

Juridical Analysis of Copyright Ownership of Images Produced by Artificial Intelligence Under Law Number 28 of 2014 on Copyright

Asyrafil mahdi¹, Febri Handayani², Nabil Naufal³, Agustra Randa⁴, Dany Pratama Putra⁵, Leano Seven⁶

Syari'ah dan Hukum, Universitas Islam Negeri Sultan Syarif Kasim Riau, Pekanbaru, Indonesia

Email : 12320710169@students.uin-suska.ac.id¹, febri.handayani@uin-suska.ac.id², 12320711288@students.uin-suska.ac.id³, 12320714586@students.uin-suska.ac.id⁴, 12320713187@students.uin-suska.ac.id⁵, 12320710938@students.uin-suska.ac.id⁶

Artwork in the form of images is a type of creation that receives legal protection as regulated under Article 40 of Law Number 28 of 2014 on Copyright. However, the advancement of Artificial Intelligence (AI) technology capable of producing images based on user prompts raises new issues regarding the recognition of copyright ownership over works produced by AI systems. This research aims to analyze whether images produced through Artificial Intelligence can be recognized as objects of copyright protection under the Copyright Law, as well as to examine the extent of user ownership over images produced by AI. Furthermore, to prevent future legal uncertainty, this research will also discuss the urgency for the Indonesian government, through the Directorate General of Intellectual Property (DJKI), to amend the Copyright Law so that it can better adapt to the developments of AI.

Keywords: Copyright, Images, Artificial Intelligence, Ownership.

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Corresponding Author:

Asyrafil mahdi
Universitas Islam Negeri Sultan Syarif Kasim Riau
12320710169@students.uin-suska.ac.id

1. Introduction

The development of Artificial Intelligence technology has significantly influenced the manner in which creative works are produced. The term intelligence is rooted in the Latin term *intellegio*, which means "I understand." In essence, intelligence describes the ability to comprehend and to act. Meanwhile, the word artificial is defined as something that is made by humans or not natural[1].

Artificial Intelligence is a technology that replicates human intelligence and is capable of performing tasks that are typically carried out by humans. It is a computer system that can learn from data and apply that knowledge to accomplish various tasks. As Artificial Intelligence develops rapidly across numerous fields, it has become an increasingly critical topic. Regarding this matter, due to the swift advancement of Artificial Intelligence, several legal experts argue that works produced by Artificial Intelligence are entitled to intellectual property rights because their creations fall heavily within the scope of intellectual property, even exceeding human creations[2].

Significantly, Artificial Intelligence brings about changes to technological and digital developments in almost all spheres, including creative industries such as art, music, and digital game design. Artificial Intelligence was created to simulate human behavior and thinking so that it can perform various tasks that should only be done by humans, including the process of creating creative works[3]. Artificial Intelligence is now capable of producing content such as text, visual designs, video, and programming[4].

In the legal context, copyright as one of the branches of intellectual property rights has legal regulations governing its protection, namely under Law of the Republic of Indonesia Number 28 of 2014 on Copyright. Pursuant to Article 1 number 1 of the Copyright Law, copyright is defined as an exclusive right of the creator

that arises automatically based on the declarative principle after a creation is manifested in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations[5]. Based on this matter, various works created by humans only receive legal protection if they have been manifested as a tangible creation or an expression work, which can be seen, read, heard, and so forth. Furthermore, Article 40 of the Copyright Law states that the types of protected creations under the Copyright Law are science, art, and literature.

The objective of this research is to analyze and examine the extent to which artworks, specifically images produced through Artificial Intelligence technology, can obtain copyright recognition under Indonesian legal provisions. Additionally, this study aims to investigate the form of legal protection for Artificial Intelligence based artworks in the event of copyright infringement, as well as to assess the compatibility of existing regulations with modern technological developments. The significance of this research is expected to provide an academic contribution by enriching legal literature regarding the relationship between Artificial Intelligence technology and intellectual property rights, particularly copyright.

