



Analysis Juridical to Protection of Computer Programs in Law Number 28 of 2014

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Article	Abstract
<p>Keywords: Exclusive Rights, Copyright, Computer Programs, Law Number 28 of 2014, Legal Protection</p> <p>Article History Received: February 12, 2025; Reviewed: February 26, 2025; Accepted: March 4, 2025; Published: March 28, 2025.</p>	<p>Computer program as results work intellectual has become element important in the digital era. Constitution Number 28 of 2014 concerning Copyright was introduced as response to development technology and needs for strengthen system protection right creation in Indonesia. The research method used in Study This is study law normative or legal research. Research law normative own focus main in analysis document law, including laws, regulations, and theories related laws with the Computer Program Copyright Act Number 28 of 2014 has give solid foundation in effort overcome computer program piracy. Law This covers various provision laws that protect creation of computer programs, among others give right exclusive to creator and prohibit duplication without permission. With give protection clear laws, regulations This can support and encourage climate better economy healthy in the sector technology especially computer programs.</p>

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INTRODUCTION

Indonesian nation is currently face to face with various change especially face development digital technology that brings impact on life man in community. Impact from change participate influence pattern work and patterns think public specifically for intellectuals who are required to can immediately and ready adapt self on change mentioned. In addition to That always try for overcome impact negative from existence progress very fast technology especially in the field of Copyright, especially in computer programs. Constitution patent rights that apply throughout the world, including in Indonesia, are present as response to challenges faced by companies and institutions developer device soft moment this. Many holders right creation that experiences difficulty in maintain results creation they. ownership on the computer program he created. This is due to industry technology computer specifically in matter *software*, mobility go out enter Company employees are very high matter This potential for theft design basic computer programs by employees or other companies. Therefore that, for prevent possibility the theft of the program company or industry utilise the law in which will become regulations that protect computer programs that are created. In context this, computer program in a way explicit protected by law creation in accordance with Regulation Legislation Number 28 of 2014 concerning Copyright. specific, affirmative the can found in Article 40 paragraph (1) letter s: which states that computer program including in creation entitled creation. Explanation Article 40 paragraph (1) letter s: who provides definition more carry on about What do you mean with a computer program in context Constitution This.

Constitution Number 28 of 2014 concerning Copyright was introduced as response to development technology and needs for strengthen system protection right creation in Indonesia, including computer

program protection. Constitution This bring significant updates and improvements to various aspect right creation, including clarify computer program position as protected creation. With New Copyright Law, expected can created certainty more laws Good for creator and holder right create computer programs, encourage innovation and creativity in the field technology This is important for understood, especially in context development the increasingly digital economy rapidly in Indonesia. The Law this is also expected can increase awareness and compliance public to right riches intellectuals, especially right create a computer program, so created a more digital ecosystem value work creative and encouraging development industry device sustainable software.

Constitution This give protection law to right exclusive creator or holder right creation for announce or multiply his creation or give permission for that, without reduce limit 1 according with provision regulation legislation. So, making copy illegal or distribute computer programs without permission from holder right creation is violation law in Indonesia.

RESEARCH METHODS

Research methods used in study This is study law normative, or more known as *legal* research law normative own focus main in analysis document law, including laws, regulations, and theories related laws with Computer Program Copyright. The main purpose from approach This is for analyze and evaluate provision applicable law, so that We can understand method implementation rules the in context certain. In research This use technique analysis in the form of reasoning as well as argumentation law for answer issues appropriate research with the approach used.

DISCUSSION

Copyright, in essence, is right for copy works that have been made. With existence right copyright holder right can limit reproduction work done in a way No valid, so that give protection to all form creations that have been they produce. In general, rights creation has a validity period certain limited rights. Copyright This No only limited to works art, but also includes various type creation others. Creative works can covers various form, such as poetry, drama, articles, films, dance and ballet works, compositions music, recordings sound, painting, drawing, sculpture, photo, device soft computers, and radio and television broadcasting, and design industry.

