

**LEGAL PROTECTION OF YOUTUBER'S EXCLUSIVE RIGHTS TO THE  
SAVEFROM.NET SITE REVIEWED BY LAW  
NUMBER 28 OF 2014 CONCERNING COPYRIGHT**

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**Abstract**

*YouTubers are creators of video content on the YouTube platform who have exclusive rights, both moral rights and economic rights. YouTubers are entitled to legal protection as a tribute to their intellectual creativity from copyright infringements, one of which is the illegal duplication of creations by the SaveFrom.net site which harms YouTubers because it prevents them from obtaining economic benefits from their creations. The formulation of the problem in this journal research, namely: first, how the legal protection of exclusive rights of Youtuber by SaveFrom.net site based on Law Number 28 Year 2014 on Copyright. Second, how is the responsibility of SaveFrom.net as a service provider for downloading illegal YouTube video content and facilitating copyright infringement by its users. The research method in writing this journal is to use normative legal methods, namely research aimed at legislation or secondary data presented in detail and systematically. Adapun data analysis is done qualitatively with the method of drawing conclusions, namely by deductive method or drawing conclusions from general statements into specific statements. The results of research and discussion from this journal, namely: first, there are several provisions related to YouTuber's exclusive rights and the prohibition of illegal downloads categorized as duplication and / or piracy of creations without permission from the creator, followed by lawsuits either civilly, criminally, or requesting the closure of related sites. Second, for the responsibility of SaveFrom.net as an illegal download service provider, facilitating copyright infringement and violating the provisions of the YouTube platform, SaveFrom.net should be legally responsible for its actions and users as a result of legal relations based on the terms of service of the SaveFrom.net website and the terms of service of the YouTube platform.*

**Keywords :** Exclusive Rights, Youtuber, SofeFrom.net, Copyright.

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**Intisari**

*YouTuber adalah pencipta konten video diplatform YouTube yang memiliki hak eksklusif baik hak moral maupun hak ekonomi. YouTuber berhak mendapatkan perlindungan hukum sebagai penghargaan atas kreativitas*

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intelektualnya dari pelanggaran-pelanggaran hak cipta salah satunya penggandaan ciptaan oleh situs SaveFrom.net secara ilegal yang merugikan Youtuber karena dilarang untuk mendapatkan manfaat ekonomi dari ciptaannya. Adapun rumusan masalah dalam penelitian jurnal ini, yakni : pertama, bagaimana perlindungan hukum hak eksklusif youtuber oleh situs SaveFrom.net berdasarkan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. Kedua, bagaimana tanggung jawab SaveFrom.net sebagai penyedia layanan unduh konten video YouTube secara ilegal dan memfasilitasi pelanggaran hak cipta oleh penggunaannya. Metode penelitian dalam penulisan jurnal ini adalah menggunakan metode hukum normatif yaitu penelitian yang ditujukan pada peraturan persyaratan-undangan atau data-data sekunder yang disajikan secara rinci dan sistematis. Adapun analisis data dilakukan secara kualitatif dengan metode penarikan kesimpulan yakni dengan metode deduktif atau menarik kesimpulan dari sifat yang bersifat umum menjadi sifat yang khusus. Adapun hasil penelitian dan pembahasan dari jurnal ini, yakni : pertama, adanya beberapa ketentuan terkait hak eksklusif YouTuber serta larangan pengunduhan ilegal yang diajukan sebagai penggandaan dan/atau pembajakan ciptaan tanpa izin dari pencipta, dilanjutkan dengan tuntutan hukum baik secara perdata, pidana, atau permohonan penutupan situs terkait. Kedua, terhadap tanggung jawab SaveFrom.net sebagai penyedia layanan unduh ilegal, memfasilitasi pelanggaran hak cipta dan telah melanggar ketentuan dari platform YouTube, SaveFrom.net seharusnya dibebani tanggung jawab hukum terhadap perbuatannya dan penggunaannya sebagai akibat hubungan hukum berdasarkan ketentuan persyaratan layanan situs SaveFrom .net dan ketentuan persyaratan layanan platform YouTube.

