

Copyright Protection in the Adaptation of Foreign Films into Indonesian Films

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Article info

Received: Sep 19, 2025

Revised: Nov 15, 2025

Accepted: Dec 28, 2025

DOI: <https://doi.org/10.31599/krtha.v19i3.4621>

Abstract : The increasing trend of Indonesian films adapted from foreign works highlights the growing interaction between local creative industries and global cultural flows. However, this development raises significant legal issues, particularly regarding copyright protection, licensing mechanisms, and compliance with international standards. This study examines the legal framework governing copyright protection in the adaptation of foreign films into Indonesian films by analyzing national regulations, primarily Law Number 28 of 2014 on Copyright and Law Number 33 of 2009 on Film, and relevant international instruments, including the Berne Convention and the TRIPs Agreement. Using a normative juridical method with statutory, conceptual, and comparative approaches, this research evaluates how adaptation rights, moral rights, and licensing obligations are implemented in practice. The findings indicate that although Indonesian law provides a clear basis for regulating adaptation, challenges persist, such as insufficient licensing compliance, weak enforcement, and limited legal literacy among industry practitioners. These obstacles contribute to the recurring risks of infringement and contractual disputes. The study concludes that strengthening copyright governance, improving licensing transparency, and enhancing cross-border enforcement mechanisms are essential to ensuring lawful and ethical film adaptations in Indonesia.

Keywords : Copyright; Film Adaptation; Legal Protection

I. INTRODUCTION

The Indonesian film industry has made significant progress in recent years, driven by growing public interest in local cultural products and advances in digital distribution technology.¹ One notable phenomenon is the increasing trend of adapting foreign films into Indonesian versions. Several titles, such as *Miracle in Cell No. 7* (2022), adapted from the South Korean film of the same name, and *My Sassy Girl* (2022), a remake of the popular 2001 South Korean film, illustrate this trend.² Such adaptations are generally undertaken to meet the demands of the domestic market, which increasingly requires

¹ Mamluatul et al, The Contribution of the Indonesian Film Industry to the Gross Domestic Product (GDP), *National Seminar on Islamic Economics and Business*, Vol. 56, No. 2, Year 2025, 58.

² Nilam et al, An Analysis of Character Traits and Moral Messages in the Film *Miracle in Cell No. 7* Directed by Hanung Bramantyo, *Journal of Reading in Indonesian Language and Literature*, Vol. 9, No. 2, Year 2024, 146.



diverse narratives and competitive production quality. This phenomenon is also inseparable from the dynamics of cultural globalization and technological progress in cross-border film distribution, which have made foreign works more accessible to Indonesian audiences. However, behind both the artistic and commercial successes, the practice of adapting foreign films raises legal issues related to copyright protection, particularly in licensing, moral rights, economic rights, and compliance with international protection standards.³

Normatively, the adaptation of a copyrighted work constitutes a form of copyright utilization that requires authorization from the rights holder, as stipulated in Law Number 28 of 2014 on Copyright. The absence of such authorization, or inadequate contractual arrangements, may lead to disputes at both national and international levels.⁴ In addition, film adaptations often involve creative processes that modify essential elements of the original work, thereby creating the potential for violations of the author's moral rights, including the right to maintain the integrity of the work. This issue becomes even more complex when the work originates from a foreign jurisdiction that is subject to international regimes such as the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention) and the Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement), both of which require member states to afford equivalent protection to foreign works.⁵

Indonesia is a member state of both the Berne Convention and the TRIPs Agreement, which regulate the principles of automatic protection and national treatment for foreign works.⁶ Consequently, Indonesia is obligated to protect foreign films in the same manner as domestic works. However, in practice, implementing such protection still faces challenges, particularly in monitoring and law enforcement.

Previous studies have examined copyright protection in the context of film, yet most remain focused on issues of piracy, law enforcement, or the adaptation of literary works. Darmawan's research highlights weaknesses in Indonesia's copyright enforcement system, but does not specifically address cross-border film adaptation licensing. Pratiwi's study also discusses violations of economic rights in the creative industry, but it does not examine contractual aspects or film industry practices. Although several works discuss copyright and the film industry, research specifically analyzing copyright protection in the adaptation of foreign films into Indonesian films remains notably limited.

