

**COPYRIGHT PROTECTION SYSTEM AMONG CAPCUT CREATORS IN  
BANDA ACEH FROM THE PERSPECTIVE OF HAQ AL-IBTIKÂR AND LAW  
NUMBER 28 OF 2014 ON HAK CIPTA**

**Muchlas Rivaldi Mulka <sup>1\*</sup>, Rahmat Efendy Al-Amin Siregar <sup>2</sup>**

<sup>1,2</sup> Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

Email: [210102239@student.ar-raniry.ac.id](mailto:210102239@student.ar-raniry.ac.id)

**Abstracts**

This article examines the copyright protection system among CapCut creators in Banda Aceh from the perspective of Haq al-Ibtikâr Law no. 28 of 2014 concerning copyright. Using qualitative research methods and a normative legal approach, the data were obtained through interviews and direct review of the accounts @raisyalmd, @ulfanabila, @mellyyusma, and @rayyaacantik. The results of the study show that there is a rise in the theft of photos which are used for personal gain, without considering in more depth the losses suffered by the photo owners themselves. Personal interests in achieving one's desires, even though the results of thoughts that have been manifested in written, printed, or other media, are considered property, is Haq Al-Ibtikâr. However, taking someone else's property is prohibited. Therefore, it is necessary to respect the work of others, who should ask for permission first before using it. This is because CapCut only provides reporting on its platform, as CapCut is not a distribution platform with automatic copyright protection for the images it uses. Unlike music, where the system automatically blocks or mutes the sound of the video. Therefore, protection depends on the photo owner. In this case, it is necessary to review the policy provided by CapCut regarding IPR regarding content uploaded to the CapCut application.

**Keywords:** *Copyright Protection, CapCut Creator, Haq Al-Ibtikâr, Law no. 28 of 2014 concerning Copyright.*

## Abstrak

Tulisan ini mengkaji mengenai sistem pengamanan hak cipta di kalangan kreator *CapCut* di banda aceh dalam perspektif *Haq Al-Ibtikâr* undang-undang no. 28 tahun 2014 tentang hak cipta. Dengan menggunakan metode penelitian kualitatif, pendekatan yuridis normatif. Dalam memperoleh datanya melalui wawancara, tjiujuan langsung pada akun @raisyalmd, @ulfanabila, @mellyyusma dan @rayyaa cantik. Hasil penelitian menunjukkan bahwa, maraknya pencurian foto yang digunakan untuk kepentingan pribadi tanpa meninjau lebih dalam kerugian yang diperoleh oleh pemilik foto sendiri. Kepentingan-kepentingan pribadi dalam menghasilkan keinginannya meskipun, hasil pemikiran yang telah diwujudkan dalam bentuk tulisan, cetakan, atau dalam media lainnya, itu dipandang sebagai harta merupakan *Haq Al-Ibtikâr*. Namun mengambil milik orang lain merupakan hal yang di larang. Sehingga perlunya menghormati konten milik orang lain yang sudah sepatutnya meminta izin terlebih dahulu sebelum menggunakannya. Hal ini dikarenakan *CapCut* hanya memberikan pelaporan pada *platformnya*, karena *CapCut* bukan *platform* distribusi dengan pengamanan hak cipta secara otomatis pada gambar yang digunakannya. Berbeda dengan musik yang langsung secara sistem otomatis Video diblokir atau dibisukan suaranya. Oleh karena itu pengamanan bergantung pada pemilik foto. Dalam hal ini diperlukan tinjauan kembali terhadap kebijakan yang diberikan oleh *CapCut* perihal HKI mengenai konten yang di unggah pada aplikasi *CapCut*.

**Kata Kunci:** *Perlindungan Hak cipta, Kreator CapCut, Haq Al-Ibtikâr, Undang-Undang No. 28 Tahun 2014 Tentang Hak cipta.*

## INTRODUCTION

The rapid development of technology in the modern era has influenced the form of creativity in various aspects, leading to the transformation and modernization of copyrighted works. Creativity, previously physical and conventional, has now shifted to digital form. Many applications are protected by Copyright, including the *CapCut* application launched in 2020.<sup>1</sup> Users of the *CapCut* application are fully responsible for the content they upload, including using copyrighted music. Users must have the appropriate license to use popular music. If not, the unauthorized use of copyrighted music may result in copyright claims or the removal of videos on other platforms, as *CapCut* provides a copyright check

---

<sup>1</sup> Ujang Badru Jaman, Galuh Ratna Putri, and Tiara Azzahra Anzani, "Urgensi Pengamanan Hukum Terhadap Hak Cipta Konten Digital," *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia* 3, no. 1 (2021): 9-17, <https://doi.org/10.52005/rechten.v3i1.22>.

feature.<sup>2</sup> However, *CapCut* does not provide automatic protection for photos, unlike the protection provided for music.

The *CapCut* app helps users edit videos easily while maintaining good quality. However, with this ease of use, many users are unaware that the content they use or share may infringe on others' copyrights. Therefore, regulations are needed to govern the use of technology in protecting digital content copyrights under applicable copyright laws. Every individual who wishes to use the economic rights of a content must first obtain permission from the owner. If this is violated, legal sanctions will be imposed, which have a legal basis.<sup>3</sup>

As a condition for accessing and using the facilities, users acknowledge and agree not to use the facilities for any purpose that infringes upon any intellectual property rights. *CapCut* reserves the right, with or without notice, at any time and at *its sole* discretion, to block a user's access to the facilities or suspend or terminate your account temporarily or permanently if there is any violation or suspected violation of intellectual property rights or any other rights.<sup>4</sup> However, *CapCut* only provides reporting on *its platform*, as *CapCut* is not a distribution *platform* with automatic copyright protection for the images it uses. Unlike music, which the system automatically blocks or mutes, video content is not automatically protected. Therefore, security depends on the photo owner.