2. Literature Review and Problem Statement

Studies regarding copyright protection for works produced by Artificial Intelligence have become a crucial focus in the reform of intellectual property law in Indonesia. Several previous researchers have conducted juridical analyses regarding the legal standing of these Artificial Intelligence based works. Among others, a study conducted by Intan Puspita Sari and Mochammad Calvin Putra Haryadi (2025) in their article entitled "Legal Protection of Digital Works in the AI Era: Copyright Analysis in Content Produced by Artificial Intelligence." Furthermore, Ahmad Arifin, Ajmal Nazirul Mubiin, Bagus Adek Setyanto, and Ikhwan Aulia Fatahillah (2025) through their research entitled "JURIDICAL ANALYSIS OF COPYRIGHT TO USERS FOR WORKS PRODUCED BY GENERATIVE ARTIFICIAL INTELLIGENCE IN INDONESIA." Additionally, Sy. Muhammad Ikhsan, Ismawartati, Dina Karlina, Devina Puspita Sari, and Alifah Nur Fitriana Naridha (2025) in their study entitled "Juridical Analysis of the Rights of Creators of Works Assisted by AI (Artificial Intelligence) in Fulfilling the Needs of Copyright Law Reform." In this study, the author focuses on analyzing whether an artwork, in the form of images produced by a person using Artificial Intelligence, can be recognized for its copyright under Law Number 28 of 2014 on Copyright, as well as how copyright protection operates for infringements of artworks produced through Artificial Intelligence.

The use of this technology has complex ethical implications and questions[6]. The main issues that arise are the ownership of works, the fair use of licenses, and the modification or adaptation of works trained using data that possesses intellectual property rights. The application of ownership principles to Artificial Intelligence also poses challenges when viewed under Article 570 of the Indonesian Civil Code, which requires full control and utilization over an object. This condition makes the principle of ownership difficult to apply to works produced through nonhuman systems such as Artificial Intelligence. Artificial Intelligence technology complicates copyright, and protection in the digital era requires a more modern approach to provide legal certainty to exclusive rights holders[7].

3. Method

The author utilizes a normative juridical method, which focuses on the examination of legal materials. These materials encompass scientific literature, previous research findings, and various regulations, specifically Law Number 28 of 2014 on Copyright, while also examining other legal rules such as Law Number 11 of 2008 on Electronic Information and Transactions along with its amendments, Law Number 27 of 2022 on Personal Data Protection, and principles within civil law relating to legal subjects and the ownership of

intangible assets. Data collection is conducted using library research techniques, namely through the process of searching, reading, and analyzing sources that can address the issues under investigation. Furthermore, the obtained data is processed and systematically structured so that it can subsequently be analyzed to examine how the principle of ownership in copyright is applied to works produced by Artificial Intelligence.

4. Results And Discussion

The Legal Standing of Works Produced by Artificial Intelligence from the Perspective of Copyright Law

The development of Artificial Intelligence technology introduces a new debate within the field of intellectual property law regarding the recognition of works produced by such technology. Law Number 28 of 2014 on Copyright in principle has provided a foundation for legal protection for copyright holders. Under the Law, the protection provided encompasses fine art works, including images, as asserted in Article 40 paragraph 1 letter f of the Copyright Law. This article demonstrates that the definition of "images" includes motifs, diagrams, sketches, logos, color elements, and beautiful letter forms[8]. Copyright law provides a sufficiently broad space of protection for visual works as long as they fulfill the elements of a valid creation according to the law.

Nevertheless, copyright law does not provide protection for ideas that remain abstract and have not been manifested in a tangible form[9]. In the context of image artworks, protection only arises when the work has been expressed concretely so that its existence can be seen or perceived. This is in accordance with Article 1 paragraph 3 of the Copyright Law which states, "A Creation is any copyrighted work in the fields of science, art, and literature produced from inspiration, ability, thought, imagination, dexterity, skill, or expertise expressed in a tangible form."

