

## OPTIMIZATION OF CREATIVE ECONOMIC LEGAL REGULATIONS IN THE DIGITAL ERA

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**Abstract:** The purpose of writing this paper is to find out the legal regulations for the digital creative economy in Indonesia which has great potential for growth and development. This is due to the fact that currently, Indonesia's population has reached around 270 million people, with more than 78% of Indonesia's population having access to the internet, and the number of active internet users reaching more than 215 million people. Apart from that, in 2030, Indonesia will also experience the peak of the demographic bonus. According to the World Digital Competitiveness (WDC) Ranking, there are several main challenges that need to be overcome, especially in the context of policy and regulatory research. The Ministry of Tourism and Creative Economy has determined several types of creative economy sectors which include Applications, Games, Music, Architecture, Visual Communication Design, Fashion, Crafts, Culinary, Interior Design, Products. Design, Photography, Advertising, Publishing, Performing Arts, Fine Arts, Television and Radio. Digital creative economic law has great potential to become the main driving force in national economic growth. The Indonesian government needs to implement the necessary policy and regulatory interventions to support the development of the digital economy.

**Keywords:** *Optimization, Regulations, Creative Economy Law, Digital Era*

### Introduction

Current economic growth can be seen from a country's ability to provide various goods and services economically in accordance with the needs and developments in information technology which continues to develop all the time<sup>1</sup> The rapid development of the world economy, the flow of globalization and free trade as well as advances in technology, telecommunications and information have expanded the space for trade in goods and services offered to become more diverse, both goods and services produced locally and those produced abroad. This progress has offered many telecommunications devices and information technology products that can integrate all media to facilitate all human daily tasks<sup>2</sup> Global economic competition is getting tougher. Indonesia must be able to look for other economic sources for the progress and welfare of society. The development of economic ups and downs from the agricultural era to the industrial era and now changing to the information technology era has brought new civilizational changes to human<sup>3</sup>

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<sup>1</sup> Lili Marlinah, "Mendorong Pertumbuhan Ekonomi Indonesia Melalui Penguatan Sektor Ekonomi *Digitalpreneur* dan *Creativepreneur*", *Ikraith-Ekonomika*, Vol 2, No 1, Maret 2019, page 32

<sup>2</sup> Imam Lukito, "Tantangan Hukum Dan Peran Pemerintah Dalam Pembangunan *E- Commerce*", *JIKH*, Vol. 11, No. 3, November 2017, page 350

<sup>3</sup> Rochmat Aldy Purnomo, *Ekonomi Kreatif Pilar Pembangunan Indonesia*, (Surakarta : Ziyad Visi Media, 2016), page. 6.

One solution is the creative economy or creative industry. The Creative Economy can encourage entrepreneurs to sell their products globally and increase the competitiveness of local products in international markets<sup>4</sup> Rapid economic growth means the government needs to implement new laws that will guide it<sup>5</sup>

The Ministry of Tourism and Creative Economy determines that there are 17 types of creative economy sectors which include Applications, Games, Music, Architecture, Visual Communication Design, Fashion, Crafts, Culinary, Interior Design, Products. Design, Photography, Advertising, Publishing, Performing Arts, Fine Arts, Television and Radio. These 17 sub-regions are part of the main economic sector starting from the business sector. Growth in the creative economy sector is around 5.76%. This means growth in the electricity, gas and clean water, mining and quarrying, agriculture, livestock, forestry and fisheries, services and processing sectors. In discussions with creative industry players, the Government expressed its confidence in the potential of the creative industry<sup>6</sup>

The era of digitalization has had a huge innovation impact. Creative industries are starting to enter the market today with various innovations. This can be seen in many economic lines such as trade, transportation, services, hotels, digital industries which are starting to switch to transactions on the internet. Industry 4.0 is a complete transformation of all aspects of production in industry. One of the hits The impact of these developments is on the economic sector<sup>7</sup> This also includes MSMEs which generally come from economically disadvantaged families, because their products sell better on the market. The MSME network is expanding, thanks to the best assistance. The development of a region can be supported by the development of the creative economy. Business activities in Indonesia are largely dominated by the community through the framework of the Creative Economy and Micro, Small and Medium Enterprises (hereinafter referred to as MSMEs). This frame was chosen because the concept is simple and affordable, especially for lower middle class people. However, Creative Economy players and MSMEs must also keep up with the times so that they are not inferior to large companies and are able to compete in the market in a tight and competitive manner<sup>8</sup>. For this reason, they must adapt to digital existence using the internet and cyberspace or digital media. Community empowerment through science and technology digitalization of Village MSMEs is very important in the current information era<sup>9</sup>. Industrial revolution 4.0, digital technology has become one of the main capital needed

