

Implementation of Legal Protection Regarding Copyright for Works of Painting

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In Indonesia, works of art are protected by Law Number 28 of 2014 concerning Copyright (Law 28/2014), which regulates the exclusive rights of creators, including moral rights and economic rights. This protection applies automatically without the need for registration, although registration with the Directorate General of Intellectual Property (DJKI) remains important as proof of legal ownership. This study aims to analyze the legal protection policy for paintings in Indonesia. Paintings are a form of creative expression with high economic and cultural value. However, paintings are also vulnerable to copyright infringement, necessitating effective legal protection. This study uses a normative legal research method with a legal policy analysis approach. The data used in this study are secondary data obtained from legal sources, such as Law Number 28 of 2014 concerning Copyright, government regulations, and court decisions. The results indicate that the legal protection policy for paintings in Indonesia is regulated by Law Number 28 of 2014 concerning Copyright. This law provides legal protection to creators of works of art regarding their economic and moral rights. However, the lack of awareness and knowledge about copyright among artists and the general public are some of the factors that contribute to the ineffectiveness of this policy. Furthermore, the costs of copyright registration are excessively high. Based on the research findings, the author recommends several things: (1) increasing awareness and knowledge about copyright among artists and the general public through education and training; (2) promptly registering works of art with the Directorate General of Intellectual Property Rights (DJKI) to ensure stronger legal protection and evidence in the event of a copyright dispute; (3) including watermarks on works of art as identification to prevent plagiarism. Therefore, this research is expected to contribute to improving legal protection regarding copyright for works of art in Indonesia.

Keywords: Protection, Copyright, Painting.

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1. Introduction

Indonesia possesses abundant cultural diversity that has become one of the nation's strategic intellectual assets. Works of art, including paintings, constitute intellectual creations that embody creativity, originality, and artistic expression while simultaneously possessing economic and cultural value. Under Law Number 28 of 2014 concerning Copyright, paintings are recognized as copyrighted works that automatically receive legal protection once they are embodied in tangible form[1]. Nevertheless, rapid technological advancement and the expansion of digital media have significantly increased the vulnerability of paintings to copyright infringement, including plagiarism, unauthorized reproduction, modification, and commercial exploitation without the creator's consent. These conditions indicate that although Indonesia has established an adequate legal framework governing copyright protection, its practical implementation remains unable to fully safeguard the rights of artists against increasingly complex forms of infringement in the digital era.

The urgency of this research arises from the continuing disparity between legal norms (das sollen) and legal reality (das sein) regarding copyright protection for paintings in Indonesia.[2] Legally, copyright grants

creators exclusive economic and moral rights as instruments for ensuring legal certainty, justice, and legal protection. However, numerous copyright infringement cases involving paintings continue to occur through digital platforms, social media, and commercial transactions without authorization from copyright holders[3]. In addition, many painters still rely solely on the automatic protection principle and do not register their works with the Directorate General of Intellectual Property (DJKI), thereby weakening their evidentiary position in copyright disputes. These circumstances demonstrate that the effectiveness of copyright protection depends not only on statutory regulation but also on legal awareness, institutional support, and effective law enforcement capable of providing preventive and repressive legal protection for creators.

The urgency of this research is further reinforced by recent empirical developments showing that copyright infringement involving paintings continues to occur in Indonesia. Data published by the Directorate General of Intellectual Property (DGIP) indicate a continuous increase in copyright registrations during recent years, reflecting growing public awareness regarding intellectual property protection. Nevertheless, disputes involving visual artworks continue to arise before Indonesian Commercial Courts, particularly concerning unauthorized reproduction, plagiarism, and commercial exploitation through digital media. Furthermore, recent research conducted by Andila and Silviana revealed that digital theft of painting artworks through social media and online platforms has become increasingly prevalent, resulting in significant economic losses for artists and weakening the protection of their moral rights.[4] Similar findings were reported by Latupeirissa, who concluded that unauthorized copying and dissemination of paintings remain common despite the existence of comprehensive copyright legislation. These empirical conditions indicate that the principal problem no longer concerns the absence of legal regulation but rather the ineffective implementation and enforcement of copyright protection in practice.