According to Kloppenburg, the lack of public knowledge about Copyright prevents content creators from effectively asserting their ownership, especially in the digital age, which encourages content distribution.<sup>5</sup> Copyright infringement on electronic social media is widespread, encompassing various forms of violations, including unauthorized use of content and piracy. These violations often occur due to the characteristics of electronic media, which facilitate rapid connection and dissemination of content. Additionally, the fact that many digital content creators lack an understanding of their ownership rights further exacerbates the situation. Content creators who are unaware of their ownership rights become more vulnerable to misuse, whether through unauthorized use or illegal distribution.<sup>6</sup>

---

<sup>2</sup> "https://www.CapCut.Com/Clause/Terms-of-Service," n.d.

<sup>3</sup> Ujang Badru Jaman, Galuh Ratna Putri, and Tiara Azzahra Anzani, "Urgensi Pengamanan Hukum Terhadap Hak Cipta Konten Digital."

<sup>4</sup> "https://www.CapCut.Com/Clause/Terms-of-Service."

<sup>5</sup> Kloppenburg, The Impact Of Copyright Knowledge On Kreator's Rights Enforcement In The Digital Age, *Internasional Jurnal Of Intellectual Property Management*, 2016.

<sup>6</sup> Loso Judijanto et al., "Pengamanan Hukum Hak Cipta Di Era Digital: Analisis Konten Yang Dipublikasikan Di E-Media Dan Implikasinya," *Universitas Nahdlatul Ulama Sumatera Barat* 4, no. 2 (2024): 679-88.

Under Article 40(1) of Law No. 28 of 2014 on Copyright, creativity that is protected includes science, art, and literature. Technically, the Directorate General of Intellectual Property classifies creative content in the e-Copyright application into the following forms: written creative content, artistic creative content, audiovisual creative content, dramatic and choreographic creative content, photographic creative content, musical creative content, and recorded creative content.<sup>7</sup> Every original photo automatically receives copyright protection. However, *CapCut* does not provide an automatic detection system for reuse by other users.

Many writers have discussed Copyright. For example, HS Disemadi et al. wrote a paper titled "Increasing Teenagers' Awareness of Digital Content as Copyright." The findings revealed that students may not fully understand copyright issues and how to respect others' content in the digital world. However, after participating in an awareness program, they became more sensitive and better understood Copyright. The implementation of this PKM also offers solutions and simple steps to help avoid copyright infringement on digital content shared on social media. By knowing the rules regarding Copyright, teenagers can be more careful in using content they find online. The use of legal and licensed content and giving proper recognition shows respect for other people's content and avoids actions that could be considered illegal.<sup>8</sup>

The same study was also written by Gusti Ayu Eviani et al., titled "*Legal Protection for Copyright Holders Against Film Clip Piracy on the TikTok App*," by students from the National Education University in 2023. This research applied a normative research method with a legal analysis approach and a conceptual research method. This article reviews the legal regulations on film piracy in the applicable laws in Indonesia and the legal protection for copyright holders regarding the piracy of film clips on the *TikTok* application. The findings of the study indicate that reproduction in any form demonstrates that uploading film clips on the *TikTok* application violates the provisions outlined in the Copyright Law.<sup>9</sup>

Another study by Fitri Setyo Rini et al., titled "Copyright Protection for Content Creators," Indicates that moral rights protect the identity and integrity of content. In contrast, economic rights allow creators to derive financial benefits from their content. However, the prevalence of piracy, illegal distribution, and

---

<sup>7</sup> "Undang-Undang Nomor 28 Tahun 2014 Tentang Hak cipta.," n.d.

<sup>8</sup> Hari Sutra Disemadi et al., "Meningkatkan Kesadaran Remaja Terhadap Penggunaan Konten Digital Sebagai Hak cipta," *Sang Sewagati Journal* 2, no. 1 (2024): 45–60,

<sup>9</sup> Gusti Ayu Eviani, dkk "'Pengamanan Hukum Pemegang Hak cipta Terhadap Pembajakan Potongan Film Pada Aplikasi TikTok',", Vol. 9, No. 1," *Jurnal Hukum* Vol. 9, No (n.d.).

unauthorized use of digital platforms highlights the need for further efforts in education, law enforcement, and the development of adaptive security mechanisms. Therefore, it is highly beneficial for content creators to understand and utilize their rights and implement preventive measures such as registering their content with the Directorate General of Intellectual Property (DJKI), using *watermarks*, and providing proper attribution. This ensures the integrity and economic value of creative content, fostering fairer, faster digital progress, and sustainable benefits.<sup>10</sup>

Based on previous studies, there has been no research on copyright protection systems among *CapCut* users in Banda Aceh from the perspective of *Haq Al-Ibtikâr* under Article 40(1) of Law No. 28 of 2014 on Copyright. As a region that implements Islamic Sharia law, Banda Aceh should appropriately apply the perspective of *Haq Al-Ibtikâr*. This study is critical because it will positively impact awareness among *CapCut* users, particularly *CapCut* creators.

In developing creativity and knowledge in the video production process, for example, it can train someone's creativity in creating content using various features provided by the application or website. Features such as video trimming to remove unnecessary parts, transitions, *green screen* (to replace elements in the video), and other features can be combined to enhance users' creativity.<sup>11</sup>

The ability of creators to use various *editing* applications is reflected in the content they upload to social media. To improve video quality, you can use *CapCut*, a practical application that can cut video duration, slow down movement, add effects, or insert appropriate narration. Engaging in content creation offers a fresh perspective on daily routines, which have evolved from status updates to serious activities involving numerous internet users. Engaging and consistent content attracts more *viewer* engagement. As the number of *followers* increases, this content has the potential to generate commercial benefits from *platform* operators and sponsors, as well as providing financial income for the creators. The opportunity to earn monetary benefits drives more people to pursue this profession while continuing their daily activities.<sup>12</sup> As a result, it is not uncommon to find accounts with various faces uploaded as videos. This raises concerns about the protection of original photos.