Images produced through Artificial Intelligence Image Generator technology are fundamentally created through an algorithm based data processing mechanism. The system functions by analyzing various visual elements from a collection of images used as a dataset, then learning specific visual patterns, shapes, colors, and characters to produce a new image in accordance with the command or text description entered by the user into the Artificial Intelligence platform. Through this process, the Artificial Intelligence system is capable of producing visual works that appear to resemble the results of human creativity. When linked to the provisions of Article 1 number 3 of the Copyright Law, the resulting images produced through the use of Artificial Intelligence can be viewed as a form of creation because they have been manifested in a tangible form and can be seen concretely.

Artificial Intelligence is more accurately understood as a means or a tool in producing visual works, rather than as a legal subject. Therefore, Artificial Intelligence cannot be positioned as a party that possesses legal rights or responsibilities like humans. This standing also affects the issue of legal liability if a violation related to the use of Artificial Intelligence technology arises in the future. Consequently, image artworks produced through the assistance of Artificial Intelligence remain connected to humans as the party utilizing or operating the system.

The Ownership Status of Users over Works Produced by Artificial Intelligence

The legal status of users in utilizing Artificial Intelligence also raises complex issues within copyright law. The user is the human party who generally only provides commands or specific prompts so that the Artificial Intelligence system produces a work[10]. This position differs from that of a creator within the definition of copyright law, which requires intellectual contribution and direct creative involvement in the process of creating a work. The relationship between the user and the Artificial Intelligence output still leaves a debate

regarding whether the contribution provided is sufficient to establish copyright ownership under applicable legal provisions.

Copyright law in Indonesia is fundamentally built upon the concept that the creator must be a human who brings forth a work with unique and personal criteria. This is in accordance with Article 1 number 2 of the Copyright Law which states that a creator is "a person or several persons who individually or jointly create a work that is unique and personal." This formulation indicates that a work is closely related to human expression, creativity, and individual character in its creation process.

Human involvement in the utilization of Artificial Intelligence can influence the assessment regarding the legal status of the produced works[11]. If a human plays an active role in providing instructions or commands to the working process of Artificial Intelligence, the resulting output has the potential to be considered for copyright protection. In practice, the use of Generative Artificial Intelligence platforms such as Midjourney allows users to input prompts or specific commands that will influence the final form of the produced work. The existence of these instructions shows human intervention in determining the concept, style, and creative direction of the Artificial Intelligence work. In other words, Artificial Intelligence does not work completely independently, but rather executes processes based on commands specified by the user. Therefore, if human involvement in the creative process can be proven, the work produced through the assistance of Artificial Intelligence can be viewed as possessing elements of human creativity, thereby potentially qualifying to obtain copyright ownership status.

Conversely, if a work is produced entirely by an Artificial Intelligence system without any human creative involvement, then the work is difficult to categorize as an original creation. In such conditions, Artificial Intelligence works automatically without creative direction or personal expression from humans. Consequently, the resulting output does not reflect the element of originality which has been the main foundation in copyright protection.

Works produced by Artificial Intelligence without fulfilling the element of originality or without human involvement can be considered under the category of public domain works. Works considered public domain do not obtain copyright protection so that their use can be carried out freely by anyone without being deemed a violation of copyright law. This condition arises due to the absence of a legal subject that can be recognized as a creator within the definition of copyright law.

In addition to the issue concerning creator status, the utilization of Artificial Intelligence technology must still comply with laws relating to the use of data and electronic information. Under Article 25 paragraph 1 of the Electronic Information and Transactions Law, it is asserted that every person is prohibited from utilizing electronic information or electronic documents belonging to other parties without authorization. Furthermore, the Personal Data Protection Law also emphasizes the obligation of data controllers to ensure that data utilization is carried out lawfully and with the necessary consent. These articles should be taken into account by Artificial Intelligence users, particularly because the process of generating images by Artificial Intelligence generally involves vast datasets that potentially contain works belonging to other parties.

