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The Future of Copyright Protection for AI-Generated Art: Lessons from the Ghiblification Phenomenon

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ABSTRACT

The rapid development of AI-generated art that mimics the signature styles of human artists, exemplified by the ghiblification phenomenon, poses a crucial problem for the copyright protection of artistic style, which is traditionally unprotected. This research aims to critically analyze this legal challenge, conduct a comparative study of the copyright regulatory frameworks in Indonesia, the United States, the European Union, and Japan concerning AI art and the issue of artistic style, and formulate policy recommendations for Indonesia. Using a normative juridical research method through statute, conceptual, and comparative approaches, this study examines the legislation, doctrine, and practices in these four jurisdictions. The results show that ghiblification confirms the vulnerability of artistic style; although style as an idea is not protected, the replication of specific expressions by AI can still potentially constitute copyright infringement. The comparative analysis reveals significant variations in approach: the United States strictly requires human authorship, Japan offers flexibility for using data for AI training with a proviso, and the European Union seeks a balance through a TDM exception, while Indonesia still faces a specific regulatory vacuum. Nevertheless, a global consensus exists on the importance of human creative contribution for the recognition of copyright. It is concluded that the existing copyright legal framework, particularly in Indonesia, is inadequate to respond to the disruption of AI-generated art, thus requiring urgent juridical adaptation. This study recommends legal reform in Indonesia, including the clarification of the status of AI-generated art, the consideration of licensing models, and the strengthening of moral rights aspects in order to balance technological innovation with fair artistic protection.

Keywords: *AI-Generated Art; Artificial Intelligence; Artistic Style; Copyright Law; Ghiblification.*

INTRODUCTION

The exponential development of Artificial Intelligence (AI) is no longer merely a futuristic concept. However, it has become an inescapable reality that permeates various facets of modern life and is a defining characteristic of the contemporary era (Irfansyah, 2024). AI's ability to perform complex tasks previously exclusive to humans has fundamentally transformed the landscape of numerous industries. This technology is now deeply integrated into daily applications, from intelligent assistants on devices like Siri and Google Assistant and semi-autonomous driving systems in Tesla vehicles to the personalization of social media timelines and recommendation algorithms on streaming platforms such as YouTube and Netflix (Ramaputra et al., 2021). The presence of AI is not limited to personal convenience; it has also made significant contributions to crucial sectors such as healthcare diagnostics, optimising human social interactions, and increased work efficiency through the automation of various repetitive tasks (UNESCO, 2021).

The significance of AI is also reflected in its steadily increasing global economic value. Various international market reports indicate that the AI industry has reached a valuation of hundreds of billions of US dollars and is projected to grow more than fivefold within the next five years (GVR, 2025; Howarth, 2025). The sophistication of AI technology continues to show impressive advancements across various cognitive domains, including handwriting recognition, speech recognition, image recognition, text comprehension, natural language processing, and increasingly accurate predictive

reasoning capabilities (Giattino et al., 2023). Nevertheless, public perception of AI varies significantly across countries. A survey from Statista Consumer Insights reveals that European nations tend to be more sceptical, whereas greater enthusiasm is shown by countries in Asia and the Middle East, including India (49%), Vietnam (45%), Indonesia (41%), Pakistan (39%), Malaysia (38%), Singapore (37%), and China (35%), which report relatively high levels of AI acceptance (Fleck, 2024; Salsabila, 2024).

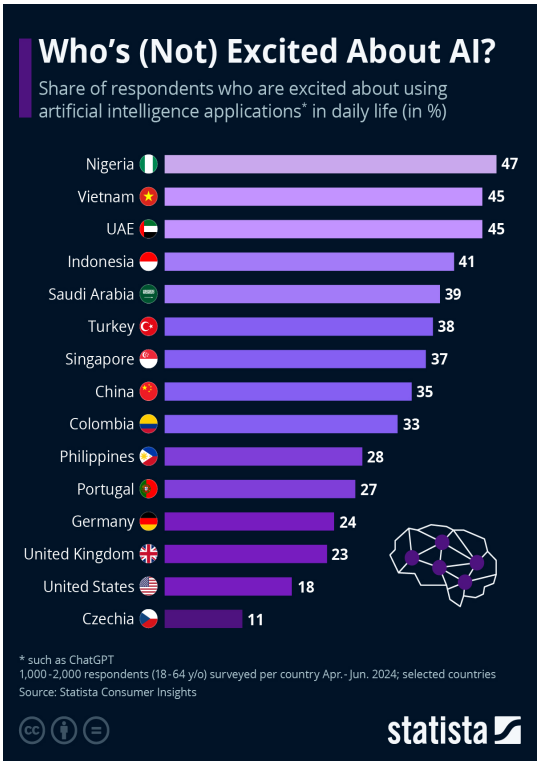

Figure 1. Who is (Not) Excited About AI? (Fleck, 2024)

In the Indonesian context, the AI market also demonstrates a promising growth trajectory with a valuation reaching USD 2.4 billion as of 2024, supported by significant investment commitments from global technology corporations like Microsoft and Nvidia, amounting to USD 1.9 billion (Kharisma, 2024). The high rate of AI adoption in the daily lives of Indonesians, which places the country fourth globally, necessitates adopting a responsive and comprehensive legal framework. Indonesia has established several ethical guidelines for AI use, primarily through the Minister of Communication and Informatics Circular Letter Number 9 of 2023 (HSFKramer, 2024). While important for establishing ethical principles, this Circular Letter does not specifically or deeply address the complexities of intellectual property, particularly within the copyright law regime, that arise from AI's generative capabilities.