---

<sup>10</sup> Andi Wildah Fajriah Sani, "Pengamanan Hak cipta Terhadap Konten Creator Video Tiktok Yang Diunggah Ulang Tanpa Watermark Pada Youtube Shorts," *Skripsi*, 2022.

<sup>11</sup> Chelsea Rizka dan Marsofiyati, "Pengaruh Penggunaan *CapCut* Dalam Meningkatkan Kreativitas Mahasiswa," *Cendikia Pendidikan* Vol. 7, No (2024): 66.

<sup>12</sup> Sigit Pramono Hadi, "Keberhasilan Content Kreator Ditentukan Oleh Kreativitas Konten Dan Skill Mengedit Vidio," *Journal Of Strategic Communication* Vol. 15, N (n.d.).

On the *CapCut* app music is automatically protected with automatic muting on the *CapCut* app. Unlike photos, which do not have automatic protection, *CapCut* only provides a *reporting* feature. This makes it challenging to protect content as digital Copyright on *CapCut*, as when photo theft occurs and the perpetrator needs legal action, it depends on the perpetrator's own initiative. As the account owner, Raisya Almadea demonstrated, reporting incidents is ineffective when taking action against accounts that misuse the content. This creates a gap between music and photos on *CapCut*. The author aims to explore this gap further.

If there is no study on this matter, it will impact copyright infringement, which is part of Law No. 28 of 2014 on Copyright, Article 40(1). The author identifies that the lack of public awareness of copyright regulations and the weak legal protection exacerbate this situation. Based on the statements above, the author is interested in examining how the legal protection system implemented by *CapCut* creators in Banda Aceh safeguards the content they produce. How successful is the security system implemented to protect Copyright among *CapCut* creators in Banda Aceh, and how does the concept of *Haq Al-Ibtikâr* protect Article 40(1) of Law No. 28 of 2014 on Copyright among *CapCut* creators in Banda Aceh?



## RESEARCH METHOD

This study applies a qualitative research method. Qualitative research is a technique that emphasizes a comprehensive and in-depth understanding of the phenomenon being studied.<sup>13</sup> In this study, the author uses a *normative legal* research approach. Implicitly, this indicates that this study will utilize a legislative approach as the existing legal basis.<sup>14</sup> To examine the legal aspects of the case of taking photos without permission from the original owner to create a *CapCut* template by the *CapCut* creator, the perspective of *Haq Al-Ibtikâr* in the Copyright Law was used. Primary data refers to information obtained directly from sources relevant to the issue analyzed in scientific research.<sup>15</sup> In this study, data were obtained from primary data in the form of interviews with three (3) victims of the original photo taking and one (1) content creator, as well as documentation in the form of photos from the victims and secondary data through literature such as books, journals, research reports, and others. After the data was obtained, the author will analyze it per the research procedures, namely by using the Copyright Law and the concept of *Haq Al-Ibtikâr*.

## RESULTS AND DISCUSSION

### A. Copyright Protection According to Law Number 28 of 2014

The *CapCut* application, which is an online-based application, is available in free and paid versions.<sup>16</sup> This application has copyright protection covering issues such as taking photos belonging to others without the owner's permission, and those photos being used by *CapCut* creators to make *templates*, which then generate income for the *CapCut* creators. Copyright is a special right granted to creators or those who obtain the right to publish, reproduce, or grant permission related to their content, while adhering to the limitations set by applicable laws.<sup>17</sup> Copyright protection is a legal measure aimed at safeguarding content as the intellectual

---

<sup>13</sup> Fitria Widiyani Roosinda., *Penelitian Kualitatif: Metode Penelitian Kualitatif* (Yogyakarta: Zahir Publishing, 2021).

<sup>14</sup> M. Najibur Rohman, "Tinjauan Yuridis Normatif Terhadap Regulasi Mata Uang Kripto (Crypto Currency) Di Indonesia," *Jurnal Supremasi* 11, no. April 2020 (2021): 1-10, <https://doi.org/10.35457/supremasi.v11i2.1284>.

<sup>15</sup> Amiruddin, *Pengantar Metode Penelitian Hukum* (Jakarta: PT Raja Grafindo Persada, 2006), hlm. 30.

<sup>16</sup> Romi Mesra, "Pelatihan *CapCut* Video Editing Untuk Meningkatkan Skill Dan Daya Saing Mahasiswa Pendidikan Di Dunia Kerja," *Communnity Development Journal* 5, no. No. 3 (2024): 5382.

<sup>17</sup> Ok Saidin, *Aspek Hukum Kekayaan Intelektual, Intellectual Property Right* (Jakarta: Pt Raja Grafindo Persada, 2007).

property of an individual, thereby reducing the risk of misuse or infringement of such content.<sup>18</sup>

Under Article 40(1) of Law No. 28 of 2014 on Copyright, creativity that is protected includes science, art, and literature. Technically, the Directorate General of Intellectual Property Rights ( ) classifies creative content in the e-Copyright application into the following forms: written creative content, artistic creative content, audiovisual creative content, dramatic and choreographic creative content, photographic creative content, musical creative content, and recorded creative content.<sup>19</sup>

In the dynamic development of information technology, Article 40(1) of Law No. 28 of 2014 on Copyright stipulates that protection is granted to creativity in science, art, and literature. Advances in digital technology have facilitated reproducing, distributing, and modifying creative content, but simultaneously increased vulnerability to copyright infringement. This phenomenon is reflected in various cases, such as the unauthorized use of photographic content for commercial purposes, the use of recorded or edited music to support social media content without attributing it to the creator, and the republication of audiovisual content such as films and videos on digital platforms without valid distribution rights. Such actions disregard the moral rights of creators and can potentially cause economic losses, as perpetrators often derive financial benefits from the use of such content.

