

Utilization of Film Copyright Through Digital Applications in Modifying Original Works: A Study of Film Novel Adaptations

Ike Yulita¹, Akhmad Fadlan², Nurul Iza Ananda³, Dudung Hidayat⁴, Irma Maulida^{5*}

Universitas Swadaya Gunung Jati Cirebon

Corresponding Author: : Dudung Hidayat: dhidayatlawayer74@gmail.com,

ARTICLE INFO

Keywords: Copyright, Derivative Works, Digital Adaptation

Received : 20, April

Revised : 15, May

Accepted: 09, June

©2025 Yulita, Fadlan, Ananda, Hidayat, Maulida (s): This is an open-access article distributed under the terms of the [Creative Commons Atribusi 4.0 Internasional](https://creativecommons.org/licenses/by/4.0/).



ABSTRACT

The advancement of digital technology has transformed the creation and consumption of intellectual works. Digital applications facilitate the swift modification and adaption of original works, creating new potential but also presenting intricate legal challenges, especially concerning copyright. Original creations, whether music, photographs, films, or software, can be readily altered, amalgamated, and disseminated via diverse digital media. Legal certainty between the creator or copyright holder and an existing work affords comprehensive protection to the copyright owner. For instance, in derivative works, if an individual transforms a written novel into a film, they must adhere to the protocols set forth in the 2002 Copyright Law. This research employs the Normative Juridical methodology. The normative legal research method involves the examination of both written and unwritten positive laws. This is conducted through the examination of literary sources or secondary data. This research seeks to elucidate the constraints involved in converting an original work into a derivative work that retains copyright protection, while also examining the necessity of issuing licenses as a legal safeguard in the adaptation process, especially from novels to films in the digital age.

INTRODUCTION

The advancement of digital technology has transformed the creation and consumption of intellectual works. Digital applications today facilitate the rapid and effective alteration and adaptation of original works, creating new potential but also presenting intricate legal challenges, especially with copyright. Original creations, whether in the form of music, photographs, films, or software, can be readily altered, combined, and disseminated through various digital media. Copyright is the exclusive entitlement of the creator that arises automatically under the declarative principle once a work is manifested in a tangible form, adhering to the stipulations of laws and regulations. The inaugural Copyright Law was the "Statute of the Guild of Saint Luke," enacted in 1581 in Antwerp, Netherlands. The legal foundation of copyright is governed by Law Number 28 of 2014 about Copyright, commonly referred to as UUHC.

The application of copyright for a derivative work is governed by explicit criteria regarding the work, which may be experienced by anyone who sees, listens to, and utilizes the work, as stipulated in Law No. 28 of 2014 respecting Copyright. It ought to be an acceptable derivative work for the public, as it has been adapted from an existing derivative work.

To realize this exclusive right, humans try to maintain it by registering with the institution of copyrighted works. However, in this context the creation of human works uses their efforts and thoughts in the process of making them to show the authenticity of different characteristics in each work of art as long as the artwork is a song. The UUHC elucidates the legal safeguards that exist between the inventor or copyright holder and an existing work, affording comprehensive protection to the copyright owner. In the context of derivative works, when an individual adapts a written novel into a film, they are required to adhere to the stipulations outlined in the Copyright Law of 2002. This includes obtaining a license from the author of the written work, specifying the duration of use, and determining the royalty obligations owed by the user of the copyright to the copyright holder.

Derivative works are defined as an interpretation, adjustment, or modification of a previously existing work. The law requires that derivative works demonstrate a sufficient level of originality to be considered a standalone work, while still respecting the copyright of the original work. With rapid changes in media, technology, and culture, copyright law in Indonesia faces future challenges related to the pace of innovation and technological advancement. Readiness to meet these challenges is evident in the efforts of governments and stakeholders to ensure that copyright regulations remain relevant and function well (Aprita et al., 2024). According to Sudikno Mertokusumo, legal certainty ensures that the law is enforced, the rights regulated in the law can be effectively obtained, and court decisions can be implemented. It also means that those entitled by statute can exercise their rights. In other words, legal certainty ensures that the law is applied by procedure and that the rightful claimant receives their rights through a court decision. Digital

technology refers to a form of technology that reduces or even eliminates the need for human resources in its operation. Unlike manual systems, this technology relies on automation through computer systems and data formats that can be recognized and processed by digital devices. Digital systems emerged as a result of the evolution of analogue technology, which offers higher efficiency and more complex capabilities. The majority of devices categorized as "new media" are now digital-based. Its characteristics include the ability to be easily modified, an interconnected structure within a network, efficient data storage (dense and compressed), provision of space for user interactivity, and neutrality or impartiality in conveying information.