One of the most disruptive impacts of AI's advancement is manifested in the creative industries, where AI systems can now generate innovative works of art, with or without direct human intervention. AI has demonstrated an extraordinary capability to perform tasks that traditionally require human cognitive and creative abilities, such as writing literary texts, composing music, and producing paintings of admirable

artistic quality (Zibner, 2019; Tektona et al., 2021). This phenomenon is supported by AI's inherent characteristics, which include creativity, unpredictability, independence, autonomy, rationality, adaptability, and the capacity for massive-scale data collection and processing (Margoni, 2018). A monumental example of this capability is "*The Next Rembrandt*" project in 2016, where an AI created a new painting by analyzing thousands of works by the 17th-century Dutch master Rembrandt Harmenszoon van Rijn (Yanisky-Ravid, 2017; Design, 2018). Similarly, AI has also been used to create new songs that mimic the distinctive style of the legendary band The Beatles (Ruipérez et al., 2017). While impressive, these developments raise serious concerns about the potential disruption to protecting human artists and preserving their creative identities in the future.

The fundamental legal problem that emerges is that the current copyright law regime, including in Indonesia, generally does not grant explicit protection to "*artistic style*" as an independently protectable element. Although copyright law broadly protects the original expression of a work, it does not extend to the distinctive style, technique, or creative methodology. Consequently, human artists are vulnerable to imitating their unique styles by AI systems without legal repercussions (Margoni, 2018). The training process for generative AI systems often involves exposure to vast amounts of existing works, including copyrighted text and images from the internet, which can pose a risk of copyright infringement by creating digital copies during that training process (Zirpoli, 2023). This legal vacuum creates uncertainty and potential harm for artists who dedicate time and effort to building a unique visual identity.

One of the clearest contemporary manifestations of this challenge is the phenomenon known as "*ghiblification*" (Notizie, 2025; Riemer & Peter, 2025). The term refers to the widespread use of AI-based tools to transform ordinary photos or images into visual art that closely resembles the signature animation style of Studio Ghibli, the renowned Japanese animation studio founded by Hayao Miyazaki (Riemer & Peter, 2025; Zeff, 2025), which is celebrated for its nostalgic, warm, and surreal atmosphere, pastel colour palettes, hand-drawn textures, and unique compositions (Pramudhito, 2023; Bauer, 2025). These AI applications allow anyone to easily replicate the Ghibli aesthetic, regardless of whether the use is personal, public, commercial, or non-commercial. Despite its massive popularity, the ghiblification phenomenon sharply highlights the growing tension between AI's technological capabilities and the limitations of copyright law (O'Brien & Parvini, 2025). Miyazaki himself has voiced scepticism toward AI-generated animation, arguing that true artistry cannot be reduced to mere algorithmic replication (Dhanya, 2025). Nevertheless, this trend has spread rapidly, even being adopted in creative campaigns and promotions by various institutions and government agencies (Choudhary, 2025).

The absence of explicit protection for artistic style in Indonesian copyright law, as reflected in Article 40 of Law Number 28 of 2014, which only defines 19 protected

categories of works without mentioning artistic style as a distinct object of protection, deepens the regulatory gap. It raises serious concerns about the absence of a protective mechanism for an artist against the stylistic replication by AI that threatens their artistic identity. Although various studies have discussed the general aspects of copyright and AI, in-depth analyses that specifically use the vilification phenomenon as a case study to explore the legal implications for the protection of artistic style and comprehensively compare major jurisdictional approaches remain limited. Previous research has tended to focus on the issue of AI authorship or the use of training data in general. However, it has not yet thoroughly examined how a specific widespread cultural phenomenon like vilification can serve as a precedent or a crucial lesson for future legal reform, particularly in the context of a developing country like Indonesia.

Therefore, this research aims to fill this gap by critically analyzing the legal challenges in protecting artistic style in AI-generated art, taking the ghiblification phenomenon as a primary case study to illustrate the resulting copyright implications. Furthermore, this study will perform a comparative legal analysis of the copyright frameworks in Indonesia, the United States, the European Union, and Japan to identify each jurisdiction's various approaches, strengths, and weaknesses in addressing AI-generated art and protecting artistic style replication. Ultimately, this research seeks to formulate constructive and applicable policy recommendations for the development of copyright law in Indonesia, based on the lessons learned from the ghiblification phenomenon and the results of the comparative legal analysis, in order to create a balance between protecting artists' rights, fostering AI technological innovation, and serving the public interest. Thus, this research is expected to make a significant scholarly contribution to the legal discourse on intellectual property in the AI era and provide a foundation for forming more adaptive and equitable regulations in the future.

METHOD

This study is fundamentally a work of normative legal research that seeks to analyze the legal issues surrounding copyright protection for AI-generated art and the ghiblification phenomenon. As articulated by Hadjon and Djatmiati (2016), the essence of normative legal research lies in the examination of legal norms, principles, and doctrines—a focus that aligns perfectly with this study's aim to unravel the legal complexities arising from the intersection of AI technology and the copyright regime. To comprehensively achieve its objectives, this research adopts three complementary approaches: statute, conceptual, and comparative approaches (Negara, 2023). This research collects data through an in-depth literature review and legal document analysis, encompassing primary legal materials, such as national and international laws and regulations, as well as secondary legal materials, including legal textbooks, scholarly journals, academic articles, and relevant court decisions from various jurisdictions (Qamar & Rezah, 2020).

The statute approach is employed to conduct an inventory, interpretation, and systematic analysis of the hierarchy and principles contained within the various positive legal instruments governing copyright and, where applicable, the use of AI in Indonesia and other jurisdictions, subject to comparison. As explained by Ibrahim (2006), laws and regulations, as written legal norms of a general nature established by state institutions or authorized officials, serve as the primary source of analysis in this approach. It enables a thorough understanding of the existing legal framework and any potential legal gaps related to the issue under investigation. Next, the conceptual approach, as outlined by Bently and Sherman (2014) in the context of intellectual property, is used to critically and deeply examine the fundamental concept of artistic style within the realm of copyright law, primarily when associated with AI's ability to imitate or generate works based on a specific style. This approach is essential for clarifying the conceptual boundaries and legal terminology at the core of the debate on protecting AI-generated art.

