



# Copyright Protection of Tung Tung Tung Sahur's Works Used by Free Fire Developers

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## ABSTRACT

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*Copyright;*  
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*sahur;*

This thesis aims to examine the juridical factors underlying the absence of copyright protection for the masterpiece *Tung tung tung sahur* under law number 28 of 2014 on Copyright, as well to analyze the legal status of the creative masterpiece Tung Tung Sahur, which has created entirely using Artificial Intelligence (AI) from the perspective of Indonesian Copyright Law. This research employs normative legal research using a statutory and conceptual approach. The data utilised are secondary data consisting of primary legal materials in the form of legislation and secondary legal materials in the form of legal and non-legal scholarly opinions related to copyright. The results of this study indicate that the development of artificial intelligence (AI) presents new challenges to the copyright regime. From a utilitarian perspective, copyright is viewed as an instrument to promote innovation and social welfare. Therefore, AI cannot be recognised as a legal author or creator. However, creative works produced by humans with the assistance of AI may still be eligible for copyright protection. Accordingly, adaptive and equitable reforms to copyright regulations are necessary to address technological advancements.



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## Introduction

The development of digital technology in the era of globalisation has brought significant changes to various sectors, including the entertainment industry and intellectual property law. The gaming industry is growing rapidly, with online games played by millions of users worldwide. *Free Fire*, developed by Garena, is a phenomenal example, with a wide player base and active communities on various social media platforms.<sup>1</sup> Artificial intelligence is developing rapidly to the point of being able to produce creative works that were previously only created by humans, raising new challenges for copyright protection. These two phenomena, although in different fields, have a common thread: the dynamic interaction between technology, creators, and legal and ethical aspects.<sup>2</sup> The existence of a large player community has consequences for the intensity of interactions between developers and users. This community is not only a passive consumer but also a content producer, opinion disseminator, and even a critic of developer policies.<sup>3</sup> Criticism levelled by Noxa, a popular social media content creator, demonstrates how public

<sup>1</sup> Sidiq Maulana, Syukri Syamaun and Hanifah Nurdin, 'Interpersonal Communication: Verbal and Non-Verbal Interactions of Free Fire Game Players in Saree, Gampong Suka Damai, Aceh Besar', *Da'watuna: Journal of Communication and Islamic Broadcasting*, 5.2 (2025), 212–26 <<https://doi.org/10.47467/dawatuna.v5i3.7369>>.

<sup>2</sup> Ricardo Daniel Furfaro, 'Artificial Intelligence and Its Impact on Copyright: A Legal Perspective', *European Scientific Journal, ESJ*, 21.32 (2025), 18 <<https://doi.org/10.19044/esj.2025.v21n32p18>>; I Ketut Gede Adi Ramadika and I Ketut Kasta Arya Wijaya, 'Legality of Copyright Protection on Artificial Intelligence Works', *Glorification of Justice*, 2.1 (2025), 105–14 <<https://doi.org/10.62383/pk.v2i1.460>>.

<sup>3</sup> Cui Huang and others, 'Digital Trust in Gaming Communities: Chained Mediation by Perceived Media Realism and Group Identity among University Students', *Frontiers in Psychology*, 16 (2026) <<https://doi.org/10.3389/fpsyg.2025.1691196>>; Zahid Hussain, Arman Khan and Aftab Ali, 'The Impact of User-

opinion can impact a game's image and sustainability.<sup>4</sup> Criticism expressed openly through social media channels spreads rapidly, shaping the collective perception of the community and influencing users' decisions to continue playing or switch to other games.<sup>5</sup> Artificial intelligence (AI) is a program born from the development of computer algorithm systems. Historically, a program originating from a computer is created with a database and algorithm and is carried out using computer language or programming as an input and output process that contains instructions for the computer program. However, currently the development of AI has used computer programs that are more complex and varied than previous generations. Because of its complexity and many variations, this makes a work able to learn and process data containing instructions from the input and output side like a human in terms of analysing certain problems and solving them with various considerations through data and computer programs. On this basis, creative works develop and have intelligence capabilities like humans through learning, reasoning, and self-correction systems.<sup>6</sup>

