



Problems Of Copyright Protection For Artificial Intelligence (AI) Works: A Study Of Legal Voids In Viral Cases Of Digital Creators

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Abstract: *Advances in artificial intelligence (AI) technology, particularly generative AI, have produced digital works that resemble human creations. However, Law Number 28 of 2014 on Copyright does not expressly regulate the legal status of AI-generated works or human contributions through prompts, resulting in a legal voids. This research examines the problem of copyright protection for AI-produced works from the perspective of Indonesian law. The discussion focuses on the legal status of prompts as expressions of ideas, the role of creators within the current legal framework, and the urgency of reforming the Copyright Law to face digital era challenges. This urgency is underscored by the growing number of cases involving unauthorized commercial use of AI works, such as the viral case between independent creator Noxxa and game company Garena. This study employs a qualitative approach using a normative juridical method, analyzing relevant laws in Indonesia and several other countries. The findings indicate that although AI-generated works are not directly protected, human contributions through original prompts can fulfill the requirement of originality and deserve copyright protection. Therefore, legal reform is needed to accommodate technological developments and ensure fair, proportional protection for works involving AI.*

Abstrak: Kemajuan teknologi kecerdasan buatan (AI), khususnya AI generatif, telah menghasilkan karya digital yang mirip dengan karya manusia. Namun, Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta tidak secara eksplisit mengatur status hukum karya yang dihasilkan oleh AI atau kontribusi manusia melalui prompt, sehingga menimbulkan kekosongan hukum. Penelitian ini mengkaji masalah perlindungan hak cipta untuk karya yang dihasilkan oleh AI dari perspektif hukum Indonesia. Pembahasan berfokus pada status hukum prompt sebagai ekspresi ide, peran pencipta dalam kerangka hukum saat ini, dan urgensi reformasi Undang-Undang Hak Cipta untuk menghadapi tantangan era digital. Urgensi ini ditekankan oleh meningkatnya kasus penggunaan komersial tanpa izin atas karya AI, seperti kasus viral antara pencipta independen Noxxa dan perusahaan game Garena. Penelitian ini menggunakan pendekatan kualitatif dengan metode yuridis normatif, menganalisis undang-undang terkait di Indonesia dan beberapa negara lain. Temuan menunjukkan bahwa meskipun karya yang dihasilkan AI tidak dilindungi secara langsung, kontribusi manusia melalui prompt asli dapat memenuhi syarat keaslian dan layak mendapatkan perlindungan hak cipta. Oleh karena itu, reformasi hukum diperlukan untuk mengakomodasi perkembangan teknologi dan memastikan perlindungan yang adil dan proporsional bagi karya yang melibatkan AI.

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A. Introduction

Artificial intelligence (AI) is a computer system designed to express human intelligence in solving certain tasks. One of its newest forms is generative AI, which is capable of generating text, images, music, and even videos through user-given commands or prompts.¹ This development has brought about a major transformation in the digital creative world, but it has also raised legal issues, particularly in the realm of copyright.

Law No. 28/2014 on Copyright still does not specifically regulate works produced by AI or human contributions in the form of prompts. Without specific regulations, many independent creators lose the rights to their works, especially when they are commercially reused without permission. Since prompts used in the creation of works through AI have the potential to become works in their own right if they contain original expression, they deserve copyright protection.²

The urgency of this research has become apparent since the case between independent digital creator Noxxa and game company Garena, where the visual work created by Noxxa through AI was allegedly used without permission, this case was covered by Gamedaim media in 2025, and shows that the absence of regulations that recognise human contributions through prompts can harm creators morally and economically.³

In response to these issues, this research aims to examine the problematic of copyright protection for works produced through AI in the perspective of Indonesian law. The main focus of the discussion is directed at the legal status of the prompt as an expression of ideas, the position of the creator in the current legal system, and the need for reform of the Copyright Law in order to answer the challenges of the digital era.

This research uses copyright theory as a basis for analysis, specifically the personality theory of Hegel which states that the work is an expression of the personality of the creator,⁴ and the theory of artificial intelligence (AI) from Rich and Knight which states that artificial intelligence (AI) is a study of how to make computers do things that can currently be done better by humans.⁵

¹ Rafly Naufal Fadillah, "Perlindungan Hak Atas Kekayaan Intelektual Artificial Intelligence (AI) dari Perspektif Hak Cipta dan Paten," *FORIKAMI (Forum Riset Ilmiah Kajian Masyarakat Indonesia)*, 2023.