This research focuses on the implementation of legal protection concerning copyright for paintings in Indonesia[5]. Specifically, the study is limited to two principal issues: first, the legal protection mechanisms available to safeguard painting copyrights under Law Number 28 of 2014 concerning Copyright; and second, the effectiveness of implementing copyright protection in preventing and resolving copyright infringements against paintings. By limiting the scope to these aspects, the research seeks to examine whether the existing legal framework has provided adequate legal certainty, justice, and legal benefits for painters as copyright holders while responding to challenges arising from technological development, digital dissemination of artistic works, and increasing acts of plagiarism and unauthorized commercialization[6]

Based on this scope, the objective of this research is to analyze the implementation of legal protection concerning copyright for paintings, identify the legal protection mechanisms available to copyright holders, and evaluate the effectiveness of copyright protection in addressing copyright infringement against paintings in Indonesia[7]. The findings are expected to contribute to the development of intellectual property law, particularly copyright law, while also providing practical recommendations for strengthening legal awareness among artists, encouraging copyright registration before the Directorate General of Intellectual Property, and enhancing law enforcement to ensure greater legal certainty and comprehensive legal protection for painting works in Indonesia[8]

Several previous studies have examined copyright protection from various perspectives. Masyhuri et al. primarily discussed the regulation of Resale Royalty Rights for painting copyrights through comparative legal analysis. Andila and Silviana focused on digital theft of painting artworks and legal protection within Indonesia's creative industry. Latupeirissa analyzed legal protection against unauthorized copying and dissemination of paintings without the copyright holder's permission. Although these studies have significantly contributed to the development of copyright law, they predominantly emphasize particular

aspects of copyright protection, such as digital infringement, resale royalty rights, or specific legal protection mechanisms. Relatively little attention has been devoted to comprehensively evaluating whether the implementation of Indonesia's copyright regime effectively fulfills the objectives of legal certainty, justice, and legal benefit for painters within the broader framework of Law Number 28 of 2014.

Accordingly, the novelty of this research lies in its comprehensive evaluation of the implementation of legal protection for painting copyrights by integrating three analytical dimensions simultaneously: (1) statutory analysis of Law Number 28 of 2014 concerning Copyright; (2) doctrinal analysis based on the principles of legal certainty, justice, and legal benefit; and (3) assessment of the practical effectiveness of preventive and repressive copyright protection mechanisms through recent empirical developments and implementation practices in Indonesia. Unlike previous studies, which mainly examine specific forms of copyright infringement or technological developments, this research evaluates whether the current copyright protection regime has effectively safeguarded both the economic and moral rights of painters while responding to contemporary challenges posed by digital dissemination and copyright enforcement. Therefore, this study contributes not only to the development of Indonesian copyright doctrine but also provides practical recommendations for strengthening copyright implementation, enhancing legal awareness among artists, and improving institutional law enforcement by the Directorate General of Intellectual Property and other relevant authorities.

2. Literature Review and Problem Statement

Copyright protection is fundamentally grounded in the principle that every intellectual creation deserves legal recognition and exclusive protection as a reward for human creativity[9]. Within the framework of intellectual property law, copyright grants creators both moral rights and economic rights, ensuring legal certainty over the utilization of their works while preventing unauthorized reproduction and commercial exploitation[10]. Previous studies have emphasized that the Copyright Law of Indonesia has adopted international standards under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Berne Convention, thereby providing automatic protection to artistic works, including paintings, without requiring formal registration. Nevertheless, several scholars argue that although the legal framework is relatively comprehensive, the practical enforcement of copyright protection remains ineffective due to weak legal awareness, limited copyright registration, difficulties in proving ownership during disputes, and the rapid expansion of digital technology that facilitates unauthorized copying and dissemination of artistic works[11]. Recent studies also reveal that technological developments, particularly digital platforms and artificial intelligence, have generated new legal challenges that are not yet comprehensively addressed by existing copyright regulations, particularly regarding originality, digital infringement, and commercial exploitation of painting works without the consent of copyright holders.

