



ALSA ENGLISH 2023 COMPILATION 2023

Compilation of **Legal Essay** ALSA LC UB 2023



OPENING REMARKS

**Assalamualaikum Wr. Wb. Shalom,
Om Swastiastu,
Namo Buddhaya.**

Greetings everyone!

We give our highest praise and gratitude to the presence of God Almighty who always gives all His blessings, gifts and protection to all of us.

Asian Law Students' Association Local Chapter Universitas Brawijaya is an organization that aims to connect all students of the Faculty of Law in Asia. As one of the 15 Local Chapters under Asian Law Students' Association National Chapter Indonesia, ALSA Local Chapter Universitas Brawijaya is always focused and has firm principles to carry out the Vision and Objectives of ALSA which are based on the ALSA Constitution. In order to achieve this goal, ALSA Local Chapter Universitas Brawijaya always put forward the 4 pillars of ALSA in order to create individuals who can understand the different legal systems of each member of the National Chapter in ALSA, develop its members to become individuals who have international insights, responsible to the community and society, has a high commitment to academics and also has competitive legal skills in order for it to be beneficial to the surrounding community.

With that, I, Edelweis as the Director of ALSA Local Chapter Universitas Brawijaya term 2022-2023 is proud to present this ALSA English Compilation. We sincerely hope that ALSA English Compilation could be a well rounded handbook that showcases our achievements and outputs from our respective work program and activity. May ALSA English Compilation brings benefits and accelerates two of our pillars in ALSA which are Legally Skilled and Internationally minded.

Finally, we hope all of our readers could gain new knowledge and resources for future references. Hopefully we can all contribute well by giving our full support to young Indonesian students that aim to build our beloved country, Indonesia.

"Small Changes, Big Impacts"

**Wassalamualaikum Wr. Wb,
Shalom,
Om Shanti Shanti Shanti Om,
Namo Buddhaya,
Salam kebajikan untuk kita semua.**

**Together Will Be,
Connected as One,
May ALSA, Always be One!**



**Edelweis
Director ALSA LC Universitas Brawijaya**

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Protecting Human Rights in the Virtual World

By: Shakeera Arjumand Bano

A. Introduction

1. Background

The word metaverse, virtual reality (VR), augmented reality (AR) has been a hot topic especially in this era where we are all socially distancing due to pandemic. Supported by the rapid evolution of technology, people manage to build a world that can only be enjoyed virtually. The convenience that the technology offers made a huge impact not only for the user as the company receive a lot of demand meaning they earn profit. The term of metaverse can be understood as a digital universe that melds virtual and augmented reality to build an immersive experience. In short, the user can do things humans like to do together in real life like work, play, shop, socialize, etc. Back in 1992, the sci-fi novel, Snow Crash by Neil Stephenson mentioned the word metaverse that propounds the onset of a digital reality where the physical world has become inhabitable and the only exit is through virtual reality¹. What can be confusing is that some people seem to identify virtual reality as metaverse but actually it's a different concept. While the metaverse is the virtual world, virtual reality is the technology for creating three-dimensional virtual environments with specifically targeted functionalities². It means that virtual reality is practically one of the main technologies for developing the metaverse. Although this technology made a positive impact on our daily lives, it still has some potential risks to human rights. Online harassment and abuse can be accrued where there could be a person record their surroundings with some AR tools in secret. Not only that, our personal data can also be recorded and somehow connected to the companies who build the metaverse. Due to the squishy concept of the metaverse, governments don't have much power to intervene this yet. With the current condition, all of the parties such as governments, NGOs, the companies including investor should also be focusing on human rights.

¹ Sudeep Srivastava, 'Metaverse: The New Web is Here, Where are You?' (appinventiv.com, 3 May 2022) <https://appinventiv.com/blog/what-is-metaverse/> accessed 29 June 2022

² James Howell, 'Metaverse Vs. Virtual Reality: Key Differences' (101 Blockchains, 4 March 2022) <https://101blockchains.com/metaverse-vs-virtual-reality/> accessed 29 June 2022

2. Legal Issues

The metaverse is the next generation of the internet built on the core principles of immersion, mobilization, and real-time activity. This new invention will also build up new legal issues, especially in the absence of existing standards and precedence. Some of big technology companies have a huge impact on our daily life as they can control what information we access, the connections we make, even the things we buy. As Mark Zuckerberg – CEO of Meta – said that in a metaverse, the user cannot even scratch a nose even its virtually without a permission of a program controlled by the company. The pitch that the metaverse offer is that people can be whatever they want since the creator offering different types of wardrobes and such. But then some question may be popped in our head, will this invention enhance and protect human rights? The most prominent human rights values lie in freedom, equality, a sense of security, peaceful coexistence, the right to own property and respect for the human being. Human rights guarantee civil, political, cultural and social rights for individual. The safety and privacy of personal information is one of the human rights aspects as on article 12 of the Universal Declaration said that “No one shall be subjected to arbitrary interference in his or her private life, family, residence or correspondence, or to campaigns against his or her honor and reputation. Everyone has the right to be protected by law from such interference or campaigns.” As for now, we can not seem to find that law occurs in virtual world or the metaverse. Eventhough there is not yet legal standing for the human rights in virtual world, some people investing heavily in these technologies so that the pace of developing this technology is more fast than creating the law that protecting the user. In this situation, what important is not only the expand of the technology but all of the parties also need to focus on the user’s rights. Human rights must be on the top of the list as the well-being of individuals is essential for the sovereignty and promotion of human rights in different societies. In addition, the user should also be aware of their rights³.

³ Rawan Abdel, ‘An Assesment of Human Rights in the Metaverse’ (fdhrd.org, February 2022) <https://www.fdhrd.org/an-assesment-of-human-rights-in-the-metaverse/> accessed 29 June 2022

3. Basic Regulations of Human Rights in Virtual World

- Law of The Republic Indonesia Number 28 of 2014 on Copyrights
- Law of The Republic Indonesia Number 19 of 2016 Concerning Electronic Information and Transactions
- Law of The Republic Indonesia Number 13 of 2016 on patent
- Defamation Act

B. Analysis

1. The violations of human rights in Metaverse and its consequences

A core component of the metaverse is interoperability which means that information is exchanged between different systems seamlessly⁴. Set a foot in metaverse is just easy, if a person has access to a VR headset and AR glasses, then they have access to the metaverse. This system work by capturing biological data about a user's body. Spending just 20 minutes in a VR tools leaves nearly 2 million unique recordings of body language.⁵ Some biological data that captured in the VR headset and expose in the metaverse can cause some serious problems. Referring to the gathering and use of biological data to reveal intimate details about a user's likes, dislikes, preferences, and interests, human rights lawyer Brittan Heller called it as 'biometric psychography.' By experiencing VR, the user can also see some emotional response and that can be analyzed and tracked. This 'no-boundaries' nature in the metaverse means that there is no law yet for the user to do some activities. The lack of established legal framework of consequences may even enhance the probability of criminal or abusive actions.⁶ Nina Jane Patel, a 43-year-old and mother of four who actually works for metaverse project was verbally and virtually harrassed by 4 male iconic figures after joining the metaverse and designing her avatar. Avatar itself is consider as the user's representatives in

⁴ Emma Ascott, '10 Things You Need to Know About The Metaverse' (allwork.space, 21 January 2022) < <https://allwork.space/2022/01/10-things-you-need-to-know-about-the-metaverse/>> accessed 29 June 2022

⁵ Urvashi Aneja, 'Opinion: The challenges of protecting data and rights in the metaverse' (devex.com, 13 April 2022) < <https://www.devex.com/news/sponsored/opinion-the-challenges-of-protecting-data-and-rights-in-the-metaverse-103026>> accessed 29 June 2022

⁶ Nitin Kumar, 'Six Unaddressed Legal Concerns for The Metaverse' (forbes.com, 17 February 2022) < <https://www.forbes.com/sites/forbestechcouncil/2022/02/17/six-unaddressed-legal-concerns-for-the-metaverse/?sh=2c23ae517a94>> accessed 29 June 2022

virtual world. Nina said that the rapists continued to abuse her by saying “don’t pretend you didn’t enjoy it.” After that incident, Nina couldn’t help herself but to quitting the virtual reality. She also mentioned that she had been unable to activate the ‘safety barrier’ which the companies offered. Recent studies show that the trauma caused by violence in virtual reality environments is much worse than in other social media platforms. Harrasment, including sexual harrasment in social media platforms like instagram and twitter is still a major issue and hard to deal with. In this metaverse or virtual reality, somehow the feeling that the victim’s got is way much uncomfortable. By that, some people said it’s important to have a good behavior in virtual spaces now. Though its virtual world, it still made an impact on real world.

2. Metaverse and War: the connection

The common thing that comes to mind when hearing the word war is physical fight with some gun or bomb. In traditional warfare, some nations go to war for fighting something valuable and can be seen. As the development of the technology, now we can escape from this real world to the digital or virtual world. By that, we could be assuming that someday there will be no sound of a gun in a war since the nations will be fighting through virtual environment. The thing that is loss is not the life but it’s the assets that owned in the metaverse. Since this won’t be using physical power, the nation’s status on those war determined by the gaming abilities of its people. Some esport’s players might be the next cyber soldiers. If there is no governing control mechanism or rules of control created over Metaverse wars, it could lead to an economic war where the only physical casualties are those people who are starving because onnce they logged out of the virtual world, they no longer could afford food or necessities after losing all their virtual assets⁷. This condition may lead to the exist of cyber-terrorists where they could hack the systems and steal some resources from other players. Since the pandemic occurred, some military has been trying to developed learning

⁷ Aaron Nason, ‘The Future of War Will Be In The Metaverse’ (people.marketinginasia.com, 4 January 2022) <https://people.marketinginasia.com/the-future-of-war-will-be-in-the-metaverse> accessed 30 June 2022

opportunities through simulations, wargames, and the use of augmented-reality to visualize battlespace. If the military has connected to virtual world, it means that the metaverse has the potential to become a new domain of warfare⁸. The laws of armed conflict or we can call it as International Humanitarian Law should be conduct about this too considering the war will be held virtually. If the parties of the metaverse war is some nations, then they should obey the basic rules of IHL which include humanity, distinction between civilians and combatants, distinction between civilian objects and military objects, proportionality, and military necessity.

3. The role of the governments

Human rights is a fundamental rights belong to every person in the world that has been given from birth to death. These rights are essential as they will protect our life. The Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly by more than 70 years ago. It shows that since beginning, Human Rights will always be part of people and will still be. As the arrival of new technology such as the metaverse and its tools like Virtual Reality (VR), Augmented Reality (AR), eXtended Reality (XR), the law and rights of people should also be sticked to them. It might be confusing to govern the metaverse as the metaverse itself is something that ungovernable. The virtual world only giving us to see and to feel but not to touch like its not truly viable. There are a lot of companies that are working the different metaverse project, so its hard for council to take part. The EU's General Data Protection Regulation (GDPR) could arguably apply to the metaverse, as could the UK's Data Protection Act. But given the novel nature of the metaverse, to ensure that users' rights are protected, the processes governing informed consent around data processing may need to be revisited⁹. Concerning this metaverse can be a new place for any harrasment, the government should make a rule on this. With the help of the companies and other

⁸ Aaron Bazin, 'The Metaverse: A New Domain of Warfare?' (Small Wars Journal, 3 April 2022) <https://smallwarsjournal.com/jrnl/art/metaverse-new-domain-warfare> accessed 30 June 2022

⁹ Pin Lean Lau, 'The Metaverse: three legal issues we need to address' (the conversation, 1 February 2022) <https://theconversation.com/the-metaverse-three-legal-issues-we-need-to-address-175891> accessed 30 June 2022

parties such as the investor, government may create a law that could benefit for everyone. Human rights infringements can not be seen as a simple violation, it should be the government top priority when making the law for the metaverse. The challenge that the government will be facing when making the law is the act is not really visible. And when it comes to proving the assault, would also be difficult even the victim really felt the loss. This metaverse is accesible to children so it is important to build the safety and ethical standards for them. If some children are being harrassed, it could damage their life as they could get trauma. Since metaverse are enjoyable throught the world, the user can be from different places and the metaverse itself is not really a place that can be seen. The meta jurisdiction is also a need to make a clear standing for an act in the metaverse. Since some of the metaverse are still on the developing progress, its best for the government to figure out what regulation should be conducted in terms of activities in the metaverse.

C. Conclusion

The evolution of technolgy from time to time is not something human can avoid. It's actually a gift where most of the technology help our life easier. In this period of time, new technology was formed with the name of The Metaverse. The concept of this metaverse is ike a virtual world that parallels our In Real Life lives. Knowing that in metaverse, we still can hold a gathering, show up to meetings, even buying some painting. Though this is a virtual world, the user is still real human that have feeling and rights. Human Rights are essential thing and must be on every part of our lives which metaverse could be next. The need of Human Rights now extended to the metaverse since the human itself is the center of developments for the world. Lawmakers need to be vigilant that Big Tech companies don't swallow up all their competitors before they have a chance to develop rights-respecting alternatives to dominant, surveillance-driven platforms¹⁰.

¹⁰ Katitza Rodriguez, 'Virtual Worlds, Real people: Human Rights in the Metaverse' (deeplinks blog, 9 December 2021) <https://www.eff.org/deeplinks/2021/12/virtual-worlds-real-people-human-rights-metaverse> accessed 30 June 2022

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Creativity Protection in the Metaverse

By: Salma Atiqah Raihana

A. Introduction

I. Background

The word metaverse might be a new vocabulary to the world of technologies. It is term use to portray a virtual expanse outside the confines of the everyday or a reality beyond real life. To tackle the power of the metaverse for good is crucial for unlocking a future for the public, industries and governments across the world. With every new creation in technology comes an exploitative risk, like in 1991 when the internet was introduced.

Discovering an effective way to address this risk, and guarantee that immersive online worlds are safe for users, is the focus of a new major report from the IET called 'Safeguarding the Metaverse'. As an example, the UK's Online Safety Bill report noted that most social media legislation is overly focused on the platforms users are using today, with very little idea about the technologies that will take over the future world.¹ Companies running the metaverse experiences needs to defend and protect users from harm. Regulation from governments will be key to upholding any safety standards, but, on a day-by-day basis, the onus will fall on technology companies to ensure that the metaverse is not only a creative space, but most importantly, a safe one for users.

NFTs or non-fungible tokens is the key to unlock many parts of the metaverse. They are a special type of blockchain-based token that can be used to demonstrate proof of ownership over digital items, such as music, art, or in-game property like virtual items owned by users registered on the blockchain.

Before the pandemic, finding galleries to showcase someone's artworks was essential. But when the pandemic hits, all the art galleries were closed and artist can't showcase their art. Artist then started to use VR and digital art, and sell their unique digital art pieces online. What makes NFTs special is they give a solution to what gives assets value. NFT artwork is tokenized, which means the artwork is put onto

¹ Batten hall, what is the UK's Online Safety Bill and how will it affect social media? (Batten hall, 23 March 2022) <<https://battenhall.com/blog/what-is-the-uks-online-safety-bill-and-how-will-it-affect-social-media/>> accessed 29th June 2022

the blockchain, where it is verified, sourced, and authenticated. The history of the owners is recorded, and we can ensure that the lineage of your artwork begins with the artist.²

As any case that involves the internet, the metaverse will also be a very common target for fraud and cyber-attacks. It could be in a form of NFT theft, biometric data leaks, hacked headsets, or compromised avatars. The chances for things in the metaverse to go sideways are limitless. Even if the metaverse exist virtually it could still cause real-world consequences and, for instance lead to court cases.

II. Legal Issues

Rampant copyright infringement is an ongoing problem in the metaverse. A post popular NFT trading site stated that over 80 percent of the artwork minted using its free tool were plagiarized work. The allure of blockchain is that it keeps a record of each time a transaction takes place which means its harder to steal an NFT than a painting in a museum. Despite that, many people have gotten their NFTs stolen using a numerous amount of tactics.

A report states that a massive scale of copyright infringement has been occurring on NFTs largest marketplace platform. Someone with the username OriginalTokenArt had more than 100 listings of NFTs for sale, including the names Microsoft Corp, Dell Inc, The Boeing Company, Barclays, Morgan Stanley, and Verizon, which were eventually taken down. Another account Dodge for The World! also has a list where top brands are included. The Pixel's Brand Logo sells logos from famous brands in the pixelated version.³

As for Indonesian illustrator such as Kendra Ahimsa had experience being plagiarized by a crypto artist from another country. Even on the level of a masterpiece such as Van Gogh's was modified and sold by someone on the metaverse. These cases are only a pinch of copyright infringement that had happened. In its Terms of Service from the platform side, Opensea as the largest NFT marketplace platform stated that all third-party trademarks, registered trademarks, and product names

² The doe, Bigger Than Beeple: NFTs, Digital Art and the Future of the Metaverse (The doe, March 2021) <<https://www.thedoe.com/narratives/beeple-nfts>>accessed 29th June 2022

³ Integrity. Intellectual Property Rights Infringement Are Rampant On NFT Marketplace (integrity, 15 March 2022) < <https://www.integrity-indonesia.com/blog/2022/03/15/intellectual-property-infringement-are-rampant-on-nft-marketplace/>> accessed 29th June 2022

stated on the service or belongs in the content linked to or connected with any NFTs shown on the service are the property of their respective owners and may not be copied, plagiarized, modified, or use in whole or just some parts without the permission of the applicable intellectual property rights holder.

The sale of an NFT does not automatically transfer the underlying copyright in the work which exist “off-chain” to the buyer. Like when selling a physical copy of any type of creative work, the turnover of the underlying copyright is up to the creator or most recent copyright owner.

The creation of an NFT can be included as a copy or even a derivative of the original work as stated in 17 U.S Code § 101. Under the U.S. copyright law, the holder of the copyright or absent a license is and should be the only one that have the authority to change the original work into an NFT. As an example, a well-known NFT creator, Larva Labs submitted a Digital Millennium Copyright Act (DMCA) takedown request to NFT platform foundation for an online display of CryptoPunk work given by Ryder Ripps as a work of his own. The debate seems to be ongoing but facts shows yet another potential hurdle for even self-acknowledge crypto artist that have afflict creators since the very beginning or as we called it copycats.