Violations of creativity falling under the scope of protection under Article 40(1) may result in repressive legal consequences. Article 113 of the Copyright Law stipulates that such violations may be subject to criminal penalties, including imprisonment for up to four years and/or a maximum fine of Rp 1 billion, in addition to potential civil claims for compensation. Although copyright protection generally applies automatically once content is created, registration through the e-Copyright system remains highly significant as a valid proof of ownership. In resolving disputes in the digital realm, such registration documents often serve as strong evidence in court.

## **B. Copyright Protection for the *CapCut* App**

*CapCut* is a creative video editing app that allows users to create videos, form communities, share content, and connect with others. To protect user safety, we have established creator guidelines that include rules and standards for using

---

<sup>18</sup> Syauqi, "Analisis Pengamanan Hak Cipta Terhadap Asset Graphic Design Pada Media Internet Dalam Perspektif Haq Ibtikâr" (Banda Aceh: Universitas Islam Negeri Ar-Raniry, 2023), skripsi.

<sup>19</sup> "Undang-Undang No. 28 tahun 2014 tentang hak cipta pasal 40 ayat (1) cpta."



*CapCut*. Content not complying with *CapCut*'s community guidelines, including videos, audio, images, comments, and text, will be removed, and account owners will be informed of the decision. In cases of serious violations, accounts may be blocked. These *CapCut* Community Guidelines apply to all individuals and everyone associated with *CapCut*. *CapCut* actively enforces these guidelines by combining technology and moderation processes carried out by a person before content is reported.<sup>20</sup>

Intellectual Property Rights in *CapCut* material agreements include copyrights, trademarks, patents, and other intellectual property rights, and to the platform material we own, subject to the limited license expressly granted to creators under this agreement. *CapCut* respects copyrights, trademarks, and other intellectual property rights. Therefore, if someone wishes to report content that is suspected of violating or not complying with the law on this Platform, *CapCut* provides the mechanisms outlined in [the \*CapCut\* Terms of Service](#).<sup>21</sup>

The use of the service may be permitted to upload, display, publish, send, or provide content through this Platform, including but not limited to music (including sound recordings and musical content contained therein), video *templates*, and text, photos, videos, and sound recordings stored locally from a personal music library uploaded or available on the service (user content).

Information and materials in user content, including company content, are never reviewed, edited, assisted, or approved by *CapCut*. The opinions expressed by users through such content do not reflect the views or values of *CapCut*. *CapCut* does not guarantee the accuracy, integrity, suitability, or quality of user content, and *CapCut* shall not be liable for any content posted by users.

All content uploaded by users is not considered confidential. Users are prohibited from uploading or providing content considered confidential or belonging to another party through this service. By uploading or providing such content, the user (as the creator) represents, warrants, and ensures that they are the lawful owner of the content or have obtained all necessary permissions, including licenses and approvals, from the rights holders of every element within the content, to upload and use the content within this service.

---

<sup>20</sup> *CapCut*, Ketentuan dan kebijakan, Panduan dan Kreator *CapCut*. [https://www.capcut.com/clip/communityguideline?store\\_region=id&lang=id-id](https://www.capcut.com/clip/communityguideline?store_region=id&lang=id-id).

<sup>21</sup> *CapCut*, Ketentuan dan kebijakan, perjanjian lisensi materi *Capcut*, [https://www.capcut.com/clip/material-license-agreement?store\\_region=id&lang=id-id](https://www.capcut.com/clip/material-license-agreement?store_region=id&lang=id-id)

Content creators must obtain permission and secure all necessary rights, licenses, and approvals for every element within the content they upload. For example, suppose a content creator only has rights to a sound recording but does not have rights to the music in that recording. In that case, the content creator is not permitted to upload or share the sound recording through the facility without obtaining a valid permission, license, or consent from the owner of the rights to the music.

Unless otherwise specified in other terms, copyright and other intellectual property rights in content submitted by users remain the user's property. However, by submitting content through the service, users represent and agree that they grant to the service provider (*CapCut*), its affiliates, agents, service providers, partners, and related third parties, a royalty-free, fully transferable (including sublicensable), irrevocable, non-exclusive, perpetual, and worldwide license to use, modify, adapt, reproduce, create derivative works of, display, publish, transmit, distribute, and store such content for the purpose of providing the service.

Furthermore, users also grant a license to affiliates, agents, service providers, partners, and other relevant third parties to use their username, image, and physical likeness to identify them as the source of the content, including for use in sponsored content. Furthermore, the user must state and agree that in certain situations, the service provider has the right to disclose the user's identity to third parties who claim that the uploaded content infringes their intellectual property rights or privacy rights. In such cases, the service provider will notify the user in advance.

If a victim feels wronged, they may file a complaint regarding data and materials (including User Content) uploaded by other members, or if there are other matters to be addressed, the victim may contact *CapCut* at [CapCut.support@bytedance.com](mailto:CapCut.support@bytedance.com). Suppose the victim believes the content uploaded or provided through the *CapCut* service infringes their copyright. In that case, they may file a "Copyright Infringement Report" by tapping the "..." - "Report" button on the page of each specific content posted on *the Platform* to request the removal of the allegedly infringing content from the Platform.