The comparative law approach, referencing the framework proposed by Wibowo (2021) as well as Örücü and Nelken (2007), is utilized to analyze and compare the legal frameworks and copyright protection practices related to AI-generated art in several selected jurisdictions: the United States, the European Union, and Japan. The selection of these jurisdictions is based on the consideration that all three are regions with rapid AI technological development and advanced creative industries and have demonstrated initial efforts to respond to the legal challenges posed by AI—whether through legislation, court rulings, or policy guidelines—thus offering a relevant spectrum of solutions and problematics from which lessons can be drawn. The interaction among these three approaches facilitates a holistic analysis: the statute approach provides the normative foundation, the conceptual approach sharpens the understanding of the core issue, and the comparative approach offers perspectives and alternative solutions from the practices of other jurisdictions. The data collected from these three approaches are then analyzed qualitatively through legal interpretation, legal reasoning, and comparative synthesis to identify challenges and legal gaps and to formulate comprehensive and contextual policy recommendations for the future development of Indonesian copyright law in the face of the AI-driven technological disruption era.

RESULTS AND DISCUSSION

A. The Challenge of Protecting Artistic Style amidst AI-Generated Art: A Critical Analysis of the Ghiblification Phenomenon

The recent emergence of the ghiblification phenomenon marks a new chapter in the interaction between AI and the creative industries, and it has ignited a crucial discourse within the realm of copyright law (Notizie, 2025; Riemer & Peter, 2025). This term refers to the capability of generative AI systems to process an ordinary image or photograph and instantly transform it into a visual work

that closely resembles, and is at times difficult to distinguish from, the signature animation style inherent to Studio Ghibli, the globally reputed Japanese animation entity founded by Hayao Miyazaki (Zeff, 2025). The aesthetic characteristics of Studio Ghibli—which include a nostalgic atmosphere, soft pastel color palettes, rich hand-drawn textures, imaginative and often surreal visual compositions, and stunningly detailed depictions of nature—can now be replicated with unprecedented ease (Pramudhito, 2023; Bauer, 2025). This phenomenon has captured widespread public attention and fundamentally challenged traditional conceptions of creativity, originality, and art protection in the digital era.

The technological foundation behind ghiblification and similar phenomena lies in the rapid advancements of generative AI models, including those based on *large language models* for command comprehension and *generative adversarial networks* or diffusion models for image synthesis. These systems are trained on massive datasets encompassing millions of images and texts, often including copyrighted works of art (Zirpoli, 2023). Through this extensive training process, AI does not merely store and combine pixels but can encode and internalize the conceptual essence of various artistic styles, including "*ghibli-ness*," as a complex mathematical representation within its neural network (Thompson, 2024). This ability to perform style encoding and transfer, which has long been a goal in visual AI development (Tenenbaum & Freeman, 2000), has now reached a scale and precision that allow AI to function as "*style engines*" (Riemer & Peter, 2024), capable of dynamically and convincingly applying specific stylistic characteristics to different input images.

The fundamental juridical problem triggered by the ghiblification phenomenon is rooted in a core principle of copyright law: the idea-expression dichotomy. This doctrine, universally adopted in various copyright systems, posits that copyright protection is granted only to the concrete form of expression of an idea, not to the idea, concept, method, procedure, system, or style itself (Margoni, 2018). In the context of art, this means that an artist's style—their distinctive way of using color, forming lines, constructing compositions, or creating a particular atmosphere—is generally considered part of the realm of ideas or methods, free to be imitated or further developed by other artists as a form of inspiration. For instance, this principle is manifested in general provisions concerning the scope of protected works, such as those found in various copyright laws, including its potential relevance to Article 40 of Law Number 28 of 2014, which outlines the types of protected works as forms of expression. Consequently, traditional copyright law does not provide a strong basis for prohibiting imitation of artistic style.

If this idea-expression dichotomy principle is strictly applied to the ghiblification phenomenon, then AI-generated art, as it only concerns general

stylistic characteristics such as color palettes, atmosphere, or distinctive visual techniques, would likely not be automatically categorized as copyright infringement. However, the issue becomes far more complex when the AI's replication does not stop at the level of abstract style but instead touches upon or even substantially imitates specific expressive elements found within Studio Ghibli's copyrighted works. These expressive elements can include unique and detailed character designs, iconic backgrounds with distinctive visual compositions, or even specific narrative visual motifs that consistently appear and form an integral part of the Ghibli works' identity. Suppose the output of ghiblification is proven to have substantially taken these original and protected expressive elements. In that case, such an act has a high potential to be classified as copyright infringement, regardless of whether the imitation was of the style as a whole.

Furthermore, the ghiblification phenomenon and generative AI in general also present a perplexing dilemma regarding the issues of authorship and ownership of the resulting works. Historically and philosophically, the copyright systems in many countries base the concept of authorship on a human entity as the source of creativity and intellectual expression. The question of whether an AI, as a non-human entity, can be recognized as an author under the law remains a fierce debate without a global consensus. If an AI cannot be an author, then who holds the copyright to the ghiblification work it produces? Is it the user who provides the prompt, the developer of the AI program, or does the work fall into the public domain? This ambiguity in authorship status directly impacts the ability to exploit economic rights and enforce moral rights over these works.

Creative industry practitioners' reactions further sharpen the tension between AI's technological progress and the existing copyright legal framework. Hayao Miyazaki, one of the founders behind Studio Ghibli, has openly voiced his skepticism toward AI-generated animation, arguing that the essence of true artistry and the expression of the human soul cannot be reduced to mere stark algorithmic replication (Dhanya, 2025). This view reflects a broader concern among artists regarding the potential devaluation of human work and the erosion of creative identity resulting from machines' ease of stylistic replication.

Amidst the ongoing ethical and legal debates, the trend of using AI-generated Ghibli-style imagery has spread rapidly, even being adopted in creative campaigns and promotions by certain government institutions and politicians (Choudhary, 2025). Notable examples include the @whitehouse account creating a Ghibli-style image of a woman crying while being detained (The White House, 2025), and the @mygovindia account promoting Prime Minister Narendra Modi's narrative of a "New India" (Government of India, 2025). Thus, the ghiblification phenomenon is not merely a digital aesthetic trend but a crucial case study that vividly demonstrates the urgency for the copyright system to adapt and adequately respond to the new challenges presented by the AI era (O'Brien & Parvini, 2025).