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<sup>4</sup> Fajri Arif Wibawa, "Sosialisasi "Peran Generasi Muda Pada Bidang Ekonomi Kreatif Di Tengah Pandemi Kepada Karang Taruna Kelurahan Rejomulyo", *SNPPM-3* (Seminar Nasional Penelitian dan Pengabdian kepada Masyarakat), Tahun 2021,

<sup>5</sup> Muhammad Arifin, *The influence of Islamic law and economic principles on Banking Industry on Indonesia*, Pt 2 J Legal ethical&regul Isses. Tahun 2021,

<sup>6</sup> Kementerian Komunikasi dan Informatika RI, "Ekonomi Kreatif adalah Pilar Perekonomian Masa Depan", melalui <https://www.kominfo.go.id/content/detail/5277/ekonomi-kreatif-adalah-pilar-perekonomian-masa-depan/0/berita>, diakses pada tanggal 14 Juni 2024, Pukul 10.20 Wib.

<sup>7</sup> Wahudi Hoedi, "*Industri 4.0: Telaah Klasifikasi Aspek Dan Arah Perkembangan Riset*, *Jurnal Teknik Industri*, Vol. 13, No. 1, (2018),

<sup>8</sup> Nizam Zakka Arrizal, "Pemberdayaan Ekonomi Kreatif dan UMKM di Masa Pandemi Melalui Digitalisasi", *Birokrasi Pancasila: Jurnal Pemerintahan, Pembangunan dan Inovasi Daerah*, Vol. 2, No. 1, Juni 2020,

<sup>9</sup> A. As'ad Sonief, Y. Nuraini, dan S. Arief Setyabudi, "Digitalisasi Industri Kecil Dan Produk Pertanian Daerah Upaya Untuk Pemberdayaan Masyarakat Di Desa Karangbendo Kecamatan

by industrial players to develop their business lines. The presence of industry 4.0 is proof that currently industrial development cannot be separated from technological developments. The development of the industrial sector which goes hand in hand with technological developments can certainly have a positive impact on a country, one of which is a positive impact on improving the country's economy<sup>10</sup>.

### Literature Review

#### Digital Creative Economy Law

Law can provide changes towards improving the nation's economy and can also be a tool for engineering people's behavior in achieving prosperity<sup>11</sup>

The digital economy allows the emergence of new business models, integration between business sectors, as well as changes to business models in existing sectors<sup>12</sup> This definition is the result of mutual understanding between various stakeholders and referring to various references, especially the concepts described by Bukht & Heeks (2017). This underlines that the digital economy is not only limited to economic activities that originate from the digital sector, but also includes economic activities that are supported by the existence of the digital sector (digitalised economy) and even economic activities that arise as a result of the existence of the digital sector itself (digital economy).

The creative economy is an economic activity driven by creative industries that prioritizes the role of intellectual property. The creative industry itself is driven by entrepreneurs, namely people who have creative and innovative abilities<sup>13</sup>

The creative economy is an economic activity driven by creative industries that prioritizes the role of intellectual property. The creative industry itself is driven by entrepreneurs, namely people who have creative and innovative abilities. 22 To date, the Indonesian Government itself has determined the scope of the creative industry which covers 15 fields, including:

- a. Advertising (advertising). Creative activities related to advertising services, namely unique communication using certain media and purposes. Covers the process of creating, implementing and distributing the resulting advertising, for example starting with market research, then advertising communication planning, external media, advertising material production, promotion and public relations.
- b. Architecture. Creative activities related to overall building design, both from the macro level (town planning, urban design, landscape architecture) to the micro level (construction details). For example, city park architecture, construction cost

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Rogojampi Kabupaten Banyuwangi”, *Journal of Innovation and Applied Technology*, Vol. 5, No. 1, (2019),.

