



DYNAMICS OF COPYRIGHT PROTECTION IN THE ERA OF GLOBALIZATION: A COMPARATIVE STUDY OF INTERNATIONAL LAW

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Abstract: *In this era of globalization and advances in digital technology, the copyright protection system faces increasingly complex challenges. This research is a normative law study with a comparative approach to legal systems in developed and developing countries, as well as the role of global institutions in shaping international norms. The study examines key legal instruments such as the Bern Convention, TRIPS Agreement, and WIPO Copyright Treaty (WCT), and evaluates their implementation in various countries. The results show that developing countries like Indonesia still face obstacles in the implementation of copyright protection, ranging from weak digital law enforcement to low public awareness. The study emphasizes the need for inclusive global governance so that the copyright protection system can be fairly adapted to domestic conditions.*

Keywords: *copyright, globalization, WIPO, TRIPS, digital enforcement*

Abstrak: *Dalam era globalisasi dan kemajuan teknologi digital ini, sistem perlindungan hak cipta menghadapi tantangan yang semakin kompleks. Penelitian ini adalah studi hukum normatif dengan pendekatan komparatif terhadap sistem hukum di negara maju dan berkembang, serta peran lembaga global dalam membentuk norma internasional. Studi ini meneliti instrumen hukum utama seperti Konvensi Bern, Perjanjian TRIPS, dan Perjanjian Hak Cipta WIPO (WCT), serta mengevaluasi penerapannya di berbagai negara. Hasil penelitian menunjukkan bahwa negara-negara berkembang seperti Indonesia masih menghadapi hambatan dalam pelaksanaan perlindungan hak cipta, mulai dari penegakan hukum digital yang lemah hingga rendahnya kesadaran publik. Studi ini menekankan perlunya tata kelola global yang inklusif agar sistem perlindungan hak cipta dapat disesuaikan secara adil dengan kondisi domestik.*

Kata kunci: *hak cipta, globalisasi, WIPO, TRIPS, penegakan hukum digital*

INTRODUCTION

The development of information and communication technologies in the era of globalization has brought about major changes in the way copyrighted works are created, disseminated, and consumed. Digital technology makes it easy for creators to reach a global audience quickly, but at the same time opens up opportunities for copyright infringement, such as illegal duplication and distribution through various digital platforms. The consequences of these infringements not only result in material losses but can also reduce the enthusiasm and productivity of creators in producing new works. In the long run, this condition can hinder the cultural development, innovation, and intellectual progress of a society.

In many countries, copyright regulations have been designed to protect creative works. However, in practice, existing rules are often unable to keep up with the speed of digital technology development. The biggest challenge lies in the gap between the applicable laws and the fast-changing dynamics of the digital world. This suggests that while legal protections are in place, their effectiveness still needs to be evaluated and adjusted to truly address the needs of the times, particularly in the context of copyright infringement in the digital space.

Against this backdrop, an important question arises: how can copyright law continue to be relevant and protect creators amidst evolving digital challenges? This research focuses on exploring the global challenges in copyright protection and analyzing how international legal instruments such as the Bern Convention, TRIPS Agreement, and WIPO can be part of the solution. We aim for this research to develop specific strategies that will enhance the copyright protection system in today's globalized context.

METHODS

This research uses a normative juridical approach, namely by examining various applicable laws, both domestically and at the international level. The focus of the research does not involve interviews or field data collection but comes from a literature study of official legal documents, such as laws, international conventions, and related scientific writings. The approach used is comparative,

namely by comparing the legal system of copyright protection in several countries. Some of the countries that are the object of comparison are the United States, Japan, and Germany as examples of developed countries, as well as Indonesia, India, and Nigeria as representations of developing countries. The selection of these countries was made based on their participation in international treaties such as the Bern Convention, TRIPS Agreement, and WIPO Copyright Treaty, as well as based on the differences in their legal systems between common law and civil law systems. This research employs a normative juridical method with a comparative international law approach. The main focus is on written legal norms governing copyright protection at the national and international levels. The comparative approach is used to see the similarities and differences in the legal systems of several countries regarding the implementation of the Bern Convention, TRIPS Agreement, and WCT. Information is gathered through the examination of legal documents and articles, which are analyzed carefully to determine the alignment of national laws with global standards and to assess the effectiveness of copyright protection in addressing challenges posed by globalization.

The data analyzed was obtained from various primary legal sources, such as Law No. 28/2014 on Copyright and the contents of international treaties, as well as legal articles and journals from various official institutions, including publications from WIPO and WTO. All data was analyzed using qualitative methods by reading and understanding the content of the documents thoroughly to find out how each country implements copyright protection and adapts their national laws to global standards. The analysis process also takes into account theoretical foundations, such as natural law theory and global governance theory, to provide a more thorough understanding of the current international legal context. In this way, this research seeks to clearly illustrate the challenges and dynamics faced in copyright protection, especially in the midst of the rapid development of digital technology and globalization.

