protection. This is to avoid practices of observing, imitating, and modifying that may infringe on copyright, both in the preparation of final projects and in their future work.

Similar research was conducted in 2017 by Lilis Sulistyaningsih titled "Plagiarism: Prevention Efforts, Mitigation, and Solutions," published in the Scientific Library Journal. This research focused on the causes of plagiarism occurring in the academic environment and how to address it at Universitas Sebelas Maret in 2017. This differs from the focus and location of the current research. This study primarily aims to assess the effectiveness of efforts to prevent copyright infringement through education on work ethics among students at Politeknik Negeri Media Kreatif, specifically in the publishing program. Through this research, the researcher hopes to contribute suggestions and recommendations for preventing copyright infringement at Polimedia and in the creative industry. The goal of this research is to provide materials or a foundation for compiling a textbook on professional ethics and intellectual property rights, which includes principles and regulations regarding the implementation of intellectual property rights and guidelines for good work ethics for students.

2 Research Methods

This study employs a juridical-empirical method. The juridical-empirical method is a legal research approach that examines applicable legal provisions and real-world occurrences within society [1]. The aim is to gather facts to be used as research data, which are then analyzed to identify issues and ultimately provide solutions. Field data collection was conducted through a survey of 102 respondents from Polimedia, comprising students who had taken the professional ethics and intellectual property rights course, as well as those who had not. The survey questions focused on the relevance of ethics and intellectual property rights knowledge to respondents' behaviors when creating a work or purchasing a creative product. Additional data was gathered through literature reviews in the legal field, compiling relevant copyright regulations such as Law No. 28 of 2014 on Copyright in Indonesia. These legal provisions were then compared with societal conditions to analyze the gap between *das sollen* (what should be) and *das sein* (what is). Once the issues were identified, solutions were sought using a preventive approach in line with the study's objectives.

3 Result and Discussion

Indonesia ranks 54th out of 133 economies in the Global Innovation Index 2024 [2]. Compared to other Southeast Asian countries, such as Malaysia or Singapore, Indonesia's

rank is significantly lower. One parameter used in this ranking is intellectual property output, which higher education institutions help generate. Higher education institutions not only serve as learning centers but also as research institutions. With the abundance of universities in Indonesia, the country's GII ranking should ideally be higher. At Polimedia, for instance, students are required to create an innovative product as a graduation requirement. In the Publishing program, students must produce a work, typically a book. If their work meets copyright standards, it must be tangible, published, and, most importantly, original and personal to qualify for intellectual property rights protection. However, student projects are not automatically recognized as intellectual property because the "observe, imitate, and modify" approach used by some students necessitates a substance check to ensure no copyright infringement.

Intellectual property protection in Indonesia is still lacking. This is due to limited government commitment and the tendency of society to benefit from copyright infringements. Consumers have more affordable options through pirated or counterfeit goods, even though law and society are closely related. *Ubi societas ibi justitia* means "where there is society, there is law." Although law is designed to ensure justice and maintain order, when society consciously chooses to break the law for economic reasons, the relevance of the law comes into question.

Intellectual property protection in Indonesia is also influenced by international conventions and cultural characteristics. Law enforcement implementation often aligns with societal habits, despite Indonesia's civil law system. Countries with civil law systems maintain extensive, regularly updated legal codes specifying all matters eligible for court proceedings, applicable procedures, and punishments [3]. Nevertheless, given Indonesia's cultural traits, the evolution of legal theory in Indonesia also accounts for unwritten rules, norms, and societal values. Progressive law, proposed by Prof. Dr. Satjipto Rahardjo, S.H, emphasizes that law must consider social change and human behavior to achieve its purpose. Progressive law can be applied to copyright protection in Indonesia through a society-centered approach, promoting collaboration among the public, government, and law enforcement. The six key points of progressive law are (1) The ideal purpose of the law is to protect people; (2) The law resists the status quo and should not be a soulless technology but a moral institution; (3) The law aims to guide people toward a just, prosperous, and happy life; (4) Progressive law is "pro-people and pro-justice; (5) The fundamental assumption of progressive law is that it exists for humanity; (6) Law is a process, law in the making [4]. This progressive legal approach should be a catalyst for copyright enforcement in Indonesia, ensuring access to justice for the public.