Although previous research has extensively discussed copyright protection from normative, technological, and digital perspectives, several important research gaps remain. Existing studies predominantly examine digital copyright infringement, plagiarism, artificial intelligence, and resale royalty rights, while relatively few have comprehensively analyzed the effectiveness of legal protection for conventional painting copyrights by integrating statutory provisions, legal principles, and practical implementation of legal protection within the Indonesian legal system. Furthermore, previous studies tend to focus separately on legal norms or technological developments without critically evaluating whether the current copyright regime has effectively fulfilled the objectives of legal certainty, justice, and legal benefit for painters as copyright holders[8]. Based on these gaps, this research formulates the following research problems: (1) How is the implementation of legal protection for painting copyrights under Law Number 28 of 2014 concerning Copyright? (2) To what extent has the existing legal protection effectively safeguarded the economic and

moral rights of painters against copyright infringement? By addressing these issues, this study is expected to contribute to the development of Indonesian copyright law through a comprehensive evaluation of both normative legal protection and its practical implementation in responding to contemporary copyright challenges in the field of painting works.

3. Method

This research employs a normative legal research method with a qualitative juridical analysis approach. The selection of normative legal research is based on the nature of the research problem, which focuses on examining legal norms, principles, doctrines, and regulatory frameworks governing copyright protection for painting works in Indonesia. Normative legal research is appropriate because the study does not primarily measure social behavior statistically but analyzes the consistency, adequacy, and effectiveness of legal regulations in providing protection for copyright holders. Through this approach, legal issues are examined based on the relationship between *das sollen* (the ideal legal norms) and *das sein* (the implementation of legal protection in legal practice)[4].

Normative legal research is considered the most appropriate approach for studies focusing on statutory regulations, legal doctrines, legal principles, and judicial interpretation rather than statistical measurement. The approach provides accurate, consistent, and scientifically accountable findings by emphasizing legal reasoning, legal interpretation, and doctrinal analysis of applicable legislation. In this research, the primary legal instrument analyzed is Law Number 28 of 2014 concerning Copyright, complemented by other relevant regulations governing intellectual property rights and international copyright principles adopted by Indonesia.

The research was conducted through several systematic stages. The first stage consisted of collecting legal materials using library research. Primary legal materials included statutory regulations concerning copyright, while secondary legal materials comprised textbooks, scientific journals, legal commentaries, previous research, court decisions related to copyright disputes, and official publications issued by the Directorate General of Intellectual Property (DGIP)[7]. Tertiary legal materials included legal dictionaries, encyclopedias, and other supporting references. After data collection, all legal materials were classified according to the research objectives, followed by legal interpretation using statutory, conceptual, and comparative approaches. Data analysis employed qualitative descriptive analysis, in which every legal provision, doctrine, and judicial opinion was systematically interpreted to identify the effectiveness of copyright protection mechanisms for painting works. The analytical process assumed that legal norms constitute coherent legal rules, legal materials are mutually complementary rather than statistically independent, and qualitative interpretation provides more reliable explanations than quantitative measurement for doctrinal legal studies[6]