Meanwhile, in the field of intellectual property law, the development of creative works has given rise to fundamental debates regarding the legal status of the resulting works. Generative creative systems are now capable of creating music, digital paintings, text, and even game assets with a quality that resembles or even surpasses that of human creations. However, copyright regulations in many countries, including Indonesia, generally only recognise human creators as legal subjects entitled to protection. Consequently, works created entirely by AI fall into a legal gray area, where there is no certainty about who owns the copyright or how it will be protected.<sup>7</sup> This ambiguity raises several practical issues. First, there is no legal certainty for those using or commercialising copyrighted works, thus creating the risk of future lawsuits.<sup>8</sup> Second, copyrighted works often learn from data derived from copyrighted works, creating the potential for infringement without a clear mechanism for determining liability. Third, there is no global consensus on whether copyright can or should be recognised as the author, or whether copyright automatically falls to the programmer, user, or entity that owns the copyright. This lack of certainty not only impacts the creative industry but also has the potential to stifle innovation, as industry players are reluctant to take risks amid legal uncertainty.<sup>9</sup>

Issues in the gaming industry and copyright protection of creative works both highlight gaps in regulation and practice. In the case of *Free Fire* and Noxa criticism, the gap lies in the absence of an effective criticism management model specifically for the online gaming community with its complex social dynamics.<sup>10</sup> Meanwhile, in the copyright issue, the gap lies in the absence of norms that accommodate the realities of the latest technology.<sup>11</sup> Both issues demonstrate that technological and industrial developments

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Generated Content, Social Interactions and Virtual Economies on Metaverse Environments', *Journal of Sustainable Economics*, 1.2 (2023), 34–44 <<https://doi.org/10.32734/jse.v1i2.13798>>.

<sup>4</sup> Mikhail Pyslar, 'Social Networks as A Tool for Promoting and Interacting with Indie Game Communities', *The American Journal of Social Science and Education Innovations*, 07.06 (2025), 16–21 <<https://doi.org/10.37547/tajssci/Volume07Issue06-03>>.

<sup>5</sup> Xinge Tong, 'Positioning Game Review as a Crucial Element of Game User Feedback in the Ongoing Development of Independent Video Games', *Computers in Human Behavior Reports*, 3 (2021), 100077 <<https://doi.org/10.1016/j.chbr.2021.100077>>; Pyslar.

<sup>6</sup> Wali Khan Monib and others, 'Generative AI and Future Education: A Review, Theoretical Validation, and Authors' Perspective on Challenges and Solutions', *PeerJ Computer Science*, 10 (2024), e2105 <<https://doi.org/10.7717/peerj-cs.2105>>; Adil S. Al-Busaidi and others, 'Redefining Boundaries in Innovation and Knowledge Domains: Investigating the Impact of Generative Artificial Intelligence on Copyright and Intellectual Property Rights', *Journal of Innovation & Knowledge*, 9.4 (2024), 100630 <<https://doi.org/10.1016/j.jik.2024.100630>>; Wang Xiaoyu, Zamzami Zainuddin and Chin Hai Leng, 'Generative Artificial Intelligence in Pedagogical Practices: A Systematic Review of Empirical Studies (2022–2024)', *Cogent Education*, 12.1 (2025) <<https://doi.org/10.1080/2331186X.2025.2485499>>.

<sup>7</sup> Emiko Kakiuchi, 'Cultural Creative Industries from a Cultural Policy Perspective: The Case of Japan', in *Research Handbook on Intellectual Property and Creative Industries* (Edward Elgar Publishing, 2018) <<https://doi.org/10.4337/9781786431172.00019>>; Michele Ferrante, 'Round-up of China Trade Mark Law and Practice in 2021', *Journal of Intellectual Property Law & Practice*, 17.6 (2022), 487–90 <<https://doi.org/10.1093/jiplp/jpac038>>.

<sup>8</sup> Katherine Lee, A. Feder Cooper and James Grimmelmann, 'Talkin' 'Bout AI Generation: Copyright and the Generative AI Supply Chain', *SSRN Electronic Journal*, 2023 <<https://doi.org/10.2139/ssrn.4523551>>.

<sup>9</sup> Zichen Zhao, 'Bargaining with Heterogeneous Beliefs', *SSRN Electronic Journal*, 2023 <<https://doi.org/10.2139/ssrn.4318267>>.

<sup>10</sup> Huang and others.

<sup>11</sup> Tong.

often exceed the ability of regulations or ethical guidelines to keep pace. The issues I take from this issue are: What legal factors prevent the work entitled "*tung tung tung sabur*" produced using AI from being protected by Copyright Law No. 28 of 2014? And what is the legal status of the creative work entitled "*tung tung tung sabur*" produced entirely by AI from a copyright perspective?

