GIJLSS
Greenation International Journal of Law and Social Sciences
+62 81210467572 https://research.e-greenation.org/GIJLSS greenation.info@gmail.com
GREENATION RESEARCH

DOI: https://doi.org/10.38035/gijlss.v4i2

Rethinking Digital Intellectual Property Protection in Indonesia: Comparative Insights from Singapore and the European Union

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Abstract: Indonesia's current framework for removing Copyright- and trademark-infringing digital content remains fragmented, with no standardized notice-and-takedown procedure, unclear institutional oversight, and sanctions that lack deterrent effect. This study asks how Indonesia can strengthen its content-removal regime and align it with international best practices. The objective is to formulate legally sound and operational reforms by comparing Indonesia's laws with Singapore's regime and the European Union's Digital Services Act (DSA) 2022. Using a normative juridical method with a comparative legal approach, the research examines statutory provisions, institutional arrangements, and enforcement mechanisms across the three jurisdictions. The findings show that the EU offers the most comprehensive and adaptive model, combining structured notice-and-action, automated measures, robust transparency duties, and independent oversight with turnover-based penalties. Singapore provides a pragmatic, moderately structured system with clear takedown pathways and a dedicated regulator (IMDA), though without automated removal obligations. Indonesia lags in procedural clarity, specialization, and proportionate sanctions. The article proposes three integrated reforms for Indonesia: (1) a standardized notice-and-takedown mechanism; (2) the establishment of an independent digital intellectual property supervisory authority; (3) strict statutory response time standards; and (4) clear, tiered platform liability rules, all of which are reinforced by proportionate, turnover-based sanctions. Grounded in progressive legal theory and Radbruch's tripartite purpose of law, the study's significance lies in formulating a concrete, adaptive legislative roadmap capable of safeguarding intellectual property rights, compelling platform accountability, and aligning Indonesia's digital governance with international best practices.

Keywords: Intellectual Property Rights, Copyright, Trademark, Content Removal, Digital Services Act.

INTRODUCTION

The rapid advancement of internet technology has brought significant transformation to communication tools and platforms (Disemadi et al., 2025) Through the internet, access to information has become faster and more efficient (Wulandari & Rizki, 2025). This rapid development has spurred innovations and creative works that greatly benefit human life (Sudirman et al., 2025). Consequently, creative outputs and products are now more easily accessible through social media (Narassati et al., 2024). However, such accessibility also facilitates the dissemination of illegal content, including content that infringes intellectual property rights (IPR), particularly Copyrights and Trademarks (Harsya et al., 2024). Examples of such IPR-infringing content include piracy of films and music—where users download or stream content without authorization from copyright holders (Fanani, 2023; Maulana & Nurcahyani, 2023). Plagiarism is also a form of violation, wherein written works are copied without proper attribution (Disemadi & Kang, 2021; Silalahi et al., 2024). Moreover, the use of works such as photographs, music, or designs for commercial purposes without permission also constitutes a breach of IPR (Arman, 2024; Edyson et al., 2024). Counterfeiting of products and distribution of pirated software represent serious infringements of Trademark and Copyright laws (Basrul et al., 2021; Raharja, 2020).

According to data from the Directorate General of Informatics Applications, 7,660 pieces of content were found to have potentially violated IPR throughout 2018-2021(Direktorat Jenderal Aplikasi Informatika, 2024). However, it is important to note that this data does not account for actual numbers of IPR infringement in many digital spaces that are not reported, hence not taken down despite still constituting infringements. Not to mention, the figure does not represent the number of actual legal cases, as Directorate General of Intellectual Property (DJKI/ *Direktorat Jenderal Kekayaan Intelektual*) recorded about 296 intellectual-property infringement cases during 2019–2025, with the largest share involving trademarks (163 cases) and copyright (87 cases) (Direktorat Jenderal Kekayaan Intelektual, 2025). These data ultimately highlight the urgency of enhancing intellectual properties under the regimes of trademark and copyright, which is particularly important in the digital context as Indonesia continues to expand its already biggest and fastest growing in the region digital economy (Suhendra et al., 2025).