The research sample consisted entirely of secondary legal data, selected purposively based on its relevance to the research objectives. The primary sample included Law Number 28 of 2014 concerning Copyright as the principal legal source governing painting copyrights in Indonesia. Additional samples comprised implementing regulations, copyright-related judicial decisions, official publications from the Directorate General of Intellectual Property, scholarly books on intellectual property law, and peer-reviewed scientific journals discussing copyright protection, painting copyrights, digital copyright infringement, and legal enforcement in Indonesia. The analytical parameters focused on four principal aspects: (1) legal certainty concerning copyright ownership; (2) protection of economic and moral rights of painters; (3) effectiveness of preventive and repressive legal protection mechanisms; and (4) legal challenges arising from technological development and digital dissemination of artistic works. The validity and reliability of the findings were ensured through systematic legal interpretation, comparison of authoritative legal sources,

doctrinal consistency, and comprehensive evaluation of previous scholarly studies, thereby producing legally accountable conclusions regarding the effectiveness of copyright protection for painting works in Indonesia[8]

4. Results And Discussion

Copyright Protection Efforts for Painting Works

Legal protection aims to integrate and coordinate interests within society because, in a conflict of interests, protecting certain interests can only be achieved by limiting the interests of others. Copyright protection is necessary to encourage appreciation and encourage public respect for individuals' rights to their creations. When a work is protected, efforts are made to ensure its preservation, maintenance, and proper care are taken to ensure its continued existence and growth. Without respect for one's creation, the number of creators of a work will diminish[12].

In countries with a common law system, copyright protection is influenced by John Locke, who taught the concept of property. Its relation to human rights is evident in his statement: "Life, liberty, and property." John Locke stated that humans should receive the fruits of their labor or efforts, regardless of the form of those efforts. The common law system tradition is called functionalist justification, as an incentive system that views copyright protection as an economic instrument to increase knowledge and support socioeconomic development. The copyright protection system based on John Locke's theory is based on its object, namely creation. Therefore, creation must always have a form (fixation), while the elements of originality and creativity are of a lesser degree. The common law system tradition only recognizes economic rights and moral rights. In countries with a civil law system, copyright protection is influenced by the theory of G.W. Friedrich Hegel, who developed the concept of "right, ethics, and state," which essentially refers to the existence of personality. The civil law tradition is called Natural Rights Justification, where copyright protection is granted to the creator as the person who owns the intellectual personal creation. Legal protection is granted to the creator, thus granting them exclusive rights. The exclusive rights of the creator or copyright holder simply mean that no one else may exercise those rights without the creator's permission. Copyright protection in civil law countries encompasses both moral rights and economic rights[13].

The difference is evident in countries that adhere to the Common Law System, which generally prioritize the protection of economic rights, for example: the United States, Canada, the United Kingdom, and Japan. In these systems, the government ignores moral rights, despite recognizing their importance in creative works. They believe that moral rights can hinder the growth and development of science. This is in contrast to countries that adhere to the Civil Law System. Countries that adhere to this system not only protect economic rights but also moral rights, for example, Germany, France, and the Netherlands. Moral rights are considered important because the hard work and every effort made by the creator deserves to be appreciated and protected. In Indonesia, which adheres to a civil law system, the Copyright Law is formulated based on the creator. In Indonesia, copyright protection is only granted to works that have a distinctive form (material form), are personal in nature, and demonstrate originality, born from ability, creativity, or expertise (mental effort), resulting in a work that can be seen, read, or heard[14]. Based on the opinion of G.W. Friedrich Hegel, it can be concluded that there are 4 bases for the protection of a creation, including[15]:

1. Copyright protects the expression of ideas or notions, not only protects ideas,
2. Copyright is born after the copyrighted work has been completed and registration is not an obligation,
3. The work is genuine or original, not novelty or novelty.
4. A creation is made as a result of creativity and certain skills expressed in expressions or ideas.