**Kata Kunci :** Hak Eksklusif , Youtuber, SaveFrom.net, Hak Cipta .

## 1. Introduction

Indonesia is one of the participating countries as well as in association world community, for one is become member in the Agreement Establishing the World Trade Organization also includes the Agreement on Trade Related Aspects of Intellectual Property Rights namely Agreement about Aspects Trade relating to property rights

Intellectual furthermore called TRIPs through Constitution Number 7 of 1994 <sup>1</sup>.

In an era of governing globalization main points problem about right riches intellectual globally, almost all countries provide protection universally against riches intellectual based on bunch rules the law also applies universally. Property Rights Intellectual is something source from work resulting creation through sacrifice Good mind, matter, and time.<sup>2</sup> One riches protected intellectual is right copyright. As a developing country, Indonesia also participates give protection law to right created that has set in Constitution Number 28 of 2014 Regarding Copyright.

As for inside Article 1 paragraph (1) of the Law Number 28 of 2014 concerning Copyright state that right create is right exclusive creator which rights are obtained that is moral rights and rights emerging economy in a manner automatic based on principle declarative after something creation embodied in form real without reduce restrictions in accordance with provision legislation. Moral rights are rights creator or holder right create For be included If anyone using right create with permission creator. This moral right help creator For forbid somebody change or reduce results his creation without permission from creator, meanwhile right economy is rights creator or holder right create For can monitor and exploit results right copyright.<sup>3</sup>

Including one scope from right economy is doubling creation with all shape, subject doubling explained in Article 1 paragraph (12) stated that doubling is a process, deed, or method doubling One copy creation and/or phonogram or more with way and in form whatever, fine in a manner permanent or while. Something doubling done in a manner No legitimize and distribute goods results doubling in question in a manner wide For obtain profit economy so happen violation right create form regulated piracy in Article 9 paragraph (3) of the Law Number 28 of 2014. Everyone is prohibited For do duplication and use in a manner commercial on something creation without exists permission from creator or holder right copyright. Audio visual work is one type current creation This often become object violation right create in matter multiplication and or piracy right copyright.

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<sup>1</sup>Abdul Hadi Abdullah (Ed.), *Report of the Script Team Academic Draft Constitution About Copyright (Amendment to Law No. 19 of 2002)*, Ministry of Law and Human Rights of the Republic of Indonesia Development Agency Law National, 2008, p.2.

<sup>2</sup>Ida Ayu Sukihana and I Gede Agus Kurniawan, *Works Create Expression Culture Traditional : Studies Empirical Protection of Traditional Balinese Dance in the Regency Bangli*, Journal of Master of Laws Udayana, Vol.7 Number 1 Year 2018, p.3

<sup>3</sup>Henry Soelistyo, *Right Create No Rights Morals*, PT King Grafindo Persada, Jakarta, 2011, p.14

In Article 43 letter d of the Law Number 28 of 2014 Concerning Copyright set that in relation with restrictions right copyright, deeds that do not forbidden is manufacture and deployment creation However No characteristic commercial and get agreement creator. Then if somebody do manufacture and deployment right create characteristic commercial or harm creator and not There is agreement from owner creation It means has happen violation right copyright.

Constitution Number 28 of 2014 Concerning Copyright has arrange related with creator or holder right experienced creation loss economy entitled For get change loss, and if settlement dispute done through court has gifts are also arranged penalty law criminal for whoever did violation right create with use in a manner commercial in form piracy will sentenced punishment criminal prison a maximum of 10 (ten) years and a fine of Rp. 4,000,000,000 (four billion rupiah).

Copyright No only arranged in law positive Indonesia but also deep law Islamic, that is including group right property that can owned by anyone. According to opinion Wow az-Zuhaili referred to with ownership is connection between somebody with treasure objects authorized by sharia, so that person become owner on treasure object it is , and it is not There is prohibition to its use.

## **2. Method Research**

Type research conducted by researchers is study juridical normative, which involves study material bibliography and secondary data, include material primary, secondary, and tertiary law.<sup>4</sup> Study This started with with do search to sources law like relevant books and literature with object problem research. In study In this case, 3 (three) approaches are used that is approach legislation, approach conceptual, and approach analytical. Method descriptive analytical used in study This with objective For explain and analyze regulation related legislation with theories law as well as practice implementation law positive in context moderate problem researched.