## Method

This study employs a normative legal research method that examines the law as a system of norms contained in legislation, legal doctrines, and scholarly opinions. Normative legal research primarily focuses on analysing positive legal norms through library-based materials rather than empirical field data.<sup>12</sup> In this type of research, the data used generally consists of secondary data, including primary and secondary legal materials. Primary legal materials refer to authoritative legal sources such as legislation, court decisions, and official legal documents, whereas secondary legal materials include books, journal articles, and expert opinions that provide interpretation and analysis of the law.<sup>13</sup> The primary legal materials used in this study consist of statutory regulations, specifically, Law Number 28 of 2014 concerning Copyright along with its implementing regulations. Furthermore, this study applies both a conceptual and statutory approach. The conceptual approach is used to analyse legal doctrines and theoretical concepts related to copyright protection, whereas the statutory approach examines the relevant laws and regulations governing the legal issue under study.<sup>14</sup> Through these approaches, this study seeks to understand the normative structure of copyright regulation and its legal implications. The reasoning process applied in this study follows a deductive method, in which general legal principles and statutory provisions are used as the basis for analysing and drawing conclusions regarding specific legal issues.

## Results and Discussion

### Implementation of the Utilitarian Principle in Copyright Protection for AI Works

The development of artificial intelligence (AI) technology has brought about fundamental changes in the creation processes of works in the fields of science, art, and literature. AI now not only functions as a human tool but is also capable of autonomously producing works, such as text, music, images, videos, and computer programs. This phenomenon poses a serious challenge to the copyright regime, which has traditionally assumed that the creator is human.<sup>15</sup> One of the main issues that arises is whether AI works deserve copyright protection and how such protection should be provided. To address this question, a theoretical approach is crucial. One relevant theory is the utilitarian principle, which assesses laws based on the extent to which they provide the greatest benefit to society. The utilitarian principle offers a perspective that focuses not only on individual rights but also on the balance between innovation incentives, the public interest, and technological development. Therefore, discussing the implementation of the utilitarian principle in copyright protection for AI works is crucial for formulating adaptive and equitable legal policies.<sup>16</sup>

In legal formation, the utilitarian principle emphasises the importance of cost-benefit analysis. A legal norm is considered good if its positive impacts on society outweigh its negative impacts. Therefore, the law must be adaptive to social, economic, and technological changes. In the context of intellectual property rights, the utilitarian approach is often used to justify granting exclusive rights to creators as an incentive to continue innovating, ultimately

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<sup>12</sup> Tunggal Ansari and Setia Negara, 'Normative Legal Research in Indonesia: Its Origins and Approaches', *Audito Comparative Law Journal (ACLJ)*, 4.1 (2023), 1–9 <<https://doi.org/10.22219/ACLJ.V4I1.24855>>.

<sup>13</sup> Nasir Majeed, Amjad Hilal and Arshad Nawaz Khan, 'Doctrinal Research in Law: Meaning, Scope and Methodology', *Bulletin of Business and Economics (BBE)*, 12.4 (2023), 559–63 <<https://doi.org/10.61506/01.00167>>.

<sup>14</sup> Achmad Irwan Hamzani and others, 'Implementation Approach in Legal Research', *International Journal of Advances in Applied Sciences*, 13.2 (2024), 380 <<https://doi.org/10.11591/ijaas.v13.i2.pp380-388>>.

<sup>15</sup> Yiran Li, 'The Human Authorship Requirement in AI-Generated Works: A Comparative Analysis of Copyright Protection Frameworks', *Journal of Law and Governance*, 1.1 (2025), 21–27 <<https://doi.org/10.64229/671z9c57>>; Yuchen LU, 'AI-Generated Content and Its Legal Status Under Copyright Law', *Journal of Education, Humanities and Social Sciences*, 35 (2024), 218–25 <<https://doi.org/10.54097/tz90a677>>; Yiheng Lu, 'Reforming Copyright Law for AI-Generated Content: Copyright Protection, Authorship and Ownership', *Technology and Regulation*, 2025 (2025), 81–95 <<https://doi.org/10.71265/chkr8w30>>.