Indonesia considers paintings as part of fine art works that are automatically protected by Law Number 28 of 2014 concerning Copyright, without the need for formal registration, from the moment the work is created and published. Although copyright for paintings is legally automatic from the moment the work is created and published, due to its status as an exclusive right inherent in the creator, official registration at the DJKI remains very important because it provides stronger legal protection as proof of legal ownership in the event of a dispute. Therefore, the author believes that registration of paintings with the DJKI must be carried out immediately as the first stage of legal protection to avoid paintings being plagiarized or used without permission from the painter[16]. Article 4 of the 2014 Copyright Law reads: (Copyright Law, 2014) "Copyright as referred to in Article 3 letter a is an exclusive right consisting of moral rights and economic rights." Moral rights are rights that protect the interests of creators. These moral rights mean that although ownership of a work can be transferred to another party, the moral rights cannot. This is because the creator has a relationship and attachment to their work that must be preserved regardless of other economic considerations[17].

Copyright Protection Based on Preventive and Repressive Measures

Legal protection as a form of respect for human dignity and respect, as well as recognition of the basic rights of legal subjects, particularly in the face of potential abuse of authority. Philipus M. Hadjon divides legal protections that can be linked to copyright into two categories[18]:

1. Preventive Legal Protection

This is protection provided by the government with the aim of preventing violations before they occur. Article 108 of the Copyright Law regulates preventive protection, which reads: At the request of a party who feels aggrieved by the implementation of Copyright or Related Rights, the Commercial Court may issue a temporary injunction to: prevent the entry of goods suspected of infringing Copyright or Related Rights into trade channels;

- a. withdraw from circulation and confiscate and store as evidence related to the violation of Copyright or Related Rights;
- b. secure evidence and prevent its removal by the infringer; and/or
- c. stop the violation to prevent greater losses.

2. Repressive Legal Protection

This is final protection in the form of sanctions such as fines, imprisonment, and additional penalties imposed when a dispute has already occurred or a violation has been committed. Articles 95 and 105 of the Copyright Law state:

- a. Copyright disputes may be resolved through alternative dispute resolution, arbitration, or the courts.
- b. The competent court as referred to in paragraph (1) is the Commercial Court.
- c. Courts other than the Commercial Court as referred to in paragraph (2) are not authorized to handle copyright disputes.
- d. Except for violations of copyright and/or related rights in the form of piracy, as long as the disputing parties are known to exist and/or are located within the territory of the Unitary State of the Republic of Indonesia, they must first resolve the dispute through mediation before bringing criminal charges.

Article 105

The right to file a civil lawsuit for infringement of Copyright and/or Related Rights does not diminish the right of the Creator and/or owner of Related Rights to sue criminally.

Article 112

Any person who unlawfully commits an act as referred to in Article 7 paragraph (3) and/or Article 52 for Commercial Use shall be punished with imprisonment of up to 2 (two) years and/or a maximum
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fine of Rp. 300,000,000.00 (three hundred million rupiah).

Article 113

1. Any person who unlawfully violates economic rights as referred to in Article 9 paragraph (1) letter i for Commercial Use shall be punished with imprisonment of up to 1 (one) year and/or a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah).
2. Any person who without rights and/or without permission of the Creator or Copyright holder commits a violation of the Creator's economic rights as referred to in Article 9 paragraph (1) letter c, letter d, letter f, and/or letter h for Commercial Use shall be punished with imprisonment for a maximum of 3 (three) years and/or a fine of a maximum of IDR 500,000,000.00 (five hundred million rupiah).
3. Any person who without rights and/or without permission of the Creator or Copyright holder commits a violation of the Creator's economic rights as referred to in Article 9 paragraph (1) letter a, letter b, letter e, and/or letter g for Commercial Use shall be punished with imprisonment for a maximum of 4 (four) years and/or a fine of a maximum of IDR 1,000,000,000.00 (one billion rupiah).
4. Any person who meets the elements referred to in paragraph (3) in the form of piracy shall be subject to a maximum imprisonment of 10 (ten) years and/or a maximum fine of IDR 4,000,000,000.00 (four billion rupiah).