B. The *Status Quo* of Indonesian Copyright: Gauging the Readiness of National Regulation in the Face of Disruption from AI-Generated Art

The fundamental legal framework governing copyright protection in Indonesia is Law Number 28 of 2014. This Law is designed to provide legal recognition and protection for various forms of creative works born from human intellectual capabilities while regulating the exclusive rights inherent to authors and copyright holders. In confronting the increasingly massive wave of technological disruption from AI, including its ability to generate art and imitate artistic styles, a thorough examination of the provisions within Law Number 28 of 2014 is crucial for gauging the readiness and responsiveness of the national legal system. This evaluation is critical given the high rate of AI adoption in Indonesia, which, according to some reports, has placed the country in a significant global position (Kharisma, 2024), making the urgency for legal certainty in this aspect all the more pressing.

The definitions of an author and a work stipulated in Law Number 28 of 2014 are central to understanding copyright protection in Indonesia. Article 1 point 2 of this Law explains that "*An Author means a person or several persons who individually or jointly produce works that are unique and personal*." Furthermore, Article 1 point 3 of Law Number 28 of 2014 explains that:

> *"A Works means any scientific, artistic, and literary works resulting from inspiration, ability, thought, imagination, dexterity, skill or expertise expressed in a tangible form."*

These two definitions clearly emphasize human personality and intellect as the source of a protectable work (Mahardita & Roisah, 2018; Tektona et al., 2021). A new piece can only obtain status as a protected work if it fulfills three cumulative elements: it relates to the fields of science, art, or literature; it is produced through a human intellectual process (inspiration, ability, thought, etc.); and it has been expressed in a tangible or corporeal form (Andrini, 2018).

The scope of protected works is more detailed in Article 40, section (1) of Law Number 28 of 2014, which lists 19 categories of works in science, art, and literature. The categories of works in this article are extensive and cover a wide range of creative expressions, from books and computer programs to musical compositions and visual arts in all forms. However, no single provision in that article, nor in any other within Law Number 28 of 2014, explicitly designates artistic style as a standalone object of copyright protection. The focus of protection in Article 40 section (1) of this Law is on the concrete manifestation or form of an idea's expression, not on the distinctive style, technique, or creative methodology used in creating the work. The absence of artistic style as a *sui generis* protectable work becomes the starting point of the legal problem when confronted with AI's ability to replicate style.

The implications of this normative construction of an author and a work in Law Number 28 of 2014 for AI-generated art are highly significant. Given that the definition of an author explicitly refers to a "*person*" or "*several persons*," AI, as a non-human entity lacking the legal capacity of a legal person, doctrinally cannot be qualified as an author under Law Number 28 of 2014. Consequently, art purely generated by AI without substantial creative human intervention that meets the criteria of a personal intellectual expression is at high risk of not being considered a "*work*" eligible for copyright protection under the current Indonesian legal regime. This condition creates a tangible regulatory vacuum regarding the authorship and protection of AI-generated art.

In the context of the ghiblification phenomenon, where AI replicates the signature visual style of Studio Ghibli, the legal gap concerning the protection of artistic style in Law Number 28 of 2014 becomes increasingly relevant. If the Ghibli style—which includes its color palettes, atmosphere, or specific drawing techniques—is considered part of the realm of ideas or methods not independently protected by copyright, then an AI's action of merely imitating that style, without substantial taking of the concrete expression from specific protected works of Studio Ghibli (such as original character designs or iconic scenes), would not be considered copyright infringement of the artistic style under Law Number 28 of 2014. It highlights the vulnerability of artists who have built a strong stylistic identity, as AI can replicate their style without an adequate legal basis to claim direct protection for that style.

The Indonesian government's efforts to respond to AI developments have indeed begun to materialize through the issuance of several policy instruments, one of which is the Minister of Communication and Informatics Circular Letter Number 9 of 2023 (HSFKramer, 2024). However, an analysis of its substance reveals that the policy's primary focus is on the ethics of AI use, data governance, risk mitigation, and accountability in specific sectors rather than on resolving the juridical copyright issues arising from works generated by AI. Thus, this guideline has not significantly filled the normative gap in Law Number 28 of 2014 concerning protecting AI-generated art or artistic style.

Based on this examination of the prevailing copyright framework, it can be concluded that the *status quo* of regulations in Indonesia presents considerable challenges and ambiguities in the face of disruption from AI-generated art. The limitations of the human-centric definition of an Author, the absence of explicit protection for artistic style as a distinct object of copyright, and the lack of a specific legal instrument governing the status of AI-generated art collectively indicate that the nation's regulatory readiness needs to be comprehensively enhanced. The need for reform, or at least a more adaptive legal interpretation, is becoming increasingly urgent to provide legal certainty, protect creators' rights, and facilitate the responsible development of AI technological innovation in Indonesia.

C. The Supremacy of Human Authorship in the United States: Doctrinal Implications for the Protection of AI-Generated Art

The United States, as a jurisdiction with significant influence on global legal development, has established a comprehensive legal framework governing intellectual property rights through the U.S. Copyright Act of 1976[1]. Previously, copyright protection was regulated under the U.S. Copyright Act of 1909, which only protected original published works that had obtained a copyright notice (Prabandari, 2013; Kusmayanti, 2018). Consequently, individual states enacted laws to protect unpublished works, while published works—regardless of whether a copyright notice was attached—remained exclusively governed by federal law (Prabandari, 2013). The U.S. Copyright Act of 1976 introduced a significant change by extending protection to original works fixed in any tangible medium of expression, irrespective of their publication status or the presence of a copyright notice. Although the U.S. Copyright Act of 1976 does not explicitly define non-human authorship, the legal doctrine and practice in the United States generally assume that the figure of an "*author*" must refer to a human individual (Ramalho, 2017; Tektona et al., 2021), a postulate that has profound doctrinal implications for the status of AI-generated art.