<sup>16</sup> Artha Dermawan, 'AI v Copyright: How Could Public Interest Theory Shift the Discourse?', *Journal of Intellectual Property Law and Practice*, 19.1 (2024), 55–63 <<https://doi.org/10.1093/jiplp/jpad111>>.

benefiting the wider community. Within a utilitarian framework, limitations on the duration, type of rights, and scope of exploitation are a way to maintain a balance between innovation incentives and the public interest.<sup>17</sup>

### Copyright Protection Status of AI Works in Indonesia

The development of artificial intelligence (AI) technology has brought significant changes to the world of creative works in the fields of science, art, and literature. AI no longer merely functions as a tool to assist humans but can independently produce works through complex computational processes. AI's ability to generate text, images, music, videos, and other forms of work raises new legal issues, particularly regarding the status of copyright protection.<sup>18</sup> The copyright legal system, which has historically focused on human creativity, faces significant challenges in adapting to the reality of rapidly evolving technology. In the Indonesian legal system, copyright protection is regulated by Law Number 28 of 2014 concerning Copyright.<sup>19</sup> This law stipulates that copyright is an exclusive right that arises automatically once a work is manifested in a tangible form. Copyright is granted to creators as legal subjects who produce works based on their intellectual ability, imagination, and creativity. From these provisions, Indonesian copyright law still starts from the basic assumption that the creator is a human being, not a machine or technological system. This situation raises issues when works are produced by AI, particularly AI that operates autonomously without significant human creative intervention. Within Indonesia's positive legal framework, AI is not recognised as a legal subject. AI does not possess legal personality, will, or legal responsibility, such as humans or legal entities. Consequently, AI cannot be positioned as a creator entitled to copyright protection. This leaves works produced entirely by AI in a legal gray area because it is unclear who can be recognised as the creator or copyright holder.<sup>20</sup>

The Directorate General of Intellectual Property (DJKI) principally views AI as a tool in the creation process. If there is a clear human creative contribution, such as in concept design, data selection, parameter setting, or curation of results, that person can be recognised as the creator and receive copyright protection.<sup>21</sup> Therefore, works produced through human-AI collaboration can still be protected by copyright, as long as the human creative element remains dominant in the creation process.<sup>22</sup> Conversely, for works produced entirely by AI without human creative intervention, current Indonesian copyright law does not provide explicit provisions. The Copyright Law does not specifically regulate AI works, either regarding their status or their owners.<sup>23</sup> This lack of regulation creates legal uncertainty, particularly for creative industry players, technology developers, and AI users who utilise AI works for commercial purposes. From a legal perspective, the lack of clear regulations can complicate law enforcement in the event of disputes related to the use of AI works. This has the potential to hinder the development of technology-based creative industries in Indonesia.<sup>24</sup>

Furthermore, the use of AI also raises issues related to the use of data and copyrighted works in the training of AI systems. Many AI systems are trained using large datasets that contain copyrighted works belonging to other

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<sup>17</sup> Jimmyn Parc and Patrick Messerlin, 'The True Impact of Shorter and Longer Copyright Durations: From Authors' Earnings to Cultural Creativity and Diversity', *International Journal of Cultural Policy*, 27.5 (2021), 607–20 <<https://doi.org/10.1080/10286632.2020.1829608>>.

<sup>18</sup> Shujie Feng, 'The Copyrightability of AI-Generated Content: A Doctrinal Exploration of the Pioneering Chinese Judicial Practice', *Computer Law & Security Review*, 59 (2025), 106236 <<https://doi.org/10.1016/j.clsr.2025.106236>>; Nirogini Thambaiya, Kanchana Kariyawasam and Chamila Talagala, 'Copyright Law in the Age of AI: Analysing the AI-Generated Works and Copyright Challenges in Australia', *International Review of Law, Computers & Technology*, 39.3 (2025), 448–73 <<https://doi.org/10.1080/13600869.2025.2486893>>.

<sup>19</sup> Sofi Fahrur Rozi and Nikmatul Keumala Nofa Yuwono, 'Legal Status of Artificial Intelligence (AI) Works in the Indonesian Copyright System Based on Law No. 28 of 2014 Concerning Copyright', *AMAR*, 3.2 (2025), 91–100 <<https://doi.org/10.62734/amar.v3i2.704>>; Muhamad Nabil Lamonsya and others, 'Regulations Rights Intellectual Property Regarding Digital Works Created by Artificial Intelligence (AI)', *Legal Variations*, 7.2 (2025), 145–62 <<https://doi.org/10.15575/vh.v7i2.47352>>.

<sup>20</sup> Jiangchuan Ai, 'Determining the Copyright Holder for AI-Generated Content: Human Creator, AI System, or Platform?', *Communications in Humanities Research*, 93.1 (2025), 7–12 <<https://doi.org/10.54254/2753-7064/2025.HT28640>>.

<sup>21</sup> Li.