Recording Procedures:

Article 66

1. Registration of Works and Related Rights products shall be submitted by means of a written Application in Indonesian by the Creator, Copyright Holder, Related Rights owner, or their Attorney to the Minister.
2. The Application referred to in paragraph (1) shall be submitted electronically and/or non-electronically by:
 - a. including a sample of the Work, Related Rights product, or a substitute therefor;
 - b. attaching a statement of ownership of the Work and Related Rights; and
 - c. paying the fee.

Article 67

1. In the event that the Application referred to in Article 66 paragraph (1) is submitted by:
 - a. several individuals who jointly have rights to a Work or Related Rights product, the Application shall be accompanied by a written statement proving such rights; or
 - b. a legal entity, the Application shall be accompanied by an official copy of the legal entity's deed of establishment, which has been certified by an authorized official.
2. If the Application is submitted by several individuals, the names of all applicants must be listed, with a single address designated as the chosen applicant.
3. If the Application is submitted by an applicant from outside the territory of the Unitary State of the Republic of Indonesia, the Application must be submitted through an intellectual property consultant registered as the Attorney.

Article 68

1. The Minister shall examine Applications that meet the requirements as referred to in Articles 66 and 67.
2. The examination referred to in paragraph (1) shall be conducted to determine whether the Work or Related Rights product being applied for is essentially the same or different from the Work recorded in the general register of Works or other intellectual property objects.
3. The results of the examination referred to in paragraph (1) shall be used as consideration by the Minister in accepting or rejecting the Application.
4. The Minister shall issue a decision to accept or reject an application within a maximum of 9 (nine)

months from the date of receipt of the application that meets the requirements as referred to in Article 66 and Article 67.

Article 69

1. If the Minister accepts an application as referred to in Article 68 paragraph (4), the Minister shall issue a registration letter for the creation and record it in the general register of creations.
2. The general register of creations as referred to in paragraph (1) shall contain:
 - a. the name of the creator and copyright holder, or the name of the owner of the related rights product;
 - b. the date of receipt of the application;
 - c. the complete date; the requirements as referred to in Article 66 and Article 67; and
 - d. the registration number of the creation or related rights product.
3. The general register of creations as referred to in paragraph (2) may be viewed by anyone free of charge.
4. Unless proven otherwise, the registration letter for creations as referred to in paragraph (1) shall constitute initial proof of ownership of a creation or related rights product.

Revocation of Legal Force of Registration of Creations and Related Rights Products.

Article 74

1. The legal force of recording a Creation and Related Rights product shall be revoked due to:
 - a. a request from the person or legal entity whose name is registered as the Creator, Copyright Holder, or Related Rights owner;
 - b. the expiration of the time period as referred to in Article 58, Article 59, Article 60 paragraphs (2) and (3), and Article 61;
 - c. a court decision that has obtained permanent legal force regarding the cancellation of the registration of a Work or Related Rights product; or
 - d. violating religious norms, moral norms, public order, national defense and security, or laws and regulations, the deletion of which is carried out by the Minister.
2. Deletion of the registration of a Work at the request of a person or legal entity whose name is registered as the Creator, Copyright Holder, or Related Rights owner as referred to in paragraph (1) letter a shall be subject to a fee.

Article 75

Further provisions regarding the deletion of the legal force of the registration of a Work and Related Rights product as referred to in Article 74 shall be regulated by Government Regulation.

Transfer of Rights to the Registration of Works and Related Rights Products

Article 76

1. The transfer of Rights to the registration of a Work and Related Rights product as referred to in Article 69 paragraph (1) may be carried out if all Copyright in the registered Work is transferred to the recipient of the rights.
2. The transfer of rights as referred to in paragraph (1) is carried out by submitting a written application from both parties or from the recipient of the rights to the Minister.
3. The transfer of rights as referred to in paragraph (2) is recorded in the general register of works and is subject to a fee.

Article 77

Further provisions regarding the transfer of rights to the registration of works and related rights products as referred to in Article 76 are regulated by Government Regulation.

