

LEGAL PROTECTION OF FASHION DESIGN WITH MOTIFS IN THE DIGITAL ERA AGAINST COPYRIGHT INFRINGEMENT IN THE INDONESIAN FASHION

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Received 13 April 2025 • Revised 15 May 2025 • Accepted 17 May 2025

Abstract

The introduction of digital technology into the process of creating and distributing fashion motif designs, such as the application of digital printing techniques, increasingly shows how vulnerable creative works are to copyright infringement practices. Learning and applying this technology also raises the need for adequate legal knowledge, so that there needs to be socialization and education regarding copyright among creative industry players. Along with globalization and increasingly widespread internet penetration, cases of copyright infringement are not limited to one country. The digital transformation in the fashion industry has opened up opportunities for designers to develop creative fashion motifs through digital media, but at the same time increases the risk of copyright infringement due to the ease of replication, distribution, and modification of designs online. The application of digital printing technology, for example, allows for the reproduction of motifs with high quality and speed that is difficult to monitor, thus raising legal issues if the design is duplicated without permission. The gap between advances in information technology and the legal framework for intellectual property protection and the low level of legal literacy among creative industry players further exacerbates this condition. Therefore, it is necessary to revise laws and regulations, improve monitoring mechanisms, and provide intensive education so that the copyright protection system for fashion motif designs can be comprehensively integrated. Integration between digital technology innovation and adaptive regulatory enforcement is considered the key to creating a fair, innovative fashion industry ecosystem that is able to provide proper rewards to creators.

Keywords: Copyright, Fashion Design, Digital Era

INTRODUCTION

The background to the problem regarding legal protection of fashion motif designs in the digital era related to copyright infringement is increasingly urgent along with the development of information and communication technology. Digital transformation has opened up opportunities for fashion industry players to explore creativity in developing fashion motifs through digital media. On the other hand, the ease of online replication, distribution, and modification of designs increases the risk of copyright infringement, where original works are easily misused without giving proper credit to their creators (Yurui et al., 2024). This requires comprehensive legal reformulation and enforcement to protect the creativity and intellectual property of designers.

The introduction of digital technology into the process of creating and distributing fashion motif designs, such as the application of digital printing techniques, increasingly shows how vulnerable creative works are to copyright infringement practices. Digital printing techniques, for example, allow for high-quality and speedy reproduction of motifs that are difficult to monitor, thus raising legal issues if the design is used without permission or exceeds the limits of legitimate use (Nopiyani & Wiana, 2020). Learning and applying this technology also raises the need for adequate legal knowledge, so that there needs to be socialization and education regarding copyright among creative industry players (Yurui et al., 2024). Along with globalization and increasingly widespread internet penetration, cases of copyright infringement are not limited to one country. The misalignment between technological developments and the existing legal framework further exacerbates the situation. The fashion industry, as a sector that relies heavily on innovation and unique design, faces serious challenges because copyright infringement can disrupt the dynamics of healthy competition and respect for intellectual works (Yurui et al., 2024). Therefore, legal protection efforts must be carried out through revision of legislation, improvement of supervisory mechanisms, and increasing legal awareness among the public and creative industry players (Yurui et al., 2024). Thus, the background of this problem emphasizes the need for integration between the development of digital technology and the intellectual property protection system. Reviewing existing legal mechanisms and implementing regulations that are adaptive to digital developments are key to ensuring that copyright on fashion motif designs is not misused so that it can support an innovative and equitable fashion industry ecosystem (Yurui et al., 2024; Nopiyani & Wiana, 2020).

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Fashion motif designs, as works of applied art and/or fine art, should be protected based on Article 40 paragraph (1) letters n and o of Law No. 28 of 2014 concerning Copyright. and Many fashion industry players in Indonesia have not officially registered their fashion motif designs as copyrights, due to lack of knowledge, costs, or the assumption that fashion designs do not need to be legally protected. In the digital era, the distribution of designs without permission is very easy, through social media, e-commerce, or digital platforms, but copyright infringement is rarely prosecuted.

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As globalization and internet penetration expand, copyright infringement cases are not limited to one country. The misalignment between technological developments and the existing legal framework further exacerbates the situation. The fashion industry, as a sector that relies heavily on innovation and unique design, faces serious challenges because copyright infringement can disrupt the dynamics of healthy competition and respect for intellectual works (Yurui et al., 2024). Therefore, legal protection efforts must be carried out through revision of legislation, improvement of supervisory mechanisms, and increasing legal awareness among the public and creative industry players (Yurui et al., 2024). Thus, the background of this problem emphasizes the need for

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RESEARCH METHOD

This normative legal research makes considerable use of primary and secondary legal sources, particularly those that provide fresh or up-to-date scientific data or alternative viewpoints on well-established facts or ideas. These resources in this instance consist of books, journals, theses or dissertations, and other legal papers (This research uses analytical qualitative descriptive data to take up problems or focus on problems as they exist when the research is carried out. The research results are then processed and analyzed to draw.