Modifications to the original work must exhibit adequate originality to differentiate the derivative work from the original for it to be eligible for copyright protection. Law Number 28 of 2014 about Copyright in Indonesia establishes a legal framework for the protection of derivative works. Creators of derivative works must also take into account the economic and moral rights of the original work's authors. In civil law, copyright infringement may result in civil liability for the offender. A license agreement can effectively govern the utilization of the original work and prevent conflicts. An actual instance of adaptations resulting from the licensing process is the film *Heartbreak Motel*, which is derived from the same novel.

This adaptation was carried out with the official permission of the novel's copyright holder, thereby demonstrating the importance of licensing mechanisms in protecting derivative works in the digital era. This example shows how copyright law is not only normative but also applicable in today's creative industry. In films adapted from novels, there are often significant differences in the storyline and character depictions. One example is the character Ava. In the novel version, Ava's story is set in a hotel room, where she is accompanied by her best friend, who already has children and comes right on her birthday. However, the film version features a different setting: a hotel ballroom where Ava works as a janitor alongside her colleagues. In the movie, there is no depiction of Ava's best friend having children. Despite the differences in setting and story details, both in the novel and the film, Ava's character is still portrayed as a multifaceted figure with a complex personality – she can be brave, timid, shy, and even vindictive.

The rapid advancement of information technology has given rise to the internet as a new medium that significantly enhances human life, particularly in the fields of science and technology. Before the digital era and the internet arrived, people relied more heavily on conventional media, such as radio, television, books, and newspapers, to access information and entertainment. The internet then emerged as a new form of media that not only had various forms and features but also provided a new way to enjoy entertainment.

One of the innovations that stands out is the presence of streaming services that allow users to enjoy video and audio content flexibly and according to their daily needs (Malau et al., 2020).

One of the most popular representations of new media in the digital entertainment field is Netflix. The platform began its presence in Indonesia in January 2016 as an ad-free streaming service that can be accessed at any time through internet-connected devices. Netflix allows customers to view a diverse array of films and television series conveniently, tailored to individual preferences, and accessible via computers, cellphones, or tablets. New media, exemplified as Netflix, result from advancements in computerized digital technology and are interconnected via the internet, facilitating unrestricted access to diverse entertainment content. This research utilizes Netflix as a specific illustration of a contemporary medium that emphasizes digital streaming services. Consequently, the problem statement for this study is articulated as follows: What are the boundaries for altering an original work to ensure it remains classified as a derivative work protected by copyright, and what is the necessity of obtaining licenses during the adaptation of novels into films as a means of legal protection? This research seeks to elucidate the constraints involved in converting an original work into a derivative work that retains copyright protection, while also examining the necessity of issuing licenses as a legal safeguard in the adaptation process, especially from novels to films in the digital age.

RESEARCH METHODS

This research employs the Normative Juridical technique. The normative legal research method involves examining both written and unwritten positive laws. This normative legal research is conducted through the analysis of literary sources or secondary data. It seeks to comprehend the relationship between legal sciences and positive law, or codified legal norms, including statutes and regulations. The data collection in this document is conducted through the examination of records and pertinent literature, involving the compilation of rules related to intellectual property law, alongside the exploration of literature, articles, and books to provide information connected to intellectual property law. This study utilizes a qualitative data analysis strategy. This qualitative methodology is a research procedure that generates analytical descriptive data, specifically the verbal or written expressions of the research subjects, as well as their actual behaviors.

DISCUSSION

License Agreement: As a limitation of derivatives/derivatives

Article 1, number 14 of the Copyright Law 2002 stipulates that a license is an authorization conferred by a copyright holder or related rights holder to another entity to disseminate or reproduce their work or linked products, contingent upon particular stipulations. The rights in question are copyrights, for example, in the field of cinema, where films are related to cinematographic works that can be recorded, thereby giving rise to rights in the field of broadcasting.