## **3. Analysis and Discussion**

Property Rights Intellectual is right property, rights on something source object from results Work brain, results Work ratio. Result of work ratio reasoning human. The

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<sup>4</sup> Zainuddin Ali, *Legal Research Methods* (Jakarta: Sinar Graphic, 2019), 23.

results of the work That form immaterial objects or object No form<sup>5</sup>. John Locke, a philosopher England are also defenders right basic man in Europe, say that every man own his rights.<sup>6</sup>

John Locke's views on right owned by affect theory right riches intellectual, deep his book John Locke says that the state does can take grace default human, that is right life (right to life), rights freedom (right to liberty), and rights property. In understanding this, object No only material objects but also objects abstract, which has right owned by on object No form, which is product intellect human. John Locke stated that everyone has rights and rights on protection on what does the country have.

Regulations governing Property Rights Intellectuals in Indonesia have There is since the 1840s. In 1885, Act Brand start enforced by the government Colonial Indonesia and followed with enactment Patent Act of 1910. Two years then, the Copyright Law (*Auteurs Wet 1912*) was also enforced in Indonesia. For complete regulation legislation that, the government Dutch colonial in Indonesia decided For become member Berne Convention in 1914.

During the occupation Japan, rules in the field of property rights Intellectual the still enforced. Wisdom enforcement of Property Rights Intellectual product Colonial This still maintained when Indonesia reached independence in 1945, except Patent Law (*Octrool Wet*). After Indonesia independence, the Indonesian government legislated Constitution Brand 1961 (Act Number 6 of 1961), which was followed with Copyright Act the first national in 1982 (Law 6 of 1982) and the 1989 Patent Law (Law Number 6 of 1989).

After experience a number of change as consequence Indonesia's participation with various convention International, among others TRIPs agreement, Property Rights Act latest from third branch the is Copyright Act \_ 2014 (Law Number 28 of 2014), the 2016 Patent Law (Law Number 13 of 2016) and Law Brands and Indications Geographical 2016 (Law Number 20 of 2016). For complete Property Rights Act Intellectuals, government has made 4 Property Rights Laws Intellectual other, that is Constitution Protection variety Plant 2000 (Act Number 29 of 2000), Law Confidential Trade 2000 (Act Number 30 of 2000), Industrial Design Law 2000 (Act Number 31 of

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<sup>5</sup>OK. Saidin , *loc. cit.*, 2010, p.9

<sup>6</sup>Andi Zahidah husain, dakk ., *Protection IPR in View Philosophy as Right Natural based On John Locke's Theory* , Journal Philosophy Applied , Vol.1 No.1 Year 2023. p.4.

2000), Layout Design Law Circuit Integrated 2000 (Act Number 32 of 2000).

Definition right create There is in provision Article 1 paragraph (1) of the Law Number 28 of 2014 concerning Copyright, Copyright is right exclusive emerging creator in a manner automatic based on principle declarative after something creation embodied in form real without reduce restrictions in accordance with provision regulation legislation. Article 1 paragraph (1) of the Law Number 28 of 2014 concerning Copyright arrange that right create can held by rights creator or receiving party more carry on right the copyright. Provision This can understandable remember creator can divert right the to the other side is fine through submission rights (*assignment*) or through agreement license. Because it, create can is at in hand other party besides creator.

Kindly substantive, Article the emphasize rights exclusive. Exclusive rights explained in part explanation Article 4 of the Law Republic of Indonesia Number 28 of 2014 Concerning Copyrights that is sole right reserved for creator or holder right create so that No anyone else can utilise right the without permission creator or holder right copyright. According to OK. Saidin the words 'no There is other parties' have the same meaning with right single showing that creator that's okay get right sort of it. This is what it's called inherent rights exclusive. Exclusive means special, specification, unique. Exclusive rights arise in a manner automatic after creation born, while the intended with right For announce or reproduce creation covers activity translate, adapt, arrange, transform, sell, lease, lend, import, display, perform to public through means whatever.<sup>7</sup>

*YouTubers* are someone who creates and uploads video content on the YouTube platform. They is creator digital content that uses YouTube as the main medium For share work they with broad audience. *YouTubers* get produce various type content, such as vlogs, tutorials, video games, music, comedy, education, and more again. As *YouTubers*, they usually has a dedicated YouTube channel For content they alone. They plan, shoot, edit, and upload videos to their channel, as well as interact with fan through comments, messages, or social media other.