III. Basic Regulation

1. Law of The Republic Indonesia Number 28 of 2014 on Copyrights
2. Law of The Republic Indonesia Number 19 of 2016 Concerning Electronic Information and Transactions
3. Law of The Republic Indonesia Number 13 of 2016 on patent
4. 17 U.S. Code § 106 - Exclusive rights in copyrighted works
5. 17 U.S. Code § 101 - Definitions

B. Legal Analysis

Since 2014 Non-Fungible Tokens (NFTs) has been around, but not until 2021 did people acknowledge NFT in the fields of digital and digitally held assets. Even though NFT has been around for almost a decade many people still wonder what NFT actually is. NFT are cryptocurrencies just like Bitcoin. NFT is built and resides on blockchain technology which means when someone buys an NFT, they are not buying the actual digital artwork but rather they are buying a link to it.

The digital asset of an NFT can be sold to buyers. Customers of NFTs is required to have digital wallets in order to receive and store their digital assets. As access to view NFTs is public, it's really beneficial for copyright owners to identify potential unauthorized reproductions. It's important to highlight of both employing and relying on important enforcement techniques ranging from simple solutions such as watermarks to the DMCA. The Copyright Management Information (CMI) provisions of the DMCA (e.g., 17 USC § 1202) will also likely come into play as more copyright owners are forced to police NFT platforms.

As the world evolve and on today's internet condition, advances in blockchain technology, and al new forms of media, it's meaning, and application of intellectual property have changed drastically. The recent challenge on intellectual property law area is also developing in the Metaverse and how it's usually interpreted. Intellectual property can clearly be protected even in the digital age in which theft of digital assets occurs with staggering regularity. Some common strategies that have been proven useful in protecting intellectual property are⁴:

1. Copywriting particularly sensitive or important materials.
2. Relying on appropriate contract clauses to ensure that there is no dispute about the ownership of content.
3. Deploying AI technology to identify violations and theft of digital intellectual property.
4. Increasing staff resources to identify and enforce IP law.

The Digital Millennium Copyright Act as it was passed by the United States in 1998 was a vital update to copyright law that has proven to be a bedrock tool when it comes to the protection of intellectual property in a digital environment. It allows for DMCA erase notices to be sent by digital companies. These notices provide an enforcement mechanism for when one person has been accused of violating the intellectual property rights of another. As such, they are a nearly invaluable tool that can help to protect another person or business's assets.⁵ Enforcement will

⁴ Lexology, Importance of Protecting Intellectual Property in the Digital Age (lexology, 18th January 2021) <https://www.lexology.com/library/detail.aspx?g=04218e5d-5952-49e7-adda-cb70de0189b8> accessed 30th June 2022

⁵ Legal Information Institute, Digital Millennium Copyright Act (Legal Information Institute, February 2022) <https://www.law.cornell.edu/wex/digital_millennium_copyright_act> accessed 30th June 2022

unquestionably be a challenge, and a slew of new questions will absolutely arise. However, at least in theory, individuals who create intellectual property for or in the Metaverse should have their assets protected.

NFT marketplaces and creators do not always deal in certainty, you may be the owner of an NF, but that don't mean you necessarily own all aspects of the digital art that was purchased. In fact, copyright might limit the things we can and can't do with the asset we bought. The only rights we own as an NFT holder are the rights that are written into the smart contract and the digital token itself. You do not own the intellectual property associated with our NFT unless the creator has specifically stated so.

C. Conclusion

Technology alone will not pave the way for true ownership of digital assets in the metaverse. NFTs cannot bypass the centralized control that metaverse platforms currently have and will continue to have under their contractual terms of service. Ultimately, legal reform alongside technological innovation is needed before the metaverse can mature into what it promises to become.

There remains much to be seen, and determined, with respect to the ownership, trade, and valuation of NFTs, as well as the forms of tensions that will arise in competing spheres of ownership. This will certainly be the case where NFTs are minted and sold in the absence of robust licensing agreements drafted by sophisticated parties. What is for certain, however, is that this is a quickly evolving space, and we are collectively eager to see the law evolve and adapt to these novel meta realities.

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Regulation about Medical Waste during and after Pandemic

a) Introduction

- Background

Covid-19 pandemic has affected various aspects in human lives, such as thousands of people dying, every physical contact in the public room has been minimalized, many activities going online (school, work, concert, etc), and many more. Those effects bring both positive and negative impacts to our society, especially our environment. From the positive effect, in 2020 when the lockdown was imposed, air pollution levels were reduced by almost 50% in New York. Same thing goes in China, the emission rate was reduced by 25% when the lockdown was enforced. According to the Ministry of Ecology and Environment of the People's Republic of China, the indicator of “good air quality” increased 11,4% from the year before the pandemic¹. It indicates that the pollution has become cleaner and healthier. However, there’s still many things to be concerned about during a pandemic, such as waste. Covid-19 has caused many people dying or even causing death to the people who suffer from it. To handle it, public health needs medical devices (masks, needles, bandages, etc) to prevent infected Covid-19 while helping them to take care of the Covid-19 patient. In this pandemic, medical waste generation has increased globally, which is caused by improper waste management and becoming a major threat to public health and environment. Not only medical devices, the waste of safety equipment used (face mask, hand gloves, and other safety equipment) also increased.² With increasing medical and safety equipment waste, it could cause hazardous waste that will endanger our environment. This hazardous waste will certainly threaten the Sustainable Development Goals from the United Nations as an international organization that deals with various aspects of the countries in the world.

¹ Martha Henriques, “Virus Corona : Dampak ‘Lockdown’ pada penurunan polusi, akankah selamanya?”, 7 April 2020, <https://www.bbc.com/indonesia/vert-fut-52194438>, accessed 12 January 2023

² Tanjena Rume and S.M. Didar-UI Islam “Environmental effects of COVID-19 pandemic and potential strategies of sustainability”, 17 September 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7498239/#:~:text=This%20study%20indicates%20that%2C%20the.restoration%20of%20the%20ecological%20system.>, accessed 12 January 2023

- Legal Issues regarding the Topic

Medical waste that increased in this pandemic has become our responsibility as people who live in a society, so States represented by the Government should have regulations to handle this medical waste. Not only in the pandemic, this year we already entered a new stage where people will continue doing their activities side by side with Covid-19, which many called the New Normal.³ Every common habit that we used to do in the pandemic, like wearing facemasks, washing our hands after we went outside, using hand sanitizer, will be taken to the New Normal. And also it's not rule out the possibility that in the New Normal or sometimes in the future, people could be infected by the Covid-19. It is clear that medical waste will be a problem even after the pandemic. The medical waste is considered as an infectious waste, so it is necessary to separate the waste based on the type of waste strictly. Some medical waste could disturb the environment in the form of air pollution, water pollution, soil, food, and beverage pollution.⁴ With the medical needs in the New Normal and medical needs in public health service, medical waste is inevitable, so there will be an urgency about regulations to handle this medical waste either in Pandemic situation or after Pandemic situation. And how those regulations are implemented in each Parties.

- Basic Regulation of the Topic (National and/or International Law)

1. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes

The Convention aims to protect human health and the environment against the adverse effects resulting from the generation, transboundary movements and management of hazardous wastes and other wastes. This Convention also regulates the transboundary

³ Muhyiddin, "Covid-19, *New Normal* dan Perencanaan Pembangunan di Indonesia", 2020, <https://journal.bappenas.go.id/index.php/jpp/article/view/118/89>, accessed 12 January 2023

⁴ Ontran Sumantri Riyanto, Adi Purnomo, Yohana Kristiyaning Rahayu, Arif Wahyudi, "Medical Waste Management : The Need for Effective Regulation of The Minister of Environment And Forestry In Indonesia", 2021, https://www.researchgate.net/publication/348842614_Medical_Waste_Management_The_Need_For_Effective_Regulation_of_The_Minister_of_Environment_And_Forestry_In_Indonesia, accessed 12 January 2023

movements of hazardous wastes and other wastes and obliges its Parties to ensure that such wastes are managed and disposed of in an environmentally sound manner.⁵

2. Peraturan Menteri Kesehatan (Minister of Health Indonesia Regulation) No 18 Tahun 2020

This regulation aims for medical waste management for health public service.

b) Legal Analysis

According to the EPA (Environmental Protection Agency from USA), medical waste is “all waste generated in medical facilities, such as hospitals, clinics, doctors offices, dental offices, blood banks and veterinary hospitals/clinics, as well as medical research institutions and laboratories.” In the context of this pandemic, medical waste is every medical device that has been used, such as face masks, gloves, and any other personal protective equipment in order to avoid every health worker infected by Covid-19. The medical waste that has been increased in this pandemic could cause hazardous waste which will harm our environment. According to the World Health Organization, of the total amount of waste generated as the result of health activities, about 85% are ordinary non-hazardous waste. The remaining 15% are considered hazardous materials, which may be infectious, toxic, or radioactive.⁶ The remaining possibilities to resulting hazardous waste should be prepared to manage properly and this is where the role of regulation comes in. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes as an International regulation aims to help reduce the number of transboundary movements and decrease the quantity of hazardous waste to minimum with proper management. For example in article 4 about general obligations, in number 2(b) says, “Each Party shall take the appropriate measures to ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall

⁵ UNEP, “Basel Convention on the Control of Transboundary Movements of Hazardous Wastes”, <https://www.unep.org/resources/report/basel-convention-control-transboundary-movements-hazardous-wastes#:~:text=The%20Basel%20Convention%20regulates%20the.flammable%2C%20ecotoxic%20and%20infectious%20wastes>. Accessed 12 January 2023

⁶ Kamil M Arslanov, Arthur I Khabirov, Gulnara M. Khamitova, “Medical Waste Disposal Regulation in International Laws”, 31 October 2019, https://www.academia.edu/44997726/Medical_Waste_Disposal_Regulation_in_International_Laws. Accessed 12 January 2023

be located, to the extent possible, within it, whatever the place of their disposal,” From that, we could see that the international regulations declared that each parties that bound by the regulation have obligation to ensure the availability of adequate disposal facilities. The facilities must be located to the extent possible for the purpose of protecting growth centers from hazardous waste and the area of facilities must be environmentally sound management. According to EPA, the general facility standards consist of good housekeeping provisions for any facility that handles hazardous waste. Good housekeeping includes recordkeeping requirements, personnel training requirements, and other safety requirements.⁷ Those housekeeping provisions have the purpose to maintain the area of the facility safe because that area is used to manage the hazardous waste. Not only that, Basel Convention also regulates the transfer of hazardous waste between Parties that are bound by the regulation. For each Parties that does not have a place for environmentally sound waste treatment can export waste to other Parties with the approval of the importing parties, which are in accordance with the objectives of this convention. It is also appropriate with article 4 number 8 which stated “Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of the import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.” To see how this Convention affects its Parties who implement it, we could take China as an example. China has issued 2 policies to support Basel Convention and as a result it has reduced waste import from 600.000 ton per month (2016) to 30.000 ton per month (2018). One of the effects that could be felt is the average air quality in China in 2018, around 25,7% of 338 cities in China considered with “excellent air quality”.⁸ Indonesia also implemented the Basel Convention. To prevent illegal waste from entering the country, Indonesia made 2 policies according to the Basel Convention which became a strong foundation to take action against all transfers of hazardous waste that enters Indonesian territory. Besides that, Indonesia

⁷ EPA, “Introduction to Treatment, Storage and Disposal Facilities (40 CFR Parts 264/265, Subpart A-E), 2005, <https://www.epa.gov/sites/default/files/2015-07/documents/tsdf05.pdf>. Accessed 12 January 2023

⁸ Gina Sonia Te'dang, “Implementasi Konvensi Internasional Basel terhadap Impor Sampah di Tiongkok”, 2020, <https://media.neliti.com/media/publications/339329-implementasi-konvensi-international-base-cb200196.pdf>. Accessed 12 January 2023

also enacted an export mechanism that refers to the Convention Basel.⁹ With the existence of Basel Convention, Indonesia started making policies as the next step to prevent illegal waste transfer. Indonesia itself does not have many waste processing areas which make this a wise step to avoid the accumulation of waste both from within the country and abroad.

For the medical waste management itself in Indonesia, the government has issued several policies, such as Minister of Health Regulation No 18 Year 2020 and Circular Letter No. SE.3/MENLHK/PSLB3/PLB.3/3/2021. Both of the policies regulate medical waste and hazardous waste management in order to prevent it from polluting our environment. From March 2020 until June 2021, Covid-19 in Indonesia has produced 18.460 tons of medical waste that is categorized as hazardous waste¹⁰. This data shows that the medical waste in the pandemic has increased. Both the policies that the government has issued still have not finished this problem especially if the waste management only focused in one big area, not in all over Indonesia. To handle this situation, the government needs to expand the area to manage the medical waste because the policies already cover how to manage medical waste and hazardous waste, but it is still hard to implement.

- **Conclusion**

In this pandemic, medical waste has been increased significantly and potentially to harm our environment. Medical waste could potentially be hazardous waste which also could be toxic in several forms. International regulations in the form of Basel Convention exist in order to manage hazardous waste for preventing polluted our environment. The implementation itself pre pandemic is impactful for some parties, like Indonesia and China, and with that in New Normal, this regulation could help each Parties to manage hazardous waste. And for medical waste in Indonesia, the policies are covered about the medical waste management, but still

⁹ Nehru Anggita, "Analisis Sikap Good Faith Non-Compliance Indonesia dalam Upaya Implementasi Konvensi Basel", 2018, <https://ejournal3.undip.ac.id/index.php/jihi/article/view/21041/19692>. Accessed 12 January 2023

¹⁰ PERSI, "KLHK: Pandemi Hasilkan 18 ribu ton Limbah Medis, PERSI perkirakan kenyataan di Lapangan jauh lebih besar", 28 July 2021, [https://persi.or.id/klhk-pandemi-hasilkan-18-ribu-ton-limbah-medis-persi-perkiraan-kenyataan-di-lapangan-jauh-lebih-besar/#:~:text=Sejak%20Maret%202020%20hingga%20Juni,berbahaya%20dan%20beracun%20\(B3\)..](https://persi.or.id/klhk-pandemi-hasilkan-18-ribu-ton-limbah-medis-persi-perkiraan-kenyataan-di-lapangan-jauh-lebih-besar/#:~:text=Sejak%20Maret%202020%20hingga%20Juni,berbahaya%20dan%20beracun%20(B3)..) Accessed 12 January 2023

need improvement to implement it. Entering the New Normal, both of the regulations could help the countries to handle the waste.

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Juridical Analysis of the Implementation of Carbon Tax in Indonesia as an Effort to Improve an Eco-Friendly Economy in the Post-Pandemic Era

By: Nafisah Putri Nabilah Herlambang/ALSA Local Chapter Universitas Brawijaya

A. Introduction

Background

Recently, the whole world has just celebrated New Year's Eve. The joy of this once a year event is not only limited to the change of year from 2022 to 2023, but also to the return of normal life patterns, school is held offline until the rise of music concerts at the end of 2022 is a sign that in 2023 everyone will return to living normally as before the Covid-19 pandemic which hit almost all countries in the world. The existence of post-pandemic conditions like today has also made the government move the wheels of the economy again in order to restore the country's economy which had previously experienced a contraction.

Unfortunately, economic improvement is sometimes inversely proportional to environmental conditions. Starting from the increasing use of private vehicles to the widespread planting of oil palm plantations, these are the two main reasons why air pollution has become worst again compared to during the pandemic. This is of course directly related to the concept of externalities in economics. Basically, Buchanan & Stubblebine (1962: 371 – 384) define externalities as costs that must be borne or indirect benefits resulting from an economic activity. When associated with current conditions, it is clear that the government is facing a negative externality in the form of environmental pollution. For example, optimizing the industrial sector such as increased factory construction will result in increased water and air pollution in the environment around the factory.

Departing from this problem, the government immediately intervened in the form of forming regulations related to the implementation of carbon taxes in Indonesia. This news is certainly good news, considering that Indonesia itself, especially Jakarta, is ranked 31st as a polluting city in the world according to IQAir as of January 11, 2023. Even though the air quality value in Jakarta is still relatively

moderate, warnings regarding the use of masks when outside and closing the windows to keep out the dirty air certainly cannot be ignored. On the other hand, Indonesia is also still in the process of recovering its economy due to the contraction that occurred in 2020. Based on a report compiled by the Directorate General of State Assets, Ministry of Finance of the Republic of Indonesia (“DJKN Ministry of Finance”), the Covid-19 pandemic resulted in a decline in household consumption of 5.04% to -2.63%. It didn't stop there, international trade activity also decreased from -0.87% to -7.70% in exports and -7.69% to -17.71% in imports.¹

Despite the urgency of implementing a carbon tax in Indonesia, the government feels that Indonesia is not yet ready to implement this policy. This unpreparedness resulted in a delay in the implementation of the carbon tax. Unfortunately, the postponement by the government is not only done once but for the twelfth time since the passage of the Law of the Republic of Indonesia Number 7 of 2021 concerning the Harmonization of Tax Regulations (UU HPP) at the end of 2021. Therefore, the author feels that a more in-depth research is needed related to carbon tax regulations in Indonesia and their implementation and comparison with European countries that have implemented carbon tax policies beforehand.

Legal Issues

The number of regulations made by the government regarding the implementation of carbon taxes in Indonesia cannot be fully executed. This is of course a problem, considering that the government, which had previously set a target to implement a carbon tax system in 2022, has postponed it to 2025. Of course, this event is a big question mark because the urgency of implementing a carbon tax is very important, especially in the post-pandemic era. The absence of a legal vacuum should also be a positive value for the government in implementing the carbon tax program in Indonesia.

Rules and Regulations

¹ Y Pratiwi, 'Recovery of the Indonesian Economy After Contraction Due to the Covid-19 Pandemic' (DGKN Ministry of Finance , 24 February 2022) <<https://www.djkn.kemenkeu.go.id/kpkn-banjarmasin/baca-artikel/14769/Pemulihan-Per>> accessed 10 January 2023.