Contents that infringe upon the rights of authors and those who are responsible for the development of intellectual properties undermines. Copyright and Trademark protections both economically and morally (Kansil & Sulistio, 2024). Economically, unauthorized distribution reduces the income of rights holders, such as revenues from album sales or branded goods. Morally, these violations tarnish the reputation of creators, as their works are perceived as devalued or disrespected (Dewi, 2021). Without effective regulations, misuse of content will become increasingly widespread, significantly harming IPR holders. Therefore, there is a pressing need for strong and decisive regulations to address and eliminate illegal content on digital platforms. The continued widespread adaptation of digital technologies and rising internet usage in the country can then create a perfect storm where IPR-infringing contents become so widespread, potentially overwhelming the capacity of the existing frameworks in capturing them.

In Indonesia, protection of electronic information and transactions is governed by Law No. 1 of 2024, amending Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law). However, this regulation is deemed insufficient in providing a clear mechanism for the removal of IPR-infringing content. The existing legal framework remains relatively weak, and enforcement efforts remain inadequate (Darnia et al., 2023). For instance, the process of handling IPR violations, such as removing illegal content, often involves significant delays (Rizka et al., 2024). Furthermore, digital platforms in Indonesia lack a clearly structured system for detecting infringing content (Umra et al., 2024). The current

regulatory framework also fails to keep pace with the rapid evolution of digital technologies, rendering it ineffective in addressing emerging IPR challenges.

In contrast, jurisdictions such as Singapore and the European Union have adopted more robust legal frameworks. Singapore's Copyright Act 2021 provides a more efficient system for removing copyright-infringing content, akin to the Digital Millennium Copyright Act (DMCA) in the United States (Budianto & Rahayu, 2024). This system enables copyright holders to swiftly submit takedown notices to digital platforms, expediting the enforcement process(Agustin, 2024). Trademark protection is similarly well-regulated under Singapore's Trade Marks Act (Chapter 332). The European Union has implemented even stricter and more structured regulations. The Copyright Directive 2019 mandates digital platforms to proactively prevent copyright violations, including through the deployment of advanced detection technologies (Hutukka, 2023). Additionally, the Digital Services Act 2022 (DSA) imposes obligations on digital platforms to detect and remove illegal content, including IPR violations such as those involving Copyrights and Trademarks. The DSA also requires platforms to ensure transparency in content moderation and protect users' rights.

Previous studies by Takasana *et al* (2024)(Lombok et al., 2024), Pangestu *et al* (2023)(Pangestu et al., 2023), and Mulyani *et al* (2024)(Mulyani et al., 2024) have explored the protection of copyright in the context of illegal digital content, particularly on platforms like YouTube. Similarly, research by Giantama *et al* (2020)(Giantama & Kholil, 2020) and Kulsum *et al* (2023)(Kulsum et al., 2023) have addressed Trademark protection in the face of violations on platforms such as TikTok and e-commerce services. However, none of these studies have conducted a comparative legal analysis between Indonesia and developed jurisdictions such as Singapore and the European Union, particularly regarding content removal regulations for Copyright and Trademark violations.

Unlike earlier studies that focus separately on copyright or trademark violations on specific digital platforms, this study aims to fill the identified research gaps by offering an integrated comparative legal analysis of content-removal regulation across Indonesia, Singapore, and the European Union, with particular attention to notice-and-takedown procedures, supervisory institutions, and sanction models. More importantly, the legal analysis is framed as a way to identify concrete steps that Indonesia can take to strengthen its regulatory system, especially in developing a transparent and accountable notice-and-takedown mechanism. This analysis is anchored by key research problems, namely the uncertainty on whether or not Indonesia's current legal framework provides an adequate procedural, institutional, and sanction-based mechanism for removing copyright and trademark-infringing content on digital platforms, along with tackling the practical question of what reforms can be done fill the legal gaps, relative to the insights gathered from developed jurisdictions like Singapore and the European Union. Despite the core limitation in the lack of empirical evidence, this study nevertheless contributes to the growing body of literature around IPR protection in digital spaces, particularly in the context of Indonesian legal system, to support continued legal development in the face of digital challenges of copyright and trademark protection.