3.1 Ethics and Morality in Copyrights

Plagiarism is morally wrong [5].. Copyright infringement not only causes economic harm but also violates the moral rights of creators. Polimedia students are expected to demonstrate the originality and personal nature of their work, even when using the "observe, imitate, and modify" approach. If a work retains similarities, whether partial or complete, with a previous creation, it falls into the category of plagiarism. During the proposal seminar stage, students are asked to explain the originality and individuality of their work as a preventive measure against copyright violations.

In this study, researchers surveyed respondents regarding copyright violations they may have committed. Survey results indicate that respondents cited cost savings and a lack of knowledge about copyright regulations as primary reasons for copyright infringement. As a developing country with uneven access to education and economic resources, many

Indonesians prioritize basic needs over the authenticity of products. Thus, financial considerations are a major factor in consumers' decisions to infringe on copyright. Furthermore, intellectual property education in Indonesian educational institutions has been limited, primarily focusing on law schools. However, the concept of copyright extends beyond legal issues, especially in the current digital age and within the creative industry.

Ethics refers to societal behavior patterns that embody positive values, influencing individuals' decisions before taking action. As a Pancasila-based nation, Indonesia upholds the values of the five Pancasila principles within its social framework. These principles are embedded in laws, customs, and informal practices. Law No. 28 of 2014 on Copyright embodies Pancasila, which serves as the foundation of the Copyright Law, incorporating the recognition of Moral Rights and Economic Rights [6].

Moral rights in copyright law are closely tied to ethical creative practices. To be protected under the Copyright Law, creators must ensure the originality of their work. Meanwhile, those wishing to use another's work must obtain the creator's permission. The process of using another's work involves both moral and economic rights, as regulated by copyright law. While ideas themselves are not protected by law, any realized work must have a distinctive, personal nature. This means that creators must adhere to moral and copyright standards throughout the creative process.

During the study, researchers distributed questionnaires to Polimedia students. The survey responses revealed four major types of copyright violations commonly committed by students.

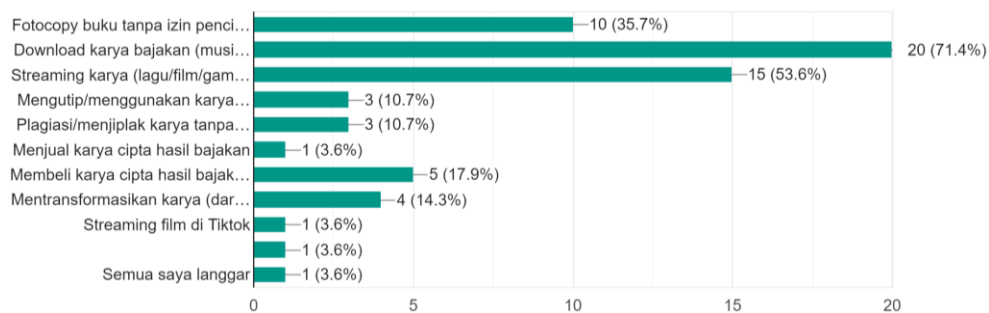


Fig.1. Diagram of types of copyright infringements

The survey responses indicate that copyright violations fall into four categories: (1) digital copyright infringement, such as downloading pirated works, streaming on illegal platforms, and converting digital works to print or vice versa; (2) duplication of copyrighted works without permission; (3) sale of pirated works; and (4) plagiarism of works.

Digitalization has had both positive and negative impacts. A primary negative impact is copyright infringement, as digital transactions can occur unrestricted by age, time, or location, making them difficult to monitor. Common forms of infringement in the digital era include illegal production and distribution of creative works, unauthorized streaming on illegal platforms, conversion between digital and print formats, and unauthorized modification or mutilation of original works that are then shared on social media. The prevalence of copyright violations indicates weak enforcement of copyright law in Indonesia.

3.2 Law Enforcement and Preventive Efforts in Copyright Infringement

Regarding copyright law enforcement in Indonesia, 48.7% of respondents indicated that it is suboptimal, 26.3% rated it as moderately optimal, 19.7% as less than optimal, and the remaining 5.3% stated that copyright law enforcement is fully optimal.