Several regulations related to the topic of carbon tax implementation in Indonesia, namely:

- Law of the Republic of Indonesia of 1945
- Law of the Republic of Indonesia Number 7 of 2021 concerning Harmonization of Tax Regulations (UU HPP)
- Presidential Regulation of the Republic of Indonesia Number 98 of 2021 concerning Implementation of Carbon Economic Value for Achievement of Contribution Targets Determined Nationally and Control of Greenhouse Gas Emissions in National Development (Perpres No. 98/2021)
- Government Regulation of the Republic of Indonesia Number 50 of 2022 concerning Procedures for Implementing Rights and Fulfilling Tax Obligations (PP No. 50/2022)

B. Legal Analysis

Implementation of Carbon Tax Based on Positive Law in Indonesia

Before entering into the discussion regarding regulations governing carbon taxes in Indonesia, it is necessary to note that carbon tax is a form of pigovian tax. More about the pigovian tax, Arthur Pigou stated that various regulations, which in this case are in the form of a pigovian tax, need to be created for economic efficiency. Pigou also believes that business can run economically and efficiently with coercive encouragement from the government, such as the establishment of regulations. This is intended to create internalization of costs that must be borne as a result of externalities.²

In connection with this principle accompanied by sufficient urgency, the Indonesian government immediately took action in the form of establishing the HPP Law, especially in Chapter VI, to make regulations related to carbon taxes. The law itself is a derivative regulation from Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that every human being has the right to live in physical and spiritual prosperity, and to obtain a good and healthy environment. In Article 13 paragraph (1) of the HPP Law, it is stated that the

²Eka Intan Kumala Putri & Nuva Marefsin, *Environmental Economics: Theoretical Review and Practical Study*, 135.

government only imposes a carbon tax on carbon emissions that have a negative impact. Then regarding the direction of imposing a carbon tax, the government itself implements a carbon tax roadmap and/or carbon market roadmap which contains strategies for reducing carbon emissions, targeting priority sectors, alignment with new and renewable energy development, and alignment with other policies.

Further regarding the regulation of carbon tax in the HPP Law, Article 13 paragraph (8) and (9) of the HPP Law states that the government sets a carbon tax rate that is higher or equal to the price of carbon in the carbon market per kilogram of carbon dioxide equivalent (CO₂e) or equivalent units. If the price of carbon in the carbon market is lower than IDR 30.00 (thirty rupiah) per kilogram of CO₂e, then the carbon tax rate is set at a minimum of IDR 30.00 per kilogram of CO₂e or 2 US Dollars. The price set by the government was considered too low by some people. Considering that the average world carbon trading price is US\$10, even Uruguay, as the highest carbon tax price fixer, sets a carbon tax price of US\$137.3 per kilogram of CO₂e.

Then, carbon as one of the biggest sources of pollution that has high economic value is also regulated in Presidential Decree no. 98/2021. This Presidential Regulation is a step by the Indonesian government in achieving a *Nationally Determined Contribution* (NDC), which is a national commitment in tackling climate change in order to achieve the mission of the *Paris Agreement to the United Nations Framework Convention on Climate Change*. The capital owned by the state in achieving the NDC, as stated in this Perpes, consists of greenhouse gas emissions. The release of greenhouse gases into the atmosphere in a certain area and time. Furthermore, this Perpes also regulates various matters regarding carbon trading.

It doesn't stop there, the government also makes regulations governing procedures for exercising rights and fulfilling tax obligations in PP No. 50/2022. In CHAPTER XIII of the PP, various obligations and things that must be done by a taxpayer are mentioned. Article 69 paragraph (3) of this Government Regulation, states that a taxpayer who carries out activities that produce carbon emissions is required to submit a Periodic Notification Letter to report the calculation and payment of the carbon tax imposed. The deadline for submitting the letter is 20 (twenty) days after the end of the Tax Period.

Regardless of the many regulations governing the implementation of carbon taxes in Indonesia, in fact the government feels it is not ready to implement this policy. Airlangga Hartanto, as the Coordinating Minister for the Economy of the Republic of Indonesia said that the reason for delaying the implementation of the carbon tax itself was because the government was still waiting for the readiness of the carbon market mechanism.³ In this regard, the government has set a target to implement carbon taxes effectively starting in 2025.

Comparison of Carbon Tax Implementation in Indonesia and Other Countries

Environmental pollution due to carbon emissions is not only experienced by Indonesia, but all countries in the world. Responding to this, the United Nations ("UN") through *the United Nations Framework Convention on Climate Change* together with 195 UN member states jointly made an agreement in the City of Paris, France on April 23, 2016 ago. This agreement, which became known as the *Paris Agreement*, states that every UN member country involved must be able to reduce greenhouse gas emissions. This is what later became one of the formation of various regulations regarding carbon taxes in Indonesia.

Nevertheless, Indonesia is considered to be late in forming regulations on the imposition of carbon taxes, considering that many European countries have already implemented carbon taxes in their countries. Starting from Finland which implemented the first carbon tax in 1990 and followed by New Zealand in 2005, Ireland in 2010, Japan and Australia in 2012, and so on.⁴ In Southeast Asia, Singapore first implemented a carbon tax in 2019. In comparison, Sweden has been successful in implementing its carbon tax policy. From 1995 to 2018, the number of carbon emissions in Sweden has relatively decreased.⁵

The existence of a positive trend in the environmental sector has not turned the Swedish economy into a negative one. With a relatively high carbon tax rate, Sweden's

³ T Purwanti, 'Carbon Tax Postponed Until 2025' (CNBC Indonesia, 2022) < <https://www.cnbcindonesia.com/news/20221013175437-4-379582/pajak-karbon-delayed-until-2025>> accessed 11 January 2023

⁴ Selvi et al. 'The Urgency of Implementing Carbon Tax in Indonesia' [2020] Vol. 7, No. 1, Journal of Administrative Reform, 4.

⁵ Swedish Environmental Protection Agency

Gross Domestic Product (“GDP”) grew by 105% from 1990 to 2020.⁶ The same goes for the first country to implement a carbon tax, namely Finland. In Finland, the carbon tax rate is set at €1.12 or the equivalent of 1.20 US Dollars per Co₂e.⁷ Then in 2011, Finland officially separated the carbon tax from the energy tax, so that the carbon tax in Finland is based entirely on the carbon emissions produced and without considering the energy expended.

Even so, it should be noted that the imposition of a carbon tax can also result in an increase in the price of fossil fuels which can also result in an increase in the price of basic commodities. Smith in Zhang & Baranzini (2000: 13) states that the imposition of a carbon tax in the United Kingdom ("UK") actually burdens the poor compared to the middle class. The increase in the price of fossil fuels also affected trade, both domestically and internationally.

C. **Conclusion**

The return to normal life in the post-pandemic era has made a country's economic activity start to recover as before. Even so, environmental problems are still a big task for the government. The issuance of various regulations governing the imposition of a carbon tax is certainly not enough if it is not balanced with a capable carbon market mechanism. As a result, Indonesia was forced to step back 4 years to realize the carbon tax policy. What's more, the shadow of an increase in basic prices and fossil fuel prices due to the implementation of a carbon tax is also a consideration in realizing this policy.

In this case, the Indonesian government made a policy related to relief for industrial workers by allowing them to form reserves for the costs of closing and maintaining industrial waste disposal sites. Therefore, it is hoped that with these various considerations, the government can promote the Green Company concept for companies. This can also be created with the readiness of the Indonesian state in implementing a carbon tax program in order to create a cleaner world.

⁶ Eykel Byken Barus & Suparna Wijaya, *Carbon Tax: Learning from Sweden and Finland* (1st edn, CV. Adanu Abimata 2022), 53.

⁷ *Ibid*, 55.

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LEGAL ESSAY
ALSA Forum India 2023
Rifki Hidayatullah
ALSA Local Chapter Universitas Brawijaya
“Globalization and the Legal Profession in the Asia-Pacific Region”

Ownership and Copyright Infringement of Artificial Intelligence

Introduction

The world is growing at a fast pace, it's no longer trapped between borders of nations. In the past people were limited to the culture of their nations and interaction across nations was difficult. With the advancement of technology the world is becoming more connected and open to one another. No longer are people limited to their nation's borders, now they can freely connect with other people around the world with ease.

Globalization is a term to describe the interdependent and connected world as we know now. Globalization has its pros and cons, but there is no denying that it brought great progress in world advancement, especially technological advancement. Human progress has been significantly progressing when we reach the 21st century, with this progress we are able to reach the digital age that brings many innovations to help our everyday lives and globalization have a huge role in this progress. One of these innovations is artificial intelligence or better known as AI.

Artificial Intelligence or AI is the simulation of the human intelligence that is processed by computers. Artificial Intelligence processes data that is imputed by humans and processes that data to be used to solve problems given to the AI.¹ This allowed the AI to be able to create a response to a request or problem similar to a human intelligence.

Through the years artificial intelligence has been developed to a point it can easily create art paintings, essays, musics, and other creative works that a human can

¹ Kusumawati, R., 'KECERDASAN BUATAN MANUSIA (ARTIFICIAL INTELLIGENCE); TEKNOLOGI IMPIAN MASA DEPAN', (2018), 9(2), *ULUL ALBAB Jurnal Studi Islam*, [255 - 256].

make.² Not to mention people can easily access these AI easily via the internet. There are different type of AI that focused on certain aspect of creative works, for example ChatGPT that focused on text generator or DALL·E2 that generates images.

The capability of AI to create creative works such as essays, poems, painting, and even music is creating uncertainty especially copyright ownership on the creative works that the AI creates.³ Copyright is a legal right granted to an intellectual property owner. It gives the intellectual property owner the exclusive rights of copy, distribute, adapt, display, and perform creative work on their intellectual property for a limited time. Copyright is regulated by law, each nation has their own copyright law and each one of them has different regulations from one another. Although copyright law itself is different in every country, there is still an international convention that regulates the copyright law. The Berne Convention for the Protection of Literary and Artistic Works is a law making treaty that regulates copyright law for nations around the world.⁴ Other than the Berne Convention for the Protection of Literary and Artistic Works, there is the Universal Copyright Convention that was signed in Geneva in 1952, the Trade Related Aspects of Intellectual Property (TRIPs Agreement), and the World Intellectual Property Organization Treaty.⁵

With the rapid growth of globalization and the digital age, Artificial intelligence brings a new uncertainty of law, especially for copyright law. In 2023, there is a case named the *Andersen v. Stability AI et al.*, This case is about three artists that sued multiple generative AI platforms for using their original work as a data for the AI to train and process.⁶ This allows the AI to use the three artists' original work as a basis for the AI generated work. There are other cases around the world that have similar problems as the *Andersen v. Stability AI et al.*

² Gil Appel, Juliana Neelbauer, and David A. Schweidel 'Generative AI Has an Intellectual Property Problem' (*Harvard Business Review*, 11 April 2023) <<https://hbr.org/2023/04/generative-ai-has-an-intellectual-property-problem>> accessed 15 August 2023

³ *Ibid*

⁴ 'International Copyright Protection and the United States: The Impact of the UNESCO Universal Copyright Convention on Existing Law' (1953) 62 *The Yale Law Journal* 1065

⁵ ELFIAN FAUZY, 'Rekonseptualisasi Perlindungan Hukum Atas Hak Cipta Terhadap Artificial Intelligence Di Indonesia.' (2023). [52 -62]

⁶ *Andersen v. Stability AI Ltd.*, 3:23-cv-00201, (N.D. Cal.)

This becomes a problem as to who owns the copyright for the creative works and what kind of data the developer of the artificial intelligence uses to train their AI. With globalization and the digital age reaching a rapid growth, the purpose of this essay is to analyze the problem of AI copyright infringement.

Legal Analysis

According to the World Intellectual Property Organization, Copyright or author right is a legal term used to describe the rights that creators have over their literary and artistic works. This includes paintings, music, Films, writings, computer programs, etc. In Indonesia, copyright is regulated in Law Number 28 Year 2014 concerning Copyright. In this law it is stated in Chapter 1 article (1) that copyright is automatically given to the one that creates the creative works or intellectual property. It is also stated in Chapter 1 article (2) that a creator of an intellectual property is an individual or a group of people that create a creative work or intellectual property that has a characteristic of unique or genuine and personal characteristic. This means that for a creative work to be able to have copyright, it needs to be an original work and not a work of other people or other groups of people.

It is important to know how a subject of law is able to acquire a copyright. A subject of law is able to acquire their copyright the moment they create the intellectual property or creative works. They can register this intellectual property to their respective copyright protection institution, but the moment they create their creative expressions or work is the moment they already have their copyright.⁷ Even though copyright is owned the moment the intellectual property owner create their creative works, there is still some exceptions to this such as if an employee create a creative works while he is in a course of employment, then the copyright to that work is owned by the employer, if a copyright owner sold their copyright to another person or business, then the buyer becomes the copyright owner, and if the creative work is created by an independent contractor that state that the creative work that

⁷University of Melbourne, 'Ownership of Copyright' (*Copyright*) <<https://copyright.unimelb.edu.au/shared/basic-principles-of-copyright/ownership-of-copyright#:~:text=C%20is%20generally%20owned%20by,a%20work%20can%20be%20complex.>> accessed 16 August 2023

they are creating is going to be owned by their contractor.⁸ So, someone can become a copyright owner with these terms.

Artificial Intelligence uses data that is inputted by the artificial intelligence developer as a way to let the AI train and process this data to generate what the users want. The data that the developer used is random and sometimes can be protected by copyright, and since the AI is processing data that is being inputted by the developer, this means that what the AI generated based on the data given can be similar to copyright protected works.⁹ Not to mention the copyright protected data sample that the developer uses. This causes many copyright issues regarding creative works, especially if the AI platform commercializes their platform and earns revenue from this AI generated creative works.

There is no transparency on what data the AI developer uses on their artificial intelligence. This causes a risk of copyright infringement, because there is no guarantee or transparency on what data the AI developer uses. Because of that, the AI developer could have used copyright protected data to train their artificial intelligence.

Since artificial intelligence uses the data samples that are given by the AI developer to generate a response or work, this could risk the AI generated work to generate a response or work that causes copyright infringement just like the *Andersen v. Stability AI et al* case.

Another issue is the copyright ownership. If a copyright is automatically acquired when the creative work is created, then this also brings an uncertainty on whether the owner of the copyright is the AI developer, the user of the AI, or the AI itself. This depends on the terms and conditions between the users and the AI platform, AI platforms like ChatGPT allow users to have ownership of the generated text the AI creates, but doesn't give the AI users copyright ownership.¹⁰ Because, to

⁸ Stim R and law RS at, 'Copyright Ownership: Who Owns What?' (*Stanford Copyright and Fair Use Center*, 25 November 2021) <<https://fairuse.stanford.edu/overview/faqs/copyright-ownership/>> accessed 14 August 2023

⁹ Kusunawati, R. *Op Cit*.page 266.

¹⁰ Sheth S, 'Who Owns AI-Generated Content? Understanding Ownership, Copyrighting, and How the Law Interprets AI-Generated Art - Yanko Design' (*Yanko Design - Modern Industrial Design News*, 28 May 2023) <<https://www.yankodesign.com/2023/05/27/who-owns-ai-generated-content-understanding-ownership-copyrighting-and-how-the-law-interprets-ai-generated-art/#:~:text=As%20far%20as%20art%20goes,of%20it%20or%20copyright%20it.>> accessed 16 August 2023

get a creative work copyright ownership it has to have human effort involved in the creation. And since the AI is the one that generated the creative works, meaning that the creative works that are generated by AI do not give copyright to anyone including the AI Developer and AI users. AI developers do have copyright for their artificial intelligence, but the AI developer doesn't have copyright for the work that the AI generated. This means that work that is generated by an AI can be owned by AI users and they can use it for personal use and commercial use, but they don't have copyright protection meaning that if they choose to use it for commercial purposes, it becomes a public domain.

Conclusion

With the advancement of technology and globalization, society has reached a digital age. There is no denying that artificial intelligence is an innovation that revolutionizes how society functions in the future. In the meantime we are faced with the challenges that artificial intelligence brings.

Artificial Intelligence copyright infringement is a legal issue that needs to be resolved if we want to bring out artificial intelligence to its full potential. For a creative work or intellectual property to be able to have copyright it needs to have originality. Meaning, it does not belong to other people or come from an idea that other people already have. The intellectual property or creative works need to have uniqueness and personal characteristics. With the current regulation on copyright, artificial intelligence generated work does not meet the criteria of a creative work that owns a copyright. This is because artificial intelligence generates creative works based on data samples from other creative works. Not to mention there is still some case of AI developers using copyrighted works for their AI data samples.

The current law and regulations state that only people can own a copyright on their creative works or intellectual property. which means that AI generated creative works could not have copyright whether it is for the AI developer, AI users, or the AI itself. So if people want to use the creative generated work, they cannot copyrighted it.

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University of Melbourne, 'Ownership of Copyright' (*Copyright*) <<https://copyright.unimelb.edu.au/shared/basic-principles-of-copyright/ownership-of-copyright#:~:text=Copyright%20is%20generally%20owned%20by,a%20work%20can%20be%20complex.>> accessed 16 August 2023

Policy Analysis of Artificial Intelligence Implementation in Legal Practice in Indonesia

By: Nafisah Putri Nabilah Herlambang/ ALSA Local Chapter Universitas Brawijaya

A. Introduction

Background

In the past few decades, the rapid advancement of information and communication technology has brought about remarkable changes. This transformation has significantly impacted various sectors, including the legal domain in Indonesia. One notable development is the introduction of artificial intelligence (AI), which has paved the way for fundamental changes across different industries, including the realm of law. AI is computer software programmed to perform specific algorithms, which are sets of code programmed to perform tasks, analyze and recognize patterns in large sets of data, reach conclusions from such patterns, predict future outcomes, and make informed decisions based on such data.¹ The presence of artificial intelligence (AI) within the legal sector allows for the utilization of more sophisticated data analysis and decision-making processes that are more informed and efficient.

