



Registration of YouTube Content as Productive Assets from an Istislah Perspective

Khykhy Syorgawi Siregar¹, Sahliah²

Universitas Islam Negeri Sumatera Utara

Email: khykhy204172101@uinsu.ac.id, sahliah@uinsu.ac.id

Abstract - This study aims to examine the protection and registration of YouTube content as a productive asset through the perspective of istislah in Islamic law. The research method used is a literature review and legal analysis focusing on regulations in Indonesia, including Law Number 28 of 2014 on Copyright, Law Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law on Job Creation, and Government Regulation No. 24 of 2022 on the Creative Economy. The results show that YouTube content has great potential to become a valuable asset with strong legal protection. Existing regulations in Indonesia allow YouTube content copyright to be automatically protected and used as fiduciary collateral. The copyright registration process involves several steps ensuring that creators have physical proof of their works, which is crucial for resolving legal disputes. This protection aligns with the principle of istislah in Islamic law, emphasizing public welfare and encouraging innovation and creativity. The conclusion of this study is that legal protection and registration of YouTube content as a productive asset not only protect creators' rights but also promote the growth of the creative economy. With this protection, creators can maximize the value of their content as a source of income and long-term investment. The perspective of istislah provides an ethical and legal foundation to support this policy, ensuring that its benefits are felt by the wider community.

Keywords: YouTube Content, Intellectual Property Rights, Copyright, Istislah

I. INTRODUCTION

The rapid advancement of digital technology has significantly transformed various aspects of life, especially in the creative and media fields, with YouTube emerging as a prominent platform in this context. As the leading video-sharing platform in the world, YouTube not only provides entertainment but also serves as a tool for education, information dissemination, and social campaigns (Santoso 2019). Content creators from diverse backgrounds utilize YouTube to build audiences and communities, contributing significantly to the creative economy through monetization channels such as advertising, sponsorships, and paid memberships (Falya and Dirkareshza 2021).

Content on YouTube is considered a productive asset due to its tangible economic impact. For individuals, this content can become a primary source of income, driving careers and new businesses. On the industry side, YouTube offers new distribution channels that can reach a broader audience without geographical limitations (Hesri Mintawati et al. 2023). Collaboration between content creators and companies also creates new business opportunities that were previously unimaginable. However, Intellectual Property Rights (IPR) protection presents significant challenges in this digital era. While aimed at protecting creative works from theft and infringement, the practical implementation of IPR faces numerous obstacles. Piracy and copyright infringement frequently occur, particularly on digital platforms like YouTube, where creators often face issues of unauthorized use of their works, resulting

in financial and moral damages (Laura Marthilda Rawentinah Kigogo and Aline Gratika Nugrahani 2024).

In addressing these challenges, the perspective of Istislah in IPR protection becomes crucial. Istislah, an Islamic legal principle emphasizing public interest, can offer an alternative approach to protecting IPR. The fundamental principles of Istislah include the preservation of public interest and the balance between individual rights and societal needs. In the context of IPR, Istislah can ensure that copyright protection benefits creators without harming the wider community that utilizes the content for educational, informational, or entertainment purposes (Usmaniah, Iswandi, and Fitri 2023).

The application of the Istislah concept in IPR protection for YouTube content can help address issues of piracy and copyright infringement with a fair and balanced approach. This concept aligns with the need for copyright protection in a dynamic digital era, where content distribution and use occur rapidly and widely (Hadiyanto and Ibrahim 2021). Furthermore, Istislah can assist in formulating policies that support a healthy and productive creative ecosystem by providing adequate protection for creators while accommodating the public's need for access to information and entertainment (Kholipah 2020).

