

Causes of Technology Advancement Social Transformation

 Anggara Hendra Setya Ali^{1*},  Saidin²,  M. Hawin³,  T. Keizerina Devi Azwar⁴

¹Doctoral Student Faculty of Law, Universitas Sumatra Utara, Indonesia; anggara_hsa@yahoo.com

^{2,4}Faculty of Law, Universitas Sumatera Utara, Medan, Indonesia.

³Faculty of Law, Universitas Gadjah Mada, Yogyakarta, Indonesia.

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Abstract. While using the internet can be beneficial for advancing human civilization, welfare, and progress, it can also be detrimental as a tool for criminal activity. An overview of how digital platforms should be held accountable for copyright violations on internet media platform services is obtained by analyzing data and cases pertaining to digital platforms and using a legal approach. Based on observable facts, the goal is to define the status of the research subjects (people, organizations, society, etc.); the spread of phenomena; or the existence or lack of a relationship between one phenomenon and another in society. According to the research findings, digital platforms should evaluate all information before including it on their websites and determine whether or not it is appropriate for them to publish as free subjects.

1. INTRODUCTION

Significant technological advancements have brought changes to human civilization globally (Chari, 2024). The development of technology has made the world borderless, triggering rapid social changes (Bonilla, 1998). One of the supporters of the rapid advancement of technology is the development of the internet network. At the beginning of its introduction, the internet was only known by a small group of people who had an interest in computers and technology (Leiner et al., 2009). However, in recent years, especially since the emergence of the 5.0 industrial era, which integrates digital technology and artificial intelligence with the physical world, the development of the internet has accelerated significantly.

The rapid development of the internet is supported by the network's ability to reach all corners of the world (Gershenfeld et al., 2004). The internet, with all its facilities, has had a tangible impact on all sectors of human life, ranging from trade, advertising, healthcare, education, and also the entertainment sector. At the same time, the development of the internet today is like a double-edged sword that has both positive and negative sides (Sarfraz & Khawaja, 2024).

As human activities in the use of the internet continue to grow, it is deemed necessary to provide legal protection for the development and all activities related to technology and information on the internet (Banisar & Davies, 1999). One of the efforts to provide protection for technology and information in the world of the internet is through the concept of Intellectual Property Rights ("IPR"). IPR comes with various types of protections, one of which is copyright protection for information disseminated digitally on the Internet. The concept of copyright provides exclusive protection to creators for their works expressed through the digital medium of the internet (D'agostino, 2010).

Through the internet, various actions that violate copyright can be easily carried out, such as the act of announcing and/or reproducing someone else's work without permission for personal gain, which will become increasingly easy to do. As stipulated in Article 1, paragraph 11 of Law No. 28 of 2014 on Copyright ("UUHC"), the act of announcing and reproducing a work is defined as an action that causes the work to be read, heard, or seen by others in the form of reading, broadcasting, or exhibiting, whether using electronic or non-electronic means or in any manner. Thus, the act of announcing and reproducing someone else's copyrighted work without permission certainly impacts the interests of the owner/creator. As a result, the owner/creator of the work does not receive the royalties that should be received when their works are illegally reproduced by others.

Furthermore, it is explained in the provisions of Article 1, paragraph 11 above that copyright not only covers physical works but also digital works that are disseminated electronically through the internet. Information or creations disseminated through the internet media remain protected even if they have been converted into digital form. For example, an image, photo, cinematographic work, and/or music disseminated through Digital Platforms (such as Facebook, Instagram, and TikTok) will remain protected as a work of creation with copyright attached to it. If the creation is distributed through a Digital Platform in its altered digital form without prior permission from the creator, then the distribution will be considered as the distribution of a copyrighted work in violation of the Copyright Law.

The approaches used are the statute approach, conceptual approach, case approach, and comparative approach, utilizing specifications and deductive and inductive reasoning to uncover the objective truth regarding how Digital Platforms should be held accountable for copyright infringements occurring on internet media platform services.

2. LITERATUR REVIEW

The concept of this research begins with the rapid development of technology and all the possibilities that will arise as a result of technological advancements, particularly those related to copyright on the internet (Borgman, 2010). With the support of the internet, creative works will become increasingly easy to spread in digital form and will be easier to pirate, thus providing benefits to the pirates and losses to the creators. The existence of Digital Platforms as providers/places for disseminating content that contains copyright through services laden with the concept of user-generated content (UGC), also contributes to facilitating the infringement of creative works in the digital world.