Change of Name and/or Address:

Article 78

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1. Changes to the name and/or address of a person or legal entity whose name is recorded in the general register of works as an Author, Copyright Holder, or owner of a related rights product are carried out by submitting a written application from the Creator, Copyright Holder, or owner of the related rights product who owns the name and address to the Minister.
2. Changes to the name and/or address of a person or legal entity whose name is recorded in the general register of works as an Author, Copyright Holder, or owner of a related rights product are recorded in the general register of works and is subject to a fee.

Article 79

Further provisions regarding changes to name and/or address as referred to in Article 78 shall be regulated by Government Regulation.

Assessment of the Effectiveness of Copyright Protection for Paintings

Effectiveness is the state of achieving a goal with good results, where the desired goal and the capabilities and means are appropriate. Referring to the definition of effectiveness, the effectiveness of legal protection can be interpreted as achieving the success of legal protection in a predetermined goal, always having a relationship between the expectations of the desired results and the results as they actually are. Regarding the effectiveness of legal protection provided to copyright holders for their creative works, it is interpreted as a process or method so that the objectives of legal protection for copyright holders for their creative works as stated in the basis for the consideration of the ratification of the Copyright Law can be achieved. However, the effectiveness of legal protection does not only discuss the achievement of the objectives of legal protection designed to protect and prevent copyright holders for their creative works from violations, but also there is a contribution from the community regarding awareness and compliance with the law regarding paintings, both from the general public and the painters themselves[19].

The author concludes that several factors contributing to the problem of legal protection for paintings related to public awareness are:

1. Lack of public awareness and education regarding copyright, resulting in a lack of appreciation for the works of artists, which can lead to copyright infringement.
2. Lack of awareness among painters to register their paintings with the Directorate General of Copyright (DJKI) to obtain stronger legal protection.

Article 1, paragraph 1 of the 2014 Copyright Law states: "Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is manifested in a tangible form without prejudice to limitations in accordance with statutory provisions." This article explains that copyright protection does not depend on whether the work is registered or not. Copyright protection occurs automatically. However, if a dispute or claim arises between parties regarding whether each party owns the copyright to the work, a recording of the work made by the creator can be used as evidence. Thus, copyright registration is necessary to strengthen copyright protection.

The authors agree that copyright registration for a painting is a very important step and should not be overlooked to increase the effectiveness of copyright protection for paintings. By registering a copyright, a painter can obtain official recognition for their work and legal protection in the event of infringement or plagiarism by another party. This registration also serves as authentic proof of ownership that can be used in future dispute resolution. Therefore, the author believes that every painter needs to understand the importance of this process as part of efforts to protect their rights and respect the results of their own hard work.

The government's role in maintaining copyright protection also plays a significant role in raising public awareness of the importance of copyright. However, efforts to raise awareness of respect for the creative works of others are not easy and require substantial funding.

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The inability of the central and regional governments to educate and raise public awareness about registering their works/creations, as well as educating and raising public awareness about not committing copyright infringement, remains very rare. The costs required to obtain copyright protection are too high.

In this regard, the author believes that the copyright protection system in Indonesia, particularly for works of art such as paintings, is not yet functioning optimally. Although legally Indonesia has regulations governing copyright (such as Law Number 28 of 2014 concerning Copyright), its implementation is considered weak in practice, especially in efforts to educate the public about the importance of copyright and the excessively expensive registration of copyrighted works.

The Role of Government and Society in Increasing the Effectiveness of Copyright Protection for Paintings

The Role of Government and Society in Increasing the Effectiveness of Copyright Protection for Paintings[20]:

1. Increasing education and outreach about copyright is expected to raise public awareness. This will increase understanding of the importance of copyright, especially in the fields of painting, drawing, and illustration. It is hoped that public awareness of the rights of artists over their artworks will increase, thereby reducing the number of copyright infringements and abuses in the future.
2. Making IPR a compulsory subject will hopefully change students' perceptions of copyright respect.
3. Including watermarks on paintings to identify the artist's work. This will make it more difficult for the painting to be plagiarized or claimed by others.