Research on IPR protection for YouTube content from the perspective of Istislah is highly relevant and urgent in this digital age. As the complexity of IPR protection increases, innovative approaches are necessary. By adopting Istislah principles, more effective solutions for copyright protection and the development of digital content as a valuable asset may be found (Junaidi 2022). Additionally, this study is expected to contribute to the development of IPR policies in Indonesia, which currently faces various challenges in adapting to the evolving digital landscape. Protecting IPR for YouTube content as a productive asset requires a holistic and inclusive approach. The Istislah perspective offers insights that can bridge the need for copyright protection with public interest, supporting a more equitable and sustainable creative ecosystem. Therefore, further research in this area is crucial for finding appropriate and practical solutions for IPR protection in the digital era (Susilo 2020; Rifa 2021).

II. METHOD

This research will employ a qualitative research method with a normative juridical nature to explain the protection of Intellectual Property Rights (IPR) for YouTube content. This normative juridical research focuses on legal document studies and their characteristics, using legal materials as the primary data source. The research approach includes legislative, case-based comparative analysis, and historical approaches to examine the development of law related to IPR.

The data sources used include primary legal materials such as statutes and court decisions, secondary legal materials such as legal literature and academic journals, and tertiary legal materials such as legal encyclopedias and dictionaries. Data collection will be carried out through document studies, involving the identification, collection, and sorting of relevant documents. Document selection criteria will be applied to ensure the relevance and validity of the data used. Data analysis will be performed using qualitative analysis methods, with legal interpretation techniques to interpret legal texts, regulations, and cases. Additionally, comparative analysis will be used to compare applicable laws in Indonesia with Istislah principles and practices in other countries if relevant.

The research is expected to provide a deep understanding of the challenges and opportunities in protecting IPR for YouTube content. Moreover, the application of Istislah principles in the context of IPR protection will also be explored to find more effective and balanced solutions. The results of this research are anticipated to contribute to the development of IPR policies in Indonesia, especially in addressing the continuously evolving digital era.

III. RESULT AND DISCUSSION

General Overview of Intellectual Property Rights (IPR)

In positive law, property refers to anything with economic value that can be owned or controlled by an individual or legal entity. Property is divided into two main types: movable property and immovable property. Movable property includes items that can be moved, such as vehicles, household goods, and cash. Immovable property includes assets that cannot be moved, such as land and buildings. Positive law in Indonesia regulates various aspects related to ownership and transfer of property through various laws and regulations. For example, the Civil Code governs property rights, the transfer of property rights, and guarantees on property. Additionally, specific laws such as the Mortgage Law regulate collateral rights on land and items related to land.

In Islamic law, property is referred to as "mal," which means anything that can be lawfully owned and used by humans according to Islamic principles. In Islam, property is classified based on its nature into fixed and movable property, and based on its permissibility into halal and haram property. Halal property is that which is acquired and used according to Islamic law, while haram property is that which is acquired or used in ways forbidden by Islamic law, such as through usury, gambling, and fraud. Islamic law also includes the concept of zakat, which is an obligation for every Muslim who possesses property above a certain threshold to give a portion of it to eligible recipients, such as the poor and needy, zakat collectors, and others. Zakat aims to purify wealth and assist those in need, as well as to prevent the accumulation of wealth among a few individuals.

Istislah is one of the methods of *ijtihad* in Islamic law used to determine the legality of issues not explicitly mentioned in the texts of the Quran and Hadith. Istislah, derived from an Arabic term meaning seeking public benefit, considers the general welfare of the community and strives to achieve justice, prosperity, and well-being for society. This method was introduced by Imam Malik, one of the Islamic jurists, and was further developed by other scholars such as Imam Al-Ghazali and Imam As-Syatibi. The concept of Istislah is highly relevant in the context of Intellectual Property Rights (IPR). Although IPR is not explicitly mentioned in Islamic legal texts, its application can be seen as part of Istislah because it aims to protect individual rights over their creations and encourage innovation and creativity, which benefit society as a whole.