RESULTS AND DISCUSSIONS

Based on a review of various national and international legal sources, as well as comparisons with legal systems in several countries, there are several important findings that can be explained through four main sections: theoretical basis, national challenges, international comparisons, and gaps between countries in copyright protection practices.

Theoretical Basis: Natural Law and Global Governance

In understanding the international copyright protection framework, this study utilizes two main theories, namely natural law theory and global governance theory. Natural law theory states that just and right legal principles come from human reason and conscience, and are universally applicable regardless of national borders. In the context of globalization, this theory is very important because it emphasizes the protection of intellectual works is not just a matter of written rules, but also a matter of respect for human creations that should be morally protected. When someone's work is easily replicated or disseminated without permission, then ethically it is a form of violation of the human values inherent in the creation of the work.

Meanwhile, global governance theory explains that in global issues such as the protection of intellectual property rights, the role of the state no longer stands alone, but rather involves cross-border actors, such as international organizations and the private sector. WIPO (World Intellectual Property Organization) and WTO (World Trade Organization) are clear examples of international institutions that play an important role in shaping the global legal system in the field of copyright. WIPO acts as a standard-setter and technical forum for member countries, while the WTO through the TRIPS Agreement, establishes rules that are legally binding and provides a dispute settlement mechanism between countries. According to this theory, countries cooperate not in a hierarchical manner but through mutual agreement and recognition of each party's interests. Therefore, the theory of global governance becomes very relevant to explain how copyright is regulated internationally, as well as how developed and developing countries are encouraged

to collaborate to create a more equitable and fair protection system amid the challenges of digitalization and globalization today.

Challenges of Copyright Protection in Indonesia in the Digital Age

In the midst of the rapid development of digital technology, Indonesia has made laws to protect copyright through Law Number 28 Year 2014 on Copyright. This law stipulates that digital platforms such as YouTube, Spotify, and other social media must take responsibility if there is content that violates copyright. Article 114 mandates that relevant parties, including digital platforms, are obliged to withdraw copyright-infringing content if lawfully notified by the rights owner.

But in reality, the implementation of these rules is still not going well. One of the main problems is the weak ability of the institutions that are supposed to monitor and follow up on copyright infringement, in terms of technology and human resources. Coordination between government agencies is also not optimal, and many digital platforms operating in Indonesia do not have systems sophisticated enough to automatically detect infringement. In fact, some platforms do not have official offices in Indonesia, making legal proceedings difficult in the event of an infringement.

Another problem is the gap between the rule of law, which is actually quite complete, and the conditions in the field that are not ready. Many law enforcement officers do not fully understand copyright issues in the digital world. The public and creative industry players continue to receive limited socialization, leading many to remain unaware that they are infringing upon copyright. In addition, supporting technology for tracking and monitoring digital content has also not been developed optimally.

Indonesia is still lagging far behind developed nations like the US or Japan in this regard. In these countries, digital copyright protection has been running systematically with strong cooperation between the government, courts, technology companies and users. In Indonesia, the system is not yet fully established. Therefore, what is needed now is a comprehensive improvement, starting from

improving the capabilities of legal institutions, better cooperation between the government and digital platforms, and education for the public. The goal is that copyright protection does not only exist in written rules but can actually be applied in the midst of the swift flow of information and digital content that crosses national borders.

Comparison of International Legal Systems Related to Copyright

In an attempt to understand the dynamics of copyright protection globally, it is important to see how the legal systems in different countries respond to applicable international instruments. As explained in the methods section, this study compares some developed countries such as the United States, Japan and Germany, with developing countries such as Indonesia, India, and Nigeria. This comparison is important because each country faces different challenges in translating international standards into their national laws. Each of these countries has a different legal system background and has become a party to international agreements such as the Bern Convention, the TRIPS Agreement, and the WIPO Copyright Treaty (WCT):

Bern Convention (Berne Convention)

The Bern Convention, which guarantees automatic protection for copyrighted works without the need for registration in the destination country. The Convention is based on the principles of nationality and equal treatment between member countries. The United States, while initially refusing to join for quite some time, eventually became a member with a very different approach. There, copyright is considered an economic right that can be fully transferred to another party, such as a record company or publisher. This approach reflects the common law system, which is more flexible towards the transfer of rights. In contrast, Indonesia, which adheres to the civil law system, emphasizes more on the moral aspects and respect for the creator. Since joining the Bern Convention in 1997, Indonesia began to adjust its national rules through Law Number 28 of 2014, which emphasizes the protection of moral and economic rights in a balanced manner.