METHOD

This study adopts a normative legal research method, which aims to systematically examine and interpret the legal norms currently in force within the legal system(Tan, 2021). The selection of this method is aligned with the specific characteristics and objectives of the research, particularly its focus on comparative legal analysis (Disemadi, 2022), concerning the regulatory frameworks governing the removal of content that infringes Trademarks and Copyrights in Indonesia, Singapore, and the European Union. To achieve this objective, the study employs a combination of approaches, including the comparative approach, which

facilitates the identification of similarities and differences across jurisdictions; the conceptual approach, which explores the underlying legal doctrines and principles; and the statutory approach, which focuses on the interpretation and application of relevant legislative instruments.

This research is based on secondary data, gathered through an extensive review of legal literature and documents. The legal sources analyzed include Indonesia's Law No. 1 of 2024 (amending Law No. 11 of 2008 on Electronic Information and Transactions), Law No. 28 of 2014 on Copyright, and Law No. 20 of 2016 on Trademarks and Geographical Indications; Singapore's Copyright Act 2021, Trade Marks Act (Chapter 332), and Electronic Transactions Act 2010; as well as the European Union's Copyright Directive 2019, European Union Trademarks Act 2017, and Digital Services Act 2022 (DSA). The analytical technique applied is a normative-comparative analysis, which enables a critical comparison of the substantive legal provisions across the three jurisdictions in relation to the removal of infringing digital content. To reinforce the legal reasoning, this study draws upon progressive legal theory, which emphasizes the necessity for adaptive regulations responsive to the evolution of digital technology and societal transformation. Additionally, Gustav Radbruch's theory of legal purpose is employed to underscore the importance of ensuring that law serves the principles of justice, legal certainty, and utility. These two theoretical foundations provide a comprehensive basis for formulating recommendations to strengthen Indonesia's regulatory framework for the removal of copyright- and trademark-infringing content.

RESULTS AND DISCUSSION

Regulations on the Removal of Copyright and Trademarks-Infringing Content in Indonesia, Singapore, and the European Union

The creative economy in Indonesia holds significant potential to contribute to national economic growth, enhance competitive advantages, and shape the country's identity and image (Suhaeruddin, 2024). This sector has facilitated the distribution of locally produced creative works (Noviriska, 2022). However, it has also triggered an increase in copyright and trademark infringements, particularly in the form of unauthorized or illegal use of protected rights in the digital sphere (Zahida & Santoso, 2023). Although Indonesia has enacted laws governing these matters, the effectiveness of such regulations remains limited by various challenges (Prihatin et al., 2024).

Consequently, it is imperative to address the accessibility of infringing content on digital platforms (Tiasono & Tarigan, 2024). In comparison to advanced jurisdictions such as Singapore and the European Union, Indonesia's regulatory framework lags significantly behind. Singapore and the EU have developed systems that are adaptive to rapid technological advancements(Ariani et al., 2021), whereas Indonesia's system remains insufficiently structured and lacks strict enforcement mechanisms(Asmaul et al., 2023).

In Indonesia, the removal of copyright- and trademark-infringing content is primarily regulated under Law No. 20 of 2016 on Trademarks and Geographical Indications and Law No. 28 of 2014 on Copyright. Further protection is provided under Law No. 1 of 2024, the second amendment to Law No. 11 of 2008 on Electronic Information and Transactions. Rights holders may request content removal (takedown) either directly from digital platforms or through the Ministry of Communication and Informatics (Kominfo), which is authorized to instruct electronic system providers to remove infringing content(Dheasaputra et al., 2023). Nonetheless, weaknesses in monitoring and enforcement procedures—such as lengthy processing times—often result in rights holders being denied timely justice.