RESULTS AND DISCUSSION

Advances in Digital Technology and the Transformation of Online Media, Including the Application of Digital Printing Techniques

The advancement of digital technology in the context of online media transformation and the application of digital printing techniques has had a significant impact in various fields, including education, tourism promotion, and social interaction. Digital printing techniques, as one of the technological innovations, have facilitated a more efficient and responsive production process to user needs.

First, in the realm of education, the application of digital printing technology has been proven to increase efficiency and effectiveness in the production of teaching materials. The use of this technique allows educational institutions to produce textbooks and learning materials faster and at a lower cost than conventional methods (Wang, 2023). Digital printing also contributes to wider accessibility of education, particularly in the context of students or institutions with limited budgets (Lin & Zhang, 2023).

On the other hand, in the tourism industry, the integration of digital media with traditional promotional techniques has created new opportunities in branding and marketing. Research shows that the use of social media and user-generated content plays a significant role in shaping tourists' perceptions of destinations (Tran & Rudolf, 2022; Nuenen & Scarles, 2021). This suggests that by effectively implementing digital technology, tourism destinations can increase their appeal and generate deeper interactions with potential visitors (Awaloedin et al., 2024).

In addition, interaction with digital technology also affects the way humans interact with each other. Digital platforms allow for more dynamic collaboration between teachers and students, which increases active participation in the learning process (Borba et al., 2018). In the context of art, for example, the use of digital media in art therapy has shown positive results, where trauma survivors can function better when utilizing digital tools compared to conventional methods (Donahue & Dykeman, 2021; Donahue & Dykeman, 2021). This shows that digital technology, including digital printing, facilitates new ways of expressing and communicating with others.

In terms of challenges, although this progress brings many benefits, there are some obstacles. One of the main issues is the inequality of digital literacy among users, which can hinder the effective adoption of technology, especially in developing countries (Awaloedin et al., 2024). Therefore, it is important for educational institutions and stakeholders to provide sufficient training and supporting materials so that all individuals can take full advantage of these digital technology advancements.

Overall, the advancement of digital technology, especially in the form of digital printing and the application of digital media in various contexts, has brought many positive changes. It drives innovation in the way individuals and organizations interact and learn, and improves the user experience in various sectors, from education to tourism.

The Level of Vulnerability of Fashion Design Patterns to Copyright Infringement.

In the study on "Level of Vulnerability of Motif Fashion Design to Copyright Infringement" it was found that legal aspects, technology, and stakeholder awareness play a crucial role in determining the level of vulnerability to infringement in motif fashion design works. Previous research on graphic design in the context of commercial products in Indonesia has shown that despite preventive and repressive efforts by law enforcement officers, protection of design works still faces a number of implementation challenges (Disemadi&Romadona, 2021; Hakim et al., 2023). This shows that, in general, even though there is a supporting legal basis, law enforcement mechanisms still

tend to prioritize settlement through civil mechanisms, so that synergistic efforts are needed between counseling and stricter law enforcement to reduce potential violations.

In the context of fashion design motifs, vulnerability to copyright infringement is triggered by several factors. First, the ease of digital replication and modification of designs makes these works easy to copy by irresponsible parties. This is in line with the finding that designers, especially in the creative realm, often face imitations that exploit loopholes in legal protection mechanisms (Disemadi & Romadona, 2021). Second, the lack of awareness among creators and consumers regarding the moral rights of creators also increases the risk of violations. Studies on understanding copyright show that ignorance about the forms of violations and the sanctions imposed increases the level of vulnerability, so it is important to provide comprehensive education to creative industry players (Maheni et al., 2015; Ernatudera et al., 2023).

In addition to these factors, the sophistication of information technology also has a double impact on the protection of fashion motif designs. On the one hand, technology facilitates the instant dissemination and replication of designs through digital platforms. On the other hand, the application of technologies such as deep learning-based digital watermarking can be an innovative solution to track and protect design works. The zero-watermarking method that has been developed for interior design protection, for example, can be adapted to increase the level of security and authentication of design works (Peng et al., 2025). Thus, the integration of traditional legal solutions and technological innovation is key to reducing the vulnerability of copyright infringement in motif fashion designs.

Overall, the results of the research and discussion indicate that although the legal framework in Indonesia already includes protection for creative works, field practices in terms of motif fashion design are still vulnerable to violations. The gap between existing legal protection and the reality of the dynamics of the creative industry requires integrated intervention between law enforcement, increasing public awareness, and adopting new technologies for design security. A multidimensional approach like this should be used as a basis for policy makers in developing more effective protection strategies in this digital era (Disemadi & Romadona, 2021; Hakim et al., 2023; Ernatudera et al., 2023).