<sup>10</sup> Kementerian Komunikasi dan Informatika Badan Penelitian dan Pengembangan SDM Puslitbang Aptika dan IKP, *Perkembangan Ekonomi Digital di Indonesia Strategi dan Sektor Potensial*, Pusat Penelitian dan Pengembangan Aplikasi Informatika dan Informasi dan Komunikasi Publik Badan Penelitian dan Pengembangan SDM Kementerian Komunikasi dan Informatika, 2019,

<sup>11</sup> Nurhilmiah dkk, 'The Role of Law in Improving Financial Literacy in Online Lending in the Context of Development Economic Law", *Ultimate Journal of Legal Studies (ULJLS)* Vol.01, No.02 (2023) , hlm 93-99

<sup>12</sup> <https://akuntansisl.widyatama.ac.id/perkembangan-ekonomi-digital-di-indonesia>. Diakses tanggal 9 November 2025

<sup>13</sup> Suryana, *Ekonomi Kreatif, Ekonomi Baru: Mengubah Ide Dan Menciptakan Peluang* (Jakarta : Salemba Empat, 2017), hlm. 3.

- planning, preservation of historical heritage buildings, construction supervision, city planning, consultation on engineering and engineering activities such as civil buildings and mechanical and electrical engineering;
- c. Art Market. Creative activities related to the trade in original, unique and rare goods that have high artistic and historical aesthetic value through auctions, galleries, shops, supermarkets and the internet, including music, printing, crafts, auto-mobile and film goods . Such as vintage items and items left by famous people.
  - d. Crafts (crafts). Creative activities related to the creation, production and distribution of products made or produced by craftsmen. Usually starting from the initial design to the product completion process.
  - e. Design. Creative activities related to graphic design creation, interior design, product design, industrial design, corporate identity consultation and marketing research services as well as packaging production and packaging services. Making apartment designs, flat house designs for example.
  - f. Fashion (fashion). Creative activities related to the creation of clothing designs, footwear designs and other fashion accessory designs, the production of fashion clothing and accessories, and can also be related to the distribution of fashion products;
  - g. Video, Film and Photography. Creative activities related to the creation of video production, film and photography services, as well as the distribution of video recordings and films. This includes script writing, film dubbing, cinematography, soap operas, and film exhibitions or festivals;
  - h. Interactive Games (games). Creative activities related to the creation, production and distribution of computer or Android and iOS games as well as videos that are entertainment, skill and educational in nature.
  - i. Music. Creative activities in the form of activities involving the creation or creation, performance, production and distribution of sound;
  - j. Performing Arts (showbiz). Creative activities related to content development efforts, show production. For example wayang golek, ballet, traditional dance, contemporary dance, drama, traditional music, stage music, opera, including ethnic music, costume design and production, scene setting, and lighting;
  - k. Publishing and printing. Creative activities related to content writing and publication of books, newspapers, magazines, newspapers, tabloids and digital content as well as news agency and news search activities.
  - l. Computer Services and Software (software) or Information Technology. Creative activities related to information technology development, including computer services, data processing, database development, software development, system integration, system design and analysis, software architecture design, software and hardware infrastructure design, and portal design including maintenance ;
  - m. Television & Radio (broadcasting). Creative activities related to the creation, production and packaging of television programs (such as games, quizzes, reality shows, infotainment, etc.), transmission and broadcasting of television and radio content, including radio and television broadcast station relay activities;
  - n. Research and Development (Research and Development). Creative activities are related to innovative companies that offer scientific and technological research, and take practical advantage of this science and technology by improving products and creating new products, new processes, new materials, new tools, new methods and new technologies that may be encountered in need. market.

Culinary. Creative activities with innovative companies that offer interesting culinary products, from presentation, recipes, to design of the food or drinks served<sup>14</sup>

### Method

The type of research used in this research is normative juridical, namely research that examines the application of legal rules and norms. Using a statutory approach, legal concepts and principles. Data sources come from secondary data consisting of primary legal materials in the form of laws, secondary legal materials in the form of books and journals and tertiary legal materials in the form of the internet, dictionaries and encyclopaedias. Data collection tools through literature study which was then analysed using qualitative analysis.

