

# Analisis Karya Cipta Chatgpt Dari Berbagai Konsep Orisinalitas = Analysis of ChatGPT Works From Various Originality Concepts

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## Abstrak

Aspek orisinalitas karya tulis oleh sistem Artificial Intelligence (AI) seperti ChatGPT menjadi penting dalam konteks hak cipta. Pentingnya penelitian ini adalah untuk memahami bagaimana peraturan hak cipta melindungi karya-karya AI dengan menentukan orisinalitasnya. Penelitian ini menerapkan metode penelitian yuridis normatif, menelaah konsep, prinsip, norma, hak, dan kewajiban dalam sistem hukum. Penelitian ini akan mengumpulkan dan menganalisis data primer, sekunder, dan tersier melalui studi kepustakaan dan pendekatan statute approach, dengan fokus pada norma-norma hukum dalam Undang-Undang No. 28 Tahun 2014 tentang Hak Cipta dan Doktrin-Doktrin Orisinalitas. Untuk memenuhi kriteria orisinalitas, suatu ciptaan harus memenuhi syarat tertentu yang dapat ditelaah lebih lanjut melalui doktrin-doktrin yang berlaku. Dalam evaluasi orisinalitas karya ChatGPT, berbagai doktrin dan teori dapat digunakan. Ditemukan bahwa dengan doktrin "Sweat of the Brow" karya ChatGPT tidak memenuhi kriteria orisinalitas. Sementara itu, doktrin "Modicum of Creativity", "Skill, Judgement, and Labour", "Idea-Expression Dichotomy", dan "author's intellectual creation" memandang karya ChatGPT memenuhi kriteria orisinalitas, terutama jika input pengguna mencerminkan orisinalitas dan kepribadian. Namun, ada tantangan dalam membuktikan orisinalitas berdasarkan doktrin "Independent Creation" karena sifat 'black box' dari ChatGPT. Selain itu, penerapan Teori "Circumstantial Evidence" menunjukkan bahwa tanpa bukti akses yang jelas, klaim pelanggaran hak cipta terhadap respons ChatGPT mungkin sulit dibuktikan.

.....The aspect of originality in written works by Artificial Intelligence (AI) systems such as ChatGPT becomes critical in the context of copyright. The importance of this research is to understand how copyright rules protect AI works by determining their originality. This study applies the normative juridical research method, examining concepts, principles, norms, rights, and obligations within the legal system. The research will collect and analyze primary, secondary, and tertiary data through literature study and the statute approach, focusing on the legal norms in Law No. 28 of 2014 on Copyright and Originality Doctrines. A creation produced by AI (ChatGPT) must be original and provable as an independent result of AI, not a copy of existing work. In evaluating the originality of ChatGPT's works, various doctrines and theories can be used. It was found that under the "Sweat of the Brow" doctrine, ChatGPT's work does not meet the criteria for originality. Meanwhile, the doctrines of "Modicum of Creativity", "Skill, Judgement, and Labour", "Idea-Expression Dichotomy", and "author's intellectual creation" view ChatGPT's work as meeting the originality criteria, especially if the user's input reflects originality and personality. However, there are challenges in proving originality based on the "Independent Creation" doctrine due to the 'black box' nature of ChatGPT. Additionally, the application of the "Circumstantial Evidence" theory suggests that without clear access evidence, copyright infringement claims against ChatGPT's responses might be difficult to prove.