

Analisis Pencipta dan Pemegang Hak Cipta dalam Karya Tulis yang Dihasilkan oleh Kecerdasan Buatan (Artificial Intelligence) = The Analysis of Authorship and Copyright Ownership of Written Works Generated by Artificial Intelligence

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Abstrak

Peningkatan popularitas dan penggunaan Artificial Intelligence (AI) dalam penciptaan karya kian ramai diperbincangkan. Mulai dari gambar, suara hingga tulisan, program AI dapat menghasilkan karya sebagaimana buatan manusia. AI bahkan mulai dicantumkan sebagai author atau co-author dalam buku dan jurnal ilmiah, yang menuai pertanyaan mengenai perlindungan hukum, pencipta dan kepemilikan hak cipta atas karya tulis yang dihasilkan AI tersebut. Setelah melakukan penelitian, ditemukan kesimpulan bahwa karya tulis yang dihasilkan AI dapat dilindungi dalam hukum hak cipta beberapa negara seperti Amerika Serikat dan Inggris dengan syarat tertentu, namun belum dilindungi di Indonesia. Aspek originality untuk perlindungan karya tulis yang dihasilkan AI terletak pada prompt dari pengguna dan/atau perubahan-perubahan yang dilakukan pengguna terhadap output dari program AI. Kemudian, pengguna yang memasukkan prompt menjadi pencipta dan pemegang hak cipta atas karya tulis yang dihasilkan AI, yang ditegaskan melalui syarat dan ketentuan program AI. Apabila karya tulis yang dihasilkan AI tidak dapat dilindungi hak cipta, maka substansinya akan sulit dilindungi dan dibuktikan kepemilikan hak ciptanya. Namun, wujud karya tulis dapat menjadi benda bergerak berwujud berupa informasi elektronik yang dilindungi dengan hak kebendaan seperti hak milik.

.....The increase in popularity and usage of Artificial Intelligence (AI) in creation of works are being widely discussed. From visual, musical, to written works, AI programs are capable of generating works that resemble human creations. AI is even being credited as an author or co-author in books and scientific journals, which raises questions about legal protection, authorship, and copyright ownership of the works generated by AI. After conducting research, it has been concluded that the written works generated by AI can be protected under copyright laws in certain countries, such as the United States and the United Kingdom as long as it fulfils certain conditions, but these works are not yet protected by Indonesia's copyright law. The originality aspect for the protection of written works generated by AI lies in the prompts that the user entered and/or the changes made by the user to the output from the AI. Subsequently, the copyright of the written works produced by AI belongs to the user as an author, which is regulated by the terms and conditions of the AI program. If the written works generated by AI cannot be protected by copyright law, it will be difficult to protect its substance and to prove its copyright ownership. However, the tangible or physical form of the written works can be considered as tangible movable in form of electronic information and can be protected with property rights, such as ownership rights.