In a way short, understanding right creation is right exclusively owned by the creator or holder right for publish or double his creations, as well as give permission to other parties to do matter the in accordance with applicable provision in regulation legislation. Copyright give right exclusive to creator or recipient right for announce or multiply his creations, as well as give permission for that, without reduce applicable provision in regulation legislation. Creator here refers to an individual or a group of people who are together create something work based on inspiration, ability thinking, imagination, skills, or skill they, who then poured in form certain. which is unique and characteristic personal. As holder right creation, creator own:

- a) Economic Rights are right exclusively owned by the creator or holder right creation for get benefit economy from results his creations. For example is right for announce, sell creation or distribute. This Economic Right allows creator for get profit financial from results his work, good through licenses, royalties, and sale directly. In addition, the right this also provides protection to exploitation creation in a way No valid.
- b) Moral rights are moral rights in context Constitution Number 28 of 2014 concerning Copyright (UUHC) which is inherent rights in a way eternal in the Creator something creation. This right personal and purposeful for protect honor and reputation Creator on his work. The following is a number of points important about moral rights based on UUHC:
 1. The right to list or No list his name on the copy works his creation, as well as right for linking his work with its use in society. Creator entitled for known as computer program creator.
 2. The right to using a pseudonym or pseudonym. If the creator want to using a name other than his real name, rights his morals protect choice the.
 3. The right to do changes to his work, with pay attention to applicable norms and ethics in society. However, changes the No may damage honor and reputation creator or reduce mark his creation.
 4. The right to change title and subtitle creation. Creator content own control on How work they introduced.

5. Right for maintain his work from action mutilation, modification, distortion, or other potential actions harm reputation and honor self they. If the other party changes the computer program such appearance so that damage his integrity or defame the maker, the maker entitled for against it.

Important For understood that moral rights of the creator different with right the economy owned on work said. Exclusive rights is right the economy provided to creator or holder from right creation the for get all benefit economy from results his creations (for example through giving licenses, sales, and so on). While more moral rights focuses on recognition and protection identity as well as integrity creation and its creator.

The context of computer programs, the moral rights of developers will still attached to the device the software he created, even though right economy the has for sale to company or other parties. Developers entitled For recognized as creator and has the right for keep the computer program running No changed with a way that is detrimental to his good name. In addition, the creation is basically No can deleted or removed with reason whatever, even though right creation above it has diverted. Forms Violation from right creation about computer programs for violation right creation in the field computer besides because it is also done, multiplying and distributing without permission from holder right creation or holder right creation There are also other reasons why there are two computer programs that have Similar *Source Code*. This is possible has happen imitation against one of the computer programs, but how much big similarities from *Source Code* the so that it is said violate Copyright. Concept from The Copyright Act does not give form protection of a nature quantitative where arrange about how much big similarity both computer programs. In license This usually covers provision,

1. *Software* installed only One machine just.
2. Forbidden For increase software for the benefit of whatever (in matter this-users will given chance for make One *backup copy*).
3. Forbidden for lending software to others

Based on the above understanding, installing computer programs on more from One device or violate provision license existing borrowing and lending, as well as copying the program, is actions that are not allowed. or multiply computer programs, can categorized as action piracy. For violation right create computer programs in Indonesia, most often done on Microsoft Software, namely with multiply computer programs without permission from Microsoft. According to Microsoft, there are five types of piracy device software, including: 1. *Loading to Hard Disk* : Usually done by someone when buy a generic personal computer in a store computer, which seller direct install system almost operation one hundred percent Windows. 2. Softlifting: If a license used beyond capacity its use, such as there are five licenses but used in ten computer machines. 3. Counterfeiting : Illegal sale of CD-ROMs d. Rental *software*. 4. Downloading illegal : Downloading computer programs from the internet. Law right copyright that protects expression physique an idea such as writing, music, broadcasts, devices soft, etc. are developing during the copying process can restricted but for moment This difficult for prevent copying kind of That so that effort for force monopoly in business creative become No enter reason.