### Result and Discussion

Economic development basically has three basic goals to be achieved, namely reducing poverty, overcoming unemployment, and equalizing income<sup>15</sup>. From this description it can be stated that reducing poverty is the main and main goal, while overcoming unemployment and creating equality are strategies for realizing the main goal. This view also shows the relationship between goals and what must be done, what tools and strategies must be used to achieve the stated goals. All of these are legal devices in the context of mitigating poverty. regulations to support it. Based on the first Dikum of Presidential Instruction no. 6 of 2009 concerning the Development of the Creative Economy, what is meant by creative economy is economic activity based on individual creativity, skills and talents to create individual creativity and inventiveness that has economic value. Meanwhile in Law no. 24 of 2019, the creative economy is the embodiment of added value from intellectual property originating from human creativity based on cultural heritage, science or technology<sup>16</sup> Law Number 24 of 2019 concerning the Creative Economy and the issuance of Government Regulation Number 24 of 2022 concerning Implementing Regulations of Law Number 24 of 2019 concerning the Creative Economy as a form of regulation and legal development efforts in the fields of the Creative Economy, guarantee law and Intellectual Property law. The creative economy focuses on the creation of goods and services by relying on human creativity as Intellectual Property. This creative economy is also a transformation of the structure of the world economy that occurs in economic growth in Indonesia<sup>17</sup>

Creative Economy as intended in Article 19 and Article 22 of Law Number 24 of 2019 concerning the Creative Economy. If you look at Article 16 paragraph (2) and Article 21 paragraph (2) of Law Number 24 of 2019 concerning the Creative Economy, hereinafter referred to as the Creative Economy Law.

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<sup>14</sup> Rochmat Aldy Purnomo, *Ekonomi Kreatif Pilar Pembangunan Indonesia*, (Surakarta : Ziyad Visi Media, 2016), hlm. 6

<sup>15</sup> Putu Sudarma Sumadi, *Peranan Hukum Dalam Pembangunan Ekonomi*, (Surabaya : Pàramita, 2018),

<sup>16</sup> Fathnur Rohman, "Ekonomi Kreatif adalah ekonomi Baru, Ini Definisi dan Ruang Lingkupnya", melalui <https://katadata.co.id/safrezi/berita/620d2dd8bb3f0/ekonomi-kreatif-adalah-ekonomi-baru-ini-definisi-dan-ruang-lingkupnya>, diakses pada tanggal 19 Juni 2024, Pukul 10.20 Wib.

<sup>17</sup> Ranti Fauza Mayana, "Intellectual Property-Based Financing Scheme: Opportunity, Challenge and Potential", *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat*, Vol. 1, No. 1, (2022),

The use of digital technology and online platforms is able to create a dynamic and integrated economic ecosystem. Apart from making a significant economic contribution, creative industries also play an important role in enriching a nation's cultural identity<sup>18</sup> (Ag Appropriate and integrated legal support can help strengthen the creative and technological business environment, to encourage the development of a more sustainable and integrated digital-based creative economy. The support of statutory regulations in supporting the development of the creative economy in the digital economy includes:

1. Constitution of 1945.
2. Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises.
3. Law Number 23 of 2014 concerning Regional Government as has been amended several times, most recently with Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government.
4. Law Number 28 of 2014 concerning Copyright.
5. Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions.
6. Law Number 24 of 2019 concerning Creative Economy
7. Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law.
8. Government Regulation Number 24 of 2022 concerning Implementing Regulations of Law Number 24 of 2019 concerning the Creative Economy.

Five pillars that need to continue to be strengthened so that the creative industry can grow and develop to achieve the vision and mission of Indonesia's creative economy; Resource (Resources). Industry (Industry). Technology (Technology). Institutions and Financial Institutions<sup>19</sup>.

## Conclusion

The effectiveness and efficiency of implementing the digital creative economy must be complemented by institutions in developing the digital creative economy. This institutional design emphasizes several important elements, such as being directly responsible to the President and having the same authority as the coordinating ministry, collaborating closely between ministries and/or institutions, the private sector, academics and associations, having a special budget allocation, and having the capacity to formulate , implementing and monitoring evaluation of policies and regulations related to the digital economy, and consists of professionals.

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<sup>18</sup> Agus Wahyudi dkk,' Strategi Pengembangan Sektor Industri Kreatif Dalam Mendorong Pertumbuhan Ekonomi Nasional, *Jurnal Jurnal Manajemen dan Ekonomi Bisnis* Volume 4 Nomor 3 Agustus 2024, hlm 275

<sup>19</sup> Fanni Rahmawati1 , Putra Maulana2 , Salsabila Allya Rahmah dkk,' Pilar-Pilar Yang Mempengaruhi Perkembangan Ekonomi Kreatif Di Indonesia, *Jurnal Economic Education And Entrepreneurship* (2021) 4 (2), hlm 161.

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