

## CHAPTER V CONCLUSION

### 5.1. Conclusion

1. This research researches about the protection given by the copyright law in protection works created by artificial intelligence. Nowadays, many big companies invest their money and finances on creating an artificial intelligence program in hope for the computer program to generate works for them, such as literature, music, painting, pictures, and many more.

It is believed that by using artificial intelligence as their media, it will be more efficient in time and money since the companies won't need to wait for a long time for the necessary work to be made. However, protection for these works generated by artificial intelligence is still a blur, since some states do not acknowledge computer-generated works as a copyrightable work.

2. World Intellectual Property Organization (or known as "WIPO") has been protecting intellectual property rights, one of in the fields of copyright, internationally for many years since the 1980s. However, even as the umbrella of intellectual property rights in international law, it has not yet been up to date to the most current copyright trend, in which so many advanced technologies have developed in the digital era thus opens the possibility of minimum or even no of human author involvement.

Since it's not created by human, the works are considered not copyrightable. The protection for works created by artificial intelligence is still a debated topic among the scholars and WIPO, whether the copyright can be given to the artificial intelligence itself, the operator of the program, the owner of the program, or the developer of the program.

3. In Indonesia, protection for copyrightable works has advanced from time to time from 1982 to 2014 as the most current valid copyright law. However, Law Number 28 of 2014 has also not yet up to date with the most current technical development of industry revolution 4.0 that majorly involves advanced technologies, such as robotics and artificial intelligence.

Artificial intelligence as a computer program can and is used to generate works that are labelled as “computer-generated work”, which has not been regulated in Indonesia about protections for computer-generated work. There is an absence of legal certainty in Indonesian copyright law for this issue, and the Government of Indonesia doesn’t seem to notice or to take any action for this.

However, the United Kingdom has broken through the barriers of the law without violating its fundamental principle of law by finding a loophole in this issue. The United Kingdom Copyright, Design, and Patent Act 1988 in its most current version have regulated that any computer-generated (non-human authors) works, the copyright of it will be given to the person whose action triggered the computer to generate the work, even if it is merely pressing a single button. In this regulation, the United Kingdom copyright law adopts the “Work Made for Hire” doctrine in the United States Copyright Law. From this action, we can conclude that the United Kingdom has given its people and investor legal certainty in protection for works created by artificial intelligence.

4. Comparing the copyright protection provided by both states, we can conclude that the United Kingdom has more progressive approach regarding protection for works created by artificial intelligence. Based on the progressive law theory by Sajipto Rahardjo, the law is dynamic and will continuously adjust itself to the most current social development in order to serve humanity. As the current development in the digital era of copyright is using a lot of digital instruments, a lot of the works use a minimum or even no human involvement. This has caused the work to be labelled “computer-generated work”, not a regular human author’s work.

In this matter, many states have not regulated the protection for works created by artificial intelligence since it is considered not born from ideas and the creativity of humanity, thus not fulfilling fundamental principle of copyright that copyrightable works are works born from ideas, creativity, and dream of the author that is fixed in materialized or tangible form. But the United Kingdom has come forward with a solution to admit the work as

a copyrightable work and give the copyright to the person whose action triggered the generating sequence of the work. Thus, the United Kingdom moves more progressively than other states.

5. In this research, it is being pointed out the concern that Indonesia should adopt this approach in order to be more advanced in the protection the government provides for copyright field as soon as possible. It is even more crucial considering that companies in Indonesia have started to use artificial intelligence in their operational business.

For Indonesia to entirely give protection to copyrightable works existing in Indonesia and for the current and future companies as well as investors, it needs legal certainty for computer-generated works. Thus, adopting the approach that the United Kingdom applied is considered as a solution in this research.

## **5.2. Limitation**

In writing this research, it has stumbled few obstacles and limitations in the process. Since the issue of protection for copyrightable works created by artificial intelligence has not risen to become a court case in Indonesia, it can be seen that this research is not an urgent matter. Hence, the Writer must look for court cases in other states as an example to show that this topic has become an issue and Indonesia is not an exception that will be influenced from this technology revolution.

The Writer must also point out the urgency of this matter through legal theories as a valid benchmark, hence it is used The Progressive Law Theory by Satjipto Rahardjo and The Concept of Law Theory by Gustav Radbruch as a benchmark to further explain the urgency of this issue. Just because the issue has not yet boomed in Indonesia, it does not mean that Indonesia should not participate in giving legal certainty and solution for this matter.

There might be people using artificial intelligence to generate works for them, but technology in Indonesia has not yet to reach the level where artificial intelligence work sequence is merely pushing few button and the program does most of the work and the creativity. However, considering how fast the industry revolution 4.0 influenced Indonesia in its society daily lives and the government

activities, if the law of Indonesia does not progressively adjust itself to the most current social development, there will be a legal gap, Indonesia will be left behind in global trading and investment, and there will be chaos in Indonesia regarding this issue.

### 5.3. Recommendation

Based on this research and the answers, the recommendations that can be given are as follows:

a. For the Government of Indonesia:

It is suggested to the Government of Indonesia to keep its law protection scope updated progressively with the following methods:

1. To revise the Law Number 28 of 2014 about Copyright to include the “computer-generated work” into the scope of protected works in Indonesia, patching potential loopholes, and adding more details in the law. By “computer-generated work” means copyrightable works in which the author is a computer program (in this case, artificial intelligence) that includes a minimum or no human author involvement to ensure legal certainty and obtain justice with maximum expediency.
2. If a revision is not possible, then it is advised for the Government of Indonesia to publish a Government Regulation to specifically regulate works generated by non-human authors and the “Work Made for Hire” doctrine as a solution to the ambiguity of concept in this issue. The artificial intelligence program can be seen as the creative “employee” or a creator working for the user. The user can be a legal body of law, an individual human, the firm, or other entities operating the artificial intelligence system.
3. To ensure maximum expediency, after a revision is made, it is suggested for the Government of Indonesia to properly educate and spread awareness to the public in Indonesia in order for a law to be known, effective, stronger and binding.

- b. For companies and investors in Indonesia:
  1. To embrace the wave of industry revolution 4.0 by putting artificial intelligence usage in their core strategy and trials for more efficient productivity in business world;
  2. To train and give knowledge to their employees in order to allocate necessary knowledge and soft skills regarding artificial intelligence, such as programming, operational, and other soft skills.
- c. For the academic field:
  1. To continue research regarding protection towards works created by artificial intelligence, about how it works in the practical field, the pros and cons, how it may influence the way of the society lives now, the analysis in every existing field of the government to help the government as a reference to decide their next action in providing maximum justice and expediency easier.
  2. To assist the government in the process of providing legal certainty for this issue by giving research, judicial review, and many more.
- d. For the public:
  1. To be reminded that even in this advanced digital era with so many technologies that can help to make copyrightable works easier, creators and authors must not eliminate the creativity process in creating copyrightable works.
  2. To be reminded that each and every person, each and every work has the right to be protected by the law, thus every person has the right to demand protection by the law and every copyright works deserves to be protected whether if it's made by human author, a body of law author, or a non-human author.