² Francesca Mazzi, "Authorship in Artificial Intelligence-generated Works: Exploring Originality in Text Prompts and Artificial Intelligence Outputs through Philosophical Foundations of Copyright and Collage Protection," *The Journal of World Intellectual Property* 27, no. 3 (November 2024): 410–27, <https://doi.org/10.1111/jwip.12310>.

³ "Tung Tung Sahur Free Fire Dipakai Tanpa Izin, Noxa Protes ke Garena - Gamedaim," 18 Juni 2025, <https://gamedaim.com/esports/free-fire/tung-tung-sahur-free-fire/>.

⁴ Anastasia Theresia Puspasari, "Tinjauan Konsep Hak Eksklusif dalam Hak Cipta Berdasarkan Teori Hegel," *Dialogia Iuridica* 13, no. 2 (28 April 2022): 140–61, <https://doi.org/10.28932/di.v13i2.4577>.

⁵ Jamaaluddin dan Indah Sulistyowati, *BUKU AJAR KECERDASAN BUATAN (ARTIFICIAL INTELLIGENCE)* (Sidoarjo: UMSIDA PRESS, 2021).

B. Research Method

This research uses a qualitative method with a normative juridical approach,⁶ namely by examining the applicable laws and regulations, especially Law No. 28 of 2014 concerning Copyright and analytical descriptive type of research to examine the issues discussed.⁷ Furthermore, a comparative approach is used by comparing arrangements in Indonesia with other countries such as the United States, the United Kingdom, and China.

The data sources used in this research are primary legal materials such as Law Number 28 of 2014 on Copyright, and secondary legal materials such as scientific journals, academic articles and other related references.⁸ The author also refers to online news from social media related to conflicts involving AI works that are going viral.

C. Discussion

1. Copyright Regulation on AI-Based Works

Creative works such as art, literature, culinary, architecture, education, fashion, and advertising are produced either individually or by human groups. However, with the significant development of science and technology, these works can also be produced by machines or computer programmes such as artificial intelligence.⁹

The inevitable development of technology creates new challenges in the intellectual property system, particularly in copyright protection. The problem that arises is whether works produced through AI either partially or fully can be categorised as "creations" protected by law. because in the process of creating works through AI begins with the preparation of prompts, which are text commands that are creatively arranged by the user.

a. Definition of Creator

To answer this, it is important to discuss the definition of creator in Law No. 28 of 2014 concerning Copyright, article 1 paragraph (2) states that "Creator is a person or several persons who individually or jointly produce a work that is distinctive and personal."¹⁰ In the interpretation of the paragraph, the words "a person or several persons" indicate that the creator must be a human being, not non-human entities such as animals, inanimate objects or machines. This means that Indonesian law has not opened up space for copyright protection for machines or Artificial Intelligence (artificial intelligence) in order to become a legal

⁶ Dr H Anwar Hafidzi dan MA Hk, "METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS," t.t., 93.

⁷ Naufal Fadillah, "Perlindungan Hak Atas Kekayaan Intelektual Artificial Intelligence (AI) dari Perspektif Hak Cipta dan Paten."

⁸ Hafidzi dan Hk, "METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS," 25.

⁹ Samsithawrati Aras, "Artificial Intelligence dan Kreativitas Digital: Subyek Hukum dan Sarananya Dalam Perspektif Kekayaan Intelektual.," *Jurnal Kertha Patrika*, 2023, <https://doi.org/10.24843/KP.2023.v45.i03.p03>.

¹⁰ Indonesia, "Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta." (Sekretariat Negara, t.t.).

subject as the creator of a work protected by Law No. 28 of 2014.

b. Legal Status of Artificial Intelligence

In the current era, AI is generally seen as a legal object, which is something that can be owned, used, or regulated by a legal subject (human or legal entity), not as a legal subject. This is because AI is a tool or device used by humans to achieve certain goals.¹¹ This creates a legal voids that can be detrimental to digital creators, who create visual or textual works made with their creative endeavours through AI. This becomes even more problematic if the work becomes viral or widely recognised in the digital space. Because it receives public attention and is considered to have aesthetics, there will naturally be parties who try to take advantage, either by duplicating, disseminating, or re-commercialising the work without the permission of the original creator.

