

Copyright Protection Of *Wayang Kulit* Digital Transformation

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ABSTRACT

This study investigates copyright protection in the digital transformation of Wayang Kulit, a traditional cultural expression, within the Indonesian legal system. It specifically addresses the normative ambiguity surrounding the recognition of transformed works under Article 40(1)(n) of the Copyright Law. Employing a normative legal research design with statutory and conceptual approaches, this study critically examines whether digital reinterpretations, such as animation, digital illustration, and interactive media, qualify as independently protected works. The analysis demonstrates that although the law formally acknowledges transformative creations, it fails to provide clear criteria regarding the threshold of originality and the extent of permissible modification. This regulatory gap generates legal uncertainty in determining authorship, ownership, and the scope of protection, particularly when communal cultural elements intersect with individual creativity. The novelty of this research lies in its focused examination of Wayang Kulit as an intangible cultural heritage undergoing digital recontextualization, integrating doctrinal legal analysis with cultural considerations. These findings suggest that without clearer interpretative guidance and regulatory refinement, copyright law risks inadequately protecting both traditional cultural values and contemporary creative contributions. Accordingly, this study concludes that a more adaptive and coherent legal framework is required to balance communal rights and individual interests in the digital age. Future research should explore comparative legal models and develop context-sensitive approaches to govern cultural transformations in digital environments.

Keywords: Copyright protection; Digital transformation; Legal uncertainty; Traditional cultural expressions; Wayang Kulit

INTRODUCTION

The rapid advancement of digital technology has significantly transformed the creative production, distribution, and consumption ecosystem. In the contemporary digital environment, creative works can be reproduced, modified, and disseminated instantly across digital platforms, blurring the distinction between creators and users. While this transformation opens new avenues for innovation and cultural dissemination, it simultaneously raises complex legal challenges concerning copyright protection, particularly in relation to transformed and derivative works (TDWs). Copyright law is expected to provide legal certainty and balance between creators' rights and public access; however, its conventional framework often struggles to respond effectively to the fluidity of digital creativity (Mayana & Santika, 2022; Permata et al., 2022).

In this evolving landscape, traditional cultural expressions such as *Wayang Kulit* occupy a distinctive position. *Wayang Kulit* represents a multidimensional cultural heritage encompassing artistic, philosophical, and spiritual values that are deeply embedded in Indonesian society. It functions not only as a performing art but also as a medium for moral education and social reflection in Indonesia. The global recognition of *Wayang* as an intangible cultural heritage underscores its cultural significance while highlighting the urgency of its

preservation (Makkawaru et al., 2021). In response to contemporary developments, *Wayang Kulit* has undergone various forms of transformation into digital media, including animation, digital illustration, and interactive platforms, as a strategy to maintain its relevance in the modern era (Putra, 2024; Mayana et al., 2024).

However, the digital transformation of *Wayang Kulit* introduces fundamental legal issues. The primary concern lies in the ambiguity of the legal norms governing transformed works under Indonesian Copyright Law, particularly Article 40(1)(n), which recognizes transformation as a protected category without providing explicit criteria or definitional clarity. This normative ambiguity creates uncertainty in determining whether digitally transformed works constitute new creations eligible for independent copyright protection or merely derivative reproductions of pre-existing cultural expressions. Consequently, unresolved issues emerge concerning authorship, ownership, and the scope of legal protection, especially when individual creativity intersects with communal cultural heritage (Kurniawan, 2024; Setianingrum & Faslah, 2025).

Previous studies have examined copyright protection in the digital era, focusing on issues such as digital reproduction, derivative works, and economic dimensions of intellectual property. Other studies have explored the protection of traditional cultural expressions and the need for adaptive legal frameworks in response to technological change (Hikmah et al., 2023). However, these studies tend to address digital transformation and traditional cultural heritage separately, without offering a focused analysis of their intersection within a specific legal provision. In particular, the application of Article 40(1)(n) to the digital transformation of *Wayang Kulit* remains underexplored, resulting in a significant gap in both doctrinal and contextual literature.