Long before the advent of modern generative AI, the United States legal system had begun grappling with works involving machine intervention. As early as 1965, the U.S. Copyright Office faced challenges related to works created with computer assistance, which later led to the establishment of the National Commission on New Technological Uses of Copyrighted Works (CONTU). In its influential 1978 report, CONTU concluded that a computer is fundamentally a passive tool in the creative process and is not eligible to be considered an independent creator of a work, given that AI development at the time was still speculative. There was no rational basis to believe a computer could contribute the essential creative input required for copyright protection. This view, as articulated by Kasap (2019), was also reinforced by various court decisions emphasizing that the "*inventive essence*" prerequisite for copyright is inherently absent in computer systems and remains an exclusively human attribute.

The primary statutory foundation governing copyright protection in the United States is Section 102 of the U.S. Copyright Act of 1976. Section 102(a) states that copyright protection subsists in "*original works of authorship fixed in any tangible medium of expression*." Although the phrase "*works of authorship*" does not definitively limit authors to human entities within that section, the dominant and consistent interpretation, as will be further elaborated, leads to that conclusion (Caldwell, 2023). On the other hand, Section 102(b) explicitly excludes copyright protection for any idea, procedure, process, system, method of operation, concept,

[1]U.S. Copyright Act of 1976, including all amendments enacted by Congress through December 23, 2024.

principle, or discovery, which becomes relevant in distinguishing between a conceptual artistic style and a protected concrete expression.

The administrative interpretations and practices of the U.S. Copyright Office play a crucial role in solidifying the doctrine of human authorship. Section 306 of the Compendium of U.S. Copyright Office Practices explicitly states that the U.S. Copyright Office will only register an original work of authorship if a human being created it. Caldwell (2023) underscores that although the concept of authorship is minimally defined in legislation and often requires judicial interpretation, its link to originality originating from a creative human mind is exceptionally strong. Consequently, AI, as a non-human entity, cannot be recognized as a copyright holder under the current legal framework of the United States.

This principle received concrete affirmation in the case of registration number VAu001480196 for the copyright application of a comic book titled *Zarya of the Dawn*, whose illustrations were partly generated using the AI system Midjourney by Kris Kashtanova. In its decision, the U.S. Copyright Office (2023) rejected copyright registration for the images purely generated by the AI, citing the absence of sufficient human creative contribution. However, it protected the narrative text and the overall arrangement of the comic, which were Kashtanova's work (Hutson, 2024). This decision, as analyzed by Klukosky and Kohel (2024), highlights the U.S. Copyright Office's unwavering commitment to maintaining human creativity as the epicenter of copyright protection and affirms that significant and meaningful human input is an essential prerequisite for legal recognition of work.

The implication of this supremacy of the human authorship doctrine for protecting artistic style in the context of AI-generated works in the United States is consistent with the general principle of the idea-expression distinction. As emphasized by Geiger (2024), although the United States adopts the principles of fixation and originality, a strong emphasis is placed on the requirement that creativity must originate from a human mind. Thus, as an abstract concept or method, artistic style does not receive separate copyright protection. However, a specific and original expression that embodies that style remains protected, provided it results from human creativity. Therefore, an AI system that imitates an artistic style does not automatically infringe copyright in that style. However, if the AI's output substantially replicates a protected concrete expression created by a human, then copyright infringement remains a potential (Simbolon, 2023).

Overall, the United States' approach to AI-generated art demonstrates a firm and consistent stance in upholding the fundamental principle of human authorship as an absolute requirement for copyright protection. Consequently, works generated entirely by AI systems, without significant creative human intervention, are not eligible for copyright registration and protection under U.S. jurisdiction. While

providing relatively straightforward legal certainty, this approach also presents challenges in responding to the dynamics of AI technological development, which is increasingly sophisticated and capable of producing works of high aesthetic and complex quality.

D. The Dynamics of EU Copyright Regulation: Harmonization, the TDM Exception, and its Link to AI Regulation

The European Union applies a comprehensive approach to copyright regulation through directives and regulations aimed at harmonizing the essential rights of authors, performers, producers, and broadcasting organizations across all member states (European Commission, 2024). This harmonization effort is fundamental to minimizing legal discrepancies between national jurisdictions, ensuring adequate protection to encourage creativity and investment in the creative sector while supporting cultural diversity and enhancing access for consumers and businesses to digital content and services in the European region. This dynamic has become increasingly complex with the rapid development of AI technology, compelling the European Union to continuously adapt its legal framework, including copyright and general AI regulation.

The EU copyright legal framework relevant to the issue of AI-generated art is primarily stipulated in several key instruments, including Directive 2001/29/EC and, more recently, Directive (EU) 2019/790. Directive (EU) 2019/790 specifically introduces various new provisions designed to respond to the challenges of the digital era, including exceptions and limitations related to Text and Data Mining (TDM), a computational process crucial for the training of generative AI models.

Article 4 of Directive (EU) 2019/790 provides the legal basis for using lawfully accessible works and other subject matter for reproduction and extraction in the context of TDM activities. The permission granted in this Article references rights established in various prior directives, such as Article 5(a) and Article 7(1) of Directive 96/9/EC, Article 2 of Directive 2001/29/EC, and Articles 4(1)(a) and (b) of Directive 2009/24/EC. However, this exception is not absolute; Directive (EU) 2019/790 stipulates reproductions and extractions may be stored for as long as necessary for TDM. Most importantly, this exception applies on the condition that the use of such works has not been expressly reserved by their rights holders, for instance, through machine-readable means for online content. Article 4 of Directive (EU) 2019/790 indicates the European Union's effort to balance AI innovation's needs with copyright holders' protection.

The implication of this TDM provision for phenomena like ghiblification is multifaceted. On the one hand, a TDM exception can facilitate AI developers in training their models using large data corpora that may include works from Studio Ghibli, provided the requirements of lawful access and the absence of a

reservation by the rights holder are met. However, it is crucial to underline that permission to conduct TDM for AI training does not automatically grant a license to generate or distribute new works that infringe upon the copyright of specific protected expressions. In other words, although the AI training process may be conducted under the TDM regime, the output from that AI must still be tested for compliance with applicable copyright law regarding potential infringement of the original works.