A digital work can obtain legal protection if it meets the requirements of originality, especially in the fields of science, art, and literature, and can be accepted by the five senses of humans. Although the Copyright Law does not specifically regulate AI, works produced by AI can still have the opportunity to be granted legal protection as long as they meet the elements of originality and have value in the category of legally recognised creations. In addition, based on the declarative principle, copyright arises automatically from the moment the work is created, without having to go through a formal registration process first.¹²

2. Prompt in the Creation of AI Works

a. Definition of prompt

According to the theory of AI by Knight and Rich (1991), AI basically aims to make computers carry out a command, which can be done by humans.¹³ One important aspect that raises debate in this context is the role of prompts in the creation of AI works. A prompt is a command, statement or instruction given by a user to direct an AI response. Prompts serve as a communication bridge between humans and AI systems, determining what information should be processed and how the results will be presented.¹⁴

¹¹ Eka Nanda Ravizki dan Lintang Yudhantaka, "Artificial Intelligence Sebagai Subjek Hukum: Tinjauan Konseptual dan Tantangan Pengaturan di Indonesia," *Notaire* 5, no. 3 (31 Oktober 2022): 351–76, <https://doi.org/10.20473/ntr.v5i3.39063>.

¹² Naufal Fadillah, "Perlindungan Hak Atas Kekayaan Intelektual Artificial Intelligence (AI) dari Perspektif Hak Cipta dan Paten."

¹³ Jamaaluddin dan Sulistyowati, *BUKU AJAR KECERDASAN BUATAN (ARTIFICIAL INTELLIGENCE)*.

¹⁴ Heri Nur Cahyanto, *METODOLOGI PENELITIAN DENGAN AI (ARTIFICIAL INTELEGENCE)* (PUSTAKA SAGA, 2025).

b. Legal Basis and Responsibility

Under Article 1 Paragraph (1) of the Copyright Law, copyright is defined as "The exclusive right of the Creator which arises automatically based on the declarative principle after a work is realised in tangible form without prejudice to restrictions in accordance with the provisions of laws and regulations."¹⁵ The definition emphasises that protection is given to the "expression of ideas" not just ideas that have not been realised concretely. This is in line with the understanding that copyright protection applies to any human work in the fields of science, art, and literature, which is born of ability, thought, imagination, skill, or expertise, and is realised in a form that can be enjoyed in reality.

Article 1 Paragraph (3) of Law No. 28 of 2014 on Copyright, defines creation as "Every work of authorship in the fields of science, art, and literature resulting from inspiration, ability, thought, imagination, dexterity, skill, or expertise expressed in tangible form."¹⁶

So someone who designs a complex prompt or actively directs and edits an AI work has grounds to claim copyright over that work, as it contains elements of human creativity and expertise. Although Law No. 28 of 2014 does not specifically regulate works produced by Artificial Intelligence (AI), works produced from AI can still obtain copyright protection as long as there is a human intellectual contribution, such as in the creation of prompts or processing of AI results that are creative and original.¹⁷

In terms of legal responsibility, Article 4 Paragraph (1) of Law No. 28 Year 2014 on Copyright, states that copyright holders are fully responsible for their creations, including if the creation involves technological systems such as AI. Therefore, AI developers and users can be held liable if their work infringes on the copyrights of others.¹⁸ However, it is argued that legal liability can be imposed on various parties, depending on the context of the infringement: whether it is on the side of the system creator, the data set manager, or the end user of the AI. Copyright restrictions aim to maintain a balance between creators and users. It can be concluded that the legal system should begin to regulate the role of humans in AI-

¹⁵ "Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta."

¹⁶ Ibid.

¹⁷ Bagus Gede Ari Rama, Dewa Krisna Prasada, dan Kadek Julia Mahadewi, "Urgensi Pengaturan Artificial Intelligence (AI) Dalam Bidang Hukum Hak Cipta Di Indonesia," *JURNAL RECHTENS* 12, no. 2 (6 Desember 2023): 209–24, <https://doi.org/10.56013/rechtens.v12i2.2395>.

¹⁸ "Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta."

based creation, so that rights and responsibilities can be shared fairly and proportionally.¹⁹

c. Case Example of AI Work Dispute

One example of a case that has caught the public's attention is the controversy involving a digital creator named Noxxa, who claimed that a character design she created through an AI platform had been used by a large company without permission. Although the case did not enter the formal legal realm, it sparked widespread discussion on the legal status of AI-generated works and the position of prompt engineers in the copyright protection system.²⁰

In the case of Noxxa and Garena, Noxxa claimed that the visual results of its prompts were used by Garena in the development of their in-game character designs.²¹ It has logs of prompt usage, AI output results, and the date it was created. On the other hand, Garena used a similar character without any attribution or licence agreement. Then it can be considered a creative expression of ideas, which fulfils the criteria for copyright protection:²²

1. Human intellectual contribution, not purely machine-made;
2. Originality and does not infringe on the work of others (non-plagiarism);
3. Has been realised in a digital form that can be accessed by the public;
4. It falls into the category of protected works such as works of art, literature, or science.