3. METHODOLOGY

Research is the pursuit or search for true or scientific knowledge used to answer specific problems. In developing science and technology, a fundamental means is required in the form of systematic, methodological, and consistent research. The research is conducted through analysis and construction of processed data. Research involving a meticulous review of legal materials or legal data to resolve legal issues is known as legal research.

Legal research consists of two types, namely:

- a. Doctrinal Research or Normative Legal Research that examines law from an internal perspective with its research object being norms or regulations
- b. Non-Doctrinal Research or Empirical Legal Research that examines law from an external perspective with the research object being social attitudes and behaviors towards the enacted law

A legal research must be conducted based on appropriate research methods to assist researchers in discovering, formulating, analyzing, and solving research problems used to reveal scientific truth. To obtain such accountable scientific truth, a research method is necessary.

Method is defined as a process, principles, and procedures used to solve a problem. Meanwhile, research is defined as a detailed, careful, diligent, and thorough examination of a problem aimed at enhancing human knowledge. Thus, Research Methodology can be defined as a set of principles and procedures used to solve the problems encountered in conducting research.

Next, in order for this research to have significant weight, not just merely describing facts (fact finding), these facts will be given adequate interpretation. It can be understood that this method is not merely about collecting and organizing data, but also includes the process of analysis and interpreting the meaning of the data as an effort to solve problems. With the conduct of this research, it is hoped that a model of Digital Platform responsibility can be found when copyright violations occur on internet media platform services based on the Indonesian national legal system, which follows the *Rechtstaats* tradition with its Civil Law system that emphasizes written law.

4. DISCUSSION

4.1. The Effectiveness of Law Number 28 of 2014 on Copyright in Addressing Criminal Acts Against Copyright

Intellectual Property Rights play an important role in various aspects of life (Sunder, 2012). This is because Intellectual Property Rights are closely related to technology, economics, and cultural arts. The importance of Intellectual Property Rights in life is such that these rights should be protected (Chapman, 2002). One form of Intellectual Property that must be protected is copyright (Sharma, 2014).

There are several rulings related to violations and criminal acts against intellectual property rights in Indonesia, which can be outlined as follows:

Table 1: Analysis of Judges' Considerations and Decisions on Copyright Crimes in Indonesia.

No	Decision Number	Decision	Accusation
1	Decision Number 193/Pid.Sus/2019/PN Tte	<ol style="list-style-type: none"> 1. States that the Defendant Ir. Muhammad Bachmid, MBA Alias ABA has been proven legally and convincingly guilty of committing a crime intentionally and without the right to violate economic rights as referred to in Article 25 paragraph (2) as stated in the Primary Indictment; 2. Imposing a sentence on the Defendant Ir. Muhammad Bachmid, MBA Alias ABA with a prison term of 1 (one) year and 6 (six) months and a fine of Rp 1,000,000,000,- (one billion rupiah) with the provision that if the fine is not paid, it will be replaced with an imprisonment term of 3 (three) months; 	Article 25 paragraph (2) of Law Number 28 of 2014 on Copyright.
2	Decision Number 719/Pid.Sus/2018/PN.Mtr/ Decision Number 32 / PID.SUS / 2019 / PT. MTR	<ol style="list-style-type: none"> 1. Declares the Defendant Marcel Lothar Manfred Navest above, proven legally and convincingly guilty of committing the crime "which without the right and/or without the permission of the Creator or copyright holder violates the economic rights of the creator as referred to in Article 9 paragraph (1) letter a, letter b, letter e and/or letter g for commercial use" as in the first indictment; 2. Imposing a sentence on the Defendant, therefore, with a prison term of 6 (six) months; 	Article 113 paragraph (3), Article 9 paragraph (1) letter a, letter b, letter e and/or letter g of Law Number: 28 of 2014 on Copyright.
3	Decision Number 213/Pid.B/2018/PN.Cbi/ Decision Number 2878 K/Pid.Sus/2019.	<ol style="list-style-type: none"> 1. Declares the Defendant Meliyarti Kusuma Wardani Binti Raden Yarso has been proven legally and convincingly guilty of committing the crime of "without the right and without the permission of the creator or copyright holder, violating the economic rights of the Creator." 2. Impose a prison sentence of 2 (two) months on the Defendant. 	Article 113 paragraph (3) of Law No. 28 of 2014 on Copyright.