If a user wishes to submit a report, they may send a copyright infringement notice to *CapCut* via [CapCut.support@bytedance.com](mailto:CapCut.support@bytedance.com). The notice must include the following:

1. Email address, physical address, and phone number.
2. URL or other location identifying the content that is believed to be infringing;
3. The reported content type includes video, font, image, etc.
4. Supporting documents or URLs demonstrating the details of the rights.

5. A statement that you believe in good faith.
6. Physical or electronic signature of the copyright owner or an authorized representative of the copyright owner. To comply with requirements, please type your full legal name (not a company name) at the bottom of the notice.<sup>22</sup>

Users are reminded first to consider whether the use of a work can be categorized as fair use or falls under copyright exceptions before filing a notice of infringement. This is important because reports that are filed incorrectly or deliberately misleading may result in legal liability for the reporter, including liability for damages in accordance with applicable laws. For example, international and national copyright laws impose sanctions on parties who abuse the reporting mechanism, so every report must be submitted in good faith and based on facts. Thus, caution and honesty in the reporting process are key to avoiding unwanted legal risks.

When CapCut receives a valid infringement report, it will take commercially reasonable measures to remove the infringing content immediately. This policy is implemented to protect copyrights and ensure that the platform is not used as a means of infringement. As a form of commitment, CapCut may also disable or even close the accounts of users who are proven to have repeatedly violated copyrights or other intellectual property rights. Therefore, users are expected to comply with the terms of use to continue accessing the service without interruption.

### C. Copyright Infringement Practices by *CapCut* Creators in Banda Aceh

According to the author's interview with the source, a social media influencer from West Aceh who owns the Instagram account @raisyalmd, or Raisya Almadea, she stated that the photos uploaded to her social media accounts are entirely her property and must be respected by others. Each image is under her supervision, and any use by others must obtain personal permission. However, Raisya acknowledged that she has never taken formal legal measures to protect all the photos uploaded to her social media accounts and has never handled matters such as licenses or copyright for each photo she has published.

Raisya Almadea explained that there has been exploitation of her personal photos, and she has been harmed when her photos were taken and used by others without her consent, especially since such actions were done without her knowledge. Raisya also revealed that the protection provided by the CapCut platform for victims of copyright infringement is still very minimal. Based on the

---

<sup>22</sup> *CapCut, ketentuan dan kebijakan, Ketentuan Fasilitas*, [https://www.capcut.com/clause/terms-of-service?store\\_region=id&lang=id](https://www.capcut.com/clause/terms-of-service?store_region=id&lang=id)

reporting process through the app is often ineffective in limiting or taking action against accounts that misuse her photos.<sup>23</sup>

Based on the *Instagram* page <https://www.instagram.com/p/DAQOeK8xXo8/?igsh>, it can be seen that the photo uploaded by Raisya on her own account and on <https://www.CapCut.com/tv2/ZSBEUWafd/> shows Raisya's image on the account kezii[RACA]. Raisya also explained that irresponsible parties misused her photos, including being used as *templates* on *CapCut* by someone she does not know at all. Due to the large number of accounts on various social media platforms using her photos without permission, Raisya has chosen not to respond to these cases too much. Considering the large number of perpetrators and the difficulty in acting against each one individually. However, she did not rule out the possibility of legal action if the cases she experienced caused significant harm.

Raisya revealed that she had attempted to contact the creators who had shared her photos without permission. Still, to date, she has never reported the case to the authorities, as she is unsure about the legal protections available from the relevant authorities. In this case, Raisya discovered that her photos were shared without permission by other creators unintentionally when she found the content on her *CapCut* homepage.<sup>24</sup>

The author also interviewed another victim, Ulfa Nabila, who stated that she fully understands her rights as a creator, particularly regarding photos uploaded to social media, which she believes are entirely her personal property and should not be used without her permission. Regarding the distribution of pictures by creators on the *CapCut* platform, Ulfa feels greatly wronged, as many of her photos were used without her consent by strangers, even for commercial purposes. Upon learning that her pictures were shared through the *FYP (For You Page)* on a *CapCut* platform, Ulfa believes that such actions make the rights to the images seem public, and that platforms like *CapCut* should provide more effective reporting mechanisms.<sup>25</sup>

Based on <https://www.CapCut.com/tv2/ZSSLs3s3V/>, it is evident that Ulfa's photos were used as templates on the account "rayyaa cantik." At this time, Ulfa can only directly contact the *CapCut* account user on the *TikTok* platform who used her photo to request that the content be removed and not used again. Although

---

<sup>23</sup> "Interview Results with Raisya Almadea, Banda Aceh Instagram Influencer, on April 25 via WhatsApp," n.d.

<sup>24</sup> "Interview Results with Raisya Almadea, Banda Aceh Instagram Influencer, on April 25 via WhatsApp."

<sup>25</sup> "Interview Results with Ulfa Nabila, TikTok and Instagram User, on April 25 via WhatsApp." n.d.

there is a possibility to resolve this case through legal channels, Ulfa Nabila stated that she feels a lack of understanding and sufficient ability to process reports against the numerous accounts that have violated her rights. Ulfa Nabila also confirmed that she has not reported this case to the authorities. In her opinion, without a report, there will be no protection from the authorities. This is because individuals who suffer losses on social media must first report the issue through the *CapCut* app before filing a report with the authorities for further action.<sup>26</sup>

Victims of copyright infringement are mostly unaware of the steps they should take regarding the losses they have suffered. Some choose to ignore it, while others wish to take the case to court. However, due to their lack of understanding of the law and the large number of creators using their photos on various *CapCut* accounts, the case becomes confusing, as it is impossible to detect all accounts that have used their photos for personal gain.