This research gap is particularly relevant given the increasing number of Indonesian films adapted from foreign works originating from East Asia, the United States, and Europe. Moreover, issues of licensing compliance and the integrity of the original work frequently draw public attention, especially when allegations arise of unauthorized similarities in storylines. Therefore, this study aims to comprehensively analyze how copyright protection is implemented in the adaptation of foreign films into

³ David Bainbridge, *Intellectual Property*, (Harlow: Pearson: 2018), 145.

⁴ Abbas et al, The Legal Position of Copyright as Property Rights and the Execution of Fiduciary Security over Copyrights, *Journal of Jentera*, Vol. 4, No. 1, Year 2021, 443.

⁵ Citra et al, *Intellectual Property Rights*, (Sumatera Utara: Medan Area Press University: 2023), 20.

⁶ Bayu Abdillah, TRIPs Agreement in Legal Protection of Intellectual Property Rights in Indonesia, *Rechtenstudent Journal*, Vol. 5, No. 2, Year 2024, 143.

Indonesian films, from the perspectives of national law, international law, and film industry practices.

The urgency of this research lies not only in its theoretical contribution to the development of copyright law studies but also in its practical significance in providing an effective model of protection for the national film industry. The findings of this study are expected to contribute to policymakers, legal practitioners, and industry stakeholders by offering a deeper understanding of the legal dynamics governing film adaptation and by formulating a more comprehensive and responsive legal protection mechanism that aligns with the needs of Indonesia's creative industry.

II. RESEARCH METHODS

This study employs a normative legal research method that analyzes positive law by examining legislation, doctrines, literature, and international legal instruments related to copyright protection and film adaptation. The purpose of this research is to analyze copyright protection for Indonesian films adapted from foreign works by assessing the conformity between national legal provisions, such as Law Number 28 of 2014 on Copyright and Law Number 33 of 2009 on Film, and international principles of copyright protection as established under the Berne Convention and the TRIPs Agreement.

Data collection was conducted through a literature review, including primary legal materials such as statutes, implementing regulations, and international agreements; secondary legal materials such as books, scholarly journals, articles, and previous research; and tertiary legal materials such as legal dictionaries, encyclopedias, and other supporting reference sources. All data were analyzed qualitatively by systematically identifying, classifying, and interpreting legal materials using a deductive reasoning approach, from general legal norms to specific issues concerning copyright protection in film adaptation. A principles-based legal approach was also employed to assess the consistency and harmonization between national law and international copyright protection standards.

III. DISCUSSION

International Legal Framework and Its Implications for Film Adaptations

Internationally, exclusive rights over adaptations or derivative works are explicitly recognized under the Berne Convention, which grants copyright holders the right to authorize the translation and adaptation of their works.⁷ Consequently, member states are obliged to implement adequate protection for foreign works. These provisions of the Berne Convention are particularly relevant to the process of film adaptation, as adaptation constitutes a form of exclusive exploitation that requires prior authorization from the original copyright holder.

The TRIPS Agreement strengthens the minimum copyright protection standards that WTO members must meet, including provisions on the scope of protection and enforcement measures. This adds an additional layer of international obligations that must be implemented through national legislation, including Indonesia's.⁸

⁷ Nanda et al, *Intellectual Property Rights: An Introduction*, (Bandung: Widina Bhakti Persada Bandung: 2022), 6.

⁸ Ibid, 8-10.

National Legal Framework and Its Implementation in Film Adaptation

Law Number 28 of 2014 on Copyright stipulates that authors possess economic rights and moral rights. Specifically, Article 9 paragraph (1) of Law Number 28 of 2014 affirms that copyright holders have the economic right to adapt their works. Accordingly, any party wishing to adapt a foreign film must obtain authorization from the original copyright holder through a licensing agreement or production partnership. This provision places the licensing process as a legal prerequisite for producing an adapted film. Furthermore, every film adaptation requires a clear grant of license or transfer of rights. This requirement is reinforced by the licensing-recording mechanism regulated under Government Regulation Number 36 of 2018, which aims to ensure evidentiary certainty and protect third parties within intellectual property licensing relationships. Consequently, producing a film adaptation without adequate authorization may result in civil claims and/or administrative actions under Law Number 28 of 2014 on Copyright.⁹