Copyright Protection of Computer Programs

Protection right creation to computer programs is aspect crucial in current digital ecosystem this. As work intellectual, computer program enjoy protection the same law with type creation others, although with a number of characteristics special needs understood. Need to noted that right creation on computer programs generally protect expression from an idea, not the idea That itself. This means that the code source and code object a computer program protected. In addition, other related elements with the original computer program also can protected, such as:

- a) Interface design user : Visual and interactive aspects from the original program .
- b) Program documentation: Manuals, guides users, and materials written others who explain method program work
- c) In addition, the audiovisual works produced by the program include various element graphics, animation, and sound produced digitally

Important For understood that right creation No protect :

- a) Ideas, concepts, principles, algorithms, or method underlying operations a computer program. Including logic base or method Work something function in the program. Protection to aspects the can attempted through patents, if fulfil condition patentability.
- b) Programming language: Programming language Alone is tools used for write code and not can protected right creation.
- c) Data format or protocol communication: Standards that allow programs to interact One each other in general No protected by law creation.
- d) Features or function common and non- native : Common standard features found in various the type of program usually No protected by law creation.

Scope Copyright Protection for Computer Programs in Indonesia

In Indonesia, as mentioned previously, the Law Number 28 of 2014 concerning Copyright in particular firm list computer programs as one of the type protected creation. According to Article 40 paragraph (1) letter s of the Copyright Law, computer programs including in category creations protected by law. Protection right creation for computer programs in Indonesia provide creator or holder right creation right exclusive for :

1. Announcing his creation to society. Increasing his creation in all form and method
2. Distributing his creations or the copy to public
3. Communicating his creation to public with method whatever
4. Make work derivative from his creation

Violation right exclusive the can charged sanctions criminal and/ or civil in accordance with provision Copyright Law. With Thus, protection right creation for computer programsown a number of implications important things that need to be done note :

1. Push Innovation: With existence certainty law, developers and companies device soft own incentive For Keep going invest in computer program research and development new
2. Prevent Piracy: Protection law give base for to judge perpetrator piracy and use of computer programs illegal, which is detrimental industry and creators
3. Building a Healthy Software Industry: Protection right creation create conducive environment for growth industry device soft local
4. Push Investment: Certainty law in protection right creation can interesting investment in the sector technology and information

Challenge in Computer Program Copyright Protection

1. Although has There is laws that protect, enforce right create computer programs Still face a number of challenges, including:
2. Convenience Digital Reproduction and Distribution: The digital nature of computer programs make it easy duplicated and distributed in a way illegal via the internet.
3. Globalization: Violations right creation often cross-national borders, so that make things difficult enforcement law
4. Complexity Technology: Understanding in -depth technical often needed in the process of investigation and evidence violation right create computer programs
5. Awareness: Level of awareness public about importance honor right creation device soft Still need improved

Protection right creation for computer programs play role important in guard health digital ecosystem and encourage innovation. In Indonesia, the Law Number 28 of 2014 concerning Copyright has give runway solid law for protection this. However, the challenge in enforcement law and improvement awareness public Still need addressed so that protection right creation for computer programs can walk effective and provide maximum benefits for creators, industry, and society in a way overall.

Computer program as one of the from results work right creation in field knowledge knowledge the settings follow results work creation others. So that the computer program must accept protection on right riches intellectual property. Copyright is right exclusive for creator or recipient right for announce or multiply his creation or give permission For That with reduce restrictions according to

regulation applicable laws and regulations. Indonesia has own The Copyright Act (UUHC) provides protection to riches intellectual property, including computer programs.

Sanctions Criminal on Computer Program Copyright Infringement, sanctions criminal on violation right create computer programs arranged in Constitution Number 28 of 2014 concerning Copyright (UUHC). The following is a number of provision related sanctions criminal for violation right create computer programs: Article 113: This article arrange violation right creation in a way general and can applied to computer program piracy. Some relevant articles is: Article 3: Every individual who do use in a way commercial, duplication, distribution, and/ or communication something creation without rights and/ or without permission from Creator or Copyright Holders, will charged criminal imprisonment. Maximum 4 (four) years and/ or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah). Article (4): states : Every individuals who are without rights and/ or without permission from Creator or Copyright holders do duplication creation in form piracy can sentenced punishment imprisonment for a maximum of 10 (ten) years and/ or fine maximum amounting to Rp. 4,000,000,000.00 (four billion rupiah).