In Singapore, protection of copyright and trademarks is provided under the Copyright Act 2021 and the Trade Marks Act (Chapter 332). The Copyright Act addresses both non-content and content-related infringements, including the illegal use and distribution of

protected works. The Trade Marks Act (Chapter 332) governs trademark rights and stipulates penalties for unauthorized reproduction or use(Sihite & Lie, 2025). Under these laws, rights holders may submit notifications to online service providers to have infringing content removed through a "notice and takedown" procedure.

In the European Union, removal of infringing content is regulated primarily by the Copyright Directive 2019 and the Digital Services Act 2022. These instruments require digital platforms to maintain transparent and efficient mechanisms for handling infringement reports(Putra, 2020). Rights holders may file formal takedown requests, and an automated takedown system is also in place to promptly address illegal content(Khausan & Taufik, 2025). The EU's approach emphasizes shared responsibility between platforms and rights holders to ensure effective intellectual property protection in the digital space(Sheilindry, 2021).

In the digital era, copyright- and trademark-protected content is especially vulnerable to infringement. Easy access to online content increases the likelihood of unauthorized distribution(Rival, 2024). Infringing content can spread rapidly, becoming viral across multiple platforms within a short time. This speed of dissemination makes detection and enforcement challenging, often resulting in prolonged resolution processes(Arlan, 2023). Therefore, a robust, clearly structured regulatory framework—combined with platform accountability to swiftly remove infringing content—is essential to prevent further dissemination across digital channels(Jasmine et al., 2022).

Table 1. Comparative Regulations on the Removal of Copyright and Trademark-Infringing Content in Indonesia, Singapore, and the European Union

Aspect	Indonesia	Singapore	European Union
Digital Content Regulation (Copyright and Trademark)	- Available: - Copyright Law No. 28 of 2014 - Trademark and Geographical Indication Law No. 20 of 2016 - Electronic Information and Transactions Law No. 1 of 2024 (Second Amendment to Law No. 11 of 2008)	- Available: - Copyright Act 2021 - Trademarks Act (Chapter 332) - Electronic Transactions Act 2010	- Available: - Copyright Directive 2019 - European Union Trademark Regulation 2017 - Digital Services Act (DSA) 2022
Procedures for Handling Digital Content	Not regulated	Regulated under the Electronic Transactions Act 2010, Part 1, Section 2	Regulated under the Digital Services Act 2022, Article 45
Supervisory Authority	Regulated under EIT Law, Article 40(1)	Regulated under the Infocomm Media Development Authority (IMDA)(Yasmin & Riwanto, 2024)	Regulated by the European Commission(Nidhal et al., 2024)
Platform Involvement	Regulated under EIT Law, Article 15(1)	Regulated under the Electronic Transactions Act 2010, Part 6, Article 26(1)	Regulated under the Digital Services Act 2022, Article 22
Sanctions for Content Violations	Regulated under EIT Law, Article 45(1)	Regulated under the Electronic Transactions Act 2010, Part 4, Article 21(3d)	Regulated under the Digital Services Act 2022, Article 74(1)
Similarities	- Exclusive rights to copyright and trademarks protected	- Exclusive rights to copyright and trademarks protected under	- Exclusive rights to copyright and trademarks protected under Copyright Directive

	under Copyright Law Article 1(1) and Trademark Law Article 1(5) - Platform involvement regulated under EIT Law Article 15(1)	Copyright Act 2021, Part 2, Article 7, and Trademarks Act (Chapter 332), Article 2(1) - Platform involvement regulated under Electronic Transactions Act 2010, Part 6, Article 26(1)	2019, Article 2(6), and European Union Trademark Regulation 2017, Part 2, Article 4 - Platform involvement regulated under Digital Services Act 2022, Article 22
Differences	- No specific regulation for takedown or detection procedures - Supervisory authority limited to government; no specialized agency for online content infringement - Sanctions exist	- Clear and efficient notice-and-takedown procedure, but no regulation for automated takedown systems - Presence of a dedicated supervisory authority - Sanctions exist	- Highly structured and transparent automated takedown procedure - Presence of a dedicated supervisory authority - Sanctions exist

Sources: Researcher's Analysis

Based on the comparative review of regulatory frameworks in Indonesia, Singapore, and the European Union, a fundamental similarity emerges in the protection of intellectual property rights (IPR), particularly trademarks and copyrights, as well as in the regulation of digital platform responsibilities. All three jurisdictions recognize the existence of exclusive rights over trademarks and copyrights, which must be afforded legal protection.