Then, when the creation is broadcast to the public, it also becomes a broadcasting right. Recording rights and broadcasting rights are rights that fall within the scope of the license's object.

The license agreement must adhere to the stipulations of Article 1320 of the Criminal Code, which requires the existence of an agreement, an individual with a handicap, specific criteria, and a lawful justification. The parties to the license agreement are the licensors and the licensees, who consent to each other's actions (Bros., 2010). Licensing conditions should not only be limited to the national scope, but also be open to the broadest possible opportunities for all corners of the world, so that Indonesian inventions can go international. For legal certainty of licensing to other parties, it should be stated in the agreement letter, recorded at the office of the Director General of IPR (Saidin, 2004).

The commercialization of a fictional narrative is a prevalent activity. This Copyright Law encompasses two categories of exclusive rights: Moral Rights and Economic Rights. Moral Rights, as delineated in Law No. 28 of 2014 regarding Copyright, are defined as the perpetual rights of the creator to determine the attribution of their work, whether by real name or pseudonym, to modify the work, and to preserve their rights in the event of its destruction that could harm their interests or reputation. Economic Rights refer to the sole entitlement of the creator or copyright holder to receive financial benefits from their work (Hapsari et al., 2023). To obtain economic rights from copyright users and related rights holders who use these rights, one must be a member of a Collective Management Organization. The Collective Management Institution gathers appropriate compensation from users of Copyright and Related Rights in the context of commercially oriented public services. The copyright holder consents to the Collective Management Organization, which entails a duty to remit payments for the utilization of rights, thus preventing a breach of Copyright Law (Korua, 2017).

To illustrate the implementation of licenses and copyrights in the adaptation of the work, the following serves as a pertinent example. The film *Heartbreak Motel* exemplifies the application of licensing in the adaptation of the work, as it is based on the novel of the same name. Throughout the adaptation process, the film production secured an official license from the book's copyright owners. Despite the absence of a legal issue in this matter, the license agreement substantiates that the adaptation process was conducted with appropriate consideration for the moral and economic rights of the original artist. The issuance of this license demonstrates the application of copyright law principles as outlined in Law Number 28 of 2014 about Copyright. The granted license encompasses the right to modify the narrative, exploit derivative works commercially, and stipulates the compensation or royalties to be received by the original copyright holder. This approach illustrates that licensing agreements function as both legal protection and a conduit between creators and users in the creative business. This example highlights the significance of implementing licensing in digital adaptations or cinematography, illustrating how legal

frameworks can avert potential copyright infringement through clear and legitimate treaty processes.

The Urgency of Licensing in the Adaptation of Digital Works and Their Legal Settlement

A license is a form of agreement that grants another party the right to use particular copyrighted materials or intellectual property legally. With a license, the copyright holder retains control over their work and can set limits and conditions for use by third parties. Licenses are vital because they can prevent violations of the law, clarify the rights and obligations of the parties, and protect the economic interests of the creators (Modami & Rahaditya, 2024).

In the differentiation of several types of intellectual property, including copyright licenses and brand licensing, with a focus on the economic rights frequently utilized in commercial settings. Additional clarification about specific constraints on original works, particularly with the utilization of derivative works. The Regulation of the Minister of Law and Human Rights Number 15 of 2024 on Royalty Management for Secondary Use Licenses of Copyrighted Books and Other Written Works establishes a maximum duplication limit of 10% for written works. Utilization above these restrictions constitutes copyright violation.

On digital platforms, the use of EULA (End-User License Agreement) is a common form of application use agreement. This is related to a disclaimer stating that specific data should not be used for written works. An example is the use of AI platforms, such as ChatGPT, which include disclaimers related to the validity of the data used for written papers. Derivative works, such as music covers, are included in the realm of duplication, even though the arrangements, lyrics, pitch, and genre have been altered. This is because derivative works are still rooted in the original work, and including the name of the original singer is an unwritten condition in moral rights. An agreement between the parties must accompany the use of derivative works for commercial purposes.