As with other jurisdictions, the EU copyright framework also adheres to the fundamental principle that copyright protection is granted to the concrete expression of an idea, not the idea or artistic style itself (Kretschmer, 2003). In the context of ghiblification, this means that the distinctive visual style of Studio Ghibli, as an abstract aesthetic concept, would likely not receive direct copyright protection. However, the various specific and original expressions in Studio Ghibli's works—such as unique character designs, iconic background compositions, or distinctive narrative visual elements—remain fully protected by copyright. Therefore, an AI system's unauthorized use of these expressions, even in the context of imitating the Ghibli style, retains a high potential to be categorized as copyright infringement within the European Union.

Beyond the copyright framework, the European Union has also taken proactive steps to regulate AI technology more broadly through the proposal of Regulation (EU) 2024/1689 (Christi & Cahyaningsih, 2024). The primary focus of Regulation (EU) 2024/1689 is on the governance of the development and deployment of AI technology based on a risk-based approach, with the primary objective of ensuring safety, transparency, accountability, and the protection of the fundamental rights of EU citizens (European Commission, 2025). Although Regulation (EU) 2024/1689 is not explicitly designed as a copyright law instrument, it does address provisions related to intellectual property, which is aligned with various prior European Commission reports and European Parliament resolutions on AI and intellectual property (European Parliament, 2021).

Despite not being direct, the link between Regulation (EU) 2024/1689 and the issue of copyright is important in shaping the overall AI regulatory ecosystem in the European Union. Regulation (EU) 2024/1689 establishes various obligations for developers and users of high-risk AI systems. It may indirectly influence how copyrighted data is used in training AI models or how potentially infringing AI outputs are handled. Nevertheless, it is important to note that regarding the substance of copyright protection itself, the European Union continues to rely on its existing copyright framework, including its various harmonized directives. This dynamic shows that the EU's approach is complementary, wherein Regulation (EU) 2024/1689 governs the general aspects of AI while specific copyright issues remain within the domain of copyright legislation.

Although various legislative steps have been taken, the discourse surrounding the impact of generative AI on copyright protection and remuneration for creators in the European Union continues to evolve and intensify. As noted by Dusollier et al. (2025), a growing concern emerged in 2024 that the capability of AI to generate complex text, images, music, or films could erode the value of human creative work and complicate fair compensation mechanisms for creators. It indicates that the regulatory landscape in the European Union, despite being one of the most advanced, will continue to adapt and evolve in line with the acceleration of AI technological innovation and the emergence of new challenges that require a careful and balanced juridical response.

E. Japan's Paradigm in the Era of AI-Generated Art: Juridical Flexibility, Ethics of Innovation, and Copyright Protection

As a nation at the forefront of technological innovation with a strong tradition of respect for creative works, Japan demonstrates a unique and relatively liberal approach to addressing the intersection of AI and the copyright law regime. The primary legal framework of reference is the Japanese Act Number 48 of 1970[2], which has undergone significant adjustments to accommodate the needs of AI technology development. This Japanese paradigm reflects a conscious effort to balance the facilitation of technological innovation while upholding the fundamental principles of copyright protection and ethical considerations.

The most prominent progressive step from the Japanese jurisdiction is the 2018 amendment to the Copyright Act, which specifically added Article 30-4 of Japanese Act Number 30 of 2018 (Hapsari & Cahyaningsih, 2024). This article provides a flexible juridical basis for using copyrighted works without requiring explicit permission from the copyright holder for specific non-consumptive purposes related to the work's expression, including data analysis and AI system training. In more detail, this article permits the exploitation of a work, in any way and to the extent deemed necessary, if the action is not to enjoy the ideas or sentiments expressed in the work but rather for use in technology testing, data analysis, or other computer data processing that does not involve human perception of the work's expression. However, this flexibility is limited by an important proviso: such actions must not unreasonably prejudice the copyright owner's interests, considering the work's nature or purpose and the conditions of its exploitation.

The implementation of Article 30-4 of Japanese Act Number 30 of 2018 has significant implications for the AI development ecosystem in Japan, as it allows developers to utilize vast data corpora, including copyrighted works, as training material for AI models without being burdened by complex licensing processes at the initial stage. This article reflects a "*juridical flexibility*" designed to accelerate

[2]Japanese Act Number 48 of 1970, as amended several times, latest version by Act Number 52 of 2021.

technological innovation. Nevertheless, it is important to note that the proviso within the article remains a protective safeguard for copyright holders, ensuring that the use of works for AI training does not reach a level that creates direct competition with the normal market for the original work or unfairly exploits the work's expressive value. This approach demonstrates Japan's effort to create a "*safe harbor*" for data-driven AI research and development activities.

As with the other jurisdictions discussed, Japan's copyright framework also does not explicitly protect artistic style as a standalone entity separate from concrete expression. Artistic style, which encompasses elements such as distinctive color palettes, compositional techniques, or a specific visual atmosphere, is still categorized as part of the realm of ideas, methods, or creative techniques that cannot monopolize by copyright. Therefore, in the context of the ghiblification phenomenon, an AI system that only imitates the signature visual style of Studio Ghibli without substantially replicating the specifically protected expressions in Studio Ghibli's concrete works (such as original character designs or unique narrative visual elements), would likely not be considered to have committed copyright infringement in Japan from the sole perspective of style imitation. Copyright protection will remain focused on fixed and original expression.

Japan's efforts to navigate the complexities of AI and copyright issues are not limited to the legislative aspect. However, they are also reinforced through developing ethical guidelines and best practices. Through various initiatives, the Japanese government has promoted AI Guidelines, such as the AI Guidelines for Business, which aim to foster responsible innovation (METI, 2024). Such guidelines emphasize the importance of using AI in a way that does not harm the market for original works or the reputation of creators, and they encourage the implementation of validation mechanisms to assess potential legal violations that may arise from generative AI outputs (Warren & Grasser, 2024). This approach underscores Japan's commitment to the "*ethics of innovation*," wherein technological progress is pursued in tandem with respect to existing rights and fairness principles.