In Indonesia, the definition of copyright is set out in Article 1(1) of the Copyright Law, which provides that copyright arises automatically as an exclusive right based on the declarative principle for the creator of a work, once the work is embodied in a tangible form, without limitation, and in accordance with statutory provisions. Similarly, Article 1(5) of the Trademark and Geographical Indications Law broadly outlines trademark usage, whether for personal use or by authorized third parties. Exclusive rights over a trademark are granted upon registration and remain valid for a specified term. Regarding digital platform liability, Article 15(1) of the Electronic Information and Transactions Law (EIT Law) requires electronic system operators to manage and operate their systems responsibly, securely, and reliably.

Singapore has comparable provisions to those in Indonesia and the EU concerning IPR protection and platform liability. Article 7, Part 2 of the Copyright Act 2021 provides that copyright protects literary, dramatic, musical, and artistic works, as well as subject matter such as sound recordings, films, broadcasts, cable programs, and published editions. The rights holder has exclusive authority to carry out certain acts, such as reproduction or publication. Trademark protection is governed by Article 2, Section (1), No. 22 of the Trademarks Act (Chapter 332), which defines a "well-known trademark" as either: (a) any registered trademark well-known in Singapore; or (b) any unregistered trademark well-known in Singapore and owned by a person who is a citizen of a Convention country or has a real and effective industrial or commercial establishment in such a country. Digital platform liability is regulated under Part 6, Article 26(1) of the Electronic Transactions Act 2010, which exempts network service providers from civil or criminal liability for third-party material, provided certain conditions are met.

The European Union also provides robust legal protection for IPR and regulates platform responsibilities. Article 2, Section 6 of the Copyright Directive 2019 defines "online content-sharing service provider" as an information society service whose main purpose is to

store and give public access to a large amount of copyright-protected works uploaded by its users for profit-making purposes. Article 4, Part 2 of the European Union Trademark Regulation 2017 states that an EU trademark may consist of any sign capable of distinguishing the goods or services of one undertaking from another and capable of being represented in a manner that enables the competent authorities and the public to determine the scope of protection. Article 22 of the Digital Services Act (DSA) 2022 requires hosting service providers, upon obtaining actual knowledge of illegal content, to act expeditiously to remove or disable access to such content, with the caveat that general awareness of illegal use is not sufficient to establish such knowledge.

While Indonesia, Singapore, and the EU share common ground in recognizing exclusive rights over trademarks and copyrights, as well as regulating platform liability, their regulatory approaches diverge significantly in the areas of procedural frameworks for handling digital content, platform engagement, supervisory authorities, and sanctions for copyright and trademark violations. Indonesia has yet to establish a dedicated, detailed procedure for handling infringing digital content. By contrast, Singapore regulates this under Part 1, Section 2 of the Electronic Transactions Act 2010, defining "security procedures" and their purpose, and the EU under Article 45 of the Digital Services Act 2022, which requires clear disclosure of content moderation policies, procedures, tools (including algorithmic decision-making), human review processes, and internal complaint-handling mechanisms.

Another notable difference lies in supervisory authorities. In Indonesia, oversight is carried out by the government—specifically, the Ministry of Communication and Informatics—pursuant to Article 40(1) of the EIT Law. In Singapore, oversight is handled by the Infocomm Media Development Authority (IMDA)(Yasmin & Riwanto, 2024), while in the EU, it is the responsibility of the European Commission(Nidhal et al., 2024).

Sanctions also vary considerably. In Indonesia, Article 45(1) of the EIT Law prescribes up to six years' imprisonment and/or a fine of up to IDR 1 billion for violations involving the electronic dissemination of unlawful content. In Singapore, Part 4, Article 21(3d) of the Electronic Transactions Act 2010 provides for fines of up to SGD 20,000 or imprisonment for up to two years. In the EU, Article 74(1) of the Digital Services Act 2022 allows the European Commission to impose fines of up to 6% of a very large online platform's or search engine's total annual global turnover for willful or negligent non-compliance.