This study seeks to fill this gap by providing an integrated legal analysis of copyright protection in the digital transformation of *Wayang Kulit*. The novelty of this research lies in its specific focus on *Wayang Kulit* as an intangible cultural heritage undergoing digital recontextualisation, combined with a critical examination of normative ambiguity within the existing legal framework. Unlike prior studies that adopt a general perspective, this study offers a contextualized and in-depth approach that bridges legal doctrine with cultural considerations. This contributes to a more comprehensive understanding of how copyright law can adapt to the dual demands of protecting individual creativity and preserving collective cultural identity.

Accordingly, this study aims to analyze the legal framework governing the transformation of *Wayang Kulit* into digital media and evaluate the extent to which such transformations qualify for copyright protection. This study further seeks to assess the implications of normative ambiguity for legal certainty and cultural sustainability. Ultimately, this study aspires to contribute to the development of a more adaptive and coherent copyright regime capable of addressing the complexities of cultural transformation in the digital era.

RESEARCH METHOD

This study employs a normative legal research design to examine copyright protection in the digital transformation of *Wayang Kulit* under the Indonesian legal framework. This research focuses on the legal norms governing transformed works, particularly Article 40(1)(n) of the Copyright Law, and their application to digital cultural expressions. The primary materials consist of statutory regulations, including the Indonesian Copyright Law, supported by secondary materials such as legal textbooks, journal articles, and scholarly publications addressing copyright, digital transformation, and traditional cultural expressions. Tertiary materials, including legal dictionaries and relevant reports, were also used to support conceptual clarification.

This study adopts statutory and conceptual approaches. The statutory approach is used to analyze existing legal provisions related to copyright protection, while the conceptual approach is applied to explore doctrines such as originality, transformation, and legal certainty in copyright law (Kurniawan, 2024 Mayana & Santika, 2022). In addition, a limited comparative perspective is incorporated to understand the broader legal interpretations of transformed works in digital contexts.

Data were collected through a documentary study involving the systematic identification, classification, and review of relevant legal materials and academic literature. The variables examined in this study include the degree of transformation, element of originality, status of traditional cultural expressions, and scope of copyright protection. These variables were analyzed to determine whether a digitally transformed *Wayang Kulit* can be categorized as a new protected work or remains within the domain of derivative cultural expressions.

The analysis is carried out using a qualitative legal analysis method, applying legal interpretation techniques such as grammatical, systematic, and teleological interpretation to assess the meaning and scope of the relevant legal provisions. This study also employs a normative-prescriptive approach, aiming to provide legal arguments and recommendations for improving regulatory clarity and ensuring balanced protection between individual creators and communal cultural rights.

Through this methodological framework, this study seeks to produce a comprehensive legal assessment of copyright protection in the digital transformation of *Wayang Kulit*, while offering a foundation for future regulatory development in the context of digital cultural innovation.

RESULT & DISCUSSION

The findings of this study demonstrate that copyright protection for the digital transformation of *Wayang Kulit* is normatively acknowledged within Indonesian Copyright Law but remains substantively ambiguous in its practical application. Although Article 40(1)(n) recognizes transformation as a category of protected works, the absence of clear legal benchmarks regarding originality and transformation thresholds creates an interpretative uncertainty. This issue is particularly evident when traditional cultural expressions are digitized and recontextualized into new creative forms.

The analysis reveals that digital transformation has significantly altered cultural production structures. Contemporary technologies such as animation, virtual reality, and artificial intelligence have enabled traditional cultural forms to be reinterpreted in innovative ways, thereby expanding their accessibility and relevance. Digital transformation has been shown to enhance cultural engagement, increase audience interaction, and foster new modes of creative expression within cultural industries (Ortiz-Ospino et al., 2025 Cao, 2026). However, this transformation simultaneously challenges conventional copyright frameworks originally designed for static, individual-based creations.

A critical finding of this study is that the concept of originality, as a fundamental requirement for copyright protection, lacks operational clarity when applied to transformed works derived from traditional cultural expressions (TCEs). In the case of *Wayang Kulit*, digital adaptations often involve a combination of inherited symbolic elements and newly introduced one. This hybrid nature complicates the identification of authorship and ownership, as traditional cultural expressions are inherently communal rather than individualistic. The literature indicates that the protection of such expressions requires a dual approach that recognizes both individual creative contributions and collective cultural rights (Roisah et al., 2025 Widiarsa & Mayasari, 2024).

