

Legal Protection Against Re-Uploading Videos Without Permission According to Law No.28 Of 2014: Perspective Of Content Creators' Copyright

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Article Info	ABSTRACT
Keywords: Copyright Content creators Re-upload Legal protection	<p>The development of digital technology has created a new ecosystem for content creators, especially on platforms such as YouTube, Tiktok, Instagram, Tweeter, which allows them to spread their work while earning income. This phenomenon gave rise to a trend of content commercialization known as Creatornomics, where creators not only play the role of producers of creative works, but also as actors of the digital economy(Juriadi et al., 2021). Law Number 28 of 2014 concerning Copyright provides clear legal protection for creators, including moral rights and economic rights that arise automatically after the work is realized in real form. However, behind these economic opportunities arise serious challenges in the form of rampant copyright infringement, especially the re-uploading of content by other parties without permission for commercial gain which can be subject to criminal witnesses up to 7 years in prison or fines of up to Rp.5 billion according to applicable regulations(Rinka & Irianto, 2024). The analysis of the study states that even though legal protection has been comprehensively regulated, violations still often occur due to low legal awareness in the community and the lack of optimal law enforcement on digital platforms, so efforts to improve legal education for creators, the implementation of automatic detection systems such as Content ID, and the strengthening of regulations by the government and digital platforms so that copyright protection can run optimally. Thus Creatornomics opens up new economic opportunities for content creators, but also demands increased legal literacy, supervision, and collaboration between governments, digital platforms, and society to realize a fair and sustainable creative ecosystem.</p>
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INTRODUCTION

The development of information and communication technology in the current era is increasing rapidly, especially the existence of internet and social media platforms that open up opportunities for people to upload creative content to become content creators(Natanael, 2023). A Content Creator is someone who produces various types of content, whether it is videos, images, materials, and information that will usually be uploaded on platforms such as Facebook, TikTok, Youtube, Instagram, Twitter, Snapchat. This event is growing rapidly

around the world, including in Indonesia, which is increasing day by day and even reaching hundreds of millions of users, which makes the digital market for various types of creative content very potential(Hariri & Maharani, 2019).

The rapid development of information and communication technology has encouraged the birth of various digital platforms that allow people to create and distribute content widely, thus giving birth to new professions such as content creators. In the midst of this increase in creative activity, there is also the phenomenon of reuploading or reuploading content without permission, which is a serious problem because it harms the original creators both morally and economically. Although Indonesia already has regulations such as Law Number 28 of 2014 concerning Copyright which regulates the protection of copyrights, in practice the effectiveness of this law in tackling digital infringement such as reuploading is still questionable. This shows the urgent need to conduct a more in-depth and focused legal study to assess the extent to which existing legal protections are able to answer this question.

By 2024 there will be 139 million digital platform users in Indonesia, on average people use 7.8 digital media platforms every month:



Figure 1. Number of Indonesian Social Media Users 2024 (Source: slice.id)

Along with the rapid development of the content creator profession, the trend of commercialization of digital content has also increased significantly. Content creators now not only focus on the creative expression aspect, but also make their works a major source of income. Various monetization methods such as digital advertising, sponsorships, affiliates, and collaborations with well-known brands are commonly used strategies in building and expanding the commercial value of the content produced(Dzikrullah et al., 2021). This phenomenon is known as "Creatonomics", where a new economic ecosystem where creators are not only platform users, but also key figures that shape the digital market through personal branding and content innovation. But in the midst of this promising economic opportunity, content creators face serious challenges, especially related to legal protection for the digital works they produce. One of the main problems is the rampant copyright infringement such as unauthorized reuploading that has the potential to be financially

detrimental and damage the reputation of creators(Hak et al., 2025).