Of the three jurisdictions, the EU's regulatory framework is the most advanced in addressing copyright- and trademark-infringing content. Its approach is comprehensive and proactive, combining both notice-and-takedown and automatic takedown mechanisms under the DSA 2022, thereby enabling swift and systematic removal of illegal content. The EU's strong transparency requirements, strict platform obligations, and substantial financial penalties create a high level of compliance. Furthermore, the independent and empowered oversight role of the European Commission enhances the system's enforcement capability, making the EU more adaptive to the challenges of the digital era compared to Singapore and Indonesia.

Singapore occupies a middle ground, with a relatively clear legal framework—anchored in the Copyright Act 2021 and Electronic Transactions Act 2010—and a functioning notice-and-takedown mechanism overseen by the IMDA. However, unlike the EU, Singapore has not yet implemented automated takedown systems, and its technical regulations could be further strengthened.

Indonesia lags behind, lacking specific procedures for handling illegal content, a dedicated supervisory body, and firm administrative sanctions against non-compliant platforms. While the EIT Law imposes general obligations on electronic system providers, the absence of detailed technical provisions and weak enforcement undermines the effectiveness of IPR protection in the digital sphere.

The primary weakness in Indonesia's current framework lies in the absence of a well-defined and structured procedure for the removal of infringing content. Unlike Singapore and the EU, which have implemented clear notice-and-takedown or automated takedown mechanisms, Indonesia's laws do not specify reporting steps, verification requirements, response timeframes, or mandatory documentation. This gap slows the handling process and diminishes protection for rights holders.

Moreover, enforcement in Indonesia suffers from the lack of a specialized, independent technical authority. Oversight remains within the purview of the Ministry of Communication and Informatics, without an agency dedicated specifically to digital IPR enforcement. This is in stark contrast to Singapore's IMDA and the EU's European Commission, both of which possess the authority and resources to take swift action.

Finally, the lack of concrete provisions regarding platform accountability is a critical shortcoming. Although Article 15 of the EIT Law requires electronic system providers to act "responsibly and reliably," there are no explicit rules on response deadlines, verification methods, or administrative penalties for non-compliance. Consequently, many platforms delay or ignore takedown requests, leaving rights holders without adequate protection. To address these issues, Indonesia's legal framework must be reformed to incorporate more explicit, enforceable, and operational provisions to ensure effective IPR protection in the digital environment.

Proposed Solutions for Strengthening the Regulation on the Removal of Copyright and Trdemarks-Infringing Content in Indonesia

The principal regulatory shortcomings in Indonesia's framework for the removal of copyright- and trademark-infringing content lie in the absence of adequate technical and operational procedures, weak institutional oversight, and the lack of stringent sanctions against negligent digital platforms. In contrast, the European Union has implemented both notice and takedown and automatic takedown mechanisms through the Digital Services Act (DSA) 2022, supported by an independent supervisory authority in the form of the European Commission. Indonesia, however, still relies on the general provisions of the Electronic Information and Transactions Law (EIT Law) No. 1 of 2024, without detailed implementing guidelines. Singapore stands in an intermediate position, with the Copyright Act 2021 and active oversight by the Infocomm Media Development Authority (IMDA), though its framework is not yet as comprehensive as that of the EU. The lack of clarity regarding platform responsibilities, the absence of a dedicated supervisory body, and the omission of clear response times and verification mechanisms in infringement reporting have resulted in slow and ineffective legal protection for digital intellectual property rights in Indonesia, thereby weakening the position of rights holders *vis-à-vis* global digital platforms.

