

Protection of Copyright for Derivative Works of Fanfiction Without Permission

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Abstract

Introduction: Copyright holders have exclusive rights to determine the use of their work. Fanfiction is often considered a derivative work that requires permission from the original creator, but many are made without permission, thus violating copyright.

Purposes of the Research: To find out and discuss the form of protection of the creator's moral rights against fanfiction works without permission and legal remedies for copyright infringement.

Methods of the Research: Normative legal research methods with a statutory approach, case approach and conceptual approach, to answer the problems raised.

Findings of the Research: Legal protection of the moral rights of creators against a derivative fanfiction work without permission can be done preventively or repressively, with the repressive approach being considered more effective. Legal efforts can be taken through litigation (civil and criminal lawsuits) and non-litigation (mediation, licensing agreements, or closing online content).

Keywords: Protection; Copyright; Derivatif Fanfiction.

Submitted: 2025-06-27

Revised: 2025-09-24

Accepted: 2025-09-29

Published: 2025-09-30

How To Cite: Jenica Chechilia Harbelubun, Rory Jeff Akyuwen, and Muchtar Anshary Hamid Labetubun. "Protection of Copyright for Derivative Works of Fanfiction Without Permission." *TATOHI: Jurnal Ilmu Hukum* 5 no. 7 (2025): 331-340. <https://doi.org/10.47268/tatohi.v5i7.3250>

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INTRODUCTION

Intellectual property is a concept regarding the rights, wealth, and products of human intellect.¹ The results of human reasoning or thought that are created in the form of a work will give birth to rights and wealth. The rights to intellectual property are rights over the commercial use of the results of intellectual creativity. The objects governed by Intellectual Property Rights (IPR) are works that are made or created from the capabilities of the human brain or intellect.² The nature of IPR is a right that is of a tangible nature. This right refers to the rights over an object, which originates from the results of human thought and creativity. The work then formulated as intellectual property, so when something is created from the results of that mental work, it is referred to as IPR.³ This is in line with the opinion expressed by Mahadi regarding what is stipulated in Article 499 of the Civil Code related to rights as immaterial objects. Article 499 of the Civil Code states that goods are every object and every right that can be the subject of property rights. The goods referred to in Article 499 of the

¹ Adrian Sutedi, *Hak Kekayaan Intelektual*, (Jakarta: Citra Aditaya Bakti, 2009), p. 38.

² H. OK. Saidin, *Aspek Hukum Hak Kekayaan Intelektual (Intellectual Property Rights)*, (Jakarta: Raja Grafindo Persada, 2007), p. 11.

³ Muchtar A.H. Labetubun, "Aspek Hukum Hak Cipta Terhadap Buku Elektronik (E-Book) Sebagai Karya Kekayaan Intelektual", *SASI* 24, no. 2 (2018), p. 3.

Civil Code are material objects (stoffelijk voorwerp), while rights are immaterial objects.⁴ Article 4 of Law Number 28 of 2014 on Copyright defines Copyright as an exclusive right held by the Creator or Copyright Holder to manage and control the works or specific information resulting from that creation. Essentially, copyright grants permission to copy or use the protected works. In addition, the Owner or Copyright Holder also has the authority to limit the use or exploitation of their creation.⁵

Article 5 of the Copyright Law regulates that moral rights include the right to have the creator's name attributed to the work, the right to alter or maintain the integrity of the work, and the right to refuse changes that damage the honor or reputation of the creator. Copyright holders can and are entitled to determine who can use their work or not. In Indonesia, the protection of intellectual property rights is accommodated by the Copyright Law. The objects of copyright in internet activities are digital content including (images, photos, videos, songs, movies, etc.), distribution and/or dissemination that occurs through the internet media, and the digital content that has been created remains protected by copyright law.⁶

Article 40 paragraph (1) of the Copyright Law protects the intellectual rights of a creation in the fields of knowledge, art, and literature, which consists of: a) books, pamphlets, published written works, and all other written works:ceramah, kuliah, pidato, dan Ciptaan sejenis lainnya; b) teaching aids created for the purposes of education and science; c) songs and/or music with or without lyrics; d) drama, musical drama, dance, choreography, puppetry, and pantomime; e) works of visual art in all forms such as paintings, drawings, carvings, calligraphy, sculpture, or collage; f) applied art; g) architectural works; h) maps; i) batik art or other motif art; j) photographic works; k) portraits; l) cinematographic works; m) translations, interpretations, adaptations, anthologies, databases, arrangements, modifications, and other works resulting from transformation; n) translations, adaptations, arrangements, transformations, or modifications of traditional cultural expressions; o) compilations of creations or data, whether in formats that can be read by computer programs or other media; p) compilations of traditional cultural expressions as long as the compilations are original works; q) video games; and r) computer programs. Creations that are protected based on the above provisions, the writing focuses on Article 40 letter n of the Copyright Law, namely the protection of works that are adapted, translated, or transformed, including adapted literary works. This protection can be tricky for the original creator, but fanfiction works are often considered derivative works that depend on permission from the original copyright owner