Effectiveness of Legal Protection for Fashion Design Motifs in the Fashion Industry in Indonesia

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The Indonesian fashion industry is growing rapidly, including in the creation of distinctive and culturally valuable patterned fashion designs. However, in the digital era, the distribution of creative works is increasingly easy, making it prone to copyright infringement. Many designs are copied, resold, or modified without permission. This is where the role of law becomes important to protect the rights of creators. Legal protection for patterned fashion designs in the digital era already has a strong legal basis through Law No. 28 of 2014, but its implementation is still not optimal. Many works have not been registered and violations still occur massively on digital platforms. Increased awareness, institutional strengthening, and supporting technology are needed to maintain the originality of Indonesian fashion works.

Recommendations for Adaptive Policies and Regulations to the Dynamics of the Indonesian Fashion Industry in the Digital Era So That Copyright Protection for Fashion Design Patterns Can Be Optimally Guaranteed

In facing the dynamics of the Indonesian fashion industry in the digital era, policy and regulatory reforms in copyright protection of fashion motif designs must be adaptive and holistic. This includes improving the legal framework, integrating technology in copyright enforcement, increasing the capacity of related institutions, and forming synergies between the private sector and the government.

First, it is necessary to revise the laws governing industrial design to be able to answer the challenges of digitalization and the paradigm shift of the fashion industry. Regulatory transformation is in line with global developments, where international agreements such as the TRIPS Agreement need to be addressed through adjustments to national provisions to provide a more flexible and efficient protection period (Badung, 2019). Improving legal mechanisms, for example by strengthening administrative and judicial aspects related to copyright disputes, is one strategic step to create a deterrent effect for violators. Prevention of infringement through stricter sanctions can increase the effectiveness of copyright protection policies in fashion motif designs (Wickens, 2021).

Furthermore, the adoption of information technology is a strategic aspect in copyright protection efforts in the digital era. The integration of the Digital Rights Management (DRM) system and digital watermarking technology has proven effective in preventing illegal replication and unauthorized copying, which strategy can be adapted to the characteristics of the fashion industry (Guo & Meng, 2015). The use of this technology not only functions as a detection tool but also as a disincentive for perpetrators of violations because it provides an automatic mechanism for tracking violations in real time (Miočević, 2022). Along with that, regulators need to encourage collaboration with digital platform providers so that law enforcement policies are not only reactive, but also proactive through assistance and education.

In terms of strengthening the capacity of industry players, empowering MSMEs and local creators is very important so that they are able to understand intellectual property rights comprehensively. Studies show that low understanding among industry players is one of the factors that makes them vulnerable to violations, so intensive education, training, and socialization programs are needed based on the creative and digital economy approach (Judijanto et al., 2024). This approach must include counseling on copyright registration procedures, dispute resolution mechanisms, and the strategic value of design innovation in supporting the competitiveness of the Indonesian fashion industry (Nurani et al., 2023).

In addition, the government's role in formulating adaptive policies needs to be balanced with cross-sector communication—between law enforcement agencies, the creative industry, and digital platform providers. Collaborative-based policy development can create a more integrated oversight system, which encourages synergy between normative approaches and digital technologies. In addition, the formation of special regulations regarding e-commerce platforms is relevant, considering the significant penetration of digitalization in fashion trading activities (Ramli et al., 2020). This ensures that existing regulations are able to anticipate and address challenges arising from digital transactions, including protection of fashion designs that are vulnerable to piracy and illegal distribution (Arkanuddin et al., 2023).

CONCLUSION

Based on the background of the problems that have been described, it can be concluded that legal protection for fashion design motifs in the digital era is now increasingly urgent. Digital transformation has opened up great opportunities for fashion industry players to innovate and develop motifs through digital media, while increasing the risk of copyright infringement due to the ease of replication, distribution, and modification of works online. The production process with digital printing techniques, for example, allows for high-quality and fast reproduction of motifs that pose

challenges in supervising the use of legitimate works. On the other hand, the gap between advances in information technology and the existing legal framework means that protection for creative works is still far from optimal. Although there have been preventive and repressive efforts through legal mechanisms, their implementation is still far from comprehensive. This is exacerbated by low awareness among creative industry players regarding the moral rights of creators, thus increasing the vulnerability to copyright infringement. Therefore, comprehensive legal reformulation and enforcement are needed by integrating traditional legal solutions and technological innovations, such as the use of deep learning-based digital watermarking or zero - watermarking methods, to increase the level of security and design authentication.

ACKNOWLEDGEMENTS

The author of this research is very grateful for the support of the Lecturers who have guided Mrs. Elviyanti Dwi Mas, SH., M.Hum and Mrs. Ekawati SH., M.Hum, until this research was completed. Fellow Fellow Students of the Faculty of Law, Evening Class, Class of 2021, thank you for your support and encouragement, until this writing was completed. It is hoped that there will be further research related to this relevant research, so that it can be used as a reference for library materials.

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