Furthermore, the legal relationship between the user and the Artificial Intelligence service provider must also be considered. This relationship is generally regulated through contractual agreements containing the terms and conditions of Artificial Intelligence utilization. In practice, each Artificial Intelligence service provider has a different policy regarding the exploitation of their Artificial Intelligence works. Some Artificial Intelligence service providers grant limited rights to use their Artificial Intelligence, depending on the type of subscription or service used by the user. For instance, Artificial Intelligence service providers such as OpenAI, Deep Dream Generator, and Midjourney have their respective provisions concerning the use of

Artificial Intelligence works. On Deep Dream Generator for example, commercial use rights are only granted to users who subscribe to the premium package. Meanwhile, OpenAI as the service provider for ChatGPT and DALL E grants recognition that the user possesses commercial and personal rights over works produced through the use of its services. These provisions are stated in the Terms of Use which declare that the user can utilize the Artificial Intelligence output, provided that its use does not conflict with the law or violate the rights of third parties. Because Artificial Intelligence is not recognized as a legal subject, humans or users can still obtain the right to exploit the Artificial Intelligence output based on the contractual relationship with the Artificial Intelligence service provider.

The Urgency of Amending the Copyright Law Regarding Image Works Created by Artificial Intelligence

The rapid development of Artificial Intelligence technology has presented new challenges within the copyright protection system in Indonesia. The presence of Artificial Intelligence capable of producing various forms of work raises questions concerning how copyright law must adapt to these technological changes. Therefore, regulations regarding copyright over works produced by Artificial Intelligence become an increasingly important issue to be discussed.

The view regarding the importance of such regulations was also conveyed by Brad Smith who is the President of Microsoft, stating:[12] "Intelligence technology raises issues that lie at the heart of human rights protection such as privacy and freedom of expression. These issues increase the responsibility for technology companies that create these products. In our view, this also requires wise government regulation and the development of norms surrounding acceptable use."

Based on the explanation above, legal reform measures capable of adapting copyright regulations to the development of Artificial Intelligence technology are required. The government needs to conduct a review of the provisions in the Copyright Law so that there is legal certainty regarding the status of works produced through Artificial Intelligence systems. This regulation is important to provide clarity concerning the party that can be recognized as holding rights over the Artificial Intelligence output, while simultaneously avoiding a legal vacuum amid the rapid advancement of Artificial Intelligence technology.

In Indonesia, there is a case of copyright infringement regarding the use of Artificial Intelligence due to a legal vacuum related to the protection and utilization of Artificial Intelligence. The character "Tung Tung Sahur" created by an Artificial Intelligence creator was used by the Garena company in the game Free Fire without the consent of the original creator. Although the character was made through an artificial intelligence based generator system, human involvement remained in its creative process, starting from the formulation of ideas, narrative development, determination of visual concepts, to the arrangement of prompts used to produce the character. This contribution can fundamentally be viewed as a form of human intellectual expression in the process of creating a work. This case serves as an example demonstrating the lack of clarity in legal regulations toward works produced with the assistance of Artificial Intelligence technology. Consequently, works whose formation process involves artificial intelligence still reside within a legal area that does not yet possess clear protection certainty.

In response to this matter, the Minister of Communication and Information Technology, based on the Circular Letter of the Minister of Communication and Information Technology Number 9 of 2023 on Artificial Intelligence Ethics, stated that the utilization of the character "Tung Tung Sahur" by Garena without the consent or involvement of the original creator potentially raises ethical issues in the utilization of Artificial Intelligence technology, for the following reasons[13]:

a. When examined based on the Principle of Humanity, the action of Garena can be viewed as failing to respect the moral rights of the human creator, namely the right to be recognized as the creator of the

produced work. Although the character was created with the assistance of Artificial Intelligence, human involvement possesses significant value in the creation process. The disregard for such creative contribution contradicts the principle of humanity which positions humans as the primary subject in the utilization of technology.