The definition of fanfiction is a work that is partly created within existing works with attitudes, plots, topics, and characters, which allows anyone who may violate copyright laws to be published online without the creator's permission, depending on how the original author and readers who enjoy the work assess the fanfiction. As a derivative work, fanfiction is created with creativity based on previously existing works, whether through adaptation or changes to a work.⁷

⁴ Khairil Fahmi, "Aspek Komersialisasi Kekayaan Intelektual Dalam Hukum Perikatan", *Jurnal Hukum dan Kemasyarakatan Al-Hikmah* 2, no.3 (2021), p. 6

⁵ Haris Munandar, *Mengenal HAKI Hak Kekayaan Intelektual Hak Cipta, Paten, Merek dan Seluk-Beluknya*, (Jakarta, Erlangga, 2008), p.14

⁶ Gigi Cendika Muslim, "Perlindungan Hak Cipta Terhadap Pencipta Lagu Yang Karyanya Di Bajak Pihak Lain Dalam Media Sosial", *Jurnal Ilmu Hukum* 2, no. 11 (2020). p. 5-7.

⁷ Adrian Sutedi, *Produk-Produk Derivatif & Aspek Hukumnya*, (Bandung: Alfabeta, 2012), p.23

Adaptation according to the explanation of Article 40 letter n of the Copyright Law is transforming a creation into another form. For example, from a book to a film and from an old film to a new film. Fanfiction is an adaptation that arises when fans create works inspired by the comic Detective Conan (as a visual work) and the TV show Glee (as a cinematographic work) into a fanfiction written in text form. On the other hand, transformative works also include format changes from one type of creation to a different form.⁸

Based on the rules regarding derivative works of fan fiction above, this must be applied on the basis of the Copyright Law as it should be. However, in practice, there are still many violations of fan fiction works, namely the adaptation of elements from previous works into new works without permission from the original creator. This can be seen in the case of Axanar Productions which adapted elements from the Star Trek film, a franchise owned by one of the largest film studios in the world, Paramount Pictures and CBS Studios. Specifically, Axanar created a short film titled 'Prelude to Axanar' and planned a feature film focusing on the 'Battle of Axanar' and the character and backstory of a character named Garth of Izar, which is part of the story in the original episode of Star Trek: The Original Series. However, what made Axanar Productions famous is not the story, or the outstanding production value, but the fact that the film was completely unauthorized by Paramount Pictures and CBS Studios, which are connected to the official Star Trek film franchise. Many elements from the Star Trek film series were adapted for the making of Axanar. Because the film borrowed heavily from characters and plots, the universe of the original Star Trek series includes excessive elements such as: the Federation, ship designs, uniforms, the Star Fleet logo, fictional alien races, and so on.⁹ This Axanar work is considered an infringement of fanfiction because it uses characteristic elements from the Star Trek films without official permission or authority from the copyright owner.

METHODS OF THE RESEARCH

This writing uses the normative legal research method because this research refers to the rules contained in the laws, using a statute approach, conceptual approach, and case approach, conducted by examining cases related to the issues faced that have become court decisions with permanent legal force. The technique for tracing legal materials uses primary, secondary, and tertiary legal materials, and the study analysis employs qualitative analysis because the study focuses on fundamental aspects of what is understood and researched.

RESULTS AND DISCUSSION

A. Forms of Protection for the Moral Rights of Creators Against a Derivative Work of Fanfiction Without Permission

Substantive legal protection is legal protection that refers to the implementation of rights that are substantively inherent in the law. This means that even if it is not applied in legal rules, its implementation is inherent in the person/activity. The explanation of the two

⁸ Nina Fajri Risky & Sanusy Bintang, "Perlindungan Karya Derivatif Fanfiksi di Internet Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta", *Jurnal Ilmiah Mahasiswa Bidang Hukum Keperdataan* 3, no. 1 (2019), p. 5

⁹ <https://www.loeb.com/en/insights/publications/2017/01/paramount-pictures-corp-v-axanar-productions-inc>.