The implementation of artificial intelligence (AI) in legal practice holds promising and compelling benefits. With its capacity to swiftly analyze vast amounts of data, artificial intelligence (AI) can provide invaluable assistance in contract drafting, risk analysis, and strategic planning. This potential for greater efficiency in legal processes, cost reduction, and enhanced decision-making accuracy is noteworthy. AI systems aim to please, but they lack judgment, wisdom, honesty, and legal experience. Verbal generative AI systems are a little bit like Thomas the Tank Engine: they strive to be a very useful engine but can only be useful when they stay on the rails.² Furthermore, this advancement brings about a shift in the legal paradigm, prompting questions about how the roles of traditional legal professionals will evolve in the AI era, as well as how effective adaptation to these changes can be achieved.

¹ G Glenn, 'The Use of Artificial Intelligence in the Legal Profession' (LexisNexis, 2023) <<https://www.lexisnexis.com/community/insights/legal/practical-guidance-journal/b/pa/posts/the-use-of-artificial-intelligence-in-the-legal-profession>> accessed 14 August 2023.

² M Michael D, 'Artificial Intelligence and the Practice of Law Part 1: Lawyers Must be Professional and Responsible Supervisors of AI' [2023] SSRN Paper.

However, alongside the opportunities presented by artificial intelligence (AI) implementation in legal practice, significant challenges also emerge. First and foremost, the adoption of this technology raises ethical and privacy concerns. The use of personal and sensitive data in artificial intelligence (AI) systems introduces risks that need to be addressed through appropriate legal frameworks. Moreover, the societal and economic impacts of this transformation need consideration. How will the utilization of artificial intelligence (AI) in legal practice affect employment in the legal industry? What will be its impact on access to justice and equality within society? These questions provide the foundation for an in-depth analysis of the policies that need to be implemented to manage these potential consequences.

Therefore, the objective of this essay is to conduct an in-depth analysis of the policies regarding the implementation of artificial intelligence in legal practice in Indonesia. Through this approach, the essay will discuss the challenges and opportunities associated with the use of artificial intelligence (AI) in legal practice, as well as the implications that may arise for the legal profession and society at large. With a better understanding of the technical, ethical, social, and legal aspects of artificial intelligence (AI) implementation in legal practice, we can develop a sustainable and ethical policy framework to guide the future development of this technology.

Legal Issues

Currently, there is a noticeable legal void regarding the implementation of artificial intelligence (AI) in legal practice in Indonesia. Despite the transformative impact of artificial intelligence (AI) technology across various sectors, the legal domain seems to have not been fully accommodated within an appropriate regulatory framework. The absence of specific and comprehensive rules governing the use of artificial intelligence (AI) in legal practice has created a legal gap that could lead to uncertainty, potential breaches, and unanswered ethical questions. This legal vacuum leaves legal professionals, practitioners, and stakeholders in a state of uncertainty regarding clear boundaries in artificial intelligence (AI) technology implementation and how mechanisms for oversight and protection can be effectively established. Faced with the rapidly changing dynamics in technology-driven legal practice, the need for a dedicated

legal framework to regulate artificial intelligence (AI) implementation becomes increasingly pressing to uphold integrity and justice within Indonesia's legal system.

Rules and Regulations

Several regulations related to the topic of artificial intelligence implementation in legal practice in Indonesia namely:

- Law No. 11 of 2008 concerning Electronic Information and Transactions (EIT) and Law No. 19 of 2016 concerning Copyright.
- Law No. 28 of 2014 concerning Copyright.

B. Legal Analysis

The Affect of The Utilization of Artificial Intelligence in Legal Practice on Employments in The Legal Industry

The influence of utilizing Artificial Intelligence (AI) in legal practices on labor relations within the legal industry is a pertinent issue in the evolving landscape of technology and legal dynamics. AI has made significant strides across various sectors, including the legal industry, with its burgeoning impact evident in labor-related cases. One of the primary impacts of AI utilization in legal practices on labor relations is the acceleration and enhancement of data and information processing. AI can be employed to swiftly and accurately analyze and sift through substantial volumes of legal documents, employment contracts, and employee-related information. This reduction in time required to resolve labor-related cases allows attorneys and legal professionals to concentrate on more intricate aspects of the matter at hand.

Use of an AI system to perform legal research and draft legal briefs without supervision by the attorney can have disastrous consequences.³ This stems from the fact that regardless of how intelligent and human-like an AI system may seem based on the language it produces, it is merely emulating human language and human logic. This has a significant impact. The outcomes derived from an AI-generated answer to a legal query or the output of a legal task exhibit impeccable wording, encompassing proper grammar,

³ W Benjamin, 'Here's What Happens When Your Lawyer Uses ChatGPT' (N.Y. Times, 2023) <<https://www.nytimes.com/2023/05/27/nyregion/avianca-airline-lawsuit-chatgpt.html?smid=nytcore-androidSuSu-share>> accessed 15 August 2023.

syntax, punctuation, and usage. These outcomes are meticulously structured and directly address the entirety of the given prompt. Furthermore, they frequently align precisely with the principles of general law and occasionally align accurately with the legal principles of a particular jurisdiction.

Furthermore, the application of AI can aid in predicting the outcomes of labor-related cases based on historical data analysis. By identifying patterns and trends from past cases, artificial intelligence systems can offer improved guidance to attorneys in devising more effective legal strategies. This can result in more precise outcomes and diminish the risk of errors in legal decision-making. However, the utilization of AI in legal practices for labor relations also introduces certain challenges. One major challenge revolves around ethical and privacy concerns. The use of AI in processing employee information raises questions regarding the management and security of personal data. Additionally, apprehensions about the replacement of human roles by technology may arise, particularly in the context of labor dispute resolution, which often necessitates human empathy and context understanding.

To address these challenges, a clear legal framework and regulations governing the use of artificial intelligence in legal practices for labor relations are essential. Attorneys and legal professionals also need to continuously develop their skills in operating and overseeing AI systems, ensuring that ethical and privacy values are upheld in their utilization. In summary, the integration of artificial intelligence into legal practices for labor relations within the legal industry can yield significant benefits in terms of efficiency, accuracy, and strategic planning. However, the imperative of striking a balance between technological innovation and legal, ethical, and privacy values must not be disregarded in navigating these transformative changes.

Comparison of Artificial Intelligence Implementation in Indonesia and Other Countries

The implementation of Artificial Intelligence (AI) has brought significant impacts on societies, economies, and governance worldwide. Comparing the utilization of AI in Indonesia and Australia reveals both similarities and differences, shedding light on the challenges and opportunities faced by each country. Australia stands out with its robust

technological infrastructure and advanced AI research. The nation has made substantial investments in creating an environment conducive to AI development, evident through research centers, AI-focused education, and innovation hubs. In contrast, while Indonesia's technological infrastructure is improving, it faces challenges related to digital inclusivity and access to advanced technology. While AI adoption is growing, particularly in urban centers, efforts are required to bridge the technological gap across regions.

Government initiatives and policies play a crucial role in shaping AI landscapes. Australia has formulated comprehensive AI strategies, positioning itself as a global leader in AI advancement. These strategies emphasize research, innovation, and skills development. Indonesia, too, has integrated AI into its national development agenda, exemplified by the "Making Indonesia 4.0" roadmap. However, further refinement of policies and regulations is needed to foster a conducive AI growth environment. Education and workforce development are key considerations in AI implementation. Australia's well-established education system prioritizes AI and computer science training, producing a skilled talent pool. In Indonesia, while progress is evident in AI education, a shortage of skilled professionals persists. Enhanced AI-focused education and training programs are essential to meet rising demand.

Industry adoption and innovation reflect the breadth of AI integration. Australia's diverse sectors, from healthcare to agriculture, showcase widespread AI adoption. Collaborations between academia and industry drive innovation. Indonesia, too, implements AI across sectors like finance and e-commerce, with potential for further integration into traditional industries and SMEs. Ethical and societal implications are prominent in both nations. Australia engages in discussions about AI ethics, transparency, and accountability. Indonesia is also recognizing ethical considerations, but awareness regarding biases, data privacy, and social impacts requires heightened attention.

In Law No. 28 of 2014, Copyright is regulated. In this Law, Copyright is defined as the exclusive right of the creator that arises automatically based on declarative principles after a creation is manifested in tangible form, without diminishing restrictions according to legal regulations.⁴ In a ruling in Australia, it was established that AI is a

⁴ Law No. 28 of 2014 related to Copyright.

legal entity, implying responsibility for its own actions. However, in Indonesia, there is currently no regulation on this matter, and the regulation remains unclear. This implies that if there is an AI system that generates content violating the Information and Electronic Transactions Law or Copyright Law, it cannot be penalized yet.

In summary, Australia and Indonesia are navigating distinct paths in AI implementation. While Australia boasts advanced infrastructure, comprehensive policies, and a skilled workforce, Indonesia is working to align AI with its developmental goals. Addressing issues of accessibility, education, and ethics will determine how both countries harness AI's potential for their societies and economies.

C. Conclusion

The integration of artificial intelligence (AI) into the realm of legal practice in Indonesia presents a promising avenue for optimizing the efficiency and precision of the judicial system. This evolution holds the potential to expedite processes, enhance decision-making, and broaden access to justice. However, it is imperative that this transition is undertaken with a judicious approach, striking a balance between technological advancements and the preservation of legal ethics and principles.

To successfully navigate the implementation of AI in the Indonesian legal landscape, a multifaceted approach is recommended. Firstly, the formulation of comprehensive and well-defined regulatory frameworks is paramount. These regulations should encompass ethical considerations, data privacy safeguards, and clear guidelines for the use of AI tools within legal contexts. Furthermore, investing in rigorous and ongoing training for legal professionals is essential. This training should encompass not only the technical aspects of AI but also its potential implications, limitations, and ethical dimensions. Fostering collaboration between legal experts and technologists is equally crucial to ensure that AI applications align seamlessly with legal objectives.

In conclusion, the strategic integration of artificial intelligence in the Indonesian legal sector has the potential to revolutionize the way legal services are delivered and justice is administered. By embracing AI while upholding legal integrity, Indonesia can harness technology to empower its legal system and enhance access to justice for all.

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Law No. 28 of 2014 related to Copyright.

THE ODDS IN MIRRORING IDEAS: A NEGLECTED ISSUE ON THE PROTECTION OF COPYRIGHTED WORKS

Whilst the digital platform provides loads of globally creative works, it is undeniable to say that the room for ideas are cramped. As a consequence, it is often to see plagiarized or copied works. This might be an unfortunate case due to the lack of awareness on the importance of copyright. While, one might believe that solely giving credit would be sufficient, it is highly possible to infringe into one's copyright through plagiarism, no permits on adaptation of works, and many other issues.

This essay would like to highlight the protection of copyrighted works by picking up a crucial issue which often happens, especially in the entertainment industries. The essay is divided into three parts, which consist of an introduction to the Copyright Law, an analysis of a current copyright issue in Indonesia, and ends with a conclusion.

Introduction

Indonesia itself recognizes the importance of the legal protection of copyright through Law no 28 year 2014 (herein, the "**Copyright Law**"). The Copyright Law essentially defines copyright as "an exclusive right of the author vested automatically on the basis of declaratory principle after Works are embodied in a tangible form without reducing by virtue of restrictions in accordance with the provisions of laws and regulations."¹ Works include creation in the industry of science, art, and literature. For instance, books (both paper and electronic books), songs, films, scientific journals, etc.,

¹ *Copyright Act 2014* (Id) article 1(1).

The definition implies that when a person publishes a work under the industry covered in the Copyright Law, such person automatically possesses an exclusive right over its creation. This exclusive right creates protection over the work to be protected from being used without permission granted by the author.²

Even though this right rises automatically, Indonesia adheres to the declarative principle, where there is a distinct necessity to register the work to the legal authority (herein, the Ministry of Law and Human Rights/*Kementrian Hukum dan HAM*). This aims to give 1) a moral function to prevent an infringement of the exclusive right,³ and 2) an economic function,⁴ which allows the author to create copies or reproduction, to export or import, to give a license for adaptation of work, to showcase such work to the public, and to sell or divert the exclusive right to the other person.⁵

Nonetheless, the registration to the Ministry does not guarantee a possibility of similar ideas contained in separated works. This can be seen through the requirements set by the Ministry, where they do not include any explanation of idea, interpretation, and form of the work. Furthermore, this is also stated by Article 41 of the Law,⁶ which excludes protection to ideas before and when the tangible product exists. *Why is this so?*

Analysis

The Law generally does not protect an idea before it is created into a tangible form and outside of its tangible form.⁷ The authority is aware that the Law can not limit tons of ideas, which can be similar in several

² Setyaningrum, I. (n.d.). Perlindungan Hak Eksklusif Pencipta Terkait Hak Moral dan Hak Ekonomi dalam Perjanjian Royalti dengan Penerbit Buku. Retrieved from <https://media.neliti.com/media/publications/34855-ID-perlindungan-hak-eksklusif-pencipta-terkait-hak-moral-dan-hak-ekonomi-dalam-perj.pdf>.

³ *Copyright Act 2014* (Id) article 5.

⁴ *ibid* article 8.

⁵ *ibid* article 9.

⁶ *ibid* article 41.

⁷ *ibid* article 5.

aspects, and that can result in various tangible outcomes. Where the Law may seem very general, there should be specific commentaries and restrictions for authors to acknowledge their rights and prevent themselves from any infringement of their rights.

Confusion often arises when listeners assume a song to be similar to another or when a novel author deems their book to own a particular quote when it is not. A recent case of an Indonesia FTV series titled "Hari Potret" seems to refer to the top-selling fantasy series "Harry Potter". Many viewers appeared to recognize the resemblance between those two series. Such resemblance can be seen from alignment between the title and the premise of the series, which is a boy who got wizard power. However, would it be constituted as an infringement of copyright?

In regards to the ideas contained in both works, "Hari Potret" (2017) shows numbers of resemblance from "Harry Potter" (2001). That said, there are substantial similarities between the two works. Rather the definition of 'substantial similarity' is solely defined in Law 20/2016 [herein, the "**Trademark Law**"], which means a similarity between the dominant element between Marks based on forms explained in the Article.⁸ Substantial similarity arises from a public confusion in differentiating the similar trademarks. However the public would distinctly recognize the substantial similarity between the issued copyrighted works.⁹ Unfortunately, the Copyright Law does not set any requirements regarding substantial similarity.¹⁰ Therefore, it is extraneous for someone to claim under this basis.

Alternatively, "Hari Potret" can be claimed as conducting a 'non-literal copying infringement' since it does not completely copy the plot and clips

⁸ *Trademark Act 2016* (Id) article 21(1).

⁹ Rosalina, Belinda. (2010, December 13). Mengapa Saya Menerjemahkan *Substantial Similarity* sebagai *Similaritas Substansial* dalam Hak Cipta. Retrieved from <https://belindarosalina.wordpress.com>.

¹⁰ The commentary for Article 44(1) of the Copyright Law only states "a part that is substantial" means an important and distinguished part of the Work. There is no further explanation on substantial similarity under the Law.

of "Harry Potter". However, the team removed or modified parts of the scenes to create a different outcome. Just by looking at the resemblance of the title to "Harry Potter", certainly there can be a conduct of modification. The Copyright Law does not permit mutilation or modification of Work when used for commercial purposes without the license given by the original author.¹¹ Whereas there is an existence of non-literal copying infringement by the team of "Hari Potret", the burden of proof should be on the team of "Harry Potter" (that will be referred to as the Plaintiff in the Court).

Conclusion

In short, the work "Hari Potret" can be deemed infringing the fantasy series "Harry Potter" since there are some signs of non-literal copying. It did not entirely copy the plot and clips but modified certain elements into different outcomes. The modification and/or mutilation itself comes from a lot of aspects, but the most visible one is the alignment between the title and the premise of the original series, "Harry Potter".

If there is sufficient evidence to prove so, the clips can be partially or wholly taken down by the Authority or made inaccessible under Article 55(3) of the Copyright Law.¹² Where the signs are close to true, the Authority did not put any suspicion and permitted the show to run. This might also be because the Law is less restrictive compared to requirements mentioned in the Trademark Law.

¹¹ *Copyright Act 2014* (Id) article 9(2); article 43 *et seq.*

¹² *ibid* article 55(3).

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The background is a blurred image of a newspaper page, showing various headlines and text columns. Overlaid on this are several geometric shapes: a large dark grey triangle on the left side, a light blue triangle at the bottom left, and a dark blue triangle at the bottom right. The main title is centered in the dark grey area.

**PUBLISHER'S RIGHTS: RETHINKING
INDONESIA'S COPYRIGHT SYSTEM AS A
LEGAL PROTECTION OF JOURNALISM IN
THE DIGITAL AGE**

ZRM TEAM

PUBLISHER'S RIGHTS: RETHINKING INDONESIA'S COPYRIGHT SYSTEM AS A LEGAL PROTECTION OF JOURNALISM IN THE DIGITAL AGE

ALSA Legal English Writing

By: ZRM Team

I. Introduction

The emergence of new technologies has further caused the law to lose its bearings.¹ In line with Richard A. Posner's assertion, in this era of digital platforms, has reshaped the framework of journalism and the copyright (and other intellectual property) regime which was originally conventional into digital works. For instance, every journalism is one of protected works by copyright in accordance with the Law of The Republic of Indonesia Number 28 of 2014 on Copyrights ("**Copyright Law**") and not denying that digital platforms have become an access point, fulfilling a function formerly performed by media companies. Indeed, one emerging impact of digital platforms is that the role of news producer is often separated out from the role of news distributor.

In numerous cases, news producers make the news while digital platforms distribute it. This enables digital platforms such as Facebook and Google to sell advertising generated on the back of diverse content, including news content produced off site.² In this way, digital platforms – which are their key assets and products are intellectual and not tangible – are characterized by high monopoly potential conjoined with an extreme disparity between the cost of creation of copyrights and the cost of making and distributing copies through digital platforms. Copyright Law defines copyright as an exclusive right of the author vested automatically on the basis of declaratory principle after Works are embodied in a

¹ Richard A. Posner, "**The Law & Economic of Intellectual Property**", *Daedalus*, vol. 131, no. 2, 2002, pp. 5–12.