Theories Regarding Intellectual Property Rights Protection

Theories regarding intellectual property rights protection[21] :

1. Natural Rights Theory

The theory of natural rights stems from natural law theory. Proponents of natural law theory include Thomas Aquinas, John Locke, and Hugo Grotius. According to John Locke, "by nature, humans are moral agents. Humans are mental substances and rights; the human body itself is actually the property of the person concerned." The primary characteristic of humans is their freedom. With this freedom, humans are free to act. However, this freedom is not absolute; it is still bound by morality and the freedoms shared by others. Freedom allows humans to be more creative in managing their lives, utilizing their minds to create or invent something useful for themselves and for others. This effort to utilize the brain's power is what produces a new creation, design, or invention, which then naturally and automatically belongs to the creator, designer, or inventor. They also have the right to utilize it economically, socially, and culturally. In turn, others are obliged to respect the rights that arise from this.

2. Labor Theory

Labor Theory is a continuation of the natural rights theory. While natural rights theory emphasizes human freedom to act and do something, labor theory emphasizes the process of producing something and the resulting product. Everyone has a brain, but not everyone is capable of utilizing their intellectual functions to produce something. According to the motivation theory put forward by David McClelland, "a person produces something because they are motivated to achieve." This means that producing a work (product) is not automatic, but rather involves a series of stages that must be passed through. Therefore, the creative process that produces a creation or discovery (invention) also creates power (rights) over that creation, design, or invention. Therefore, others may not claim another person's creation or invention, and the creator, designer, or inventor must be granted legal protection[22].

3. Social Exchange Theory

Advocates of this theory include George C. Homan and Peter Blau. Social exchange theory is based

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on the basic principle of economic transactions. People who provide goods and/or services naturally expect to receive the desired goods and/or services in return. It's important to note that not all social transactions can be measured in tangible terms, such as money, goods, or services. Sometimes, intangible things, such as respect and friendship, are more valuable. Its connection to Intellectual Property Rights (IP) is the need for creators, designers, or inventors to be compensated for their work. People can benefit from the IP work, but they must also provide something to the creator, designer, or inventor. A kind of exchange occurs, a mutually beneficial relationship. Creators, designers, or inventors will feel appreciated for their work and efforts, thus being motivated to continue producing new, useful works[23].

4. Functional Theory

Adherents of this theory include Talcott Parsons and Robert K. Merton. The study of functional theory, or functionalism, is based on the basic assumption that all social structures or priorities lead to the integration and adaptation of the existing system. The existence or continuity of existing structures or patterns is explained through the consequences or effects that are important and beneficial in addressing various problems that arise and develop in society. Functionalists strive to demonstrate that an existing pattern meets the vital needs of the system to explain its existence. The object of study is society[24]. According to the concept of system integration and adaptation embraced by functional theory, creations and inventions must be functional in society. This means they must make a positive contribution to the social system and not weaken the integration of the existing system or society. Creations or inventions that negatively impact society are not worthy of protection and can be ignored. One of the requirements for IPR protection is that it must be beneficial (functional) to humans.

5. Conclusion

Regarding copyright protection efforts for works of art, protection can be done through official registration at the Directorate General of Intellectual Property (DJKI) as a form of legal recognition of ownership of the work. In addition, preventive efforts that refer to prevention such as education to artists about the importance of copyright, as well as increasing public awareness of the importance of maintaining copyright are also strategic steps.

Based on the effectiveness of legal protection for copyrights in paintings, it can be concluded that existing legal protection has provided a strong basis for creators in maintaining exclusive rights to their paintings. However, the effectiveness of this protection is highly dependent on the legal awareness of artists and the general public. Thus, although legally protection is available, improvements are still needed in terms of socialization so that legal protection is truly effective.

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