forms of legal protection, preventive and repressive, is as follows:¹⁰ 1) Preventive legal protection is a form of protective effort to prevent violations or problems by taking proactive actions beforehand. The aim is to prevent the occurrence of undesirable events or legal violations by taking anticipatory measures. In other words, it seeks to avoid the emergence of events that violate rules or norms; 2) Repressive legal protection is a form of protective effort that is carried out after a violation or problem occurs, with the aim of imposing sanctions or enforcing rules and addressing and responding to violations or events that have already taken place. The conclusion that can be drawn from the second definition of legal protection above is that preventive legal protection seeks to prevent problems from occurring, while repressive legal protection seeks to respond to and follow up after problems occur. The combination of both often becomes a holistic approach in enforcing the rule of law.

Based on the explanation of the form of legal protection above, when linked to the issue in this writing concerning copyright infringement of a derivative work of fan fiction film experienced by Paramount Pictures and CBS Studios, who complain about the film they produced titled "Star Trek", many elements in the Star Trek film series were adapted for the making of the film Axanar. Because that film indeed borrows heavily from characters and plots, the universe of the original Star Trek film series excessively such as: the Federation, ship designs, uniforms, the Star Fleet logo, fictional alien races, and others. In addition, the production of the Axanar film was completely unauthorized by Paramount Pictures and CBS Studios, which are connected to the official Star Trek film franchise. From this, the legal protection that the government must undertake against copyright infringement of derivative fan fiction works, both preventively and repressively, can be explained as follows: 1) The form of preventive protection for the moral rights of Paramount Pictures and CBS Studios against copyright infringement of derivative fanfiction works in the making of the Axanar film, which imitates elements of the Star Trek film without permission, can be implemented through several measures, namely: a) Copyright Registration, in this case Paramount Pictures and CBS Studio can ensure that all elements of the Star Trek film franchise, including characters, stories, and visual elements, have been registered as works protected by copyright and recorded with the Directorate General of Intellectual Property (DJKI). This provides a strong legal basis for pursuing infringement. It will be harder for the creators to prove their case. Therefore, the importance of registration of works conducted by copyright holders is in accordance with Article 66 paragraph (1) of the Copyright Law, which stipulates that: "Registration of Works and Related Rights products is submitted with a written application in Indonesian by the Creator, Copyright Holder, owner of Related Rights, or their representative to the Minister." In Article 66 paragraph (1) of the Copyright Law, the registration of works and products of related rights is done with a written application in Indonesian by the Creator, Copyright Holder, Owner of Related Rights, or its authority to the Minister of Law and Human Rights. Furthermore, it is explained in the following paragraph that the application can be made electronically as well as non-electronically with: (1) Including examples of creations, related rights products, or their substitutes; (2) Attach a letter of declaration of ownership of creations and related rights; (3) Pay the fee, if the Minister accepts the registration request, the Minister issues a certificate of creation and records it in the general register of creations. In Article 69 paragraph (2) of

¹⁰ Anon, Teori-Teori Perlindungan Hukum Menurut Para Ahli Di Indonesia, Dalam situs <https://www.hukumonline.com/berita/a/teori-perlindungan-hukum-menurutparaahli163366cd94dcbc/>.

the Copyright Law, the general list of creations includes: (a) The name of the creator and copyright holder, or the name of the owner of related rights products; (b) The date of receipt of the application letter; (c) The date of the complete requirements; (d) The registration number of the creations or related rights products. b) Active Supervision, in this case, Paramount Pictures and CBS Studio actively supervise the television films published on various platforms to detect copyright violations, including derivative works such as fan fiction by monitoring the use of elements from the Star Trek films by third parties, including fan fiction and independent projects, to ensure there are no violations; c) Preventing Conflict, meaning that conflict prevention can be done through licensing agreements or permits to use elements from the movie 'Star Trek' assisted by a third party, namely a mediator or legal consultant, and then the recording of the licensing agreement is carried out by the Directorate General of Intellectual Property Rights to provide legal certainty and ensure that derivative works such as the film 'Axanar' do not infringe copyright. The licensing agreement as regulated in Article 7 paragraph (2) letter d of Government Regulation Number 36 of 2018 concerning the Registration of Licensing Agreements states that the provisions regarding licenses are exclusive, non-exclusive, including sub-licenses. According to this article, the licensing agreement must contain several things, namely: (a) Date, month, year, and place where the license agreement is signed; (b) Names and addresses of both parties (licensor and licensee); (c) Object of the agreement; (d) Provisions regarding whether the license is exclusive or non-exclusive, including sublicenses; (e) Duration of the agreement; (f) Area of validity of the agreement; (g) Party responsible for paying the annual fees for the patent.