² Wilding D., Fray P., et.al., *The Impact of Digital Platforms on News and Journalistic Content*, (University of Technology Sydney, NSW, 2018) pp. 14.

tangible form without reducing by virtue of restrictions in accordance with the provisions of laws and regulations.³ Furthermore, Article 4 Copyright Law stipulated that copyright are the exclusive rights comprising moral rights and economic rights. Consequently, Author of copyrights has rights to utilize the economical value and/or commercial use of their works without reducing by virtue of restrictions, including but not limited to distributing, publication, reproduction. Every person is prohibited from exercising Reproduction and/or commercial use without any permission from the author or the copyright holder in accordance with Article 9 Section (3) Copyright Law.

II. Analysis

The copyrights regime in Indonesia has determined the scope of what works get copyright protection, *inter alia*: books, songs, photographic works, architectural works, and written works.⁴ In addition, based on Article 1 Section (4) *jo.* Article 40 Section (1) letter a of the Copyright Law, it is stated that copyright holders are creators as copyright owners, parties who legally receive these rights from the creator, or other parties who receive further rights from parties who legally receive these rights which also refers to protected works, that is, other written works.⁵ As explained in the elucidation of Article 18, the term "other written works" includes, *inter alia*: poetry anthologies, manuscripts, general dictionaries and daily public newspapers which from this explanation it can be concluded that daily public newspapers refer to the tangible creation of the journalist's work.⁶ Thus, the subjects of copyright are not only the creators, but also some parties who have legally obtained the rights, which in this case refers to journalists and/or media companies.

³ Article 1 number 1 Copyright Law

⁴ Article 40 Section (1) Copyright Law

⁵ Article 1 number 4 *jo.* Article 40 Copyright Law

⁶ Article 18 Copyright Law

Admittedly, the transaction between journalists and the public has never been entirely straightforward, whereas the practice of journalism was funded by the sale of advertising. The conventional news media operated in a two-sided market with its audience and advertisers. Digital platform has transformed that two-sided market into a multi-sided market. Multi-sided market comprising news producers or media companies, digital platforms, and advertisers, which frequently play the role of news distributors in digital platforms.⁷ In this multi-sided market, media companies transact with audiences, while advertisers transact with digital platforms. That being the case if the digital platform has monopolized the journalist-advertisers relation and take any profit, but unprofitable from the side of journalists and news media instead. As a result, there is a *rechtvacuum* of copyright protection for journalism that has been monopolized by digital platforms such as publisher rights.

The Copyright Law has been a long-time applicable regulation in Indonesia, it is therefore necessary for a law reformation conforming with technological changes, which is to recognize publisher's right under the copyright regulation. This additional provision is especially needed to face the impact of digital technology, including the mass-developing digital disruption and in equipping journalists to face the dominance of digital platforms. Thus, the foregoing situation creates the urgency for publisher's rights to be recognized under Indonesia's copyright regulation. Responding to these technological changes, Speaker of the People's Consultative Assembly of the Republic of Indonesia, Bambang Soesatyo, stated in a local news report that the importance of publisher's rights in Indonesia is to manage the digital platforms in ensuring the economic value of each work of the mass media in order to prevent big data analysis of people's preferences for news on digital platforms, publisher's rights are needed to promote national sovereignty.⁸ With a definitive regulation being in force,

⁷ Wilding D., Fray P., et.al., *Op.Cit*, pp. 13

⁸ Jihaan Khoirunnisa, "**Bamsoet Bicara Urgensi Aturan Hak Cipta Jurnalistik**", Detik News, 2023,

digital platforms must comply and shall have an equal position before the law. Aside from digital platforms, including the publisher's right in the copyright regulation in Indonesia would further give considerable advantages to the journalists themselves to have their own moral and economic rights. This confirms that the urgency of having publisher's rights regulated in Indonesia is not only as a fulfillment of rights for the copyright holders, but also as a protection on the creation itself.

Essentially, Publisher Rights can be interpreted as a right owned by journalists and press companies to news they have as a form of copyright. News is a medium for journalists to communicate facts to listeners or readers as Emily Maitlis said, making news is an essential but imperfect art.⁹ In delivering news, there are texts and narratives made by journalists that actually come from an event that occurs in the community, so writing the news itself has a way and style of the writer.

The first regulation regarding publisher rights is provided in News Media Bargaining Code Australia ("**NMBC**") in 2021. The Australian Competition and Consumer Commission ("**ACCC**") as supervisory body has been asked to investigate on how far the market power of digital platforms affects the quality of conventional news and journalism. The results showed a few problems as being reduction in the advertising revenues of news businesses, a precipitous fall in both the number of journalists employed in Australia and the number of news titles, and an imbalance between in the relationship between news publishers and digital platforms which left the news media vulnerable to changes in platform policies and algorithms.¹⁰ NMBC itself regulates big tech companies such as Google and Facebook (now Meta) that operate in Australia to pay local

(<https://news.detik.com/berita/d-6673356/bamsoet-bicara-urgensi-aturan-hak-cipta-jurnalistik>, accessed 3 July 2023)

⁹ Maitlis, Emily, *Airhead: The Imperfect Art of Making News*, The Guardian, 2019, (<https://www.theguardian.com/books/2019/apr/18/airhead-emily-maitlis-review-bbc-news-night-current-affairs-tv>, accessed 3 July 2023)

¹⁰ Rod Sims, "Fold the Front Page?", *Intermedia*, Vol. 47 Issue 03, 2019, pp. 15–19

news publishers for the news that are attached and linked at their platforms so that publishers get a fair return.

In Indonesia, there are similar loopholes where many digital platforms utilize copyright of news to be posted into their platforms and added with various advertisements. As digital platforms are multi-sided markets, the profits from advertising are only benefitted by the digital platforms themselves, not journalists or media companies. Therefore, this is one of the *ratio legis* for the Publisher Rights Bill in Indonesia drafted by the Press Council so the journalists are compensated accordingly. In fact, pursuant to the elucidation of Article 18 Copyright Law, news has been categorized as works of copyright so the legal consequences for journalists is obtaining the exclusive rights that consist of moral rights and economic rights as it is regulated in Article 4 Copyright Law. It shows that there is an uncertainty regarding the fulfillment of the economic rights for Journalists as the Authors of their copyright.

Other than that, publisher rights in Indonesia greatly opens up opportunities to misunderstanding and/or actions that do not go as they should of its implementation. Therefore, the publisher rights implementation in Indonesia should be underseen by a highly independent body to prevent arbitrary actions that could be an existing body. If we compare it to Australia, the implementing and supervisory institutions of publisher rights are ACCC. In Indonesia itself, there are several institutions that are considered to be supervisory institutions that intersect directly with publisher rights, such as The Ministry of Communication and Informatics, the Directorate General of Intellectual Property (DJKI), and the Commission for the Supervision of Business Competition (KPPU). However, these institutions are government institutions, so it is necessary to establish an independent institution specifically authorized to oversee the implementation of publishers' rights so that the rights of the media, journalists and consumers are fulfilled. An independent institution authorized to oversee publishers' rights will create an objective and

independent institution without being influenced by political power and partisanship and it will provide a sense of justice and certainty in the implementation of publishers' rights for digital platforms, journalists and/or media companies and consumers.

III. Conclusion

To sum up, the development of the digital era needs to be followed by the development of the legal system, especially in the copyright regime in Indonesia, which has not regulated publisher rights. As is known, journalists' work are written work that is protected by copyright in accordance with Article 40 Section (1) letter a of the Copyright Law. The potential to monopolize journalists' work carried out by digital platforms by utilizing advertising can certainly harm journalists and/or media companies. Publisher rights aims to provide legal protection and certainty to journalists and/or media companies, digital platforms, and to protect the interests of consumers. In addition, accurately, publisher rights can create high-quality journalism in Indonesia. On this basis, publisher rights has the urgency to be implemented with the establishment of publisher rights regulation in Indonesia. Apart from that, it is also necessary to establish a supervisory institution for the implementation of publisher rights in Indonesia in order to provide a sense of justice and fairness.

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Copyright, Plagiarism, and Academic Integrity: Promoting Ethical Writing and Research Practices in Indonesia

INTRODUCTION

Academic integrity encompasses a set of principles that serve as standards for the academic community in conducting research and writing scholarly papers. It is characterised by values such as honesty, justice, ethics, and mutual respect. These values are reinforced through legal regulations. The proper and rigorous application of the law plays a crucial role in establishing a healthy academic community where authors' rights are protected, and individuals are free to utilise their work for academic purposes. The government has formulated laws that academic institutions must adhere to uphold academic integrity and its underlying values. This essay will delve into the functioning, utilisation, and effectiveness of such laws in greater detail.

Promoting ethical writing and research practices is an effort that needs to be continuously made to create a healthy environment within the academic community. Plagiarism, copyright, and academic integrity are some of the few points that we will go deeper into as we explore this topic. To better understand this topic, we will define each topic listed above to convey the point we want to make in this essay. Ethical writing is a standard of behaviour that one should uphold in writing by avoiding plagiarism by citing source material while maintaining academic integrity and research practices for ethical purposes. With this understanding, we can see why promoting ethical writing and research practices requires understanding copyright, plagiarism, and academic integrity. Black Law Dictionary defines plagiarism as the act of taking another person's written work, or a part or parts of it, or the same ideas or language, and

representing it as one's own.¹ Meanwhile, copyright is defined as a right to literary property recognised and sanctioned by positive law. The right granted by law to the author or creator of a particular literary or artistic production in which it is invested.² The definition clearly includes literary works, be it a part or parts of an academic work or the idea behind the work itself.

Honesty, integrity, and originality are the main elements that are necessary in academic writing. According to recent studies conducted by the Pew Research Center, a significant number of college leaders (55%) have observed an increase in plagiarism over the last ten years, with the internet being predominantly (89%) responsible for this trend.³ The occurrence of plagiarism can intertwine copyright infringement when there is protection bestowed upon original works subject to appropriation. If one were to duplicate a substantial part without securing consent or properly attributing its origins, their actions would constitute not only instances of plagiarism but also trespasses against copyrights exclusively owned by others. Plagiarism also constitutes a severe violation that undermines academic integrity. It is crucial to acknowledge and reference sources appropriately, as this ensures proper attribution to the original authors and prevents any misrepresentation of their work.⁴ Thus, regulations governing copyright, plagiarism, and academic integrity play a crucial role in the era of globalisation and technological advancements. In Indonesia, the protection of copyright, prevention of plagiarism, and respect for academic integrity have become increasingly relevant.

Initially, the initial concept of plagiarism was contained in Article 380 of the Indonesian Criminal Code (KUHP), but this article more accurately defines the act as a forgery in the realm of trade. Subsequently, through Law No. 19 of 2002 regarding Copyright, the concept of plagiarism was included, which had yet

¹ Black Law Dictionary (2th Ed.).1995 The Lawbook Exchange, Ltd., Accessed July 3rd 2023, <https://thelawdictionary.org/?s=plagiarism>

² Black Law Dictionary (2th Ed.).1995 The Lawbook Exchange, Ltd. Accessed July, 3rd 2023, <https://thelawdictionary.org/?s=copyright>

³ J. Umiyati, Ismail. 2023, Academic Integrity: Preventing Students' Plagiarism with TURNITIN, *Edu Maspul Jurnal Pendidikan* 7 (2) : 1.

⁴ L. Sarah. 2022, The Importance of Ethical Writing and Responsible Research Practices. Accessed July, 3rd 2023, <https://sarahlud.medium.com/the-importance-of-ethical-writing-and-responsible-research-practices-35881127f38b>.

to be previously regulated, although not explicitly. However, the law clearly outlines the boundaries between plagiarism and copyright infringement. Later with Law No. 20 of 2003, higher education institutions in Indonesia are empowered to revoke or invalidate degrees that have been awarded if it is proven that the degree was obtained through plagiarism. This law is an effort to uphold academic integrity and the ethics of writing and research practices. The government subsequently regulates plagiarism extensively and in detail through the Minister of National Education of the Republic of Indonesia Regulation No. 17 of 2010 regarding the Prevention and Handling of Plagiarism in Higher Education.⁵ Most recently, the government released a new Copyright Law, namely Law No. 28 of 2014, as a substitute for Law No. 19 of 2002, which is considered irrelevant to legal developments and community needs. The creation of these legal regulations represents the government's endeavour to guarantee the protection of legal rights for creators and to foster an educational environment that is devoid of plagiarism.

Indonesia faces challenges with copyright infringement, particularly in the digital realm. Online piracy, unauthorised reproduction, and distribution of copyrighted materials such as music, movies, books, and software are prevalent. The availability of pirated content through physical markets and online platforms remains a concern. It occurs when individuals present someone else's work, ideas, or intellectual property as their own without proper attribution. Plagiarism undermines academic integrity, originality, and the pursuit of knowledge. Efforts to promote awareness and education about plagiarism prevention are essential to address this issue. Academic integrity encompasses a range of ethical practices, including honesty, originality, and respect for intellectual property rights. Instances of academic misconduct, such as cheating, falsification of data, and unauthorised collaboration challenge the integrity of educational institutions in Indonesia. These practices hinder the growth of knowledge and erode trust within the academic community.

This essay aims to study and analyze the ethics of writing and research practices, copyright, plagiarism, and academic integrity through a legal lens to

⁵ Yuliati. 2014, Perlindungan Hukum Bagi Pencipta Berkaitan Dengan Plagiarisme Karya Ilmiah di Indonesia. *Arena Hukum* 6 (1): 57-61

assess the effectiveness of existing laws in their application in upholding the rights of copyright holders and promoting freedom of fair use for strictly academic purposes to spread awareness of ethics in writing and research practices to further the development of a healthy environment for the academic community.

DISCUSSION

Understanding The Existence of Copyright and Plagiarism Regulations

The regulations governing copyright and plagiarism play a crucial role in safeguarding intellectual works and promoting academic integrity in Indonesia. However, a legal framework that serves as the foundation for regulating such issues is vital. In Indonesia, awareness regarding copyright and plagiarism is growing over time. This situation corresponds to the government's heightened endeavours to promulgate legislation that regulates these issues to cultivate a robust educational ecosystem of exceptional quality.

The establishment of Law No. 28 of 2014 (Copyright Law) serves as a significant milestone in providing legal protection for copyright. According to this law, copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realised in a tangible form without reducing restrictions in accordance with statutory provisions.⁶ The Copyright Law also includes provisions for exceptions to copyright protection, particularly concerning the dissemination of information for the public interest. As outlined in Articles 14 and 15 of the law, these exceptions ensure that the use of particular works or specific information is not considered a copyright infringement.⁷ In academic writing, copyright infringement may occur when an author utilises all or a portion of scientific work, such as articles, journals, books, or other written materials, without adequately acknowledging or citing the original source. Failing to provide appropriate sources when citing information can be categorised as plagiarism, which involves the unauthorised use or appropriation of someone

⁶ Shidarta. 2015, Plagiarisme: Pelanggaran Hak Cipta. Accessed July 5th 2023, <https://business-law.binus.ac.id/2015/04/01/plagiarisme-pelanggaran-hak-cipta-bagian-3-dari-3-tulisan/>.

⁷ *Ibid.*

else's ideas or thoughts. Plagiarism undermines academic and intellectual honesty by presenting someone else's work as one's as explicitly outlined in Article 44 of the Copyright Law.⁸

While plagiarism and copyright infringement involve unauthorised use, they differ in attribution and violate intellectual property rights. In the educational world, the enforcement of rules regarding copyright and plagiarism in writing starts at the university level. For this reason, the government through Law No. 20 of 2003 regarding the National Education System (SISDIKNAS Law), gives authority to educational institutions to revoke or invalidate degrees that have been awarded if it is proven in their scientific work contains plagiarism as stated in Article 25. This article implies that acts of plagiarism are inconsistent with the objectives and purposes of the national education system. Plagiarism undermines the integrity and effectiveness of education, as it goes against the principles of academic honesty and intellectual integrity because science will run in place.⁹ These regulations later continued with the Minister of National Education of the Republic of Indonesia Regulation No. 17 of 2010 on Prevention and Handling of Plagiarism in Higher Education. Through this provision, the government wants to ensure the effectiveness of plagiarism regulations that have previously been regulated so that educational institutes can provide strict regulations against plagiarism in the higher education environment.

The Role of Law in Promoting Ethical Writing and Research Practices

A sound legal statute must adhere to three fundamental principles. Firstly, it must ensure equitable treatment for all individuals within its jurisdiction. Secondly, it should possess clarity and predictability in its implementation. Lastly, it must bring about societal benefits. These core principles define a well-constructed law. By understanding this, we can appreciate the role of legislation in fostering ethical writing and research practices. It serves as a valuable instrument within the academic community, allowing individuals to utilise scholarly resources for legitimate academic purposes while safeguarding

⁸ Laoh M.S. Gloria. 2016, Tindakan Plagiarisme Dalam Lingkup Pendidikan Ditinjau Dari Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta. *Lex et Societatis* 4 (2): 1.

⁹ Wibowo, Adik. (2012), Mencegah dan Menanggulangi Plagiarisme di Dunia Pendidikan, *Jurnal Kesehatan Masyarakat Nasional* 6 (5): 195-198.

against plagiarism through copyright protection, thereby upholding academic integrity.

Law No. 19 of 2002, specifically in Article 9, establishes provisions for the copyright protection of written works, granting economic rights to the owners. Additionally, Article 26 ensures the freedom to utilise these works for non-profit academic purposes. This legal framework establishes a solid foundation for fostering a conducive environment within the academic community. It maintains the rights of the copyright owners while enabling individuals to freely utilise these works for legitimate academic pursuits. To promote ethical writing and research practices, the academic community must comprehend and adhere to copyright and fair use regulations, thereby advancing the progress of academic studies while raising awareness of these critical considerations.