In IPR, protecting intellectual creations can be seen as an effort to achieve public benefit. By granting exclusive rights to creators and inventors over their works, IPR encourages more innovation and creativity, ultimately leading to societal advancement. Furthermore, IPR provides legal certainty for creators and inventors, enabling them to invest in research and development without the fear of their works being stolen or misused. The application of Istislah in IPR can also be seen in how Islamic law accommodates the protection of intellectual works. For example, in the case of copyright, Islam recognizes the importance of protecting works produced by writers, musicians, and other artists, as these works provide significant benefits to society in terms of knowledge, entertainment, and art. Similarly, in the case of patents, protection of new inventions in technology can be considered part of Istislah, as these inventions often bring significant advancements in various aspects of human life.

Despite its importance, IPR protection faces various challenges and issues. Enforcing IPR laws can be a major challenge, especially in countries with weak legal systems or limited resources. Many cases of IPR violations are not adequately addressed, which harms creators and owners of intellectual property. Counterfeiting and piracy are serious issues in IPR protection. Pirated and counterfeit products not only harm the owners of IPR but also pose risks to consumers. Efforts to combat piracy and counterfeiting require international cooperation and increased public awareness. The registration and management of IPR often involve significant costs, which can be a barrier for individuals or small businesses with limited funds. There is a need to simplify procedures and reduce costs to make it more inclusive. The digital era and globalization bring new challenges to IPR protection. The rapid dissemination of information through the internet makes it easier to violate IPR across national borders. IPR

protection must adapt to technological developments and address the challenges arising from globalization.

Property in positive law and Islamic law has different concepts and regulations, but both recognize the importance of protecting ownership rights. In the context of IPR, the concept of Istislah in Islamic law can be applied to achieve public benefit through the protection of intellectual works. Despite facing various challenges, the importance of IPR in encouraging innovation, providing legal certainty, and protecting investments cannot be overlooked. Collective efforts to strengthen law enforcement, reduce registration costs, and increase public awareness are key to addressing the challenges of IPR protection in the era of globalization and digitalization.

YouTube Content as a Valuable Asset

YouTube content has significant potential to become a valuable asset in various ways. As the world's largest video-sharing platform, YouTube offers opportunities for creators to generate income, build personal brands, and reach a global audience. YouTube content can serve as a primary or supplementary source of income for creators through several methods. The YouTube Partner Program allows creators to monetize their videos with ads. Every time an ad is shown or clicked, creators earn a share of the ad revenue. Additionally, creators can earn money through sponsorships, where companies pay creators to promote their products or services in videos. Extra income can also be generated through features like Super Chat, Super Stickers, and channel memberships.

YouTube is an ideal platform for building and strengthening a personal brand. With consistent and high-quality content, creators can build a loyal audience and increase brand recognition. Successful creators are often invited to speak at major events, receive collaboration offers from large companies, or even launch their own products. A strong personal brand not only opens opportunities on YouTube but also beyond the platform, such as on television, in books, or in other business ventures. YouTube enables creators to reach a global audience. With over 2 billion active monthly users, the platform provides a unique opportunity to spread messages, knowledge, or entertainment to millions of people. A global audience also means opportunities for revenue diversification through international ads and collaborations with global brands.

YouTube content has the potential to be a long-term investment. Videos uploaded today can continue to generate income for years to come, as long as they remain relevant and engaging to the audience. Additionally, by utilizing good SEO (Search Engine Optimization), videos can continue to appear in YouTube and Google search results, attracting new viewers consistently. YouTube content is also a form of intellectual property (IP). Each video produced by a creator is an original work protected by copyright. This means that creators have exclusive rights to reproduce, distribute, and exploit their videos. This IP protection allows creators to take action against those who use their content without permission, thereby preserving the value of the digital asset.

YouTube content also provides access to valuable data and analytics. YouTube offers various metrics that allow creators to understand their viewers' behavior, such as watch time, audience demographics, and interactions with videos. This data not only helps creators improve their content quality but also can be used to attract sponsors and advertisers by demonstrating the value of their audience. With a strong audience base, YouTube creators have the opportunity to diversify their content to other platforms or media. For example, a creator might start a podcast, write a book, or launch physical products related to their brand. This diversification not only extends the brand's reach but also creates additional revenue streams.