The purpose of the sublicense is a license granted by the licensee to another party to execute part or all of the license held with the approval of the licensor. 2) The form of repressive protection of moral rights for Paramount Pictures and CBS Studios against copyright infringement of derivative fanfiction works in the making of the Axanar film as an imitation of elements from the Star Trek film without permission can be carried out through several means, namely: a) To carry out a Takedown Notice using mechanisms such as the Digital Millennium Copyright Act (DMCA) to remove copyrighted infringing films from online platforms. In this case, Paramount Pictures and CBS Studio can send an official notice to online service providers (such as streaming platforms, website hosts, or ISPs). This notice must include specific information about the infringed work, the location of the infringing film, and a statement that the submission is made in good faith. Upon receiving the notice, service providers typically will remove or block access to the reported film. They are also required to notify the user or party who uploaded the content about the removal; b) Civil lawsuits, in the case of Axanar, Paramount Pictures and CBS Studio filed a civil lawsuit against Axanar Productions on the grounds of copyright infringement, including the infringement of derivative works. Thus, the Axanar film is considered not to meet the criteria for fair use for screening because it uses elements from the Star Trek film without permission and for commercial purposes. The lawsuit aims to obtain compensation for economic and moral damages resulting from the infringement. Moral rights, such as recognition of the original work, can also be enforced through this lawsuit.

Based on the explanation of the two forms of legal protection for moral rights above, the author believes that the most effective form of legal protection to be applied to this issue is the repressive form of legal protection, for the reason that there have indeed been many cases of fanfiction violations that are usually tolerated by copyright holders, especially if

made by fans and not intended for financial gain. In fact, some copyright holders even encourage fan communities to create. However, on the other hand, there are situations where copyright holders may also take legal action to protect the rights of creators, especially if the fanfiction harms their reputation or involves unauthorized commercialization, so the creators are also entitled to require stricter legal protection to prevent ongoing violations of fanfiction works.

B. Legal Efforts Against Copyright Abuse of Derivative Works in Fanfiction

The Copyright Law explains the aspects of conventional law and the legal protections for security technology. Meanwhile, the aspect of security technology according to Article 53 of the Copyright Law stipulates that there are no specific limitations in the development process. However, in its implementation, it must comply with the licensing regulations and requirements set by the competent authorities as well as the further provisions of government regulations related to production facilities, data storage, and so on. Unfortunately, the legal efforts to protect digital copyright that have been implemented have not been effective in suppressing violators.

As previously explained, the Copyright Law has regulated the legal steps that can be taken by Creators or Copyright Holders to obtain legal protection in the field of Copyright, including among others: 1) Mediation is a negotiation process for problem-solving, in which neutral parties cooperate with the disputing parties to seek a mutual agreement. The external party is called a mediator, who does not have the authority to decide on a dispute but only assists the parties in resolving the issues entrusted to him; 2) Criminal Complaints, this legal effort is carried out through the criminal legal process. Creators who feel aggrieved regarding their economic and moral rights due to violations of copyright committed by others without their permission can file a criminal complaint with the Director General of Intellectual Property who collaborates with the police in accordance with Article 120 of the Copyright Law which imposes a complaint offense; 3) Compensation Claim. Creators or Copyright Holders can file a compensation claim in the event of violations of economic rights and moral rights. Therefore, civil law can be enforced, and the claim is submitted to the commercial court by submitting all or part of the results of the copyright infringement; 4) Report on Content and/or Access Rights Closure, namely the legal action taken in the case of the closure of content and/or access rights available on the internet is a form of legal protection in the field of administration. Law enforcement is carried out by the government, in this case, the Directorate General of Intellectual Property collaborating with the Directorate General of Informatics Applications in accordance with the mandate of Article 56 paragraph (2) of the Copyright Law which mandates the formation of joint regulations for the implementation of closure of content and/or access rights of users violating Copyright. Copyright owners can report websites that violate Copyright to the Investigation Directorate of the Directorate General of Intellectual Property and the Ministry of Law and Human Rights of the Republic of Indonesia. The report contains: a) Identity of the reporter; b) Evidence of rights to the Creation and/or Related Rights products; c) Address of the reported site; d) Type and/or content that violates Copyright and/or Related Rights; e) Type of violation, and; f) Other information related to the content that violates Copyright and/or Related Rights..