The creativity of *YouTubers* to produce quality intellectual works such as high-value video content works and quality art that does not just appear, so that it is appropriate to issue a right that can be formulated as a special or exclusive *property right as a form of legal protection for creation*.

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<sup>7</sup>Anis Mashdurohatun , *Op cit.* p . 42



*SaveFrom.net* is a possible website user For download video and audio from various social media platforms and video sharing sites, such as YouTube, Facebook, Instagram, Vimeo and many other. this site provide free service for download content from those platforms. However, it's important For record that download content through sites like *SaveFrom.net* involves violation right copyright. Uploaded content to social media platforms and video sharing sites is protected by rights copyright, and download it without permission from owner right create can violate Constitution right copyright. available information show that *SaveFrom.net* originated from Russia. *SaveFrom.net* was founded by Dmitry Kurilov, a developer device soft origin Russia. this website was introduced in 2008 and became popular among the user wants download videos from various online platforms.

No There is clear and verified information regarding *SaveFrom.net* managed by the company Russia named Magic.bit. Moment this information related ownership or management *SaveFrom.net* doesn't in a manner transparent available in public domain. Because it's hard For give accurate confirmation about *SaveFrom.net*. Use *SaveFrom.net* is a must consider policies and requirements usage specified by the original platform, such as YouTube or Facebook. Many platforms ban or own limitation to download content them by party third, except If There is permission specially given. Besides that, when using a site like *SaveFrom.net*, users also need to be careful to risk security and privacy. Party sites third like *SaveFrom.net* maybe collect user data or serve ads that don't wanted.

Intellectual property rights are rights that arise to provide legal protection for ideas or products and creations resulting from human thought that have value and use. John Locke's views on property rights influenced the theory of intellectual property rights. According to Locke, human rights consist of natural rights, such as the freedom to exercise their rights and the rights of their own free will. For example:

1. right live.
2. right freedom and independence.
3. right have, rights copyright, rights property, and others.

Property Rights Intellectual including right create is part from right natural individual. This can associated with John Locke's theory that right owned by originate from deed diverse humans with protection law, for one is right copyright. Protection law

to right create must Keep going experience development along with progress technology that has give challenge new in ensure that right create protected in a manner effective digital era.

A number of problems that arise covers deployment digital content, reproduction of which is not controlled, and violation right involving creation tool or online service. Article 28C paragraph (1) of the 1945 Constitution of the Republic of Indonesia states " *Everyone is entitled develop self through fulfillment need Basically, right get education and acquire benefit from knowledge science and technology, art and culture, for the sake of improving quality his life and for the sake of well-being people human.* " In accordance with mandate constitution, each the making party work entitled get protection law For take benefit from work the Because right create is right absolute no can violated by others and the creator own freedom to his creation.

Copyright is asset valuable, confession to right create show that the state supports full exists well-being State economy. Terms about right create entered to in regulation legislation is Law No. 28 of 2014 concerning Copyright. According to Copyright Act Number 28 of 2014, YouTube content included work audio visual or cinematography and creator or owner content called as creator.<sup>8</sup> Because it, creator YouTube content is entitled on right create on his creation, that is YouTube content. *YouTubers* who create digital content must given right special as award on ability intellectual For make video content. *YouTubers* have right extensive exclusivity For express himself in their video content is protected by law Number 28 of 2014 concerning Copyright.

Exclusive rights own meaning as monopoly Because there is prohibition for other party for use right in work creation the except exists permission from creator concerned. After creation embodied in form real, rights exclusive creator in a manner automatic appear from principle declarative without reduce restrictions set by regulations legislation. Explanation Article 4 of the Law Number 28 of 2014 concerning Copyright explain more carry on about right exclusive, which means that right the only given to creator, so No There is other party can take advantage of it without permission creator.