b. When viewed from the Principle of Transparency, the utilization of the character without openness of information regarding the origin of the work or the involvement of the original creator demonstrates a practice that lacks transparency. Transparency is important in order to maintain respect for the values of honesty and accountability within the content creation process.

c. From the perspective of intellectual property principles, the utilization of Artificial Intelligence in the creation process does not automatically eliminate the inherent rights of humans if the human creative element remains dominant in the work. Ideas, designs, visual concepts, and narratives originating from humans can still be viewed as forms of intellectual contribution that possess legal protection value. Therefore, the utilization of the work for commercial purposes without permission from the party contributing to its creation potentially disregards the principle of intellectual property rights protection, specifically the moral right of the creator to have their creation recognized.

Legal reform regarding copyright over works produced by Artificial Intelligence can be formulated by considering international practice developments in viewing Artificial Intelligence based works. One approach that can be considered is the application of the legal concept of the work made for hire doctrine[14]. According to this doctrine, the rights over a work can be granted to the party who employs, controls, or holds the primary role in the creation process of the work produced through the Artificial Intelligence system. This approach has been implemented in a number of developed countries as an effort to address the issue of copyright ownership within modern technological developments, particularly over works created by Artificial Intelligence.

Furthermore, Indonesia also needs to take into account the practices applied in various countries. A number of nations have developed different approaches in regulating legal protection for works produced by computers or Artificial Intelligence systems. In the United Kingdom, for instance, works produced by computer systems are still capable of obtaining copyright protection as long as they fulfill certain originality elements, and under specific conditions, the software developer can be positioned as the party deemed to have created the work. Meanwhile, the approach implemented in the European Union region tends to place more emphasis on human involvement in the creation process of a work[15]. Within that system, copyright protection in principle is only granted if there is a tangible human intellectual contribution or personal expression in the creative process. Therefore, in addition to reforming the Copyright Law, the government also needs to consider the enactment of specific legislation regulating the utilization of artificial intelligence[16].

5. Conclusion

Based on the analysis above, within the copyright law system in Indonesia, recognition of copyright is fundamentally only granted to humans as legal subjects. Consequently, image works produced entirely by Artificial Intelligence cannot yet be directly qualified as creations that obtain protection under Law Number 28 of 2014 on Copyright. Although Artificial Intelligence technology is capable of producing various forms of work automatically, the existence of copyright remains highly dependent on the presence or absence of human involvement in bringing the work forth.

In practice, the greater the human creative contribution to the process of utilizing Artificial Intelligence in the form of commands or prompts, the more open the possibility of copyright recognition for the resulting

output becomes. Conversely, if the created image work occurs entirely through an automatic process without human creative intervention, the basis for claiming copyright ownership becomes weak. To date, Indonesia does not yet possess specific regulations that comprehensively govern the legal status of works produced by Artificial Intelligence, so the issues regarding ownership, protection, and legal liability over Artificial Intelligence based works still leave room for uncertainty.

To prevent the emergence of legal uncertainty in the future, the Indonesian government through the Directorate General of Intellectual Property needs to immediately reform the Copyright Law to be more capable of adapting to the developments of Artificial Intelligence. This reform becomes essential because the currently applicable legal system does not yet fully provide clarity regarding the legal status of works produced through Artificial Intelligence technology. Therefore, more responsive regulations are required so that copyright law remains relevant amid technological developments that continue to move rapidly.