After the report is received, a verification stage will be conducted to determine whether a Copyright infringement has indeed occurred. If a Copyright infringement has occurred, the Investigation Directorate will prepare a report to the Director General of Intellectual

Property for further action to create a recommendation letter regarding the closure of content and/or access rights to the Director General of APTIKA at the Ministry of Communication and Information to carry out the closure of the content and/or access rights of users to those sites.

Based on the explanation above, if related to the issues examined in this writing regarding the legal actions that can be taken by Paramount Pictures and CBS Studios as the copyright holders of the Star Trek film series, whose elements were then adapted in the making of the Axanar film without permission, the legal measures that Paramount Pictures and CBS Studios can take to address copyright infringement will be explained as follows: 1) Civil lawsuit, Paramount Pictures and CBS Studios can file a civil lawsuit against Axanar for copyright infringement of derivative fan fiction. This lawsuit may include claims for financial compensation for losses suffered due to the infringement. The mechanisms that can be implemented are outlined in articles 100-104 of the Copyright Law. Article 100 of the Copyright Law explains that a lawsuit for copyright infringement is submitted to the chairman of the Commercial Court, after which the lawsuit is recorded and registered by the clerk. The clerk then provides a signed acknowledgment receipt and submits the lawsuit request to the chairman of the Commercial Court no later than two days from the date the lawsuit is registered. The Commercial Court then sets the hearing date no later than three days from the registration of the lawsuit, and the bailiff conducts summons and notifications to the parties no later than seven days from the registration of the lawsuit. After that, they can also request the Commercial Court to issue a cease and desist order (injunction) requiring Axanar to stop the distribution or use of works that infringe copyright. Furthermore, Article 101 of the Bankruptcy Law explains that a judgment on a lawsuit must be pronounced no later than ninety days after the lawsuit is registered; if this cannot be fulfilled, the Chairman of the Supreme Court may approve an extension of this period for up to thirty more days. The judgment must be pronounced in an open court session, and the commercial court's judgment must be communicated by the bailiff to the parties no later than 14 days after the judgment is pronounced. If the court's ruling is deemed unsatisfactory, a cassation can be filed as outlined in Article 102 of the Bankruptcy Law. A cassation request against the commercial court ruling referred to in Article 101, paragraph (3) of the Bankruptcy Law can be submitted no later than fourteen days from the date the commercial court's ruling is pronounced in an open session or notified to the parties. Next, the application is registered with the Commercial Court that has decided the lawsuit by paying the fee as determined by the court. Then, the clerk of the Commercial Court registers the cassation application on the date the application is submitted and provides a receipt signed by him to the cassation applicant on the same date as the registration. Subsequently, the clerk of the Commercial Court submits the cassation application to the opposing party no later than 7 days from the date the cassation application is registered. Article 103 of the Supreme Court Law explains that a cassation applicant is required to submit the cassation memorandum to the court clerk of the commercial court no later than 14 days from the date the cassation application is registered. The court clerk is also required to send the cassation memorandum to the cassation respondent within a maximum of 7 days from the time the commercial court clerk receives the cassation memorandum. The cassation respondent may file a counter-memorandum to the commercial court clerk within 14 days from the date the cassation respondent receives the cassation memorandum. The commercial court clerk is required to deliver the counter-memorandum to the cassation applicant within 7 days counted from when the commercial

court clerk receives the counter-memorandum. The commercial court clerk is obligated to send the cassation case files to the Supreme Court within a maximum of 14 days from the deadline. Article 104 states that no later than 7 days after the Supreme Court receives the cassation petition, the Supreme Court must set the date for the cassation ruling hearing, which must also be pronounced no later than 90 days from the date the cassation petition is received by the Supreme Court. Subsequently, the Supreme Court clerk is obliged to deliver a copy of the cassation ruling to the clerk of the Commercial Court no later than 7 days from the date the cassation ruling is pronounced. The bailiff of the Commercial Court is required to deliver a copy of the cassation ruling to the cassation petitioner and the cassation respondent no later than 7 days from the date the Commercial Court clerk receives the cassation ruling. Before the final decision, the Commercial Court may issue a temporary decree. To prevent the recurrence of violations, Articles 106-109 of the Bankruptcy Law govern. Article 106 of the Copyright Law explains that at the request of a party who feels aggrieved by the implementation of Copyright or Related Rights, the Commercial Court may issue a temporary ruling to: a) Revert the entry of goods suspected of being the result of Copyright or Related Rights violations into trade routes; b) Withdraw from circulation and confiscate as evidence related to the Copyright or Related Rights violations; c) Secure evidence and prevent its disappearance by the violators; and/or d) Stop the violations to prevent greater losses.