If these four elements are fulfilled, then the creator or relevant rights holder can claim moral and economic rights to the AI work. Although not yet in open court, this case highlights the legal vacuum in Indonesia regarding who owns the rights to AI works, and whether prompt authors can be considered creators in a legal context. In many cases, user-written prompts are not just simple commands, but contain imagination, artistic direction, and a personal style of expression that reflects the identity of the creator.²³

d. Legal Theory and Comparison

Hegel's Personality theory is the basis for the enactment of moral rights in the copyright law system in Indonesia. According to this theory, a creation is seen as a manifestation of the personality of its creator, so that although the rights to the creation can be transferred to another party, the creator still has the right to maintain the integrity of his work.²⁴ Thus, the

¹⁹ Rafly Nauval Fadillah Rafly Nauval Fadillah, "Perlindungan Hak Atas Kekayaan Intelektual Artificial Intelligence (AI) dari Perspektif Hak Cipta dan Paten," *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 2, no. 02 (2024), <https://journal.forikami.com/index.php/dassollen/article/download/745/519>.

²⁰ "Tung Tung Sahur Free Fire Dipakai Tanpa Izin, Noxa Protes ke Garena - Gamedaim."

²¹ Ibid.

²² Yiyang Mei, "Prompting the E-Brushes: Users as Authors in Generative AI," t.t.

²³ Yiyang Mei, "Prompting the E-Brushes: Users as Authors in Generative AI,".

²⁴ Puspasari, "Tinjauan Konsep Hak Eksklusif dalam Hak Cipta Berdasarkan Teori Hegel."

creator has the right to monitor, limit, or reject the use of his/her work by other parties if it is deemed to deviate from the personal intentions and values contained in the work.²⁵

In the American legal system, under both the Copyright Act of 1976 and court interpretations and policies of the U.S. Copyright Office (USCO), only works created by humans can receive copyright protection.²⁶ Pure AI works are not protected, but if AI is only used as a tool, the end result can still be registered. However, if it is just a simple prompt that results in a complex work through AI, it is usually not enough to be considered a creative contribution. Some other countries are more open about legal protection for computer-generated works, such as the UK and China.

In the context of comparison, Indonesia needs to urgently reform its copyright law system to be more responsive to the new realities in the world of digital creation. Recognition of complex and expressive prompts, and works born from AI-based creative processes, should begin to be considered as part of the object of copyright law protection. The current Copyright Act was passed in 2014, when artificial intelligence (AI) technology was not as rapidly developed as it is today. As such, the law needs to continue adapting to be able to regulate the changing reality.²⁷

D. Conclusion

The Indonesian legal system currently does not explicitly regulate the legal status of works produced by Artificial Intelligence. Based on Law No. 28 of 2014, only works created by humans can be protected by copyright. This research shows that if the prompt is original, creative, and reflects the user's personal expression, then it fulfils the qualification of originality as referred to in copyright law. Therefore, new arrangements are needed so that prompts can be recognised as part of the creative process and legally protected. Thus, the reform of Copyright Law is a strategic step in ensuring legal justice for digital creative actors in the future.

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²⁵ Shafira Inan Zahida dan Budi Santoso, "Perlindungan Hak Cipta Terhadap Gambar Yang Telah Diunggah Pada Media Sosial Instagram," *Jurnal Pembangunan Hukum Indonesia* 5, no. 1 (31 Januari 2023): 186–203.

²⁶ Matt Blaszczyk, Geoffrey McGovern, dan Karlyn D. Stanley, "Artificial Intelligence Impacts on Copyright Law," 20 November 2024, <https://www.rand.org/pubs/perspectives/PEA3243-1.html>.

²⁷ Ayu Arifah Sinaga, Abdul Rokhim, dan Yandri Radhi Anadi, "DIGITAL ART HASIL ARTIFICIAL INTELLIGENCE (AI) DI INDONESIA: PERSPEKTIF UU NO. 28 TAHUN 2014 TENTANG HAK CIPTA," *Dinamika* 31, no. 1 (8 Februari 2025): 11637–54.

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