

ABSTRACT

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PROTECTION OF MORAL AND ECONOMIC RIGHTS OF CREATORS IN THE USE OF VISUAL ARTWORKS AS DATASETS FOR GENERATIVE ARTIFICIAL INTELLIGENCE (GENERATIVE AI)

(xii + 72)

The development of generative artificial intelligence (Generative AI) presents new challenges in the legal protection of artworks, particularly concerning the moral and economic rights of creators. This research is motivated by the widespread use of graphic artworks as datasets without permission by Generative AI, which has the potential to harm creators both morally and economically. The issues raised include how Law No. 28 of 2014 on Copyright protects the moral rights of creators and the negative impacts of using artwork as datasets on the economic rights of creators. The objective of this study is to analyze the protection of moral and economic rights of creators in the context of the use of graphic artworks by Generative AI and to provide policy recommendations that can strengthen legal protection in Indonesia. This research employs a normative-empirical juridical method, with a legal systematics and comparative law approach, as well as qualitative deductive data analysis. The data collected includes primary, secondary, and tertiary legal materials, which are analyzed to understand the effectiveness of existing regulations and identify the need for legal updates. The research results indicate that the Copyright Law, although it provides a framework for the protection of moral and economic rights, has not fully adapted to the complexities posed by Generative AI. Moral rights, such as the recognition of authorship and protection against distortion of works, are often overlooked in dataset usage. On the other hand, the economic rights of creators, including fair compensation through royalties, are not fulfilled, leading to an imbalance in economic benefits between creators and AI technology developers. The results of works generated by Generative AI also raise debates regarding originality and copyright ownership, complicating the implementation of laws in Indonesia. The conclusion of this study is the need for updates to copyright regulations that are more responsive to technological developments, including specific provisions related to the use of artwork as datasets for Generative AI. This study also recommends learning from best practices in international jurisdictions that have implemented innovative approaches to protect creators' rights in the digital age. With more adaptive regulations, it is hoped that the protection of moral and economic rights of creators can be enhanced, supporting the sustainability of the creative industry and promoting responsible technological development.

References: 32 (1956-2024)

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