Source: Directory of Supreme Court Decisions of the Republik Indonesia 2019-2024.

Based on several court rulings above, it is explained that the elements contained in the article on criminal acts of copyright infringement have not yet reached the rapidly evolving criminal acts in terms of means, *modus operandi*, and the involvement of authorized individuals. The imposition of criminal sanctions for copyright infringement will affect the law enforcement process that can entrap copyright offenders in Indonesia (Butt & Lindsey, 2006).

The importance of enhancing prevention through the quality of human resources, and legal regulations that can provide a deterrent effect to offenders will raise awareness of the importance of maintaining and protecting intellectual property rights, especially copyright. That the criminal sanctions imposed in the above decision have not yet been able to deter copyright offenders.

Table 2: Number of Copyright Crime Cases in Indonesia.

No	Year	Amount
1	2019	5
2	2020	1
3	2021	2
4	2022	2
5	2024	1

Source: Directory of Supreme Court Decisions of the Republik Indonesia 2019-2024.

Based on the preliminary data in Table 2 above, it explains that violations of Law Number 28 of 2014 concerning Copyright require a reformulation of the enforcement articles on copyright violations to be more effective in addressing the increasingly evolving criminal acts through the role of technology. The process of protection and legal accountability for intellectual property ownership as a priority in law enforcement to provide security and public trust as well as legal certainty (Zhai, 2023). The impact of high public trust will lead to economic growth, business opportunities, and the prevention of economic crimes.

a) *Indonesia, there is currently a Constitutional Court Decision Number 84/PUU-XXI/2023*

Indonesia, there is currently a Constitutional Court Decision Number 84/PUU-XXI/2023 that conducts a judicial review of Article 10 of the UUHC concerning the interpretation of the phrase "Pengelola Tempat Perdagangan." The phrase "Pengelola Tempat Perdagangan" is considered very narrow given the rapid development Digital technology-based platforms that intentionally provide media to store, announce, and display content that causes copyright infringement. Through the judicial review, the Constitutional Court expanded the meaning of the Manager of Trade Places as referred to in Article 10 of the Copyright Law, which also includes Digital Platforms based on User Generated Content (UGC) that engage in the sale, display, announcement, and/or reproduction of copyrighted works.

It should be noted that the definition of Digital Platform as defined by Koh and Fichman is a two-sided network that serves as a place for interaction between different user groups that are interdependent and connected, such as buyers and suppliers. Digital platforms are also defined as networks of commercial markets that enable transactions in the form of business-to-business (B2B), business-to-consumer (B2C), and/or consumer-to-consumer (C2C) exchanges. Digital Platforms are known as two-sided markets (multi-sided markets) that have groups of suppliers and customers participating in every type of transaction conducted. Thus, a Digital Platform can be defined as a place where individuals and/or groups engage in activities to share information, trade, or offer a product (Bonina et al., 2021).

The use of Digital Platform services has created a vast space for interaction or communication between people through the provision of services in the form of applications such as sharing apps, short video creation apps, video hosting services, and/or similar services collectively referred to as Digital Platform services. Digital platforms are intentionally created to serve as a venue for users to create their own content, known as User Generated Content (UGC), in the form of videos, images, and/or audio that can be uploaded, displayed, and then shared on these digital platforms.

Although the development of Digital Platforms has had many positive impacts on human activities, further and more comprehensive regulations are needed, especially regarding the existence of Digital Platforms. As with the issue of Digital Platform accountability for content created and disseminated by users that contains elements of copyright infringement. For example, the increase in illegal downloads of music, videos, and/or images on the internet since the onset of the P2P (peer-to-peer) revolution, which introduced the concept of Web 2.0 (user interactive), through services that allow users to independently produce content on Digital Platforms such as Instagram, YouTube, and Facebook.

In the concept of copyright infringement on P2P platforms, users who upload copyrighted files without permission are numerous and difficult to reach, referred to as Primary Infringers, and if one wishes to apprehend them, it would raise many legal issues and be very impractical. Therefore, copyright holders prefer legal actions to be directed not at the individuals who directly commit the infringement, but rather at the Digital Platforms that allow or promote such direct infringements. The Digital Platforms referred to are those who operate P2P networks or develop technical means (especially software) that can cause copyright infringement online through their platforms. For example, in the case of uploading videos to Instagram, YouTube, Facebook, and/or other sharing apps that contain elements of copyright infringement in the content created by users in large quantities.