One of the challenges that often occurs is when someone else re-uploads content without permission from the original creator(Murdani et al., 2025). This act of uploading is usually done for commercial purposes, i.e. to profit from content that is not theirs. This activity causes both financial and moral losses to the original content creators because their rights are violated. Examples of cases faced by well-known YouTube channels such as Calon Sarjana and Enes Batur show how often unauthorized content uploads occur, which ultimately affects the revenue and reputation of the original creators(Natanael, 2023).

In the legal aspect, Law Number 28 of 2014 concerning Copyright guarantees the protection of works made by a person, including digital content created by creators. This rule gives creators special rights to publish, duplicate, and market their work. However, in reality, this protection has not been fully effective, as there are still many violations, especially on digital platforms that are open and difficult to closely monitor. In addition, legal protection for content creators is also related to the responsibility of digital platform operators not to provide unlawful content, following the regulations listed in the Regulation of the Minister of Communication and Information Number 13 of 2019(Rachman, 2023).

Reuploading other people's videos without permission or often called reuploading is a big problem that is often experienced by content creators in Indonesia, especially on platforms such as YouTube and TikTok. Although there is no official data on the number of cases, various reports show that this practice is quite common and can harm creators, both morally and financially(Neltje & Fitriana, 2023).

Awareness of the law among content creators and internet users is an important element in reducing copyright infringement. Despite the improvement in the understanding of copyright protection, there are still many unauthorized infringements, both intentional and unintentional, causing economic losses and problems in digital ethics. Therefore, an in-depth study of the laws surrounding video re-uploading and the commercialization of content created by creators is essential to provide a clear understanding of the legal protections available as well as effective law enforcement measures(Nata, 2025).

Seeing this background, this study aims to analyze the legal aspects of video re-uploading by content creators in Indonesia, especially in the context of commercialization. The main focus is on the protection provided by Law Number 28 of 2014 concerning Copyright. It is hoped that this research will be able to make a useful contribution theoretically and practically not only for content creators but also for digital platform developers and policymakers in creating a fair and healthy digital ecosystem. This explanation also includes the growth of content creators, the issue of unauthorized re-uploading, as well as the relevance and challenges faced in legal protection under Law No. 28 of 2014, resulting in a comprehensive and easy-to-understand background(Vidio, 2022).

METHOD

This study uses a qualitative method with a literature study approach. Data was obtained from various secondary sources in the form of literature, laws and regulations, scientific articles, journals, and news relevant to the topic of content creators' commercialization and

legal aspects of video uploading. To ensure the relevance of the data to the latest developments, the sources used are limited to the period of the last few years. The analysis was carried out descriptively to explain the phenomenon that occurred, identify legal problems, and assess the effectiveness of the protection provided by Law Number 28 of 2014 concerning copyright. In addition, this study also examines the challenges in law enforcement and protection efforts that can be applied by content creators and digital platform managers in developing protection strategies.

RESULTS AND DISCUSSION

What are the legal rules in Law Number 28 of 2014 concerning Copyright which regulates the re-uploading of videos belonging to content creators by other parties?

Regulations regarding the re-uploading of videos in the context of copyright law are regulated in Law Number 28 of 2014 concerning Copyright (UUHC). Based on Article 40 paragraph (1) letter m of the UUHC, cinematographic works, including videos, are part of protected works. This means that videos created by a content creator are automatically copyrighted without having to be registered. This protection applies since the work is manifested in real form, both in the form of publication through media such as YouTube and other digital media (Siregar et al., 2024).

The act of re-uploading videos without the creator's permission is a copyright violation as stipulated in the UUHC. In this case, infringement occurs due to the use, duplication, or dissemination of another person's copyrighted work without the written permission of the creator or copyright holder. In addition to violating the economic rights of the creator, re-uploading can also violate moral rights, namely the creator's right to be recognized as the creator of the work and to prevent distortion or mutilation of the work.