The author then interviewed one of the victims, Melly Yusma, from West Aceh. She stated that she understands her rights as a creator and emphasized that the photos she uploaded are her personal property and should not be used by others without permission. She also believes every image or video uploaded to *platforms* such as *Instagram* and *TikTok* automatically has a license or copyright.

According to <https://www.CapCut.com/tv2/ZSSLs77tc/>, Melly's photo was used *as a template* on the account "rayyaa cantik." However, regarding the content distribution by the *CapCut* creator, Melly Yusma has an open perspective, stating that while the action could be considered harmful, in the context of her efforts to build popularity, it actually provided her with some initial popularity. However, she still regrets that people widely shared her photo she does not know.

Melly admitted that she is unsure whether she has received protection from the *CapCut* platform. However, she believes all social media platforms should have reporting features for copyright infringement. She is also aware that her content has been pirated and used commercially by others without permission, even going viral due to plagiarism, causing her material losses. As a form of action, Melly immediately contacted the parties using her photos and requested that the images not be used anymore, along with all templates created using them, to be deleted immediately. In her statement, Melly has tried to resolve the issue through persuasion first, but if her requests are not fulfilled, she is open to legal action. Previously, Melly had also communicated with the creator who shared her photos,

---

<sup>26</sup> *Ibid.*,

but there has been no satisfactory response from the creator, as the creator has not yet removed the images or videos uploaded to *platforms* like *Instagram* and *TikTok*.<sup>27</sup>

The author conducted interviews not only with the victims but also with the creator of *CapCut*, named T. Hakim from West Aceh. In the interview, the source (perpetrator), who has a *CapCut* account named *rayya cantik*, admitted that he often used other people's photos without permission to create *templates* on the *CapCut* app to gain material benefits. The perpetrator admitted to having a limited understanding of copyright and privacy rules regarding the use of others' photos, and believed that images uploaded to *Instagram* and *TikTok* could be taken and used because it could increase the victim's popularity and provide positive *feedback* for both parties. The perpetrator continued to use others' photos without permission to sustain their livelihood, which they claimed was very difficult in the current job market.

When the photo owners felt aggrieved and asked for their photos to be deleted, the perpetrator stated that some victims did not take issue with the action. Still, some felt aggrieved, such as in the case experienced by a photo user named Ulfa Nabila. In this case, the perpetrator chose to negotiate by giving a portion of the profits obtained from using the photo so that the image would not be deleted.

The perpetrator also mentioned that the *CapCut* app has a reporting *platform* for victims who feel wronged, and victims can file a report or contact the creator through the *chat feature* on the *TikTok* app. To prevent similar incidents, the perpetrator plans to avoid using photos with a small number of *followers*, instead focusing on pictures of *influencers* with a very large *following*, at least tens of thousands, because using photos of *influencers* with a large *following* is considered normal and can help boost their popularity. The perpetrator also revealed that the practice of using *pictures of famous influencers* without permission is common among other creators when making *CapCut* templates.<sup>28</sup>

Based on <https://mobile.CapCutshare.com/s/Zs8m3ebey/>, the account *rayyaa cantik* has 38.3K followers and 8.7M *likes* on all posts. The number of followers and likes is highly likely to have been obtained through *CapCut*. The author observes that the lack of public awareness regarding copyright rules and insufficient legal protection are exacerbating the situation. The widespread use of stolen photos, such as those found on, for personal gain without considering the losses incurred by the original photo owners, is a cause for concern. In this context,

---

<sup>27</sup> " Interview Results with Melly Yusma, TikTok and Instagram User, on April 25 in Cadek Village."

<sup>28</sup> Interview results with T. Hakim, *CapCut* creator, on April 25 at Warkop Ak Kupa in Gampong Cadek, Baitussalam.



a review of *CapCut*'s policies regarding IPR for content uploaded to *the CapCut* app is necessary.

#### **D. Analysis of Haq Al-Ibtikâr Regarding Copyright Protection for *CapCut* Creators**

*Haq Al-Ibtikâr* is a legally recognized right of ownership, where "*haq*" means ownership, and "*ibtikâr*" refers to creativity or invention. *Haq Al-Ibtikâr* is the right to create and disseminate original content not previously known to the public.<sup>29</sup> This includes designing, developing, and distributing content arising from intellectual processes, critical thinking, or personal creativity. In Islamic law, *Haq Al-Ibtikâr* is recognized as a form of non-physical property rights and receives legal protection, as it reflects human effort that deserves moral and economic recognition.

*Haq Al-Ibtikâr* has a different scope than other forms of protection in Islam, including intellectual property rights. Therefore, Islam recognizes *Haq Al-Ibtikâr* as a form of asset ownership, and as such, it must be protected in the same way as other forms of property. This protection includes:

- 1) The prohibition against consuming another person's property unjustly, as stated in (QS. Al-Baqarah: 188 and QS. An-Nisa': 29)
- 2) Scientific etiquette in Islam, where one must not arbitrarily take information without citing its source.
- 3) Punishment for those who violate *Haq Al-Ibtikâr*.<sup>30</sup>

According to the results of the *ijtihad* of the ulama from the Hanafi school of thought, as well as the ulama from the Maliki, Shafi'i, and Hanbali schools, *Haq Al-Ibtikâr* is considered to have economic value as a beneficial financial right. This right can provide economic value as a beneficial financial right. It can bring wealth to the author/creator because the ideas or thoughts expressed in books or other media have benefits equivalent to property. Therefore, this right can be bought and sold, and those who violate *Haq Al-Ibtikâr* can be legally prosecuted in court.<sup>31</sup> Thus, in *Haq Al-Ibtikâr*, this constitutes unauthorized use (*Al-hasab*), which is prohibited in Islam, especially in Banda Aceh, where Islamic values are deeply ingrained in daily life.