Regulation No. 17 of 2010, issued by the Minister of National Education of the Republic of Indonesia, encompasses four key aspects: the definition of plagiarism, prevention measures, countermeasures, and the application of sanctions. Additionally, the regulation addresses restoring one's reputation if proven innocent. Plagiarism is the deliberate or unintentional act of seeking or attempting to receive credit or grades for scientific work, research activities, or scientific writing by incorporating parts or the entirety of another individual's scientific work without appropriately acknowledging it as their own. It is the dean's responsibility to ensure the prevention and control of plagiarism by disseminating a code of ethics within the academic community and fostering a culture that actively discourages plagiarism.

The dean plays a pivotal role in raising awareness of ethical writing and research practices, as well as ensuring compliance with the regulations. Article 12 of Regulation No. 17 of 2010, issued by the Minister of National Education of the Republic of Indonesia, outlines a range of sanctions that may be imposed. These sanctions include reprimands, written warnings, the temporary suspension of certain student rights, nullification of the grades obtained in one or more courses, expulsion from the institution with or without honour, and even revocation of diplomas for graduates. By making appropriate decisions in imposing sanctions,

the dean sets an example for others and promotes a culture that actively discourages plagiarism.

Legal Consequences of Copyright Infringement and Plagiarism

Copyright holders can file civil suits seeking remedies such as court orders, damages, and confiscation or destruction of the infringing material. Courts can order infringers to pay monetary compensation to copyright owners.¹⁰ In some instances, copyright infringement can lead to criminal prosecution. Offenders may face fines and imprisonment, depending on the severity and scale of the infringement. Several cases regarding copyright have occurred in Indonesia. In 2021, Halilintar Anofial Said and Lenggogeni Umar Faruk, known as Gen Halilintar, were found guilty of violating the copyright for a song entitled "Syantik Song."¹¹ The Supreme Court sentenced the two to pay compensation of 300 million Rupiah. Gen Halilintar was judged to have changed the lyrics of the song "Lagi Syantik" and recorded, made a video, and uploaded it on Gen Halilintar's YouTube account without permission from PT Nagaswara Publisherindo, which oversees the creators of the song "Lagi Syantik."

Within the academic realm, plagiarism is commonly tackled through institutional policies encompassing various disciplinary measures. Such consequences may involve receiving a failing grade for an assignment, being subjected to academic probation, facing suspension, or even expulsion from the educational institution. Institutions typically possess their distinct policies and codes of conduct about academic integrity. Breaching these policies can lead to disciplinary actions, encompassing academic penalties and deprivation of privileges. Violations of academic integrity can detrimentally impact an individual's professional reputation within the academic community, potentially impeding opportunities for research collaborations, grants, or employment prospects.

¹⁰ Article 72 Law No. 28 of 2014 on Copyright

¹¹ Noviandi Ferry, "Gen Halilintar Didenda Rp 300 Juta, Imbas Pelanggaran Hak Cipta Lagu Lagi Syantik". Suara.com, 21 May, 2022. <https://www.suara.com/entertainment/2022/05/21/124421/gen-halilintar-didenda-rp-300-juta-imbaspelanggaran-hak-cipta-lagu-lagi-syantik>

CONCLUSION

Promoting and upholding ethical writing and research practices requires ongoing and concerted efforts to cultivate a thriving academic community. Nevertheless, challenges persist in copyright infringement and plagiarism, hindering the realisation of this goal. The government persistently endeavours to address copyright infringement and plagiarism by continuously developing and adapting laws and regulations. This ongoing commitment ensures that legal frameworks remain responsive to emerging challenges and evolving practices. The adaptive nature of these laws and regulations enables them to remain relevant and robust in the face of changing technological advancements.

However, spreading awareness about copyright and plagiarism is not only the government and academic institutions' duty but also our responsibility. Maintaining academic integrity starts from personal integrity, which upholds the values of honesty, fairness, ethics, and mutual respect by adequately citing and attributing sources, seeking permissions when necessary, and avoiding plagiarism. On the other hand, legal consequences can raise awareness about copyright laws, intellectual property rights, and the significance of academic integrity. Legal consequences contribute to maintaining the credibility and integrity of the academic community. It sends a clear message that misconduct will have serious repercussions, which can deter individuals from engaging in unethical practices. The fear of facing legal action motivates individuals to uphold academic integrity standards, fostering a culture of honesty, and ethical behaviour. With continuous efforts from the government that continuously makes and reviews regulations, academic institutions that implement these regulations, and the academic community that applies them, a healthy academic community that encourages creative thinking and an anti-plagiarism culture will be created.

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"Copyright Protection: Fostering Innovation and Encouraging Legal Compliance in the Digital Age"

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Humans are adaptive creatures. They are capable of adapting to any situation based on their personal needs. Entering the digital age, humans become adaptive and intelligent to technology. It relates between one field with another, like technology with law. In the modern era, technology and the law complement one another. More and more, there are only new developments in the digital world that encourage people to always work and innovate, which makes the law more attached to technology. An example in this digital age is copyright protection. As an adaptive being, of course, people are not alien to this term. According to Article 1 paragraph 1 of the Law Number 28 of 2014 on Copyright, "Copyright is the exclusive right of the creator which arises automatically on the basis of declarative principle after a creation has been realized in a tangible form without reducing the restriction in accordance with the provisions of the legislation."¹

Copyright today has a different urgency when it compared to the past. With the evolution into the digital era, humans have many ideas to create new works as well as to innovate old works. Copyright protection here serves as an important instrument in copyright that facilitates the innovation of public work so that it can always have legal compliance without limiting the creativity of the creators. The Copyright Law states that, "a creator is one or more persons who, alone or jointly, produce a creation of a distinctive and personal nature."² As we know, creation originates from ideas emitted by the human brain, which are inherently abstract. Combined with further knowledge of the idea produces a valuable creation, as well as beneficial to human life.

¹ Indonesian Law. (2014). Law Number 28 of 2014 on Copyright, Article 1 paragraph 1. Accessed on July 7th, 2023 from JDIH BPK RI's Regulations Database.

² Ibid. Article 1 paragraph 2. Accessed on July 7th, 2023 from JDIH BPK RI's Regulations Database.

In respecting and evaluating creations, the Copyright Law has granted its owners the exclusive right to use, duplicate, distribute, and control their work. Copyright protection applies automatically from the time the work is created and does not require formal registration. However, registration of copyright at its registration agency in a country can provide solid evidence of the ownership and existence of such copyright. Copyright protection in digital law is critical to fostering innovation, ensuring fair remuneration for creators of digital works, and ensuring the sustainability of creative industries in the digital age. Copyright protection is also continuously adapting to digital technology developments. Many countries change and update their copyright laws to accommodate new challenges and opportunities in the digital environment. This includes introduction to copyright protection laws on the Internet, copyright policies applicable to online platforms, and copyright requirements for streaming services and various digital content. Copyright provides a legal basis for prosecuting copyright infringements in the digital environment. When a copyright violation occurs, the owner of the copyright may use copyright laws to pursue monetary damages, the cessation of the unauthorized use, or legal action against the infringer. This is done to create a continuity between the digital world and the applicable law.

Recently, digital content about the parody of the rover has frequently appeared on TikTok, Instagram, and even Twitter. This parody comes from one of the private television networks in Indonesia, Indosiar. In one episode of the series on their program, the series player had an idea to do a roving photocopy business using a carriage. This makes people laugh and consider it a joke. After the scene became viral on social media, a lot of content creators made a parody of it. In the beginning, the parodies were still normal and funny, such as the roving bathing service, the roving coding service, even the roving crying service. However, over time, the parody that emerged led to pornography. Indosiar subsequently posted a statement through their Instagram that they would pursue a legal action in connection with the flag of unauthorized use and abuse of Indosiar's logos and programs on various social media sites. Indosiar prohibits any use of its intellectual property rights

without prior permission, either for personal interest or published in various media including social media. In the website of the Intellectual Property Database it is known that Indosiar has infringed the copyright of the Logos and Programs with Registration Number of IDM000603691³. As previously stated, copyright holders have the right to control their creation, and can also process it to the law if the creation is abused. In this case, it is hoped that in the future, Indonesian people can understand what is copyright and innovate ideas in the digital world by staying in compliance with the law and without violating the existing copyright.

³ Directorate General of Intellectual Property, Intellectually Properties Database.
<https://pdki-indonesia.dgip.indosiar.go.id>

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THE ABSENCE OF LAW REGULATIONS MADE PEOPLE WATCH PIRATED MOVIE AS A CULTURE

ALSA LEGAL ENGLISH WRITING

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INTRODUCTIONS

Movies have been a widely enjoyed form of entertainment for everyone around the world. There's a lot of medium to watch all kinds of movies such as television, cinemas, and various streaming platforms like Viu, Netflix, Disney+, and others. People have numerous options to enjoy movies based on their personal preferences.

With the rapid growth of the internet and social media, sadly there are many illegal film that have been distributed by hijackers who did some significant unbeneficial impact to filmmakers. However, if we dig deeper into this issue, we need to consider more than just an audience. It's important to know how hard the filmmakers put an effort to make their works. If we admit the sacrifices they have made to create their work, we can show empathy and give them some respect with a legal way to get their movies.

Many domestic and foreign illegal movies are distributed or downloaded via various illegal sites. A survey that was made by YouGov for the Coalition Against Privacy (CAP) from the Asia Video Industry Association (AVIA) revealed that 63% of online consumers in Indonesia still access pirate film sites. As many as 35% of ISD (Illicit Streaming Devices) users, an illegal streaming device, use the IndoXXI website. Not without reason, domain owners can get a lot of benefits of ten or even hundreds of millions rupiah every month. Based on data analyst from Alexa Based, IndoXXI which is a website that provides pirated films, is ranked 18th as the website with the highest traffic in Indonesia.¹

¹ Leo Setiawan. 2018. *Film BajakanMenjamur, Berapasih Keuntungannya?*. <https://www.klikmania.net/situs-film-bajakan-menjamur/>. Accessed at 2 Mei 2022.

In fact, films or cinematography are included in Intellectual Property Rights (IPR), especially copyrights as protected creations. This is stated in Article 40 letter m about Copyright Law. Cinematography is motion picture mass communication media, which include: documentaries, advertising films, reports, or feature films made with scenarios and cartoon movie. The types of cinematography published from works are a rights object related to copyright, and are works whose original level and creativity involve many parties who have contributed to the creation of the work. A copyrighted is an exclusive right for the creator (Article 1 number 1 Copyright Law 2014) and they have the right to control the distribution of their copyrighted work through broadcasting accompanied by a license, namely through broadcasting institutions.²

Sri Redjeki Hartono stated that Intellectual Property Rights are essentially rights with special characteristics, because these rights are granted by the state.³The state, based on the law regulation, grants these special rights to those who are entitled, in accordance with the procedures and conditions that must be fulfilled. Therefore, Intellectual Property rights protect intellectual works and grant exclusive rights to their owners to use, protect, and get benefit from those works. So that's why every copyright holder has the right to save their legal property.

The Crisis of Public Awareness for Filmmaker Right

Previously, people used to line up at the cinema to buy tickets to watch a recently released film. But with the growth of illegal movies among industry, Some mountain people would rather choose to wait for a week or even month just to download the film through illegal sites instead of watching it in cinema because it's considered cheaper and affordable. Most of the released films are currently available on various OTT digital platforms. These films can only be watched if we have previously made a payment and subscribed. The presence of these films in these applications makes it easier to do movie piracy without waiting for a

²Law Number 28 of 2014 about Copyright Law.

³Sri Redjeki Hartono, "*Aspek Hukum Perdata Perlindungan Hak Milik Intelektual*", Semarang : Pascasarjana Program Studi Ilmu Hukum Undip, 1993. Page.2.

months. They quickly hijacked the movies as soon as a new film was released, then spread it through certain illegal sites without spending the slightest cost.⁴

Indonesians have a misleading proverb like “Kalo ada yang gratis ngapain bayar?” which means they don't need to spend their money if there's something they can get for free. The main reason why more people still watch pirated movies is because those are free. They think they don't really need to spend more money to watch movies in cinema, if they can stream or download them on pirates film sites. Some people thought the price of a cinema ticket was expensive and not worth to buy. But ironically, cinema tickets is sell only between 25 - 50 thousand rupiah. But people often still can't appreciate it by saving at least a little to watch their favorite movies. This can happen because of a public awareness crisis. filmmakers will certainly be disadvantaged because they don't get paid the amount of money they should get. This action can allow the growth of apathy and reduce enthusiasm for making a movie by filmmakers in the fields art.⁵

Reasons Why People Still Watch Illegal Movies

Some people may not pay attention into negative impact of piracy film on the industry. They may feel that the film industry has been rich enough and will not be too affected by piracy. In this discussion, it is important to describe the various factors that influence film piracy and explore the root causes. This will help to understand the situation more comprehensively and formulate effective countermeasures.

Several reasons why film piracy often occurs is cinema ticket prices are not cheap, there are no films they were looking for on legal platforms, and subscription fees for legal streaming platforms are expensive for some people. Besides that, some people also busy when their favorite movies was released. So they dont have time to watch it. Certain movies also may not be legally available in the region or country where a person lives. In this case, some people may feel compelled to seek the film through illegal channels in order to view it.

⁴Riyuwansyah, Pengaruh Film Bajakan Secara Daring Terhadap Popularitas Film Bagi Beberapa Mahasiswa Di Bandung, *Jurnal Program Studi Film dan Televisi Fakultas Pendidikan Seni dan Desain Universitas Pendidikan Indonesia*. 2022. Vol (2) No.1.

⁵Insan Budi Maulana. 2000. *KapitaSelektaHakAtasKekayaanIntelektual 1*. PusatStudiHukum UldanYayasanKlinik HAKI. Yogyakarta. Page. 189.

This factors encourages them to look for alternatives that are accessible for free or at a lower cost with more collection of film in the film piracy site. Illegal movies tend to be easier to find and access through various websites at any where and any time. The public can easily download or stream movies without having to pay or infringe copyright. This reason makes illegal movie consumption is more attractive for some people.

The community seems to normalize the distribution of illegal film around them. Not a few of them, They even watch with their friends on illegal streaming websites. It seems like kinda normal. They consider this to be a natural thing because they have been used to watching pirated films for a long time. If we want to change this whole system that was already like a cancer, we can start it from our own self awareness and educate more people to watch movies in a legal way. Because as long as there are still many who enjoy pirated movies on certain websites, pirating and distributing illegal movies will also continue to flourish.

The Urgencies to Renew The Regulations for Illegal Film Lovers

Rules regarding piracy and distribution of illegal films are contained in Law Number 28 of 2014 concerning Copyright. However, There's is no one regulation that regulates the prohibition of enjoying illegal movies. The Law itself is only limited to the rules regarding piracy and it's distribution for commercial use.

The point is, according to Article 9 sections (2) and (3) Copyright Law, a person can violate copyright if they don't obtain permission from the creator and obtain benefits from such use. For this reason, based on Article 113 Sections (3), their actions can be sentenced to 4 years in prison or a maximum fine of 1 billion Rupiah. But the point is related to Article 43 Letter d Copyright Law that describes if someone did it not for commercial use and it doesn't provide benefits to them, which is they are just watching a movie from illegal sites. it can't be categorized as a copyright infringement.

Basically the form of copyright infringement has two main things. First, namely intentionally and with no right to announce, reproduce, or give permission for it. Second, namely deliberately exhibiting, distributing or selling to the public

an item resulting from copyright infringement. So if the violation is committed not for commercial purposes, it's allowed.

DPR as a House of Representative in Indonesia who draft the law has a crucial role to protect a lot of people that work in the creative industry. Writer feels that the government really need to create new written regulations regarding illegal film consumer immediately. They should draft a law that's more relevant and effective for solving this issue. The newest regulations they should draft later have to include strict prohibitions against the distributing and watching illegal films, which is to safe copyright owners for whole film industry. This little step will provide stronger legal protection for copyright owners, provide incentives for innovation and creativity in the film industry, and ensure that illegal activities that harm the creative industry can be suppressed and solved.

Solutions for Copyright Holders to Secure Their Right

Enforcement of this copyright law requires integrity between the Legislature as a decision maker, law enforcers, filmmaker, and all people who watch movies. If all parties respect each other in carrying out an ecosystem sequence in the film industry, then no one will harm their rights.

Copyright owners have rights to report acts of piracy in order to protect their commercial right.⁶ Copyright Law is one of complaint delict, which means enforcer need a report/complaint to open the case to be processed immediately.⁷so people who work on creative industry have a big role in enforcing this film piracy enforcement. Through this reporting process, the copyright owner will keep their benefit that they are supposed to get. They can stop or limit the spread of their movies which have been pirated, and they will encourage a legal action against piracy perpetrators. Therefore, the copyright owner can maintain the integrity of his work, protect his investment, and ensure that the economic benefits are properly maintained as well.

In addition to law enforcement duties, public awareness and empathy about the negative impact of spreading pirated films need to be increased. Generation Z, which is highly skilled and rules a social media these days, needs to

⁶Decree of the Minister of Law and Human Right Number 26/2015.

⁷Sudarto.1990. *Hukum Pidana I*.YayasanSudartoFakultasUndip. Semarang.Page. 56.

play a role in this problem. They have a liberal nature formed by the technological era. So today the younger generation has a responsibility to give an education to people who don't understand the importance of respecting copyright, such as reminding them that intellectual property is a way to make the creative industry get better. Besides that, they can also provide education about the importance of being careful in using social media, the effect of watching or downloading movies from unauthorized sites, as well as law regulation about copyright and violations of illegal works.

CONCLUSION

There's a lot of medium to watch movies such as television, cinemas, and various streaming platforms. But with the rapid growth of the internet and social media, Sadly there are many illegal movies that have been distributed by hijackers to the internet for free. It caused unbeneficial impact to filmmakers. However, Movies or cinematography are included in Intellectual Property Rights (IPR), especially copyrights as protected creations. These rights are granted by the state and aim to protect the creative works. Several reasons why pirated movies often occurs it's because illegal movies tend to be easier to find and access through various websites at anywhere and anytime. The public can easily download or stream movies without having to pay. This reason makes illegal movie consumption is more attractive for some people.