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<sup>8</sup> In explanation Article 40 paragraph (1) letter m of the Law Number 28 of 2014 concerning Copyright \_ state that work cinematography is creation in the form picture move (moving images) include documentaries , advertising films , reports or story films made \_ with scenario , and cartoon movie . Work cinematography can made in movies celluloid , tape videos, disc videos, disc optical and/ or media other Which possible For shown in cinemas , screen wide , television , or other media . Cinematography is Wrong One example form audio visual



Holder right create that is not creator only own right economy. Saidin argue that term "no There is other party" refers to rights single showing that only rightful creator on right the copyright.

Exclusive rights consists of two types is moral rights and rights economy. Moral rights are protecting rights interest personal is creator, for example right forbid For do alteration to work copyright. Whereas right economy as stated in Article 8 of the Law Number 28 of 2014 concerning Copyright, rights economy defined as rights owned by the creator For obtain profit economy, like right For broadcast and rights For multiply work copyright. *YouTubers* also have right economy on his work, which is arranged in Article 9 to Article 19 of the Copyright Act For do: duplicate work in form whatever; publishing work such; deployment work such; announcement work such; and others. One desire YouTuber is earn money from *Google Adsense* as results from every video they have upload. Because of that, the other party wanted utilise right economy the must get permission from holder right create or creator.

Doubling work create without permission creator is violation to digital content, be frequent problem experienced by *YouTubers*, especially with variety available tools and facilities moment this. One features offered by party sites third like *Savefrom.net* has ability For download YouTube video content. Download feature This harm and interfere with the process of rights create on the internet. There are a number factor important contribution to the offence right in the digital world, including:

1. Progress technology like the proliferation of websites and online services that are on purpose hosting or facilitate piracy content, such as download sites illegal, illegal streaming, or service share files. These sites encourage and facilitate violation right copyright.
2. Anonymity and Trouble Search Violation to creation entitled copyright.
3. Facilities by illegal sites that are free, fast, easy, and without *watermark*.
4. Lack of awareness or understanding about right created among user.

It is important to address these factors with a comprehensive approach, including reforming the law, more effective law enforcement, public education, and increasing awareness of the importance of respecting copyright. Collaboration between copyright holders, platforms, governments, and society as a whole is needed to overcome the problem of copyright infringement in the digital world.

The YouTube platform has terms of service that must be complied with by any user of the service, one of the important parts of the requirements is section 4C which states the following:

User agrees not to access content through technology or any means other than the video playback page of the service itself, an embeddable player, or any other means YouTube explicitly allows

Furthermore, the rules for using content in rule number 5B state that:

Content is provided to users as is. Users may access content for information and personal use of users solely as intended through the functionality of the services provided and as permitted under these terms of service. the user may not download any content unless the user views the download or a similar link displayed by YouTube on the service for the content. User may not copy, produce, distribute, transmit, broadcast, display, sell, license, or exploit any content for any other purpose without YouTube's prior written consent or the content's respective licenses. YouTube and its licensors reserve all rights not expressly granted in and to the service and content.

From statement the user No can download content anything from YouTube except If see ' download ' link or link similar others shown by Terms YouTube service, user must get permission written from YouTube or permission from owner content, so all protected online content right copyright. Kindly explicitly YouTube has forbid exists activity distribution video content as carried out by the *SaveFrom.net* site and activities download without permission or No based on terms of the YouTube platform as performed by users of the *SaveFrom.net* site.

This clear violation right copyright and YouTube has the right demand exists violation to provision condition service. As done YouTube parties in 2016, the YouTube platform considers For demand one biggest YouTube video downloader namely YouTube-MP3.org because violate Condition Service, however back off after the site reject For give in. Instead YouTube-MP3.org finally closed in 2017 after Sony Music and Warner Bros launched lawsuit violation right create against him<sup>9</sup>. A number of record label company sue the site YouTube-mp3.org because violate right copyright. This site demanded Because possible user convert YouTube videos to audio files in mp3 format.