In response to these identified normative gaps within the Indonesian frameworks, the study proposes a series of concrete recommendations to ensure that the relevant regulatory frameworks can accommodate the rapid complexities of digital intellectual property infringements while aligning with international best practices. The elements of focus include the formalization of a standardized notice-and-takedown mechanism, the creation of a dedicated independent supervisory authority, the clarification of tiered platform liability provisions, and the implementation of strict response time standards. These elements are anchored by the primary goals of promptness and adaptability, to ensure that the recommendations are actually enforceable and useful in tackling copyright and trademark infringements in the digital space.

The first recommendation is to establish a structured and operational procedure for handling infringing digital content. The first measure to strengthen Indonesia's regulatory framework is the adoption of a structured, operational procedure for addressing digital

content infringements. At present, the EIT Law does not contain explicit provisions detailing a notice and takedown mechanism. Although Article 40(2a) authorizes the government to restrict access to unlawful electronic information, no specific technical procedures are prescribed for its execution. This regulatory gap renders infringement reporting by copyright and trademark owners ineffective, as no standard operating procedure guarantees transparency, accountability, and protection of the parties involved.

Indonesia could adopt elements from the Digital Services Act 2022 of the EU, particularly Article 45, which obliges digital service providers to maintain a publicly accessible reporting system and clear content moderation policies. Such mechanisms should include notifying the alleged infringer, providing an opportunity to contest the claim, and evaluating the matter against objective evidentiary standards. Incorporating such procedures would ensure that content infringement cases are resolved fairly and transparently without undermining the principle of freedom of expression.

In the Indonesian context, the notice and takedown procedure should be integrated into the national digital reporting system under the supervision of the Ministry of Communication and Informatics (Kominfo), consistent with Article 15 of the EIT Law, which mandates that electronic system operators manage systems in a reliable, secure, and responsible manner. To prevent mere symbolic compliance, an independent body should conduct regular audits of reporting systems and platform responses, issue recommendations for improvement, and safeguard the rights of content owners while preventing abuse of reporting mechanisms. This procedural reform would be a cornerstone in building an adaptive legal framework to address intellectual property infringements in the digital era.

The second recommendation is establishing an independent supervisory authority for digital content infringements. The second solution focuses on the creation of a dedicated, independent supervisory authority specifically tasked with handling digital content infringements. Currently, oversight remains under the broad mandate of Kominfo as stipulated in Article 40(1) of the EIT Law, which assigns the government responsibility for supervising electronic information in the digital sphere. This broad and non-specific mandate dilutes focus on intellectual property infringements, leading to slow response times and weak inter-agency coordination.

An independent authority—similar to Singapore's IMDA—should be vested with autonomous powers, a clear organizational structure, and operational legal instruments to receive reports, verify infringements, and issue removal orders. Such an authority would ensure faster case handling, improve accountability, and enhance public trust in the digital legal system. Establishing this body could be achieved through derivative regulations, such as a Government Regulation or Presidential Regulation, thereby providing a technical and targeted enforcement mechanism. The authority would act as a coordination hub between Kominfo, the Directorate General of Intellectual Property (DJKI), digital platforms, and law enforcement agencies, reflecting a progressive legal approach that adapts to technological challenges while strengthening digital intellectual property protection.

The first and second solutions—adopting a standardized notice and takedown procedure and establishing an independent supervisory authority—emphasize the importance of speed and transparency in resolving digital content infringements. This approach aligns with Gustav Radbruch's legal purpose theory, which holds that the purpose of law is to guarantee justice, legal certainty, and utility. A standardized procedure, supported by independent oversight, would restore the position of rights holders, while also ensuring predictability and fairness for service providers and the public. The third solution—strengthening sanctions—underscores that law must carry real enforcement power.

The third key recommendation is to establish strict response time standards and clear platform liability rules, both of which are currently absent from the EIT Law. Indonesia

should introduce a conditional 'Safe Harbor' principle, protecting digital platforms from secondary liability only if they strictly adhere to statutory deadlines. An example of this could be in the form of timeframe-based rule, such as acknowledging infringement reports within 24 hours and executing takedowns within 48 to 72 hours. Lastly, the fourth recommendation aims to introduce a tiered liability structure, drawing on the EU's Digital Services Act. This study recommends that Very Large Online Platforms (VLOPs) should bear heavier proactive obligations, such as implementing automated filtering, while smaller enterprises rely on standard reactive compliance. This approach ensures that the enforcement of these recommendations is done proportionately, where prompt legal certainty for rights holders is prioritized while maintaining a proportionate compliance burden for the digital industry.