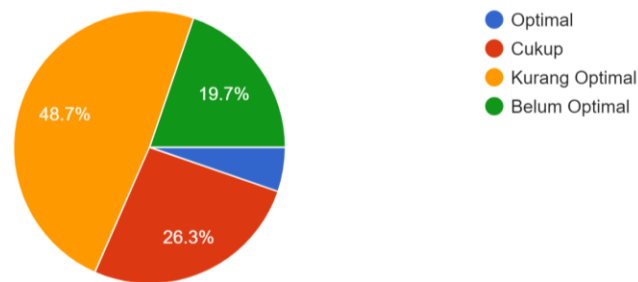


Fig.2. Copyright law enforcement diagram in Indonesia

Copyright law enforcement in Indonesia can be pursued through both criminal and civil channels. The current Copyright Law applies the principle of a *delik aduan* (complaint-based offense), meaning only the victim can report a copyright infringement offense. Here, the victim is the creator or copyright holder whose economic rights have been violated. Article 9 of the Copyright Law categorizes economic activities into nine types: (a) publication of works; (b) reproduction of works in all forms; (c) translation of works; (d) adaptation, arrangement, or transformation of works; (e) distribution of works or copies thereof; (f) performance of works; (g) announcement of works; (h) communication of works; and (i) rental of works. The subsequent clause states that "Any person engaging in the economic activities referred to in subsection (1) must obtain permission from the creator or copyright holder."

The legal consequences for copyright violations are outlined in Chapter XVII of the Copyright Law, which provides penalties including imprisonment and/or damages for violators. In addition to criminal and civil paths, the Copyright Law offers alternative dispute resolution mechanisms such as mediation, negotiation, or conciliation. These methods serve as repressive measures once a copyright violation has occurred.

Preventing copyright infringement can begin with early education. For example, higher education institutions have a responsibility to instill proper writing norms and standards in students to prevent plagiarism [7]. Respondents who had taken an intellectual property rights course were asked an additional question: "Has the knowledge of intellectual property rights education affected your thought process or decision when using/accessing someone else's work?"

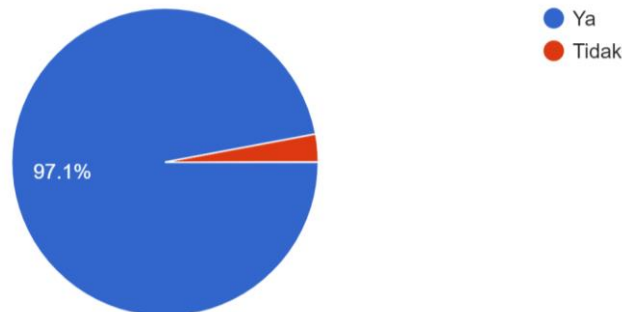


Fig.3. Diagram of the influence of IPR courses

Out of 102 respondents, 97.1% answered "Yes," indicating that education has influenced their actions when accessing a creative work, while 3.9% responded "No," meaning they still disregard whether their actions constitute a violation. If this level of education can be extended to the industry level, it is likely that copyright infringement in Indonesia can be reduced by shaping the mindset of both creative industry players and consumers.

4 Conclusion

Ethics and morality are closely linked to the implementation of intellectual property protection. Both consumers and creators in society have an obligation to respect the moral and economic rights of those in the creative industry. The practice of "observe, imitate, and modify" has a high potential for copyright infringement in the form of plagiarism, which violates both moral and economic rights. Copyright infringement can be addressed through preventive and repressive measures. Repressive measures focus on post-violation actions, using litigation and non-litigation channels. Preventive measures aim to stop infringements before they occur, which includes educating creative industry players, especially students, about copyright protection and ethical work practices.

A total of 97.1% of respondents indicated that their understanding of intellectual property rights influences their behavior to prevent copyright infringement. This awareness must be further developed through extensive education efforts in society regarding ethical work practices and copyright regulations, thereby reducing copyright infringement in Indonesia to minimal levels. At Polimedia, it is necessary to create a textbook on the implementation of ethics and intellectual property rights, which would help students understand the importance of respecting the moral and economic rights of creators.

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