Furthermore, the results highlight that the digitalization of cultural heritage increases the risk of misappropriation and unauthorized exploitation. The ease of reproduction and global dissemination in digital environments exposes traditional cultural expressions to potential misuse, including commercialization without proper attribution or benefit sharing. Studies emphasize that digital platforms amplify vulnerabilities in cultural governance, particularly when legal protections are not accompanied by effective institutional mechanisms (Tillayeva, 2025 Saputra, 2025).

From a regulatory perspective, the findings indicate a mismatch between legal recognition and practical enforceability of the law. While Indonesian law formally acknowledges transformed works, it does not provide sufficient guidance on how to evaluate the degree of transformation required to establish independent copyright protection in the country. Comparative insights from international scholarship suggest that copyright frameworks must incorporate more flexible and context-sensitive criteria to address the evolving nature of digital cultural production. In the European context, for example, the interaction between copyright and cultural rights has led to the development of more nuanced approaches that balance public access and private rights (Dore & Turan, 2024).

Another important finding concerns the socio-cultural implications of digital transformation. The digitization of *Wayang Kulit* not only functions as a preservation strategy but also reshapes cultural meanings and identities. Digital media enables reinterpretation, adaptation, and hybridization, which may enrich or dilute the original cultural values. Research on digital cultural transformation indicates that while technology enhances dissemination and sustainability, it may also alter traditional narratives and aesthetic principles (Yang et al., 2025). This creates tension between innovation and authenticity, which must be carefully managed within the legal framework.

The discussion further reveals that current copyright regulations tend to prioritize individual economic rights, often overlooking the communal dimension of traditional cultural expressions. This imbalance may lead to inequitable outcomes, where individual creators benefit from cultural resources that are collectively owned without adequate recognition or compensation from the originating communities. Recent studies emphasize the importance of integrating community-based protection mechanisms, including benefit-sharing systems and *sui generis* legal models, to ensure the equitable governance of cultural resources (Roisah et al., 2025; Sudirman et al., 2025).

In this context, this study argues that a purely doctrinal interpretation of copyright law is insufficient to address the complexities of digital cultural transformation. Instead, a more adaptive legal approach is required, one that incorporates interdisciplinary perspectives, including cultural studies, technology governance, and community rights. The integration of these perspectives allows for a more holistic understanding of how copyright law can function as both a protective and enabling mechanism in the digital age.

The findings also confirm that the absence of clear legal standards may hinder creativity. Uncertainty regarding legal protection discourages creators from developing new digital works based on traditional cultural expressions due to the risk of infringement or lack of recognition. Simultaneously, insufficient protection may enable unauthorized use by third parties, thereby undermining both cultural preservation and economic value creation. This dual risk highlights the need for a coherent and predictable regulatory framework.

Overall, the results of this study indicate that while digital transformation offers significant opportunities for cultural preservation and creative development, it also exposes fundamental weaknesses in the existing copyright regimes. The *Wayang Kulit* case illustrates the broader challenge of reconciling individual intellectual property rights with collective cultural heritage in a rapidly evolving digital environment.

Therefore, this study emphasizes the necessity of regulatory refinement, particularly in clarifying the concept of transformation, establishing measurable criteria for originality, and integrating community-based protective mechanisms. Such reforms are essential to ensure that copyright law remains relevant and effective in addressing the complexities of digital cultural production, while safeguarding the cultural integrity of traditional expressions.

CONCLUSION

This study concludes that copyright protection for the digital transformation of *Wayang Kulit* within the Indonesian legal framework remains formally recognized but substantively uncertain. Although the law acknowledges transformation as a category of protected works, the absence of clear criteria for determining originality and the degree of permissible modification results in ambiguity regarding its practical application. This uncertainty affects the identification of authorship, ownership, and the scope of legal protection, particularly when individual creative contributions are derived from communal cultural expressions. The findings demonstrate that digital transformation functions as a medium for cultural preservation and innovation and introduces complex legal tensions between private intellectual property rights and collective cultural ownership. Consequently, existing copyright regulations have not fully adapted to the evolving dynamics of digital cultural production. Therefore, this study affirms the need for a more coherent and adaptive legal framework that clearly defines transformation parameters while integrating the protection of traditional cultural values. This approach is essential to ensure legal certainty, promote creative development, and safeguard the cultural integrity of *Wayang Kulit* in the digital era.

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