A key recommendation outside of the four key normative elements of focus is also proposed by this study, primarily to address the overall strength of sanctions to create deterrent effects. Article 45(1) of the EIT Law prescribes imprisonment of up to six years and/or fines of up to IDR 1 billion for the intentional dissemination of unlawful content. However, such penalties often fail to deter large-scale digital platforms, as the potential financial gains from infringement may outweigh the legal risks. By comparison, Article 74(1) of the EU's Digital Services Act 2022 provides a stronger precedent, allowing fines of up to 6% of a very large online platform's or search engine's total annual global turnover for willful or negligent non-compliance. This turnover-based sanction model is more equitable and proportionate, taking into account the economic capacity of the violator and compelling digital businesses to consider legal risks seriously. If adopted in Indonesia, this approach would incentivize service providers to actively ensure the legality of the content they host.

Indonesia could also introduce supplementary administrative sanctions, such as temporary access restrictions, suspension of services, or revocation of operating licenses for severe or repeated violations. Such measures align with the principles of progressive legal theory, which demand that laws adapt to societal and technological changes. Proportional, context-specific penalties, including turnover-based fines and operational restrictions, would create a strategic deterrent effect, compelling all actors in the digital ecosystem to fulfill their legal responsibilities. Such an approach aligns with the mission of law as an instrument of social change and the protection of public interest, in the spirit of progressive legal development. From the perspective of legal purpose theory, enhancing sanctions serves the three core pillars of law—legal certainty, utility, and justice—ensuring that the law functions as an effective instrument for protecting intellectual property rights in the digital domain. Progressive legal theory dictates that the law must not remain stagnant but evolve in response to increasingly complex social and technological challenges. As digital platforms and cross-border content distribution reshape the legal landscape, Indonesian law must transform into a responsive, adaptive, and operational framework.

CONCLUSION

In conclusion, while Indonesia, Singapore, and the European Union each recognize the importance of protecting copyright and trademarks in the digital sphere, there are fundamental differences in their regulatory frameworks for the removal of illegal content. The European Union stands as the most advanced jurisdiction, with a comprehensive and adaptive framework under the Digital Services Act (DSA) 2022, which regulates notice and takedown and automatic takedown procedures, imposes strict transparency obligations, and ensures robust oversight by an independent supervisory authority. Singapore occupies an intermediate position, with a relatively structured legal system under the Copyright Act 2021 and the Electronic Transactions Act 2010, although it has yet to implement automated content removal mechanisms. By contrast, Indonesia continues to face serious challenges due to the

absence of a structured technical procedure, a dedicated supervisory body, and firm administrative sanctions for negligent digital platforms. These deficiencies can negatively affect Indonesia as they weaken the position of rights holders against global digital platforms and result in slow, ineffective legal protection for digital intellectual property. To address these deficiencies, the study recommends Indonesia a number of normative elements to develop, namely a standardized notice-and-takedown mechanism, an independent digital intellectual property supervisory authority, strict response time standards, and clear tiered platform liability rules, along with the strengthening of the sanctions structure.

These recommendations are anchored by the theoretical frameworks explored and utilized to sharpen the analyzed throughout this study, with progressive legal theory dictating that law must evolve in tandem with societal and technological developments, while Radbruch's theory affirms it must ensure justice, legal certainty, and utility. The key findings and recommendations of this study contribute to the formulation of a concrete, adaptive legislative roadmap for digital intellectual property governance, which is perhaps more important than ever, considering the fact that digital integration and adaption will only continue to accelerate and overwhelmingly become the common reality of Indonesian society for the foreseeable future. Future research can further expand the body of literature by building on the findings of this study, particularly through evaluating empirical evidence on the prevalence of said infringements and the average response time, along with other relevant variables to create a stronger positioning for legal reforms in Indonesia.

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