According to Article 9 paragraph (1) of the UUHC, only the creator or copyright holder has the right to announce or reproduce the work. Other parties who wish to use the work must obtain written permission. If the video is reuploaded without permission, the reupload perpetrator may be subject to criminal or civil sanctions based on the provisions of the UUHC. This criminal provision is listed in Article 113 of the UUHC, which stipulates that copyright infringement can be threatened with imprisonment for a maximum of 10 (ten) years and/or a maximum fine of IDR 4,000,000,000.00.

In the context of YouTube, the Content ID system is an automated tool for detecting unauthorized use of copyrighted works. If a video that has been registered to Content ID is detected to be uploaded by another party, the copyright owner can claim the rights to the video. However, Content ID can't fully guarantee protection without first registration by the creator. Therefore, the first step for creators is to register their content to get stronger protection administratively (Alfandi & Kansil., 2022).

The Law also regulates exceptions that grant permission to use copyrighted works without consent under certain conditions such as for the purposes of education, research, or criticism as long as the source is stated in full (Article 44 of the Law). However, re-uploading videos for personal gain or monetization on YouTube is definitely not included in this exception. Thus, the act of re-uploading videos belonging to other parties for commercial

purposes remains a copyright infringement.

From the aspect of moral rights, Article 5 of the UUHC emphasizes that creators have the right to include names, maintain the integrity of their creations, and refuse distortions of their creations. If in the practice of re-uploading the video, the name of the original creator is omitted or changed, then a violation of moral rights also occurs. This aggravates the violations committed by the party who re-uploads the video without permission (Januartha & Widiantara, 2024).

In practice, creators whose videos are reuploaded can take the administrative route by reporting infringement to YouTube using a takedown mechanism under the Digital Millennium Copyright Act (DMCA) or YouTube's internal provisions. If it is not resolved, the creator is allowed to take legal action through the commercial court in Indonesia to claim compensation or restoration of rights (Oka Sugiadnyana & Bagus Suryawan, 2024).

Recent studies show that the motivation of reuploaders is usually to profit from YouTube monetization, which is clearly a violation of the economic rights of creators. In addition, many reuploaders perform minor manipulations of videos, such as changing the duration or adding small elements, to trick the Content ID system. However, this still does not remove the element of copyright infringement, as the core of the uploaded work is still sourced from the original creator.

As a preventive measure, creators need to register their works in the form of videos to the Directorate General of Intellectual Property (DJKI) for legal protection in order to obtain a certificate of registration of their creations. This registration is not mandatory, but it is very helpful in the process of appointing evidence in court when there is a legal conflict. Also, joining a collective copyright management institution can also strengthen the protection and management of economic rights more optimally.

Overall, the legal provisions in Law Number 28 of 2014 provide strong protection for creators from the practice of re-uploading without permission. However, in its implementation, public legal awareness and the ability to enforce these rights remain a major challenge. Therefore, both creators and content connoisseurs on digital platforms need to understand and respect copyright to create a healthy and fair digital ecosystem (Zahra et al., 2023).

What is the legal application to the act of reuploading video content creators for commercial purposes without permission according to Law No. 28 of 2014, then How does the legal system provide protection to content creators?

The application of the law to the act of reuploading videos belonging to content creators for commercial purposes without consent is strictly regulated in Law Number 28 of 2014 concerning Copyright (UUHC). Videos made by a content creator are categorized as cinematographic works, as mentioned in Article 40 paragraph (1) letter m of the UUHC, which is protected as a creation. Any reproduction, broadcasting, announcement, or redistribution of a video without the consent of the creator or copyright holder is a violation of the rights to exclusivity owned by the creator. If someone re-uploads a creator's video for commercial purposes for example to earn revenue from ads (AdSense) on YouTube, then this action constitutes an infringement of the creator's economic rights. Based on Article 8 of the UUHC,

economic rights include the right to announce, reproduce, translate, adapt, and distribute works. Without permission, all uses involving the economic potential of the work are violations of economic rights (Dewi Putri Wibowo et al., 2024).