<sup>22</sup> Anja Neubauer, Martin Wynn and Robin Bown, 'AI, Authorship, Copyright, and Human Originality', *Encyclopedia*, 6.1 (2026), 9 <<https://doi.org/10.3390/encyclopedia6010009>>.

<sup>23</sup> Chrisna Bagus Edhita Praja and others, 'Authorship and Ownership of AI-Generated Works in Indonesia: A Doctrinal and Comparative Review', *Jurnal Media Hukum*, 32.1 (2025), 151–70 <<https://doi.org/10.18196/jmh.v32i1.25383>>.

<sup>24</sup> Neubauer, Wynn and Bown.

parties. Under Indonesian law, the unauthorised use of copyrighted works for commercial purposes has the potential to violate the economic rights of creators. However, to date, there are no clear regulations regarding the limits on the use of copyrighted works as AI training data, further complicating existing legal issues. In practice, this legal vacuum is often addressed through agreements or contracts. AI developers, platform providers, and users often regulate the ownership and use of AI creations through licencing provisions. While providing contractual certainty, this approach does not fully resolve the issue from a copyright law perspective, as the protection provided is limited to the parties to the agreement and lacks the general binding force of law. The Indonesian government recognises that the development of AI technology demands a reform of copyright law. Discussions on revising Law Number 28 of 2014 have begun to emerge, particularly to accommodate issues related to digital technology and artificial intelligence. One approach being considered is affirming that works generated entirely by AI without human creative contribution do not qualify as copyrighted works. This approach aligns with practices in various countries that maintain the principle that copyright is oriented toward human creativity.<sup>25</sup> In practice, this legal vacuum is often addressed through agreements or contracts. AI developers, platform providers, and users often regulate the ownership and use of AI creations through licencing provisions. While providing contractual certainty, this approach does not fully resolve the issue from a copyright law perspective, as the protection provided is limited to the parties to the agreement and lacks the general binding force of law.

The Indonesian government recognises that the development of AI technology demands reform of copyright law. Discussions on revising Law Number 28 of 2014 have begun to emerge, particularly to accommodate issues related to digital technology and artificial intelligence.<sup>26</sup> One approach being considered is affirming that works generated entirely by AI without human creative contribution do not qualify as copyrighted works. This approach aligns with practices in various countries that maintain the principle that copyright is oriented toward human creativity. As Gustav Radbruch put it, law essentially has three main objectives: justice (*gerechtigheid*), utility (*zweckmatigheid*), and legal certainty (*rechtmatigheid*).<sup>27</sup> Thoughts on these three objectives of law continue to evolve alongside the development of law itself. This research will focus on the notion of legal certainty, which will be used to analyse and answer the questions raised. The definition of legal certainty has been put forward by several figures, such as Hans Kelsen, John Austin, Gustav Radbruch, and Humberto Avila. Humberto Avila is a lesser-known name in the context of legal certainty in Indonesia, but in this research, his opinion on legal certainty will be used in analyzing the emerging normative issues. Avila, as quoted by Hyronimus Rhiti, posits legal certainty as a normative principle. For Avila, law must be stable, meaning it must not change and must have good predictability so that it can accommodate future phenomena in society. 16. 16 This means that the ambiguity of legal regulations should not ignore the benefits and justice for entitled subjects.<sup>28</sup>

## Conclusion

This study establishes that analysing copyright through a utilitarian framework effectively positions it as a strategic policy instrument designed to maximise societal benefit and stimulate technological investment, rather than to confer legal personhood upon artificial intelligence. Consequently, attributing copyright for AI-assisted creations to human operators or legal entities involved emerges as the most pragmatic approach to fostering continuous innovation. However, the current statutory landscape, specifically Indonesia's Law Number 28 of 2014 concerning Copyright, presents a critical legislative vacuum regarding these technological advancements. While the prevailing law implicitly accommodates works exhibiting substantive human creative intervention, creations generated entirely by autonomous AI systems remain fundamentally unaddressed. This pervasive legal uncertainty underscores the urgent need for regulatory reform to explicitly clarify authorship and safeguard future technological integrations within the creative economy.

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<sup>26</sup> Praja and others.

<sup>27</sup> Fernando A. Ramos-Zaga, 'Reconceptualizing Human Authorship in the Age of Generative AI: A Normative Framework for Copyright Thresholds', *Laws*, 14.6 (2025), 84 <<https://doi.org/10.3390/laws14060084>>.

<sup>28</sup> (Henderik, 2023; Somomoeljono, 2025)

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