Regarding authorship status, Article 2, paragraph (1), item (i) of Japanese Act Number 52 of 2021 defines a "*work*" as a creation that creatively expresses "*human thoughts and emotions*." This human-centric definition, implicitly and explicitly in Japanese legal interpretation, leaves no room for recognizing AI as an author or a legal subject of copyright (Warren & Grasser, 2024). Thus, a work generated entirely by AI without significant human creative intervention would not receive copyright protection in the name of the AI itself. Nevertheless, the legal discourse in Japan has begun to explore in greater depth the possibility of applying the concept of "*joint authorship*" in the context of works produced through collaboration between humans and AI.

According to Warren and Grasser (2024), several criteria are considered in determining whether a human's contribution to the creative process with AI is significant enough to qualify for joint authorship. These criteria include the substance and detail of the input prompts provided by the AI user, the intensity of the user's efforts in iterating generations and modifying the AI's output to achieve the desired result, the user's active role in selecting the final work from various alternatives generated by the AI, and the degree of human creative modification or touch applied post-generation by the AI. This exploration of the concept of joint authorship demonstrates an adaptive effort by the Japanese legal system to accommodate the new reality of creative processes involving AI technology without sacrificing the fundamental principle that copyright is essentially a right inherent to human creativity.

Overall, Japan's paradigm in addressing the era of AI-generated art presents a model that attempts to embrace juridical flexibility to support technological innovation, particularly through Article 30-4 of Japanese Act Number 30 of 2018, while still adhering to essential ethical principles and copyright protections. Despite permitting broader use of copyrighted data for AI training purposes, Japan maintains that copyright protection is ultimately granted to concrete expressions that reflect human thought and sentiment, and it does not recognize AI as an autonomous author. This approach offers a valuable perspective in the global discourse on balancing various parties' interests amidst the rapid advancement of AI technology.

F. Comparative Reflection and Extraction of Juridical Lessons for Indonesia from the Ghiblification Phenomenon and Global Practices

An in-depth analysis of the *status quo* of copyright law in Indonesia and an examination of the various regulatory approaches adopted by the United States, the European Union, and Japan in the face of disruption from AI-generated art and the problem of protecting artistic style, as previously detailed, provide a rich foundation for a comparative reflection. This reflection aims to identify patterns of convergence and divergence in the global legal landscape, understand the universal challenges being faced, and, most crucially, extract valuable juridical lessons for Indonesia. The ghiblification phenomenon, as a central case study, continues to be the common thread that underscores the urgency and complexity of this issue in a practical context.

One of the fundamental points of convergence identified from the cross-jurisdictional analysis is the widespread recognition of the idea-expression dichotomy in copyright law, albeit with varying nuances in implementation. Whether through interpretations of provisions in Law Number 28 of 2014, the U.S. Copyright Act of 1976, Directive (EU) 2019/790, or the Japanese Act Number 48 of 1970, there is general agreement that artistic style, as an abstract concept,

method, or technique, is not an independent subject of copyright protection. Protection remains focused on the concrete and original expression of an idea. Another significant convergence is the continued emphasis on the element of human creativity or intellectual contribution as a prerequisite for the emergence of copyright, even as the definition and threshold of "*human contribution*" in works involving AI remain a heated debate and are interpreted differently—for instance, between the firm rejection of purely AI works in the United States and the potential exploration of joint authorship in Japan.

Despite these points of convergence, divergences in regulatory approaches among jurisdictions are also very apparent, reflecting differences in legal philosophies, economic policy priorities, and levels of adaptation to technological innovation. The United States, with its doctrine of human authorship supremacy strictly interpreted by the U.S. Copyright Office, demonstrates the most restrictive stance toward recognizing copyright for works generated entirely by AI. Conversely, through Article 30-4 of Japanese Act Number 30 of 2018, Japan adopts a far more flexible approach by permitting broad use of copyrighted works for data analysis and AI training, provided it does not unreasonably prejudice the rights holder's interests. The European Union, particularly with Article 4 of Directive (EU) 2019/790, attempts to find a middle path by providing an exception for TDM while still offering a control mechanism (opt-out) for rights holders, reflecting a complex balancing act. In this context, Indonesia remains in a position where its legal framework has not yet explicitly and comprehensively responded to these specific challenges, creating an area of legal uncertainty.

Regardless of their different approaches, all jurisdictions studied face a series of universal challenges inherent in the effort to regulate the intersection of AI and copyright. These challenges include, among others, the difficulty in formulating a precise and applicable juridical definition of "*significant human contribution*" in AI-assisted works; the ethical and legal problems of using massive amounts of copyrighted data to train AI models without adequate permission or compensation; the complexity of monitoring and enforcing against potential copyright infringements facilitated by the speed and volume of content production by AI; and the dilemma of balancing incentives for AI technological innovation with the preservation of the rights and the sustainability of the ecosystem for human creators. The ghiblification phenomenon, with its ability to instantly replicate iconic artistic styles, serves as a vivid illustration of how technology can rapidly outpace the long-understood boundaries of traditional copyright law, exposing the vulnerability of the artistic style that constitutes an artist's identity.

The crucial lessons that can be drawn from the ghiblification phenomenon and these global practices for Indonesia are multi-dimensional. *First*, the ghiblification case vividly shows that the absence of explicit protection for artistic

style can be exploited by technology, potentially harming artists with strong visual identities. Although the principle of non-protection for style is a general norm, AI needs to seriously consider the socio-economic impact of mass-scale stylistic replication. *Second*, the responses of other jurisdictions demonstrate that there is no perfect solution. The restrictive approach of the United States may provide certainty for the status of purely AI works but could potentially stifle local innovation. Conversely, Japan's flexibility, while pro-innovation, requires strong oversight and balancing mechanisms to avoid harming creators. The European Union's approach of balancing through TDM exceptions with an opt-out also has its implementation complexities.