6. References

- [1] Sihombing, E. NAM, and M. Y. A. Syaputra, "Implementasi penggunaan kecerdasan buatan dalam pembentukan peraturan daerah.," *J. Ilm. Kebijak. Huk.*, 2020.
- [2] R. A. G. Nugrahani, "Pengaruh Teknologi Terhadap Kepemilikan Hak Kekayaan Intelektual: The Influence of Technology on Intellectual Property Ownership," *J. Huk. PRIORIS*, p. 196, 2023.
- [3] Astutik, E. Puji, N. A. Ayuni, and A. M. Putri, "Artificial intelligence: Dampak pergeseran pemanfaatan kecerdasan manusia dengan kecerdasan buatan bagi dunia pendidikan di Indonesia," *Sindoro Cendikia Pendidik.*, 2023.
- [4] Begemann, Andrew, and J. Hutson, "Navigating copyright in AI-enhanced game design: Legal challenges in multimodal and dynamic content creation," *J. Inf. Econ.*, 2025.
- [5] R. S. Mahendra, "Analisis Hukum Lagu Ciptaan Kecerdasan Buatan Dalam Penggunaan Komersial Berdasarkan Hak Kekayaan Intelektual Di Indonesia.," *Fairness Justice J. Ilm. Ilmu Huk.*, 2023.
- [6] S. Rifky *et al.*, *Artificial intelligence: Teori dan penerapan AI di berbagai bidang*. PT. Sonpedia Publishing Indonesia., 2024.
- [7] M. A. Mukhasibi and S. Widodo, "Analisis Prinsip Ownership Hak Cipta Terhadap Karya Hasil Artificial Intelligence (AI) Dalam Perspektif Hukum Positif," *J. Serambi Huk.*, vol. 18, no. 02, pp. 297–307, 2025.
- [8] B. B. Sinaga, "Rekognisi Hak Cipta atas Karya Seni Gambar yang Dihasilkan Melalui Artificial Intelligence Berdasarkan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta Copyright Recognition of Image Artworks Produced Through Artificial Intelligence Based on Law No . 2," *J. Huk. Positum*, vol. 9, no. 2, pp. 291–305, 2024.
- [9] and A. P. Harris, Freddy, Daulat P. Silitonga, "Modul Kekayaan Intelektual Tingkat Dasar Bidang Hak Cipta," *Modul Kekayaan Intelekt. 9*, 2020.
- [10] J. J. Wangsa and K. F. Fortunata, "Impact of Artificial Intelligence on Intellectual Property Rights in Indonesia," *Anthol. Insid. Intellect. Prop. Rights*, pp. 52–71, 2023.
- [11] A. N. Mubiin and B. A. Setyanto, "ANALISIS YURIDIS HAK CIPTA KEPADA USER ATAS KARYA HASIL GENERATIVE ARTIFICIAL INTELLIGENCE DI INDONESIA," *At-Tanwir Law Rev.*, pp. 412–427.
- [12] B. Raharjo, *Teori etika dalam kecerdasan buatan (AI)*. Semarang: Penerbit Yayasan Prima Agus Teknik, 2023.
- [13] A. N. F. N. Sy. Muhammad Ikhsan, Ismawartati, Dina Karlina, Devina Puspita Sari, "Analisis Yuridis Atas Hak Pencipta Karya Berbantuan Ai (Artificial Intelligence) Dalam Pemenuhan Kebutuhan Reformasi Undang-Undang Hak Cipta," *RIO LAW J.* 6, 2025.
- [14] I. M. Achmadi, A. T. Kamila, and F. Angelina, "Penegakan Perlindungan Hak Cipta Bagi Karya Buatan Artificial Intelligence Menggunakan Doktrin Work Made For Hire," *Anthol. Insid. Intellect. Prop. Rights*, Juridical Analysis of Copyright Ownership of Images Produced by Artificial Intelligence Under Law Number 28 of 2014 on Copyright. Asyrafil mahdi et.al

no. April, pp. 1–23, 2024.

- [15] H. H. Fadilla, Alya Nur, Putri Munadiyah Ramadhani, “Problematika Penggunaan AI (Artificial Intellegence) di Bidang Ilustrasi: AI VS Artist,” *CITRAWIRA J. Advert. Vis. Commun.*, 2023.
- [16] I. P. Sari and M. C. P. Haryadi, “Perlindungan Hukum Terhadap Karya Digital di Era AI : Analisis Hak Cipta Dalam Konten yang Dihasilkan Oleh Kecerdasan Buatan,” *J. Huk. dan HAM Wara Sains*, vol. 04, no. 02, pp. 257–266, 2025.