*Haq Al-Ibtikâr* is the right of ownership over original content or innovations recognized in Islam, not merely as moral recognition but also possessing economic value. This concept emphasizes that content creators, such as photos, videos, or

---

<sup>29</sup> Nasrun Haroen, *Fiqh Muamalah* (Jakarta: Gaya Media Pratama, 2000). h. 15

<sup>30</sup> Fazlul Rahman, "Praktek Re-Upload Video Oleh YouTuber Dan Keabsahan Pembayarannya (Suatu Tinjauan Dari Perspektif Konsep Hak Ibtikar)," *Dusturiyah: Jurnal Hukum Islam, Perundang-Undangan Dan Pranata Sosial* 9, no. 2 (2019): 157-78.

<sup>31</sup> Ade Hidayat, "Konsep HAKI Dalam Hukum Islam Dan Implementasinya Bagi Pengamanan Hak Merek Di Indonesia," *Jurnal Adliya* Vol 8. No. (2014): 167.

music, must be respected and protected like tangible property. Using the *CapCut* app, the principle of *Haq Al-Ibtikâr* is crucial to prevent copyright infringement, such as unauthorized content use that harms creators and violates Islamic values, especially in the Banda Aceh community. The Islamic prohibition against unlawfully taking others' rights reinforces the importance of respecting copyright.

Copyright protection for *CapCut* creators must be based on moral awareness and collective responsibility, ensuring that the content used has proper authorization or originates from original content. *Haq Al-Ibtikâr* also supports enforcing strict legal measures against copyright infringement, which is not merely a legal issue but also a matter of moral and religious values in upholding collective justice. As a society rooted in Islamic law and governed by rules for the use of applications, content created by *CapCut* creators is categorized as private property, which, under Islamic law, is permitted to be owned and protected by law. Therefore, using someone else's content without permission, such as reposting or using it for personal gain, is prohibited in Islam.

The Malikiyah ulama argue that although the initial idea originates from human intellect, the right to innovation (*Haq Al-Ibtikâr*) over such ideas holds significant value once manifested in a specific medium, surpassing the value of material possessions. According to the Maliki ulama, pure thoughts originating from the mind are not transferable. However, once these ideas are realized in written form, printed, or through other media, the resulting thoughts become material and possess economic value. Therefore, according to this view, *Haq Al-Ibtikâr* is the result of thought that has been realized in the form of writing, printing, or other media, and is considered property.<sup>32</sup> Thus, this is content belonging to others, and permission must be sought beforehand before using it.

*Haq Al-Ibtikâr* emphasizes the importance of intention and the creative process in content creation. Although *CapCut* provides templates or free audio, users' creativity in processing, editing, and arranging these elements into content must be recognized as the result of intellectual effort. Copyright over the content produced remains with the creator, provided it does not infringe upon the rights of others or use paid assets without a license. In this regard, Islamic law protects digital creators' content, including those using *CapCut*. Therefore, legal recognition of digital copyright aligns with Islamic values and is essential to continue developing to prevent the exploitation of content in the present day.

---

<sup>32</sup> Miftakhul Huda, "Konsep Dan Kedudukan Hak Kekayaan Intelektual Dalam Hukum Islam", *Salimi: Jurnal Studi Ilmu Keagamaan Islam* Vol. 1, No (2020): 43.

Unauthorized use, such as photo theft, becomes increasingly problematic when it results in material gain. Such violations concern copyright law and moral and ethical issues, mainly when the content is used for personal or commercial purposes without the original owner's consent. This raises serious questions about how the account owners will be held accountable for their actions, both under positive law and in the eyes of religion. Islam clearly emphasizes the importance of seeking sustenance from halal sources and avoiding all forms of unjustly taking the rights of others. Such actions not only undermine the values of honesty and justice in Islam but also demonstrate negligence in maintaining personal integrity in digital media.

According to data obtained by the author, the security system provided by *CapCut* is ineffective, as the actions taken by one of *CapCut*'s creators with the account name "rayyaa cantik" constitute a violation of copyright and are highly unacceptable, both from a legal perspective and from the perspective of Islamic law. Additionally, such actions also fail to respect the rights of the original photo owner. The content created by *CapCut* content creators holds legitimate ownership rights under Islamic law. Therefore, such content is protected against plagiarism, unauthorized distribution, or commercial exploitation without the creator's consent. Such rights violations can be categorized as oppression against others' property rights, which are prohibited under Islamic law.

## CONCLUSION

The lack of public awareness regarding copyright rules and legal protection further exacerbates this situation, even though Article 40(1) of Law No. 28 of 2014 on Copyright clearly outlines copyright rights. The widespread theft of photos for personal use without considering the losses incurred by the photo owners themselves is a concerning issue. In this context, a review of the policies implemented by *CapCut* regarding Intellectual Property Rights (IPR) for content uploaded to the *CapCut* application is necessary. The misuse of photos by irresponsible parties has led photo owners to choose not to pursue such cases, given the large number of perpetrators and the difficulty in addressing each case individually, despite *CapCut* providing a complaint mechanism on its platform. Personal interests in creating something, even if the result is in writing, prints, or other media, are considered property and protected by the right of *creation* (*Haq Al-Ibtikâr*). However, taking someone else's property is prohibited. Therefore, respecting others' content and obtaining permission before using it is essential.

In the context of criminal complaints regarding digital copyright protection, this mechanism is considered ineffective because creators find it difficult to detect

and measure the number of infringements on the use of their photo content. This situation differs from copyright management in the music industry, where platforms such as *CapCut* implement automatic restrictions, such as directly muting content that infringes on copyright.