Rules that set piracy and distribution of illegal films are contained in Law number 28 of 2014 concerning Copyright. In fact, There's no one regulation that regulates the prohibition of enjoying illegal movies. The law itself is only limited to the rules regarding piracy and it's distribution for commercial use. DPR as a House of Representative in Indonesia should create new regulations regarding illegal film consumer immediately. This little step will provide stronger legal protection for copyright holders. Enforcement of this copyright law requires integrity between the Legislature as a decision maker, law enforcers, filmmaker, and all people who watch movies. If all parties respect each other in carrying out an ecosystem sequence in the film industry, then no one will harm their rights.

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Preserving Creativity and Innovation

ALSA LEGAL ENGLISH WRITING

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Introduction

In today's fast-paced world, creativity and innovation are essential for success. They are the driving force behind progress and development, and they enable us to solve complex problems and create new opportunities. Normal human beings have the power of thought, intellectual abilities or brain abilities. However, preserving creativity and innovation is not always easy. It requires a deep understanding of the factors that contribute to their growth and a commitment to nurturing them over time. Copyright serves as a legal framework that encourages creative expression and innovation. By granting exclusive rights to creators, it incentivizes them to produce original works, such as literature, music, art, films, and software. Copyright protection ensures that creators receive recognition and economic benefits from their creations, fostering a vibrant cultural and artistic landscape. One of the most important factors in preserving creativity and innovation is education. By providing students with a strong foundation in the arts and sciences, we can help them develop the skills and knowledge they need to think critically, solve problems, and create new ideas. This can be achieved through a variety of educational programs, including STEM (Science, Technology, Engineering, and Mathematics) initiatives, arts education, and interdisciplinary studies.

Analysis

Another key factor in preserving creativity and innovation is fostering a culture of experimentation and risk-taking. This means creating an environment where people feel free to explore new ideas, take risks, and learn from their mistakes. It also means encouraging collaboration and teamwork, as well as providing resources and support for innovative projects. In addition to education and culture, technology also plays a critical role in preserving creativity and innovation. Advances in technology have made it easier than ever to share ideas, collaborate with others, and access information from around the world. This has led to a democratization of creativity and innovation, where anyone with an internet connection and a good idea can make a difference. However, technology also presents challenges to preserving creativity and innovation. The rise of automation and artificial intelligence has led to concerns about the future of work and the role of human creativity in a world dominated by machines. It is important to find ways to balance the benefits of technology with the need to preserve human creativity and innovation. In conclusion, preserving creativity and innovation is essential for the future of our society. It requires a commitment to education, a culture of experimentation and risk-taking, and a thoughtful approach to technology. By working together to preserve these essential elements of progress and development, we can create a brighter future for ourselves and for generations to come. Although everyone's intellectual ability is not the same. Apart from the fact that these abilities are different from birth, human intellectual abilities can also be formed and improved based on education and training. Intellectual ability in a certain field, directed at an intellectual activity to produce something, something can be obtained. Something is called a work or invention

(invention). Such intellectual works are found in various fields, for example science, technology, art, literature.¹

Copyright Protection: Encouraging Original Works

Copyright serves as a legal mechanism that grants exclusive rights to creators, encouraging them to produce original works. By safeguarding these works, copyright protection not only incentivizes creators but also ensures the continued growth and development of diverse and innovative creations. At its core, copyright protection plays a pivotal role in encouraging the production of original works. When creators are granted exclusive rights over their creations, they are motivated to invest their time, effort, and resources in developing unique ideas. The assurance that their works will be protected from unauthorized use or reproduction provides them with the confidence necessary to explore new frontiers of creativity. This encouragement leads to a thriving cultural and artistic landscape, where creators are inspired to push the boundaries and present fresh perspectives to the world.

Furthermore, copyright protection serves as a catalyst for innovation and progress. By allowing creators to control the use and distribution of their works, copyright enables them to reap the financial rewards of their endeavors. This economic incentive not only sustains their livelihood but also encourages further investments in creative pursuits. The prospect of financial gain promotes entrepreneurship within the creative industries, leading to job creation and economic growth. Consequently, copyright protection not only benefits individual creators but also contributes to the overall prosperity of society. Moreover, copyright protection fosters a

¹ Adami Chazawi. (2019). *Tindak pidana hak atas kekayaan intelektual (HaKI) : penyerangan terhadap kepentingan hukum kepemilikan dan penggunaan hak atas kekayaan intelektual*. Media Nusa Creative.

climate of creativity by ensuring fair recognition and attribution of original works. It provides creators with the legal framework to assert their rights and claim authorship over their creations. This recognition acts as a validation of their efforts and serves as a catalyst for further creative output. By preserving the integrity of the creative process, copyright protection promotes a culture of respect for the achievements of creators and fosters an environment where their contributions are celebrated.

In addition, copyright protection plays a vital role in preserving cultural heritage. Original works, whether they be literature, music, art, or traditional expressions, reflect the unique identity of a society or community. Copyright protection ensures that these cultural expressions are safeguarded, preventing their appropriation or misrepresentation by unauthorized parties. By preserving cultural heritage, copyright protection fosters diversity, encourages cultural exchange, and safeguards the cultural legacy of nations. However, it is crucial to strike a balance between the rights of creators and the interests of the public. Copyright law often incorporates provisions such as fair use or fair dealing, which allow for limited use of copyrighted material without infringing on the creator's rights. These provisions promote education, research, and the advancement of knowledge, ensuring that the public can benefit from creative works while respecting the rights of the creators.

Conclusion

In conclusion, copyright protection plays a fundamental role in encouraging the production of original works. By granting creators exclusive rights, it serves as a catalyst for creativity, innovation, and cultural preservation. The assurance of protection provides creators with the incentive to explore new ideas and push the boundaries of artistic expression. Moreover, copyright protection fosters economic growth, job

creation, and the preservation of cultural heritage. As we continue to navigate the digital landscape, it is essential to strengthen and adapt copyright laws to ensure the continued encouragement and protection of original works, benefiting both creators and society as a whole.

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Empathy Across Borders: Collaborative Efforts to Alleviate Humanitarian

Crisis in Ukraine

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ABSTRACT

The invasion of Ukraine by Russian forces has led to extensive and thorough suffering among the Ukrainian population. In response, individuals, organizations, and governments from different countries have banded together to provide aid and relief. This essay delves into the multifaceted dimensions of empathy that underpin these cross-border collaborations. It examines how empathy serves as a catalyst for increased international cooperation, promoting a sense of shared responsibility, and universal human connection. The essay showcases specific endeavors and schemes that have emerged due to this empathy-fueled partnership, spanning from delivering humanitarian assistance to providing medical aid, and establishing programs for social recovery. This essay thoroughly analyzes the difficulties and barriers encountered in these collaborative efforts, encompassing logistical complexities, cultural differences, and geopolitical considerations. The enduring effects of such empathetic collaboration are also examined, including fortified diplomatic relations and a renewed dedication to collectively tackling worldwide crises. In its entirety, this essay offers profound insights into how empathy, when transcending boundaries, transforms into a powerful force propelling united efforts to mitigate the humanitarian crisis in Ukraine.

Keywords: Humanitarian aid, Empathy, Cross-border collaboration.

CHAPTER I

INTRODUCTION

1.1 Background

The invasion by Russian armed forces into Ukraine in February 2022 not only marked a pivotal juncture within geopolitical dynamics but also laid bare significant breaches of international humanitarian law. This invasion, which followed years of escalating tensions and Russia's prior annexation of Crimea, illuminated critical shortcomings in upholding established legal norms and principles. The breach of international humanitarian law manifested across numerous dimensions, including the principle of distinction, as indiscriminate attacks and civilian casualties underscored a disregard for safeguarding non-combatants. Similarly, the principle of proportionality also came under scrutiny due to concerns over the scale of the invasion's impact on civilians relative to the perceived military advantage. Furthermore, the destruction of cultural heritage sites accentuated the difficulties of safeguarding cultural assets during periods of conflict. Concurrently, reports of forced displacement highlight the imperative of upholding the rights and welfare of displaced individuals. This invasion serves as a stark reminder of the urgent need to reinforce and uphold the principles of international humanitarian law, even amid conflict, to ensure the preservation of civilian lives, objects, and human rights within the global community. In the aftermath, it becomes evident that the international community must renew its commitment to enforcing these principles to prevent similar violations in the future and to foster a safer and more just world order.

1.2 Issue/Problem Formulation

1. What is the Humanitarian Crisis?
2. How can empathy serve as a catalyst for increased international cooperation?
3. What are the key challenges and obstacles encountered in the collaborative endeavors?

1.3 Legal Basis

1. International Humanitarian Law

2. International Humanitarian Rights Treaties (ECHR, ICGPR)
3. The International Criminal Court (ICC)

CHAPTER II

ANALYSIS

The Russian invasion of Ukraine has induced a deeply profound and grievous ordeal for the Ukrainian population, stemming from indiscriminate attacks and suspected war crimes attributed to Russian forces. These violations of international humanitarian law, encompassing deliberate targeting of civilian infrastructure and alleged employment of disproportionate force, carry severe repercussions for civilians. Resultantly, the aftermath is characterized by civilian casualties, essential infrastructure destruction, and substantial population displacement have become stark realities. The repercussions of these actions extend far beyond their immediate impact, inflicting enduring trauma, grief, and societal upheaval¹. By contravening established tenets of distinction and proportionality, these actions erode societal trust and hamper avenues for amicable resolution. In this context, the escalating humanitarian crisis underscores the heightened significance of upholding international humanitarian law. Against this backdrop, the collaborative response transcends borders, showcasing empathy as its cornerstone. United by a shared recognition of responsibility and human solidarity, diverse entities—ranging from individuals to organizations and governments—have mobilized to extend relief and support². This collective endeavor has engendered a spectrum of initiatives, spanning humanitarian aid delivery, medical assistance, and social rehabilitation programs. Nevertheless, the complexity posed by logistical intricacies, cultural disparities, and geopolitical intricacies presents formidable challenges. Yet, the long-term ramifications of such empathetic collaborations—ranging from enhanced diplomatic relationships to renewed dedication to global crisis mitigation—underscore the potential transformative influence. Amidst the intricate tapestry of crisis dynamics, the amalgamation of empathy-driven collaborative endeavors with

¹ Astrov V and others, 'Russia's Invasion of Ukraine: Assessment of the Humanitarian, Economic, and Financial Impact in the Short and Medium Term' (2022) 19 International Economics and Economic Policy 331

² Yamey G and others, 'A Call for an Immediate Ceasefire and Peaceful End to the Russian Aggression against Ukraine' (2022) 399 The Lancet 1284

observance of international humanitarian law emerges as a potent force propelling unified action to alleviate the distressing humanitarian crisis in Ukraine³. As the world bears witness to unfolding events in Ukraine, it is becoming increasingly evident that the synthesis of empathy and adherence to international legal principles serves as an essential and impactful foundation for maintaining collective efforts aimed at mitigating the suffering and turmoil faced by the Ukrainian people.

Empathy, an intrinsic human quality, is now emerging as a powerful catalyst poised to galvanize international collaboration of unprecedented magnitude in addressing the pressing humanitarian crisis unfolding in Ukraine. Beyond a mere sentiment, empathy holds the capacity to bridge geographical and cultural divides, fostering a profound comprehension of the unfathomable suffering endured by the Ukrainian populace. This shared acknowledgment of the human toll and the agonies experienced reverberates universally, invoking a collective determination to ameliorate their predicament⁴. Empathy's role as a catalyst force extends beyond its emotional resonance; it manifests as a unifying impulse that transcends the constraints of political and ideological differences.

As the world watches the unfolding events in Ukraine, the centrality of empathy becomes increasingly evident. It propels people, organizations, and governments from various corners of the globe to come together and address the crisis as a united front. This collective response underscores the transformative potential of empathy, transforming it from a mere feeling into a powerful catalyst that propels international action and cooperation. It serves as a reminder that, even in the face of complex geopolitical challenges, the shared bonds of empathy can inspire profound collaboration with the goal of alleviating human suffering and fostering a more compassionate world⁵.

³ Brownlie S, 'Mediation through an Intercultural Communication Lens' (2017) 2 *Mediation Theory and Practice* 34

⁴ Forsberg T and Patomäki H, 'Looking at the War in Ukraine and Ways It Could End from a Global Perspective' [2023] *Globalizations* 1

⁵ Wanner C, 'Empathic Care and Healing the Wounds of War in Ukraine' (2021) 3 *Emotions and Society* 155

This transformative capacity to alter viewpoints from divisive differences to a harmonious pursuit of humanitarian relief serves as a clarion call for heightened international cooperation. By virtue of empathy's ability to immerse stakeholders in the personal narratives and harrowing experiences of those affected, it invokes an urgency that transcends diplomatic protocols. This urgency becomes a driving force for unified action, compelling disparate entities, including nations, international organizations, and non-governmental entities, to channel their collective resources and expertise towards a comprehensive response. Furthermore, empathy's potential to bolster the concept of shared responsibility on the global stage cannot be underestimated. As nations internalize the seriousness of the crisis by engaging empathetically, they embrace a moral obligation to take proactive and effective action. Empathy engenders a compelling sense of obligation to uphold human dignity and alleviate suffering, thereby galvanizing nations to allocate resources, leverage expertise, and orchestrate diplomatic endeavors in a collaborative orchestration towards a collective resolution⁶. This newfound sense of collective responsibility goes beyond national interests, forging a common agenda centered on the welfare of those gravely affected by the crisis. The transformative impact of empathy does not cease at inciting immediate action. It extends into the establishment of a narrative of unity and mutual support, closely aligned with the foundational principles of international cooperation. This narrative, driven by empathy, not only resonates beyond national borders but germinates cooperative initiatives and mechanisms that transcend parochial interests. This interconnectedness of nations is precisely what empathy underscores—a profound recognition that crises do not recognize borders, and collective solutions are essential.

In practice, empathy-driven collaboration yields multifaceted strategies that directly alleviate the hardships faced by the Ukrainian population. Nations, inspired by the empathy they feel, can collaboratively establish and bolster a comprehensive humanitarian aid infrastructure. This structure would focus on rapidly delivering essential supplies such as food, clean water, medical provisions, and shelter to mitigate the acute distress faced by those displaced and adversely affected by the crisis. Moreover, empathy's potential extends to diplomatic channels, where nations can join their voices to press conflicting parties for adherence to international humanitarian law. This could encompass advocating for the cessation of indiscriminate attacks

⁶ Wanner C and Pavlenko V, 'Cultivating an Empathic Impulse in Wartime Ukraine' [2023] *Conversations on Empathy* 135

on civilian areas and the safeguarding of critical civilian infrastructure, such as hospitals and schools. Such empathetic-driven advocacy would contribute not only to a reduction in civilian casualties but also to the protection of vital services crucial for survival and recovery. Furthermore, the impetus of empathy can inspire international organizations to establish temporary safe zones or humanitarian corridors, facilitating secure movement for civilians and creating spaces for dialogue and negotiation to resolve the underlying causes of the conflict. These safe zones can become conduits for not only delivering aid but also fostering understanding and a potential path towards reconciliation. The healthcare sector, too, can witness the effects of empathy-driven collaboration, as medical professionals across borders unite their expertise and resources. Collaborative initiatives can enhance healthcare capacities and provide essential medical support to overwhelmed systems, alleviating the strain and augmenting the overall response. Educational initiatives also bear testimony to empathy's profound influence. The disrupted education of children impacted by the crisis can be addressed through international collaborations. This not only safeguards their developmental trajectory but also secures their future stability and well-being.

Empathy's transformative power is especially significant in shaping diplomatic negotiations. Nations, influenced by a shared recognition of the crisis's human toll, are inclined to work towards amicable resolutions. Diplomacy, when infused with the empathy-driven ethos, creates a conducive environment for dialogue that could potentially pave the way for conflict resolution, thereby offering a sustainable path towards peace. The catalytic force of empathy is rooted in its remarkable capacity to cultivate understanding, elicit shared accountability, and underscore the symbiotic relationship between nations in the face of a humanitarian exigency. Through the channeling of innate empathetic potential, countries can bridge disparities, fortify alliances, and amalgamate resources to collectively alleviate the suffering endured by the Ukrainian population, while concurrently reiterating their dedication to the holistic well-being of humanity. As empathy propels nations to unite in the pursuit of a mutual goal the international community demonstrates its capacity to rise above challenges, consolidate efforts, and forge a future defined by both compassion and collaborative action.

CHAPTER III

CLOSING STATEMENT

3.1 Conclusion

In conclusion, the Russian invasion of Ukraine has inflicted a grievous experience upon the Ukrainian population, leaving behind indiscriminate attacks and suspected war crimes attributed to Russian forces. These violations of international humanitarian law have resulted in civilian casualties, essential infrastructure destruction, and substantial population displacement, which in turn has left enduring scars of trauma, loss, and disruption within the society. By contravening established principles of distinction and proportionality, these actions erode societal trust and obstruct paths towards peaceful resolution. In this context, the collaborative response witnessed, transcending borders, presents empathy as its cornerstone. United by a shared recognition of responsibility and human solidarity, diverse entities, ranging from individuals to organizations and governments, have united to extend relief and support. This collective endeavor has given rise to a range of initiatives, encompassing humanitarian aid delivery, medical assistance, and social rehabilitation programs. Nonetheless, the challenges posed by logistical complexities, cultural differences, and intricate geopolitical considerations remain as

formidable obstacles. Nevertheless, the far-reaching consequences of such empathetic collaborations—ranging from enhanced diplomatic relationships to a renewed commitment to global crisis mitigation—underscore their transformative potential. Within the intricate tapestry of crisis dynamics, the amalgamation of empathy-driven collaborative efforts with the adherence to international humanitarian law emerges as a powerful force propelling unified action to alleviate the distressing humanitarian crisis in Ukraine. Empathy, acting as a catalyst for international cooperation, holds the promise of a more compassionate and interconnected world, where humanity's shared values and concerns transcend geo-political boundaries to inspire collective endeavors aimed at cultivating a brighter and more promising future.