The Law regulates strict legal consequences for these violations. Based on Article 113 paragraph (3) of the UUHC, any person who intentionally and without rights infringes copyright for commercial purposes, can be sentenced to a maximum of 10 (ten) years in prison and/or a maximum fine of Rp4,000,000,000.00 (four billion rupiah). This suggests that infringement of copyright, particularly for the purpose of making a profit, is seen as a serious crime.

In addition to criminal sanctions, creators can also take civil action to demand compensation or financial losses arising from copyright infringement. Based on Article 96 and Article 97 of the UUHC, the creator or copyright holder has the right to file a civil lawsuit with the Commercial Court to demand the termination of infringement and/or seek compensation for unauthorized use.

Legal protection for content creators that includes personal rights and the right to obtain economic benefits recognized by the law. Moral rights as stipulated in Article 5 of the UUHC guarantee the right of creators to remain recognized as the creator of the work and protect the work from distortion, mutilation, or alteration that may harm its honor or reputation. Violations of this moral right can also be prosecuted legally separately from economic rights.

To optimize protection, content creators are advised to register their creations at the Directorate General of Intellectual Property (DJKI). Without the need for registration, copyright has been valid since the creation is realized (declarative principle), this recording will provide strong evidence in proving in the event of a dispute in the future. Recording is not a condition of protection, but it greatly facilitates legal remedies (Yumay, 2023).

In practice, on platforms like YouTube, there are mechanisms like Content ID that allow creators to register their content to be automatically protected. If a video registered in Content ID is uploaded by another party, the system can detect the violation, and the creator can choose to remove the video, block it, or take revenue from the video. This is an additional form of technology-based protection in addition to formal legal protection.

However, not all creators register their work with Content ID. Therefore, if a reupload occurs and the creator experiences a copyright violation, the individual can report it as a copyright strike to the platform to request the removal of the content. If this report is not responded to or violations continue to occur, the creator can immediately take the case to litigation.

With a combination of legal protection under the UUHC and platform technology such as Content ID, content creators now have a fairly robust protection mechanism. However, challenges remain, such as the length of court proceedings, the cost of enforcement, and the complexity of proof, especially in cases of cross-border violations. Therefore, educating content creators about their rights is essential to encourage more effective protection (Development, 2024).

Overall, the act of reuploading a creator's video content with commercial intent without permission is a serious violation of copyright according to the Law and can be subject to

severe sanctions. Legal protection is available through criminal, civil, and digital platform-based protection. By understanding and using all of these avenues, content creators can protect their work from abuse and still earn decent economic and moral rights (Sari et al., 2023).

CONCLUSION

This study aims to analyze the legal protection of the practice of reuploading videos belonging to unlicensed content creators in the context of commercialization in Indonesia. The results of the study show that although Law Number 28 of 2014 concerning Copyright has provided strict legal protection for cinematographic works, including digital videos, the practice of copyright infringement such as reuploading is still rampant. This is due to the weak legal awareness of the public, the difficulty of the proof process, and the lack of optimal law enforcement in the digital realm. Technological mechanisms such as Content ID and recording works to DJKI are indeed able to be a comprehensive solution. Therefore, collaboration between governments, healthy digital platforms. For further research, it is recommended to focus on the effectiveness of the same work between digital platforms and legal authorities, as well as comparative studies with copyright protection practices in other countries as a basis for strengthening adaptive and contextual policies on the dynamics of the digital creative industry.

SUGGESTION

To create a fair digital ecosystem and protect the rights of content creators, collaboration between governments, digital platforms, and society is needed. The government needs to strengthen regulations and law enforcement related to copyright infringement, while platforms like YouTube should improve oversight mechanisms through systems such as Content ID. On the other hand, content creators are advised to register their work with the Directorate General of Intellectual Property (DJKI) and understand the legal rights they have. Massive legal education is also important to increase the awareness of digital users on the importance of respecting intellectual property rights, so that violations such as unauthorized re-uploads can be minimized.

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