A critical evaluation of other jurisdictions' models is essential for Indonesia, with its high rate of AI adoption and rich creative industries. Is the permissive Japanese model for using training data, with certain conditions, more suitable for fostering the national AI ecosystem, or is a more cautious approach necessary, as reflected in some aspects of EU regulation? Further exploration into strengthening artists' moral rights concerning the integrity of their work and their stylistic identity, even if the style itself is not protected, may be warranted. Moreover, lessons from cases like *Zarya of the Dawn* in the United States regarding the importance of substantial human contribution can be a reference for developing authorship criteria for works involving AI in Indonesia.

Thus, this comparative reflection underscores the urgency for Indonesia not only to acknowledge the presence of AI in its digital landscape but also to proactively formulate a copyright legal framework that is clearer, more adaptive, and equitable. This includes in-depth consideration of the status of AI-generated art, the definition of significant human contribution, mechanisms for using data for AI training that respect copyright, and the potential development of new legal instruments or interpretations of the existing Law Number 28 of 2014 to address the legal vacuum. These steps are crucial not only for providing legal certainty but also for ensuring that Indonesia's creative ecosystem can continue to grow and develop harmoniously with the advancement of AI technology while still protecting the fundamental rights of its creators.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion that have been comprehensively elaborated, it can be concluded that the ghiblification phenomenon, as a manifestation of AI's ability to replicate the artistic style, vividly illustrates the crucial legal challenges faced by the contemporary copyright regime. Although copyright doctrine in various jurisdictions, including the general principles underlying Law Number 28 of 2014, generally does not grant protection to artistic style as an abstract idea but rather to a concrete, original expression, the capability of generative AI to imitate style with

precision and on a massive scale presents a new vulnerability for the creative identity of artists. The ghiblification case study confirms that the replication of specific, protected expressive elements within Studio Ghibli's works by AI still has the potential to trigger copyright infringement; however, the issue becomes more complex when what is imitated is the stylistic essence without a literal taking of expression. This phenomenon fundamentally questions the readiness of the traditional legal framework to handle the new nuances between inspiration, imitation, and creation facilitated by artificial technology.

Furthermore, the comparative legal analysis of Indonesia, the United States, the European Union, and Japan reveals a diverse spectrum of regulatory approaches in addressing AI-generated art and the issue of artistic style protection. Despite points of convergence on the fundamental principle of non-protection for abstract style and an emphasis on the centrality of human authorship—or at least significant human contribution—for copyright to subsist, the implementation and flexibility of norms in each jurisdiction show striking differences. The United States maintains a restrictive stance by refusing copyright protection for works purely generated by AI. In contrast, Japan displays greater juridical flexibility, particularly through Article 30-4 of Japanese Act Number 30 of 2018, which permits using copyrighted data for AI training under certain provisos. The European Union endeavors to navigate this complexity through the harmonization of directives, including an exception for TDM activities with a control mechanism for rights holders. Despite these global dynamics, Indonesia is still facing a significant legal vacuum. It lacks a regulatory framework that specifically and comprehensively answers these challenges, which results in legal uncertainty for both creators and AI technology developers in the country.

The fundamental juridical lesson that can be extracted from the analysis of the ghiblification phenomenon and these global practices is the pressing urgency for Indonesia to critically evaluate and reform its copyright legal framework. The *status quo* of current national regulations is deemed inadequate to effectively accommodate, regulate, and mitigate the risks and leverage the opportunities arising from the rapid advancement of AI-generated art. The absence of clear legal guidance on the status of AI works, the criteria for human contribution, and the limits of using copyrighted works for AI training could potentially hinder responsible innovation while harming the interests of artists and creative industry practitioners. Therefore, developing an adaptive, transparent, and equitable regulatory approach has become inevitable for Indonesia.

Based on these conclusions, this research proposes several constructive suggestions for developing Indonesian copyright law in the AI era. *First*, through its legislative bodies and relevant ministries, the Indonesian government should proactively review and consider amending Law Number 28 of 2014 or drafting special

implementing regulations that explicitly govern the legal status of works generated by AI. This regulation should clarify the definition of an "*author*" in the context of AI involvement and formulate objective criteria for the level of "*significant human contribution*" required for an AI-assisted work to obtain copyright protection. *Second*, developing a fair and transparent licensing model or compensation mechanism for creators to use their works as training data for AI systems should be considered while still considering the need for data access for innovation. This model could draw inspiration from practices or discourses in other jurisdictions but must be adapted to Indonesia's socio-economic and legal context.

Third, protecting artists' moral rights, particularly concerning the integrity of their work and recognition of their artistic identity, requires strengthening in the face of potential stylistic replication and modification by AI. Although artistic style may not be separately protected, legal instruments could be developed to protect against the misleading use of a style or use that damages the original artist's reputation. *Fourth*, an in-depth study on adopting or adapting more structured and balanced fair use provisions or TDM exceptions, as found in some other jurisdictions, is worth considering to provide legal certainty for AI research and development activities while still including adequate protection mechanisms for copyright holders. *Fifth*, efforts to improve legal literacy regarding copyright and the ethics of AI use must be continuously promoted among all stakeholders, including artists, technology developers, industry players, academics, and the general public.

For the development of further academic discourse, future research could focus on several aspects not deeply covered by this study. These include an analysis of the concrete economic impact of generative AI on the sustainability of artists' professions and the creative industries in Indonesia, the development of quantitative or qualitative methodologies to assess the level of "*originality*" or "*human contribution*" in artworks involving human-AI collaboration, and broader comparative studies on the approaches of other developing countries with characteristics similar to Indonesia. Furthermore, the establishment of a sustainable multi-stakeholder dialogue forum—involving the government, parliament, law enforcement agencies, academics, legal practitioners, artist associations, and technology industry representatives—is essential for formulating holistic, implementable legal policies and solutions that can effectively respond to the dynamic development of AI. Careful, progressive, and continuous legal adaptation is the key for Indonesia to not only face the challenges but also to optimally leverage the positive potential of AI while upholding the values of creativity, justice, and the rule of law within the national copyright ecosystem.

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