## REFERENCES

- Ade Hidayat. "Konsep HAKI Dalam Hukum Islam Dan Implementasinya Bagi Pengamanan Hak Merek Di Indonesia." *Jurnal Adliya* Vol 8. No. (2014): 167.
- Andi Wildah Fajriah Sani. "Pengamanan Hak Cipta Terhadap Konten Creator Video Tiktok Yang Diunggah Ulang Tanpa Watermark Pada Youtube Shorts." *Skripsi*, 2022.
- CapCut*, Ketentuan dan kebijakan, Panduan dan Kreator *CapCut*.  
[https://www.CapCut.com/clause/communityguideline?store\\_region=id&lang=id-id](https://www.CapCut.com/clause/communityguideline?store_region=id&lang=id-id).
- CapCut*, Ketentuan dan kebijakan, perjanjian lisensi materi *CapCut*,  
[https://www.CapCut.com/clause/material-license-agreement?store\\_region=id&lang=id-id](https://www.CapCut.com/clause/material-license-agreement?store_region=id&lang=id-id)
- CapCut*, ketentuan dan kebijakan, Ketentuan Fasilitas,  
[https://www.CapCut.com/clause/terms-of-service?store\\_region=id&lang=id](https://www.CapCut.com/clause/terms-of-service?store_region=id&lang=id)
- Chelsea Rizka dan Marsofiyati. "Pengaruh Penggunaan *CapCut* Dalam Meningkatkan Kreativitas Mahasiswa." *Cendikia Pendidikan* Vol. 7, No (2024): 66.
- Disemadi, Hari Sutra, Lu Sudirman, Triana Dewi Seroja, Soelistyo Budi, Shelvi Rusdiana, and Muhammad Dahrain Modjo. "Meningkatkan Kesadaran Remaja Terhadap Penggunaan Konten Digital Sebagai Hak Cipta." *Sang Sewagati Journal* 2, no. 1 (2024): 45-60.  
<https://journal.uib.ac.id/index.php/sasenal/article/view/9367%0Ahttps://journal.uib.ac.id/index.php/sasenal/article/download/9367/3924>.
- Gusti Ayu Eviani. "'Pengamanan Hukum Pemegang Hak Cipta Terhadap Pembajakan Potongan Film Pada Aplikasi TikTok', , Vol. 9, No. 1,." *Jurnal Hukum* Vol. 9, No (2023).
- "<https://www.CapCut.Com/Clause/Terms-of-Service>," n.d.
- Judijanto, Loso, Gingga Prananda, Amir Machmud, and Muhammad Sukron Fauzi. "Pengamanan Hukum Hak Cipta Di Era Digital: Analisis Konten Yang Dipublikasikan Di E-Media Dan Implikasinya." *Universitas Nahdlatul Ulama*

- Sumatera Barat* 4, no. 2 (2024): 679–88.
- Kloppenburger. *The Impact Of Copyright Knowledge On Creator's Rights Enforcement In The Digital Age. Internasional Jurnal Of Intellectual Property Management*, 2016.
- Miftakhul Huda. "Konsep Dan Kedudukan Hak Kekayaan Intelektual Dalam Hukum Islam". *Salimi: Jurnal Studi Ilmu Keagamaan Islam* Vol. 1, No (2020): 43.
- "MUI, Fatwa Munas VII Majelis Ulama Indonesia, Majelis Ulama Indonesia, 2005." n.d.
- Nasrun Haroen. *Fiqh Muamalah*. Jakarta: Gaya Media Pratama, 2000.
- Ok Saidin. *Aspek Hukum Kekayaan Intelektual, Intellectual Property Right*. Jakarta: Pt Raja Grafindo Persada, 2007.
- Rahman, Fazlul. "Praktek Re-Upload Video Oleh YouTuber Dan Keabsahan Pembayarannya (Suatu Tinjauan Dari Perspektif Konsep Hak Ibtikar)." *Dusturiyah: Jurnal Hukum Islam, Perundang-Undangan Dan Pranata Sosial* 9, no. 2 (2019): 157–78.
- Rohman, M. Najibur. "Tinjauan Yuridis Normatif Terhadap Regulasi Mata Uang Kripto (Crypto Currency) Di Indonesia." *Jurnal Supremasi* 11, no. April 2020 (2021): 1–10. <https://doi.org/10.35457/supremasi.v11i2.1284>.
- Romi Mesra. "Pelatihan CapCut Video Editing Untuk Meningkatkan Skill Dan Daya Saing Mahasiswa Pendidikan Di Dunia Kerja." *Communnity Development Journal* 5, no. No. 3 (2024): 5382.
- Roosinda., Fitria Widiyani. *Penelitian Kualitatif: Metode Penelitian Kualitatif*. Yogyakarta: Zahir Publishing, 2021.
- Sigit Pramono Hadi. "Keberhasilan Content Creator Ditentukan Oleh Kreativitas Konten Dan Skill Mengedit Vidio." *Journal Of Strategic Communication* Vol. 15, N (2024).
- Syauqi. "Analisis Pengamanan Hak Cipta Terhadap Asset Graphic Design Pada Media Internet Dalam Perspektif Haq Ibtikâr." Banda Aceh: Universitas Islam Negeri Ar-Raniry, 2023. skripsi.
- Ujang Badru Jaman, Galuh Ratna Putri, and Tiara Azzahra Anzani. "Urgensi Pengamanan Hukum Terhadap Hak Cipta Konten Digital." *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia* 3, no. 1 (2021): 9–17. <https://doi.org/10.52005/rechten.v3i1.22>.
- "Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta." n.d.
- Widiatmika, Keyza Pratama. "Hak Cipta Dalam Diskursus Ekonomi Islam." *Etika Jurnalisme Pada Koran Kuning : Sebuah Studi Mengenai Koran Lampu Hijau* 16, no. 2 (2015): 39–55.