3.2 Recommendation

A multifaceted approach involving empathy-driven collaboration and adherence to international humanitarian law is crucial. The efforts embarked upon until this juncture, firmly rooted in the bedrock of empathy and international synergy, have served as illuminating examples of the potential for catalyzing affirmative transformations. However, to achieve a lasting solution, a deeper understanding of the complex geopolitical dynamics, cultural nuances, and historical context is essential. While collaborative initiatives have demonstrated the power of empathy to transcend borders, there is an opportunity for further research into the effectiveness and sustainability of such efforts. Exploring the mechanisms that drive nations, organizations, and individuals to cooperate in the face of a crisis could shed light on strategies to strengthen global response mechanisms for future crises. This calls for a comprehensive investigation into the factors that drive cooperation, the sustainable strategies that emerge, and the ways in which these cooperative actions can be perpetuated over time.

In conclusion, the resolution of the humanitarian crisis in Ukraine requires sustained empathy-driven collaboration alongside a steadfast commitment to upholding international humanitarian law. The strides made in addressing this crisis should serve as inspiration for future global responses. To capitalize on the foundations that have been laid and the progress that has been achieved, there emerges an imperative to delve deeper into a range of pertinent subjects. A rigorous exploration into the efficacy of these collaborative initiatives, the intricate psychological aftermath that ensues in the wake of transgressions against humanitarian law, the indispensable role that diplomatic empathy plays in shaping responses, and the transformative influence that

technology wield— all these avenues of inquiry possess the potential to provide profound insights. These insights can serve as cornerstones for constructing a more comprehensive comprehension, thereby arming us with strategies that are better informed and more adept at tackling analogous crises on a global scale

By embarking on an intellectual journey that probes into the effectiveness, ramifications, and influences associated with these various aspects, we set forth on a trajectory that paves the way for enhanced crisis management. The seamless integration of empathy-driven cooperation and the steadfast observance of international humanitarian principles create a potent synergy that has the power to shape a more resilient world—one that stands better equipped to tackle the challenges of the present and the uncertainties of the future.

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Uniting Diverse Cultures: How English Facilitates Cross-Cultural Communication

“They had nothing in common but the English language.”

-E. M. Forster-

I. Introduction

In today's interconnected and diverse world, the significance of fostering a cross-cultural understanding, building inclusive communities, and promoting global equity cannot be overstated. These goals have risen to the forefront, demanding our unwavering attention and deliberate action. In this context, English, which is both commonly spoken and frequently studied, has immense potential and capability to facilitate the achievement of these goals within this particular setting. English possesses the capability to bridge linguistic and cultural divides from diverse cultural backgrounds, allowing them to establish mutual understanding and participate in valuable communication. English serves as a powerful medium for communication, allowing ideas, experiences, and perspectives to flow freely and transcend the barriers of language and culture. Its versatility and neutrality create an inclusive space in which individuals can express themselves authentically, fostering mutual understanding and respect. By recognizing the potential of English and harnessing it effectively, meaningful strides can be taken towards building a more connected, empathetic, and harmonious global society. The aim of this essay is to explore how English functions as a Lingua Franca in aiding worldwide communication and cultural interactions. The advantages and challenges of using English as a shared language include its linguistic diversity, cultural prejudice, and unequal power dynamics. Additionally, the essay undertakes an analysis of how English can foster intercultural harmony, producing a more comprehensive and global society.

II. Body

The significance of English extends beyond mere language, as it possesses the extraordinary capability to connect people across linguistic and cultural

dissimilarities. As a universally accepted mode of communication, English gathers people of diverse origins to communicate and discover shared values, enabling them to participate in significant exchanges. English acts as a fundamental platform for individuals to express their thoughts, ideas, experiences, and perspectives to overcome language barriers and form connections based on mutual respect and acknowledgment.

English is a remarkably neutral language that enables people to express themselves sincerely, free of any cultural or national limitations. The widespread learning and usage of English has contributed to the creation of a more inclusive and equitable global society. English proficiency opens doors to a world of educational, professional, and cultural opportunities. Furthermore, English serves as a language that unites scholars and researchers from diverse cultural backgrounds, enabling them to collaborate, share knowledge, and collectively advance human understanding. In the realm of business and employment, English proficiency unlocks international markets, fostering economic growth and empowering individuals from every corner of the globe to participate in the global workforce.

The influence of English extends beyond its linguistic proficiency. It acts as a gateway to the rich tapestry of global culture, literature, and the arts. Through English, individuals are exposed to a myriad of cultural expressions, allowing them to appreciate the vast diversity of human experiences and broaden their horizons. Embracing English as a means of cultural exchange enables societies to challenge stereotypes, dismantle ethnocentrism, and cultivate a more inclusive global community that recognizes and celebrates the uniqueness of each culture. By recognizing and harnessing the potential of English, linguistic and cultural barriers can be overcome, thereby promoting understanding, empathy, and cooperation among individuals from different backgrounds. The responsible and inclusive use of English paves the way for a world in which communication knows no bounds, and diversity is embraced as a strength in building a more connected and harmonious global community. Through the power of English, individuals can transcend differences and forge meaningful connections that foster

mutual understanding and respect. A new environment for bridging gaps and nurturing a more inclusive society has been created through collective efforts to utilize English as a tool for cultural exchange and global communication.

While English as a lingua franca offers numerous advantages in promoting cross-cultural understanding, it is not without drawbacks. One major concern is the potential erosion of linguistic diversity and the dominance of English over other languages. This can lead to the marginalization of non-English speakers and loss of cultural heritage. Additionally, English as a lingua franca can carry cultural biases and perpetuate power imbalances, as certain accents, dialects, and cultural references may be privileged over others. This can create inequalities and limit the participation and representation of individuals whose English proficiency differs from that of the native or standard varieties. Balancing the convenience of a common language with the preservation of linguistic diversity and cultural equality is essential in harnessing the benefits of English as a lingua franca while mitigating its potential drawbacks.

III. Conclusion

English serves as a strong agent that encourages cross-cultural comprehension and fosters a fair and diverse global society. As a widely used language, it presents numerous opportunities for discussion, teamwork, and cultural interchange at unprecedented levels. English provides individuals with power, facilitates cross-cultural interactions, and nurtures a worldwide population that respects differences and parity. Using the influence of the English language is extremely important in order to decrease discrepancies and encourage unity, which is critical for creating a more inclusive and peaceful future for the entire global community.

In conclusion, English, as a widely spoken and learned language, holds immense potential in fostering cross-cultural understanding and building inclusive global communities. This serves as a powerful tool for communication, enabling individuals from diverse backgrounds to connect, share ideas, and engage in meaningful interactions. However, it is crucial to be mindful of the potential

challenges associated with the dominance of English, such as the erosion of linguistic diversity and cultural biases. Striking a balance between the convenience of a common language and the preservation of cultural equality is essential for leveraging the benefits of English as a lingua franca while promoting inclusivity and respecting linguistic diversity. With its responsible and inclusive use, English can continue to facilitate cross-cultural communication and contribute to a more connected and harmonious global society.

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**Pioneering a Sustainable Future and Mitigating Climate Change:
Transforming Agriculture Through Agroforestry**

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UNIVERSITAS BRAWIJAYA

FACULTY OF LAW

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I. Introduction

According to the 2013 report by the International Panel of Climate Change (IPCC), the combination sectors of agriculture, forestry, and land-use alterations collectively accounts for up to 25% of anthropogenic greenhouse gas (GHG) emissions. Specifically, agriculture emerges as a major contributor to the release of methane and nitrous oxide, which further intensifies the global warming phenomenon.¹ Beyond its role in climate change, agricultural activities also lead to various adverse consequences upon the environment. Agriculture often triggers deforestation and shifts in land use, converting natural ecosystems, known for their capacity to absorb and retain atmospheric carbon dioxide (CO₂), into arable lands. It is important to recognize that these activities are interconnected, with land-use alterations in agriculture exerting a profound impact on carbon cycling. Plants, forests, and diverse natural ecosystems, have historically sequestered substantial carbon quantities due to their ability to absorb CO₂ from the atmosphere. Consequently, the transformation of these uncultivated lands from carbon sinks to sources of GHG emissions, either through plant material combustion or agricultural practices, has a detrimental impact on the overall emissions balance. Thus, forestry and woodland management plays a significant role in the GHG content within our atmosphere.²

In addition to their GHG emissions, agriculture imposes an extensive array of deleterious effects on the environment. Nitrogen-rich fertilizers possess the capacity to contaminate water sources and imperil aquatic ecosystems. The use of pesticides, herbicides, and monoculture farming practices engenders biodiversity loss. As the global population expands, the need to increase agricultural production or enhance its efficiency becomes increasingly apparent. While

¹ Magomedov, I.A., Khaliev, M.S.-U. and Bagov, A.M. (2020) 'Agriculture and its contribution to global warming', IOP Conference Series: Earth and Environmental Science, 548, p. 032029. doi:10.1088/1755-1315/548/3/032029.

² Tubiello, F.N., Salvatore, M., Córdor, G.R.D., Ferrara, A., Rossi, S., Biancalani, R., Federici, S., Jacobs, H. & Lammini, A. (2014). Agriculture, Forestry and other Land use Emissions by Sources and Removals by Sinks: 1990-2011 Analysis. ESS Working Paper No. 2. FAO, Rome, Italy



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expanding the agricultural land area appears as a feasible option for bolstering production, it is not without its disadvantages.

Clearing uncultivated land for agriculture can lead to the destruction of natural ecosystems, resulting in a severe toll on local wildlife and biodiversity. Moreover, numerous industries rely heavily on water resources, potentially contributing to water scarcity and drought. The relentless exploitation of soils leads to erosion and compaction, rendering them unviable for future generations.³ The conventional approach to reforestation has perennially grappled with a fundamental conflict between conservation objectives for nature and the livelihood imperatives of human communities. This essay explores the emergence of Regenerative Agroforestry as an innovative solution adept at reconciling this divergence. Regenerative Agroforestry combines the ecological benefits of reforestation with the economic advantages of regenerative agriculture. By nurturing a synergistic relationship between trees and crops, Regenerative Agroforestry holds the potential to offer a harmonious resolution to the conflict between environmental preservation and human well-being. This essay delves into the ecological, economic, and social dimensions of this pioneering approach, highlighting its multifaceted advantages and its potential to foster sustainable development.

II. Body

In accordance with findings from The International Council for Research in Agroforestry (ICRAF), Agroforestry can be defined as the deliberate integration of agriculture and tree cultivation, encompassing various aspects of tree utilization within agricultural contexts.⁴ This includes the cultivation of trees within farmland and agricultural landscapes, as well as agricultural activities within forested areas and along forest peripheries.⁵ It also involves the

³ Farrel, J.G. and Altieri, M.A. (2018) 'Agroforestry Systems', *Agroecology*, pp. 247–263. doi:10.1201/9780429495465-13.

⁴ E.A. Ellis, P.K.R. Nair, P.E. Linehan, H.W. Beck, C.A. Blanche, A GIS-based database management application for agroforestry planning and tree selection, *Computers and Electronics in Agriculture*, Volume 27, Issues 1–3, 2000, Pages 41-55, ISSN 0168-1699,

⁵ RRB, Leakey. (1996). Definition of agroforestry revisited. *Agroforestry Today*. 8. 5-7.



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cultivation of tree-crop combinations. These interactions between trees and other elements of agriculture exhibit significance across multiple scales, including field-level, farm-level, and broader landscape-level contexts. Agroforestry serves as a strategic instrument for elevating the agricultural system's performance by diversifying agricultural practices. It accomplishes this by facilitating the generation of assets and income streams through the utilization of wood resources and animal-derived products. Furthermore, Agroforestry contributes to the enhancement of soil fertility, the improvement of water and air quality, and the amelioration of local climatic conditions. ⁶Agroforestry fosters biodiversity, augments ecosystem services, and curbs soil erosion. Agroforestry practice assumes a pivotal role in climate change mitigation and the restoration of essential ecosystem services. By cultivating timber trees within Agroforestry systems, there is potential to alleviate the escalating demand for wood products while simultaneously alleviating pressure on natural forests. These systems play a crucial role in sequestering substantial amounts of carbon within both above-ground biomass and soil, thereby exerting a meaningful influence on the regulation of the carbon cycle.

Agroforestry, in contrast to conventional agricultural practices, represents a forward-looking approach that not only elevates crop yields but also opens the doors to diverse income streams, bolsters resilience against unpredictable market fluctuations, and becomes a catalyst for the holistic development of communities.⁷ A fundamental economic benefit of agroforestry is its ability to yield a rich tapestry of products from the very same piece of land. In conventional monoculture farming, farmers often tether their livelihoods to a single crop, rendering them susceptible to the roller-coaster of crop prices and the capricious uncertainties of weather-related risks. In stark contrast, agroforestry champions diversification by seamlessly intermingling a wide array of crops with a diverse collection of tree species. This diversification strategy not only minimizes risk but empowers farmers to reap income from multiple sources

⁶ Shi, M., Li, Q., Zhang, H., Sun, J., Zhang, J. & Song, X. 2022, "Agroforestry alters the fluxes of greenhouse gasses of Moso bamboo plantation soil", *Environmental Research Letters*, vol. 17, no. 11, pp. 115003.

⁷ Tega, M. & Bojago, E. 2023, "Farmer's Perceptions of Agroforestry Practices, Contributions to Rural Household Farm Income, and Their Determinants in Sodo Zuria District, Southern Ethiopia", *International Journal of Forestry Research*, vol. 2023.



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year-round, effectively reducing their reliance on a single income stream.⁸ Agroforestry transforms the agricultural landscape into a multifaceted haven. It allows farmers to simultaneously enjoy the rewards of annual crops, such as corn and wheat, alongside perennial tree crops that offer a tantalizing assortment of fruits, delectable nuts, and valuable timber. This multifaceted approach acts as a safety net against the perils of crop failures, ensuring that even in the face of adversity, income continues to flow. Moreover, agroforestry significantly enhances the overall productivity of the land. The synergy between crops and trees leads to a more sustainable and prosperous agricultural model, where the land remains continually engaged and productive.

The advantages of agroforestry ripple far beyond individual farmers, significantly impacting the communities in which they are firmly rooted. This practice of integrating trees with agriculture not only enhances farm productivity but also serves as a potent generator of employment opportunities, both directly on the farm and indirectly through related value chain activities. Agroforestry's community-focused approach fosters a range of job openings that span from nurturing tree nurseries to the processing facilities and marketing channels for the diverse products agroforestry yields. In doing so, it ushers in a surge of gainful employment for local residents.⁹ This infusion of job opportunities serves as a lifeline for rural communities, leading to tangible improvements in infrastructure, education, healthcare, and, most importantly, the overall quality of life. In many rural areas, agroforestry transforms into a wellspring of economic growth. The establishment of tree nurseries necessitates skilled workers who specialize in propagating and nurturing tree saplings. These nurseries not only produce trees for the local community but also create potential for trade, both at the local and regional levels. This, in turn, necessitates the management of transportation, trade, and logistics, opening doors for jobs in these fields. Processing facilities in agroforestry create local jobs, whether it's extracting

⁸ Zada, M., Zada, S., Ali, M., Zhang, Y., Begum, A., Han, H., Ariza-Montes, A. & Araya-Castillo, L. 2022, "Contribution of Small-Scale Agroforestry to Local Economic Development and Livelihood Resilience: Evidence from Khyber Pakhtunkhwa Province (KPK), Pakistan", *Land*, vol. 11, no. 1, pp. 71.

⁹ Novasari, D., Wulandari, C., Harianto, S.P., Febryano, I.G., Bakri, S. & Kaskoyo, H. 2023, "Community preferences for agroforestry patterns in supporting future forestry development", *IOP Conference Series. Earth and Environmental Science*, vol. 1133, no. 1, pp. 012066.



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essential oils from aromatic plants or packaging fruits and nuts. The distribution and marketing of these products also generate opportunities for local sales and marketing professionals.

This job growth enriches the community, injecting capital into local economies, ultimately leading to improved infrastructure, including roads and energy access, fostering economic growth and raising living standards. Agroforestry's emphasis on diversification and local processing can also contribute to increased food security, as communities become more self-sufficient in terms of crop and tree-based products.¹⁰ Agroforestry reduces reliance on external sources, strengthens resilience to market fluctuations, and enhances community stability. Economic improvements benefit education and healthcare, as communities invest in better facilities, ensuring quality education and healthcare services. In essence, agroforestry is not just farming but a holistic community development strategy. It offers employment opportunities, enriches local economies, and drives progress in rural areas, creating sustainable development that uplifts entire communities, fostering economic prosperity, better infrastructure, and an improved quality of life for all.

III. CONCLUSION

In conclusion, agroforestry stands as a beacon of sustainability, going far beyond a mere farming method. It emerges as a holistic strategy for addressing pressing economic, environmental, and community development needs. Its multifaceted advantages ripple across entire regions and communities, creating a positive cycle of progress. By offering a diversified income and reducing reliance on a single crop, agroforestry strengthens the economic backbone of regions. This increased income not only elevates the livelihoods of individual farmers but also bolsters local economies, leading to improved infrastructure, educational opportunities, and healthcare services for entire communities.

¹⁰ Lestari, S. & Winarno, B. 2022, "Development of agroforestry products in supporting peatland restoration and food security: A lesson from South Sumatra, Indonesia", *IOP Conference Series. Earth and Environmental Science*, vol. 1107, no. 1, pp. 012095.



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Yang bertanda tangan di bawah ini :

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Menyatakan bahwa karya tersebut asli buatan sendiri, bukan jiplakan dan belum pernah menjuarai lomba sejenis lainnya. Pernyataan ini saya buat dengan sebesar - besarnya. Apabila dikemudian hari terbukti tidak benar, saya bersedia menerima sanksi yang ditetapkan oleh pihak ALSA *Speak Up* 2023.

Malang, 14 Oktober 2023



(.....)

(Ricardo
Mangaraja)