Plaintiffs claim that website helps the user demanded Because violate right

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<sup>9</sup>Editor , <https://voi.id/technology/67436/apakah-legal-download-video-di-youtube-see-in-explanation> , accessed on date 4 August 2023, on o'clock 13:12 WIB.

copyright. They also claim that the web site takes material gain from the service. They claim that the website does request permission for record labels. For every guess piracy, music label company sue the website for \$150,000 or 2,252,272,500.00 Indonesian rupiah. Data shows that site has 60 million user active every month and as proof, label includes three hundred files regarding every songs that have hijacked on the website. These actions can also done against the top *SaveFrom.net* site service download and *convert* provided. Because service the No only provided For video content that is in the public domain or free For downloaded But video content that has right even created can downloaded use the site. in the United States make copy content is illegal If No own permission from owner right copyright. Good For use personal and distributed copies or take advantage in a manner commercial.

Society or user can download videos from user's YouTube channel Alone with method open YouTube studio dashboard, click video, tick box next to the desired video Then download and click three inscribed point option, then click download. And download MP4 videos will stored to desktop. As for the way legally download other people's videos from YouTube so user can watch it is with get one free trial month from YouTube Premium, or pays \$11.99/ month or 180,333.20 thousand rupiah on Monday 02 July 2023, with so user will enjoy free YouTube advertisement wherever and with device whatever.

The YouTube platform also provides YouTube Music Premium which can user use For explore the world of music free advertising, offline and with screen locked, as for furthermore there are YouTube Originals for rotate all type of film from actor winner reward and earn watch in all device. There are several types of videos that are legal for downloaded and has arranged in provision video content uploaded on YouTube, one of them is a Creative Commons licensed video.

#### **4. Conclusion**

Protection law right exclusive *YouTuber* against *SaveFrom.net* site reviewed based on Constitution Number 28 of 2014 concerning Copyright, the YouTube Platform is completely forbid use feature downloads party third based on provision licenses and regulations condition platform services like *SaveFrom.net* which is not have content filters so that all YouTube videos can be downloaded in a manner free and free then

action *SaveFrom.net* is categorized as violation right create to right exclusively owned by YouTubers. As for based Constitution Number 28 of 2014 concerning Copyright give protection law to violation right create including download illegal through *SaveFrom.net* namely: first, existence prohibition download illegal in Article 4 of the Law Number 28 of 2014 concerning Copyright is protection to right exclusive *YouTubers* with it's forbidden other party uses right the exclusive, then in Article 9 paragraph (2) and paragraph (3) of the Law Number 28 of 2014 concerning Copyright exists prohibition For doubling creation in a manner commercial without permission from creator or holder right copyright. Second related demands law, owner right feel creative the content downloaded in a manner illegal through *SaveFrom.net* can submit demands law to violation the. They can request change loss and/ or submit request termination action violation right to create.

Not quite enough answer *SaveFrom.net* as provider service download YouTube video content is illegal and facilitating violation right copyrighted by its users, *SaveFrom.net* is burdened not quite enough answer to his deeds do piracy to YouTube video content with No provide content filters entitled copyright, facilitate violation right created and have violate provision from the YouTube platform as consequence connection law based on provision condition service. So far This step For prevent or limit downloads infringing content right create from the *SaveFrom.net* site in the form policy use which is clearly prohibited download infringing content right create and inform user about lawful use and provide guidelines related use site service. Whereas *SaveFrom.net* doesn't fulfil not quite enough he replied as provider service download illegal to party holder right create or suffering YouTubers loss Good not quite enough answer in a manner civil nor criminal as provider service.

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1945 Constitution of the Republic of IndonesiaBook Constitution Law Civil

Book Constitution Law Criminal

Constitution Number 28 Year 2014 About Right Create

Regulation Government Number 16 Year 2020 About Recording Creation and/ or Product Right Related

<https://datareportal.com>

<https://detail.id>

<https://dgip.go.id>

<https://id.savefrom.net>

<https://Creativecommons.org>

[ttps://Filmora.wondershare.co.id](https://Filmora.wondershare.co.id)