Article 107 of the Copyright Law explains that a temporary designation request is submitted in writing by the Creator, Copyright Holder, Related Rights Owner, or their Proxy to the Commercial Court by fulfilling the requirements: a) Attach proof of ownership of Copyright or Related Rights; b) Attach initial indications of the occurrence of Copyright or Related Rights violations; c) Attach clear information regarding the goods and/or documents that are requested, sought, collected, or secured for the purpose of evidence; d) Attach a statement of concerns that the party suspected of violating Copyright or Related Rights will destroy evidence; and e) Pay a guarantee amount that is proportional to the value of the goods that will be subject to temporary determination.

Furthermore, a request for a temporary court order is submitted to the chairman of the Commercial Court in the jurisdiction where the goods alleged to be the result of Copyright or Related Rights infringement are found; 2) Criminal Charges, which means that if copyright infringement is considered a criminal offense due to the element of plagiarism of someone else's creative work and claiming it as one's own for commercial purposes without permission. Thus, Paramount Pictures and CBS Studios can report this case to law enforcement authorities for investigation and criminal prosecution. This is based on Article 105 of the Copyright Law which states that the right to file a civil suit for copyright infringement and/or related rights does not diminish the rights of the creator and/or the owner of related rights to pursue criminal action. From the verse, it can be concluded that the Creator can also prosecute under Criminal Law, and the prosecution under Criminal Law is also regulated in the Criminal Code; 3) Mediation or arbitration, As an alternative to litigation, Paramount Pictures and CBS Studios as well as Axanar Productions can attempt to resolve the dispute through mediation or arbitration. Dispute resolution can be done through mediation, where the parties involved reach an agreement, such as payment of royalties or official recognition of the original work. This can be a faster and more cost-effective way to achieve resolution; 4) Claims on moral and economic rights, which according to copyright law, the creator or copyright holder has moral rights and economic rights over

their work. Therefore, they can sue Axanar for violation of moral rights (such as distortion or mutilation of the work without permission) and economic rights (such as distribution or commercialization without permission); 5) Settlement Out of Court, in which Paramount Pictures and CBS Studios may also try to reach an agreement out of court with Axanar, for example through a licensing agreement or compensation; 6) Content and/or Access Closure Reports are legal efforts undertaken in the case of closing content and/or access on the internet as a form of legal protection in the administrative field. Law enforcement is carried out by the government, in this case, the Directorate General of Intellectual Property collaborating with the Directorate General of Informatics Applications in accordance with the mandate of Article 56 paragraph (2) of the Copyright Law and Law Number 11 of 2008 concerning Electronic Information and Transactions (hereinafter referred to as the ITE Law), which mandates the formation of joint regulations for the implementation of closing content and/or access rights of users who violate Copyright. After receiving a recommendation, the closure of content and/or sites that violate Copyright is carried out within 1x24 hours. This closure is determined by the Director General of Informatics Applications on behalf of the Minister of Communication and Information. The closure was announced in an official statement from the Ministry of Communication and Information Technology and directed to ISPs (Internet Service Providers) in Indonesia to shut down sites that are deemed to have violated copyright.

CONCLUSION

The form of legal protection for the moral rights of creators against a derivative work of fanfiction without permission can be done both preventively and repressively. However, the most effective form of legal protection to apply to this issue is repressive legal protection. This is because there have been many violations of copyright for derivative fanfiction works that are usually still tolerated by the copyright holders. Nevertheless, there are situations where copyright holders can also take legal action to protect the rights of creators, especially if the fanfiction work damages their reputation or involves unauthorized commercialization. Therefore, to reinforce copyright rules, it is necessary to enforce repressive legal protection in the form of sending a Takedown Notice using mechanisms such as the Digital Millennium Copyright Act (DMCA) for blocking access, closing accounts, and/or removing films, as well as filing civil lawsuits for compensation payments. This is to ensure legal certainty for Creators and to fulfill their rights. Legal efforts to resolve disputes over copyright infringement of a derivative fanfiction work can be conducted through litigation and non-litigation. Litigation is carried out through civil lawsuits for compensation and criminal charges. Meanwhile, non-litigation or out-of-court solutions can be achieved through mediation, reaching a licensing agreement or compensation, as well as reporting the closure of content and/or access rights to film distribution on online platforms.

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