Intellectual Property Rights (IPR) are a set of legal rules designed to protect human copyrights, whether in the form of written works, music, art, design, patents, trademarks, or technological inventions. This arrangement aims to ensure exclusive rights for creators or owners of their works, allowing them to benefit economically from their creativity without concern for infringement or unlawful use by other parties. The regulation of IPR is also a driver for creating a climate conducive to innovation, cultural development, and technological advancement through strong legal protection guarantees.

The Directorate General of Intellectual Property (DJKI) has reported fluctuations in the incidence of Intellectual Property Rights (IPR) violations, particularly copyright infringement, from 2022 to 2024. The subsequent data pertains to the quantity of cases submitted and settled via the non-litigation mediation process from 2019 to 2024 (DJKI, 2024).

Year	Sum
2022	21

2023	11
2024	12

Philipus M. Hadjon asserts that legal protection for citizens can be attained through two primary methodologies: preventive and repressive. Preventive legal protection seeks to avert conflicts or disputes between the community and the government. In this setting, the government is expected to exercise its authority with greater prudence and discretion, especially when making administrative decisions. Meanwhile, the protection of repressive law focuses on resolving disputes that have occurred, including through settlement mechanisms within judicial institutions, as a last resort to uphold justice.

Preventive Legal Protection

Preventive legal protection is a mechanism that enables the public to express complaints, opinions, or feedback before a government decision is finalized. The objective of this form of protection is to avert future disagreements, especially over administrative actions that influence the government's autonomy. With this mechanism, the government is required to be more careful, transparent, and participatory in the decision-making process, thereby encouraging the creation of accountable governance.

In the context of copyright protection, this preventive aspect is manifested in the form of infringement prevention. This prevention is essential in combating plagiarism or unauthorized replication of works, which can lead to both tangible and intangible damages for the original artist. The Indonesian government has enacted Law Number 28 of 2014 about Copyright, establishing a legislative framework to proactively and educationally safeguard intellectual property rights for creators and content users (Niken et al., 2014).

Repressive Legal Protection

Repressive legal protection refers to initiatives designed to address conflicts or legal issues that have arisen. This form of protection is crucial to the legal framework for enforcing justice following a rights violation or injustice. Within the framework of the Indonesian legal system, this form of legal protection signifies an acknowledgment of human dignity and rights, grounded on the ideals of Pancasila and the rule of law.

Everyone has the right to guaranteed protection through a fair and open legal process. Almost all legal relationships in social life, both civil and criminal, are within the scope of legal protection. Therefore, this form of protection can be found in various legal institutions and procedures such as courts, mediation, and other legal remedies. Essentially, law can be understood as a set of norms or provisions that govern human behavior in social life, to promote order, justice, and legal certainty. In the context of repression, the law serves as a tool of correction and resolution when a norm is violated.

Copyright disputes typically arise from the conduct of specific parties that contravene the stipulations of Law No. 28 of 2014 about Copyright. A disagreement arises when the aggrieved party explicitly articulates their protest

or displeasure over the conduct of another party that is seen to infringe against the rights of a particular copyrighted work. According to Article 95, paragraph (1) of the Copyright Law, dispute resolution may be sought through multiple avenues, including alternative dispute resolution, arbitration, or judicial proceedings. Alternative dispute resolution methods encompass mediation, negotiation, conciliation, and arbitration, all designed to resolve problems outside of judicial proceedings in an amicable manner. A non-litigation method is favored in copyright license infringement cases as an efficient and collaborative means of resolution prior to court conflicts.

In the case we are reviewing, there are legal provisions that regulate the settlement of disputes and disputes, especially when one of the parties is declared to have committed a default, the party can pay the fines as stated in the license to the aggrieved party, in the settlement of which the parties enter into an agreement which contains the exclusive obligations and rights that have been given to the licensor and licensee as referred to In this agreement, it is mandatory to provide compensation to the other party in the amount of the relevant and calculable compensation calculation. The settlement period for the parties lasts 30 calendar days from the date of the first deliberations. If the deliberation does not reach a consensus, the parties agree to resolve the dispute by choosing a permanent legal place (domicile) at the Indonesian Arbitration Board (DJKI, 2025).