In the context of computer programs, duplication in form piracy is very relevant. Including action make copy of a computer program in a way illegal for objective commercial or non-commercial in violation right exclusive holder right creation. Article 114: This article arrange about action criminal help or participate as well as do violation right create. Everyone who with on purpose facilitate, hide, or help other parties in do violation right creation can convicted with the same crime with perpetrator main. Article 115: This article arrange about actions criminal produce, import, export, sell, rent, exchange, distribute, or show off creation or goods results violation right creation for objective commercial. Actor can convicted with criminal imprisonment for a maximum of 2 (two) years and/ or a maximum fine of Rp. 300,000,000.00 (three hundred million rupiah). This article is very relevant for trading parties device soft pirated.

Sanctions Civil on Computer Program Copyright Infringement

Besides sanctions criminal, holder right create a computer program that suffers loss consequence piracy can also submit lawsuit civil to perpetrator. Sanctions civil law that can dropped among others: Compensation (Article 99): Holder right creation entitled demand compensation on loss the economy is suffering consequence violation right creation. The size change makes a loss determined by the court based on loss real costs suffered and benefits gained perpetrator action criminal. The court can also order offender for pay change make a loss in a way at a time or in a way installments. Order Termination Violation (Article 100): Holder right creation can submit application to court for emit order to offenders to stop all related activities with violation right create computer programs. Confiscation of Infringed Works or Goods (Article 101): Upon request holder right copyright, court can order foreclosure work or goods results violation right create computer programs, incl tools used for do violation. Announcement Decision Court (Article 102): Court can order offender for announce decision trials in the mass media on cost offender myself. This is aim for give effect deterrent and inform to public about existence violation right creation.

Sanctions criminal and civil can dropped in a way cumulative, depending on the weight violations and the judge's considerations. Enforcement law right create computer programs involves the process of investigation by the police, prosecution by the prosecutor prosecutor general, and court proceedings. The holder right creation plays a role active in report suspicion violation to authorities and collect relevant evidence. With existence sanctions criminal and civil laws are regulated in the Copyright law, it is hoped can give effect deterrent for perpetrator computer program piracy and protection rights creator as well as push development industry device healthy software in Indonesia.

Law no. 28 of 2014 has give sufficient ground sturdy in effort overcome computer program piracy. Law This covers various provision laws that protect creation of computer programs, among others give right exclusive to creator and prohibit duplication without permission. Although thus, the challenge in its effectiveness in eradicate piracy device soft Still need faced.

A number of factors affecting effectiveness Constitution This among others:

- a. Enforcement law: Although there is rules that prohibit piracy, challenges still There is in matter implementation and enforcement law, especially in case violation right creation in the digital realm.
- b. Awareness society: Some users device soft Still Not yet fully realize that use of pirated software is violation law.

- c. Technology and distribution illegal: Development technology allows distribution of pirated software very easily, so make things difficult effort for fully stop practice the Constitution Number 28 of 2014 provides base strong laws, the effectiveness of which depends heavily on enforcement more laws strict, effort education a more diverse society intensive, and work close together with industry technology for reduce computer program piracy.

Efforts to Overcome Copyright Infringement

1. Build culture appreciate and respect other people's work.
2. Government, official enforcer law, agency related, and all public expected can united for fighting piracy works intellectual. Example: Piracy is harmful actions economy nation, deadly creativity, and reduce dignity nation
3. Another alternative is using a program that has license *Open Source*
4. License *Open Source* is a license in which everyone who uses device soft allowed make copy not limited, selling or even provide computer programs in a way free without There is obligation pay to anybody
5. Availability *Source Code* in a protected program license This become condition main for do program modification and improvement

CONCLUSION

Copyright is right creator something works on his work and copies thereof. The Creator something works own right full on his work and also copies his work. Copyright can also be allows holder right for limit duplication something works without permission. Copyright has a validity period limited. Copyright is one of the type right riches different intellectuals from types right riches intellectual others. Copyright is regulated in Law no. 28 of 2014 concerning Copyright. Copyright is right exclusive for creator or recipient right for announce or multiply his creation or give permission For That with No reduce restrictions according to applicable laws and regulations. With give protection clear laws, regulations This support innovation, preventing piracy, and encourage climate better economy healthy in the sector technology. Therefore That need existence socialization within Indonesian society is concerned with Copyright, things This because in order to be able to value other people's works and so on No happen violation right creation.

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