Legal remedies available to copyright holders against unauthorized adaptations are regulated by Law Number 28 of 2014 on Copyright. Disputes arising from unauthorized adaptations can be brought as copyright infringement claims before the Commercial Court by the copyright holder. Article 95 of Law Number 28 of 2014 stipulates that copyright disputes may be resolved through alternative dispute resolution, arbitration, or litigation. The court referred to is the Commercial Court. In cases other than piracy, dispute resolution must proceed through mediation before criminal charges are pursued. Civil sanctions are provided under Article 96 of Law Number 28 of 2014 on Copyright, while criminal penalties are regulated under Article 113 of the same law.

Industry Practices: Licensing, Contract Terms, and Practical Challenges

Based on a literature review and policy documents, common licensing patterns in the industry include: (a) full assignment of rights from the original rights holder to the production company; (b) limited licenses restricted by territory and/or media; and (c) co-production or co-adaptation models in which the foreign rights holder retains control over the script and/or approval of modifications. In adaptation agreements, the most critical provisions include the scope of rights, duration, script approval mechanisms, and moral rights clauses. Ambiguities in these clauses are often a primary source of disputes.¹⁰

Common challenges in practice include: (1) limited access to original contract scripts for public analysis; (2) high costs of rights negotiation, especially for works from countries with strong markets; (3) differences in legal standards between the rights-granting jurisdiction and Indonesia, necessitating negotiation of private international law clauses; (4) time zone and language differences; (5) licensing registration and evidentiary procedures not yet being a mandatory practice for some parties, resulting in ownership/authorization evidence that is not always strong; (6) lack of legal knowledge regarding film adaptations; and (7) weak cross-jurisdictional enforcement, making international disputes difficult to resolve promptly. The use of clear arbitration clauses

⁹ R. Adhitya et al, Legal Protection for Copyright License Holders under Law Number 28 of 2014 on Copyright (A Case Study of Court Decision No. 09/HKI.Hak Cipta/2014/PN Niaga and Supreme Court Decision No. 80 K/Pdt.Sus-HKI/2016), *Journal of Privat Law*, Vol.7, No. 2, Year 2019. 268.

¹⁰ Ikhsanul Fikri, Protection of Economic Rights in Adapted Works under Copyright Law, *Journal of Islamic Law and Economics*, Vol. 15, No. 2, Year 2021, 231.

and approval mechanisms from the original rights holder at the script adaptation stage can help mitigate litigation risks.¹¹

IV. CONCLUSION

This study indicates that copyright protection for the adaptation of foreign films into Indonesian films has a clear legal basis under Law Number 28 of 2014 on Copyright; however, its implementation remains suboptimal. Obstacles such as weak compliance with licensing requirements, low legal literacy among industry practitioners, and ineffective oversight mechanisms lead to adaptation processes that do not always conform to regulations. These findings are consistent with the literature, which emphasizes that Indonesia's creative industry still requires strengthened copyright governance to ensure that adaptation practices protect the interests of both the original creators and the adaptors.

Based on the research findings, the government needs to strengthen law enforcement, enhance oversight of adaptations of foreign works, and expand legal education for the public and industry practitioners through literacy programs, seminars, and public campaigns. Film industry practitioners should also be more diligent in ensuring the legality of every adaptation by obtaining official licenses from the original copyright holders, as a demonstration of professionalism and a measure to prevent legal disputes. Furthermore, the public should increase awareness of copyright protection, particularly in the context of film and digital media, to foster a legal culture that supports creativity and the originality of works.

Thus, copyright protection in film adaptation requires a synergy among the government, the industry, and the public to establish a legally orderly film ecosystem. Further research is recommended to examine in greater depth the licensing mechanisms and adaptation practices in Indonesian production houses to develop more practical policy recommendations.

¹¹ Aderista Tri Wahyufi, Legal Protection for Cinematographic Copyright Holders Against Infringements on Free Streaming Platforms under Law Number 28 of 2014, *Journal Judiciary*, Vol. 2, No. 3, Year 2020, 122.

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