YouTube content has significant value as an asset due to its potential to generate income, build a personal brand, and reach a global audience. IP protection and data analytics add further value to this content. With the right strategies, creators can maximize the benefits of their YouTube content, making it a valuable long-term investment.

Regulations for Registering YouTube Content as a Productive Asset

YouTube content as a productive asset can be protected and registered according to various regulations in Indonesia. Here is a summary of relevant regulations and rules from different institutions or ministries:

a. The Copyright Law

YouTube video content is protected by Law No. 28 of 2014 concerning Copyright (UU 28/2014), which was amended by Law No. 6 of 2023 concerning the Ratification of the Job Creation Perppu into Law (UU 6/2023). Copyright protection arises automatically when a work is embodied as a tangible creation, such as when uploaded to YouTube.

b. Government Regulation No. 24 of 2022

Government Regulation No. 24 of 2022 concerning the Creative Economy allows Intellectual Property Rights (IPR), including YouTube content copyrights, to be used as fiduciary collateral. This means IPR can be used as collateral to obtain financing from financial institutions.

c. The Electronic Information and Transactions Law (ITE)

Law No. 19 of 2016 concerning Electronic Information and Transactions (UU ITE) regulates the use of information technology, including digital content. UU ITE ensures the operation of electronic systems and transactions are conducted safely and responsibly.

d. Government Regulation No. 71 of 2019

Government Regulation No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions (PSTE) regulates the operation of electronic systems in Indonesia, including platforms like YouTube. This regulation classifies electronic services that must be registered and comply with Indonesian regulations.

e. Ministerial Regulation No. 5 of 2020

Ministerial Regulation No. 5 of 2020 concerning Electronic System Providers (PSE) in the Private Scope establishes mechanisms for registration and control for electronic system providers, including YouTube. This registration ensures all types of electronic services operate according to applicable legal provisions.

Steps for Registering and Protecting Copyright of YouTube Content

To protect and register the copyright of YouTube content as an asset, the following steps can be taken:

1. Account Registration: Create an account on the e-hakcipta portal of the Directorate General of Intellectual Property, Ministry of Law and Human Rights.
2. Prepare Documentation: Gather necessary documentation, including a copy of the YouTube content, identity documents, and proof of content creation.
3. Submit Registration: Complete and submit the registration form on the e-hakcipta portal, along with the required documentation.
4. Confirmation and Issuance: Once submitted, the Directorate General of Intellectual Property will review the application. Upon approval, a certificate of copyright registration will be issued.
5. Protection and Enforcement: Use the registered copyright to protect against unauthorized use, reproduction, or distribution of YouTube content. Utilize legal remedies to address any infringement.

By following these steps and adhering to the relevant regulations, YouTube content creators can effectively protect and leverage their content as a valuable productive asset.

IV. CONCLUSION

The conclusion from the discussion above is that YouTube content has significant potential to become a valuable productive asset in today's digital age. To maximize this potential, strong legal protection and official recognition as an asset through copyright registration are required. The concept of *istislah* in Islamic law, which focuses on the public good, is relevant in this context as it supports legal protection that encourages innovation and creativity, bringing substantial benefits to society at large.

In Indonesia, important regulations such as the Copyright Law, the Omnibus Law on Job Creation, and the Government Regulation on Creative Economy address copyright protection and allow Intellectual Property Rights (IPR) to be used as collateral. The copyright registration process involves several steps to ensure that content creators have physical evidence of their works that can be used in legal disputes.

Copyright protection is crucial for safeguarding individuals' rights over their works and for encouraging further innovation and creativity. With legal protection, content creators can invest in producing high-quality content without worrying about their works being stolen or misused. Recognizing YouTube content as collateral also provides legal certainty for banks and financial institutions in credit transactions.

Overall, by leveraging existing regulations and ensuring their copyright registration, YouTube content creators can maximize the value of their content. This legal protection not only makes content a source of income but also a long-term investment that can contribute positively to the economy and society as a whole..

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