

# Copyright Protection Of Youtube Content Creators Against Clipping Practices On Tiktok: A Perspective Of The Theory Of Dignified Justice

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**Abstract:** The rapid growth of social media sites makes copyright protection more challenging, especially with regard to the unauthorized practice of taking videos from YouTube, then reproducing them on TikTok. The focused issue of this research is the legal protection of copyright to YouTube content creators, viewed within the scope of the Theory of Dignified Justice designed by Prof. Dr. Teguh Prasetyo. The normative juridical method and the conceptual and comparative approach are used to analyze the Indonesian Copyright Law and the applicable international treaties together with the terms and conditions of digital platforms. The results of the research show that although Indonesian Copyright Law recognizes YouTube videos as cinematographic works with moral and economic rights, the law gives Indonesian YouTube content creators strong formal protection, there are considerable deficiencies in law enforcement. These deficiencies are due to the technological limitations of the breach detection system, the jurisdictional obstacles posed by the crossing of national borders, the limited resources of copyright holders, and the ignorance of the general public on the protection of their rights. The Theory of Dignified Justice, which is based on the Pancasila and Javanese philosophy of "nguwongke uwong", which means to humanize humans, offers an innovative solution to this problem.

**Keywords:** Copyright, YouTube, TikTok, Clipping, Digital content, Indonesian law.

## I. Introduction

Digital Technologies integrate themselves into our daily routines encompassing the processes involved in the creation, transmission, and reception, of both information and entertainment content. In the 2000s, a major milestone in global digital content emerged, in the form of Video Sharing Platforms, such as TikTok and YouTube, which were launched in 2005 and 2016 respectively. (Bishop, 2021). YouTube is home to a massive 2 billion active users monthly who watch and create content in the form of medium to long duration videos centered on education, lifestyle, and technology. (Vallas & Schor, 2020). The introduction of the new

TikTok market has led to a predicted one billion active users within the year of 2024. Furthermore, active users of the platform are predominantly of the Generation Z and Millennial demographics and are provided a channel to receive and process information through quick and simple methods to enjoy and edit content. In addition, the active user base is provided the channel to create and distribute content. (Cotter, 2023)

Regarding the most relevant and current phenomena regarding cross platform legal issues, on the most prominent and recent instances of ecosystem legal issues due to overlap TikTok YouTube ecosystem legal issues

Research shows that sensationalist clipping has turned YouTube video uploads into a goldmine for a multitude of TikTok accounts purposefully structured to clip YouTube videos to then re-upload to TikTok and cash in through ad rev, sponsorships, and affiliate links. (Gillespie, 2020). The increasing number of editing tools, video downloader and video editing applications available on mobile has propelled this growth. (Flew et al., 2020).

The effects of clipping for YouTube content creators are very nuanced. (Khamis et al., 2021) With YouTube's monetization system, creators are effectively disenfranchised as they wouldn't have earned the views they would have otherwise monetized. Ethically, their identity and attribution are effectively removed due to the absence of a watermark or credit. Witnessing their work being raided, particularly that which they funded or labored over, diverts Creative Youtube content from the frustrated and demotivated creators, and undermines the value of the work to the creativity of the ecosystem over time. (Duffy & Hund) These ramifications extend beyond the individual creator and impact the entire creative ecosystem value chain, including the editors, graphic designers, content analysts, and other ancillary staff.

According to Indonesian statutes, the concern is with Law Number 28 of 2014 Copyright (UUHC) which categorizes video as a cinematographic work. However, there is a considerable gap in the digital world which is related to the concern of normative legal and law

enforcement. (Hariyani et al., 2020) The challenges related to the law's formal protection of the right of content creators are the technical, jurisdictional, and copyright illiteracy of the society.

This research is using the Dignified Justice Theory of Prof. Dr. Teguh Prasetyo, as it is arguably the only one with a markedly local legal approach. Prasetyo's theory of justice locates the core of justice in human dignity, which is congruent with Pancasila and Javanese philosophy. This is in stark contrast with the dominant Western legal theories of say, instrumentalism and legal positivism which are particularly at odds with Indonesian culture, and which dominate the legal conversations in and about Indonesia. Moreover, the application of an indigenous Indonesian legal theory to the area of digital copyright is a unique and largely unexplored aspect of the existing scholarship, and in fact, is one of the more important aspects of the research.

This research uses a normative juridical method complemented by a conceptual and comparative method. The primary legal materials include Copyright Law Number 28 of 2014 and its relevant government regulations, and international treaties ratified by Indonesia. Secondary materials include books, articles in domestic and international legal journals, and legal commentary related to the Digital Copyright issues. Tertiary materials include studies of industries, studies about the prevalence of certain platforms, official regulations of YouTube and TikTok, news and reviews about the emerging clipping phenomenon.

## **II. The Legal Framework for Copyright in Indonesia and Its International Dimension**

### **A. Law Number 28 of 2014 concerning Copyright: Substance and Basic Principles**

The Copyright Law (UUHC) of 2014 (number 28), is the primary legal instrument concerning the protection of intellectual works, including digital content, in Indonesia. This is an updated revision of Law Number 19 of 2002. The 2014 revision was created to adapt to the advancements in digital technology and the online content sharing platforms that had yet to