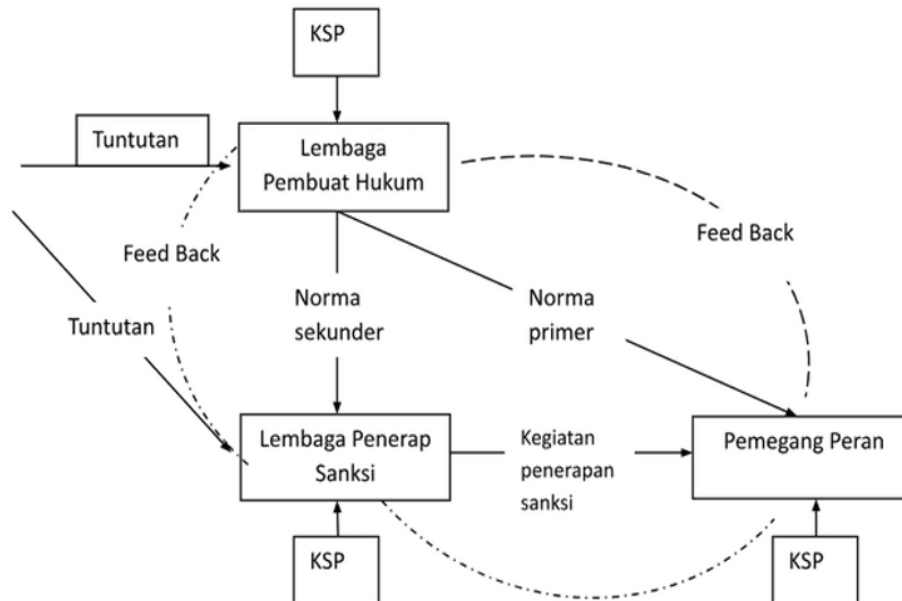
It should be noted that copyright infringement is categorized into direct infringement and indirect infringement. Direct infringement occurs when an act constitutes the reproduction and public announcement of a creation carried out without the creator's permission. Meanwhile, indirect infringement is the act of providing means or opportunities for the reproduction and distribution of a creation without the permission of the copyright holder. In the context of Digital Platform services, it can potentially fall into both categories (Nooren et al., 2018).

Currently, there are several countries that have specific regulations regarding the responsibility of Digital Platforms for copyright infringements. Even this issue has received attention in African countries such as Kenya, Morocco, Tanzania, etc. These countries currently have regulations regarding the liability of Digital Platforms related to copyright, such as provisions on safe harbor, notice and takedown, request OSP for information, P2P, and web-hard service provider.

For example, the United States implements provisions related to the Safe Harbor doctrine with the aim that electronic system operators can enforce copyright law in the circulation of content or information that is freely distributed on their service systems. The safe harbor provisions can be found in the Digital Millennium Copyright Act (DMCA) as per the ruling in the case of *Ellison v. Roberson*. The provisions in Section 512 of the DMCA include a safe harbor provision regarding the regulation of liability limitations for electronic system operators if those operators have implemented preventive policies. The intended preventive policy is a policy that requires every electronic system operator to create a control mechanism aimed at anticipating copyright violations of created content by providing notifications to service users. The policy aims to impose on electronic system organizers a supervisory role over the content circulating in the electronic services they manage.

Additionally, in response to the rapid development of the digital world, the European Union is currently re-regulating the rules related to digital platform services through a new law, namely Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services, commonly known as the Digital Services Act (DSA). Within the DSA, there is a Notice and Takedown policy that requires platform providers to implement mechanisms that allow users or copyright holders to report illegal content that infringes copyright. The existence of reports from users requires service providers to follow up by removing or disabling access to the content in question quickly and proportionately.

Indonesia, as a country that has ratified the TRIPs Agreement, has currently formulated its UUHC referring to the standard provisions of the international agreement (Hawin, 2018). Regarding the provisions on the responsibility of Digital Platforms in the



In the chart, it is explained as follows:

- ## 5. CONCLUSION

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