The TRIPS (Trade-Related Aspects of Intellectual Property Rights)

The TRIPS (Trade-Related Aspects of Intellectual Property Rights) agreement governed by the WTO requires all member countries to follow minimum standards for the protection of intellectual property rights, including copyright. Developed countries such as Japan and Germany generally have a stable legal system and are ready to accommodate these rules. However, for developing countries like Indonesia and India, the implementation of TRIPS is not an easy matter. On the one hand, they are required to protect copyrights according to global standards, but on the other hand they must also ensure that people's access to information, technology and medicines is not hampered. India, for example, was previously known as a producer of cheap generic drugs, but had to adjust its patent rules after joining the WTO. Indonesia also encounters comparable difficulties, as widespread copyright infringement persists and the effectiveness of law enforcement remains limited.

WIPO Copyright Treaty (WCT)

The WIPO Copyright Treaty (WCT) was created in response to the new challenges posed by the rapid development of digital technology. Developed countries, such as the United States, strongly support this treaty and even took a step further by passing a special law, the Digital Millennium Copyright Act (DMCA), to strengthen copyright protection in the digital world. Meanwhile, developing countries like Indonesia only ratified the WCT in 2017. Although it has participated, the implementation in the field still encounters many obstacles. There are still many people who do not understand the importance of copyright, the available technology is not supportive enough, and the support from related institutions is still limited, so that the implementation cannot run optimally.

Regional Regulations Related to Copyright

In addition to international rules such as the Bern Convention and TRIPS, there are also regional regulations that are important in copyright law. An example is the European Union Directive on copyright. These rules aim to equalize copyright law in member states and adapt copyright protection to the development of digital technology. One example is the EU Copyright Directive 2001/29/EC. It regulates exclusive rights to public communications and digital transmissions, and sets out the limitations and exceptions to copyright that are allowed. Trimble (2012) says that regional regulations often set higher standards than international agreements because they are tailored to the conditions in the region. In the United States there is also an instrument of the Inter-American Convention on Copyright, although its application has not been as strong as in the European Union.

Through this comparison, it is clear that copyright protection cannot be simply homogenized across countries. Each country has different legal characteristics, capacities and needs. Therefore, it is important for countries, especially developing ones, to not only adapt their national laws to global standards, but also take into account their own social, economic and technological conditions so that copyright protection can be implemented fairly and effectively.

The table below presents a comparison of important aspects of copyright protection systems between developed and developing countries, based on comparative international law studies. The table includes examples of developed countries (United States, Japan, and Germany) and developing countries (Indonesia, India, and Nigeria):

Table 1. Comparison of Copyright Protection Dynamics between Developed and Developing Countries

Aspect	Developed Countries (United States, Japan, Germany)	Developing Countries (Indonesia, India, Nigeria)
Domestic Regulation	Regulation Copyright laws are generally well established, comprehensive, and consistent	Many are still in development, under revision, or inconsistent
Compliance with International Agreements	Generally members of WIPO, WTO-TRIPS, Bern Convention, etc.	Some countries have joined, but implementation remains weak
Public Awareness	High the public and industry players respect intellectual property rights	Violations are often considered normal and awareness is low.
Access to Global Protection	Industry players can easily register and export copyrights globally.	Many administrative and cost-related barriers to international registration
International Cooperation	Active in international forums and global law enforcement alliances	Limited participation, often reliant on external technical assistance

Source: Vanderbilt Journal of Transnational Law, Vol. 32, No. 3, Tahun 2000

CONCLUSIONS

Copyright protection in the era of globalization and advances in digital technology is increasingly becoming an important concern in the world of international law. Although various legal instruments such as the Bern Convention, TRIPS Agreement, and WIPO Copyright Treaty have been designed to unify protection standards at the global level, in reality implementation in developing countries still faces many obstacles. One of the main challenges raised in this research is the weak law enforcement against copyright infringement, especially in the digital context.

Indonesia, as one of the developing countries that has ratified the international instrument, already has sufficient legal basis, such as Law Number 28 of 2014 on Copyright. However, in its implementation, many obstacles arise, ranging from the lack of human resources who understand digital technology, the lack of public awareness of the importance of copyright, to the lack of optimal support for infringement detection technology. This shows a gap between the existing laws and the readiness of institutions and communities to implement them effectively.

A comparison between developed and developing countries in this study shows that developed countries are generally better prepared, both in terms of regulation, technology and public awareness. In contrast, developing countries still need greater support to build a balanced protection system that meets today's digital challenges. Therefore, it is important to not only adapt national laws to international standards, but also strengthen local capacities as a whole.

In conclusion, effective copyright protection in the era of globalization requires synergy between international law and domestic capabilities. Collaboration between states, international institutions, and industry players is needed so that the protection of copyrighted works is not only valid on paper, but also tangible in practice. With inclusive and adaptive global governance, it is hoped that the future copyright protection system will be able to answer the challenges of the times in a fair and sustainable manner.

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