CONCLUSION

The advancement of digital technology currently has a substantial impact on copyright protection, particularly in the alteration and adaptation of works. An adaptation is the adaptation of a literary work to a film. Copyright Law Number 28 of 2014 governs the protection of modified or adapted copyrighted works. Nonetheless, throughout the adaptation process, it remains imperative to ensure the authenticity of the work and safeguard the moral and commercial rights of the creator to prevent legal infringements.

Consequently, the presence of a license agreement is essential to ensure legal certainty for parties seeking to utilize the work. Licensing encompasses not only copyright protection but also fosters robust collaboration within the creative sector. The Heartbreak Motel case study illustrates the necessity of a proper licensing procedure to avert legal disputes and guarantee ongoing protection for copyright holders' works.

This study concludes that preventive legal protection must be implemented equitably to foster a healthy work environment in the digital age. Explicit laws and appropriate licensing are essential for preserving the equilibrium between innovation and respect for creators' copyrights. The implementation of Permenkumham Number 15 of 2014 is expected to assist creative industry stakeholders in understanding the constraints and regulations associated with adapting their works.

SUGGESTION

The use of digital application copyright for studying novel adaptations to films is a complex topic that requires careful consideration. Where copyright is the exclusive right for the creator to broadcast and display their creation, whether it is an original work or a derivative work, because both have their copyrights, if the derivative work wants to obtain copyright protection and economic rights, it must obtain permission from the copyright holder.

BIBLIOGRAPHY

Aprita, Serlika, Mulyadi Tanzili, and Meirini Nurlani. *IPR (Intellectual Property Rights)*. Bandung: Refika Aditama, 2024.

DJKI. "Directorate General of Intellectual Property 2024." Jakarta: DJKI, 2024." Infringement of copyright and derivative work license information." 2025.

Hapsari, Recca Ayu, Aprinisa Aprinisa, and Rachel Anzani Putri. "Legal Protection of Non-Fungible Token (NFT) Technology as Intellectual Property Identity." *Amsir Law Journal* 4, no. 2 (2023): 236–45. <https://doi.org/10.36746/alj.v4i2.189>.

Korua, Jolanda M. "The Application of Copyright Law to Fanfiction Novels Using Covers of Famous Artists," 2017.

Kurniansyah, A., & Malau, R. M. U. "Motives for the Use of Joox Streaming Media (Case Study on Joox User Students)." *Proceedings of Management*. Vol. 7(1). Bandung: Telkom University. (Online) <https://openlibrarypublications.telkomuniversity.ac.id/index.php/manag/article/view/11809> 7, no. 1 (2020): 1703–11.

Modami, Brian Jeremy, and R Rahaditya. "The Role of Copyright and License Certificates in Ensuring the Legal Certainty of Copyright Holders of Their Works" 4, no. 4 (2024): 1008–13.

Niken, Cindy, Nurfadila, Rokhim Abdul, and K Heriawanto Benny. "LEGAL Protection Against Copyright Infringement Of Writing In Digital Applications (Wattpad) Based On Law Number 28 Of 2014 Concerning Copyright" 18, no. 2 (2014): 1341–1448. <https://doi.org/10.21608/bfag.2014.21450>.

Philipus M, Hajon. *Legal protection for the people in Indonesia*. Surabaya: Bina Ilmu, 1987.

Saidin. *Legal Aspects of Intellectual Property Rights: Intellectual Property Right / O.K.*

Saidin. Cet. 4. Jakarta: Raja Grafindo Persada, 2004.

Supramono, Gatot. *Copyright and its legal aspects*. Jakarta: Rineka Cipta, 2010.

Wibowo, tough Okta. "The Phenomenon of Movie Streaming Websites in the New Media Era: Temptation, Discord, and Criticism." *Journal of Communication Studies* 6, no. 2 (2018): 191. <https://doi.org/10.24198/jkk.v6i2.15623>.

Laws and Regulations :

Law Number 19 of 2002 concerning Copyright

Law Number 28 of 2014 concerning Copyright

Regulation of the Law and Human Rights of the Republic of Indonesia Number 15 of 2024 concerning the Management of Royalties on Licenses for Secondary Use for Copyright of Books and/or Other Written Works