

LEGAL PROTECTION OF LITERARY ARTISTS' COPYRIGHTS IN BANDAR LAMPUNG

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Abstract

Literary works are a form of creative expression protected by Law Number 28 of 2014 concerning Copyright. Literary work copyright gives the author exclusive authority to manage and profit from his work. Bandar Lampung City artists have received much national and international recognition for their works, both in the form of poetry, short stories, novels and theater plays. However, the risk of copyright infringement increases with the influence and popularity of Bandar Lampung literary works. There are still many works by artists in Lampung, especially literature, that are modified and used by other people without the owner's permission. Therefore, this article will review the extent of knowledge of artists in Bandar Lampung. It is hoped that this outreach can help increase awareness of the Copyright Law in Lampung Province and the importance of protecting the works of literary artists.

Keywords: *Legal Protection; Copyright; Lampung Artists.*

I. INTRODUCTION

Artists who work in creative fields, especially literature, need recognition and protection through intellectual property rights (IPR). Legal protection for literary works is given to their authors. Literary works, especially novels, have been proven to help improve the quality of human resources. Copyright is a type of intellectual property right (IPR) in the legal field, referred to as a type of personal property right that cannot be physically touched.¹ This right is unique because it limits the ability to publish, copy, distribute, or delegate the performance of one's creative work to someone other than the owner or holder of the applicable rights, who must seek legal protection within a certain period.²

Because copyright covers not only works of art, literature and science, but also computer programs, copyright is one of the components of intellectual property with the broadest scope of protection. Copyright is the basis of every country's creative economy, which is growing rapidly along with the development of ICT. This evolution demands a new copyright law that can keep up with the times.³ This applies especially in Indonesia, where the creative economy is a pillar of the national

¹ Rahardjo, S. (2003). Sisi Sisi Lain dari Hukum Indonesia. Jakarta: Kompas.

² Sutedi, A. (2009). Hak Atas Kekayaan Intelektual. Jakarta: Sinar Grafika.

³ Antons, C. (2008). Copyright Law Reform and the Information Society in Indonesia. Sydney: Sydney University Press.

economy, as well as in many other countries. The copyright and related rights sector is expected to make a more significant economic contribution to the country if copyright laws effectively protect and develop the creative economy.⁴

Based on Law Number 28 of 2014 concerning Copyright, literary works of art are one of the objects protected by copyright. Copyright in literary works of art protects the exclusive right of the creator to control and obtain economic benefits from the results of his work. These exclusive rights include the right to reproduce, sell and enjoy the results of the work. The period of copyright protection for literary works varies, depending on the type of work and country, but generally applies during the life of the author plus 70 years after the author is declared dead.⁵

The most important essence of every part of IPR is the existence of a particular creation. The real form of creation can be in the fields of technology, science, art and literature. It takes a lot of money from authors, publishers and distributors for a literary work to be realized. Because literary works are the result of human work, literary works should be legally protected. The right to own property rights and the right to use and enjoy one's own property rights are recognized and protected by law regarding intellectual property rights. However, copyright infringement is still not properly enforced in Bandar Lampung. Literary artists' efforts to secure their rights are also hampered by the general public's misunderstanding of copyright law, a lack of affordable legal assistance, and protracted court procedures.⁶

II. RESEARCH METHOD

This community service is carried out by service members by disseminating information and holding offline question and answer sessions. Education for law enforcers in complying with copyright laws and regulations at the national level includes the following objectives: (1) familiarity with Law no. 28 of 2014; (2) public awareness of the importance of knowing copyright law; and (3) teach the general public, and especially artists, how to make maximum use of outreach programs. This subject was introduced after the resource person responded to participants' questions in the second session. The meaning of the term "Copyright" and the special requirements of Law no. 28 of 2014 relating to copyright protection is regularly raised by people who use this service.

⁴ Hutaeruk, R. H., Disemadi, H. S., Sudirman, L., & Tan, D. (2023). Copyright Law and Investment in Indonesia. *Pulpit Law*, 35.

⁵ Djumhana, M., & Djubaedillah, R. (2014). *Hak Milik Intelektual: Sejarah, Teori, dan Praktiknya di Indonesia*. Bandung: PT Citra Aditya Bakti.

⁶ *Op.Cit*, Hutaeruk, R. H., et al. *Copyright Law and Investment in Indonesia*

III. DISCUSSION

On Saturday, August 10 2024, from 09.00 WIB until finished, the event will take place at the Lamban Lembah Foundation, Pesawaran Regency. Under the leadership of Agit Yogi Subandi, S.H., M.H., M.H., M. Wendy Trijaya, S.H., M.Hum., Made Widhiyana, S.Pd.H., M.H., Sona Asnawi, S.H., and Ahmad Habib Panglima, the Community Service activity "Socialization and Focus Group Discussion (FGD) of Copyright Legal Protection for Literary Artists in Bandar Lampung" was carried out. A total of 34 people consisting of students, literary artists from all over Bandar Lampung, and the founder of the Lamban Lembah Foundation (Arman AZ) attended this event. The resource person for the activity was the academic community from the Civil Law Department, Faculty of Law, University of Lampung. As part of the implementation of the Tri Dharma of Higher Education, community service activities are also outlined. This process begins with preparation, which includes a pre-implementation coordination visit to the Lamban Lembah Foundation in Pesawaran Regency. Technical preparations and infrastructure for activities are also carried out by the community service team. The next step, the community service team is collecting resources that can help the community learn about Legal Protection of Copyright for Literary Artists in Bandar Lampung. They consulted a number of sources to draw from.

The aim of this evaluation is to identify the extent to which community service initiatives in Bandar Lampung aim to educate the public—especially artists and other creative industry players—about the importance of copyright and the consequences of copyright infringement. In doing so, we hope to gain insight into how to build an environment that recognizes and upholds copyright, which will enable the creative industry in Bandar Lampung to develop rapidly and contribute significantly to the regional economy. In addition to educating the public, we will work to build a practical framework to protect literary artists in Bandar Lampung.

The rise in cases of copyright infringement, including plagiarism, forgery and use of works without permission, has resulted in financial losses for literary artists and hampered the development of the creative sector in Bandar Lampung. This community service activity seeks to overcome these problems by discussing these issues. Participants were also quite enthusiastic in answering the resource person's questions about the benefits of copyright for literary works and the main emphasis on protecting works. So that artists can comply with applicable rules and regulations, use the following community service solutions and materials:

TABLE OF SOLUTIONS AND ACTIVITY OUTCOMES

Activity Partners	Partner Problems	Solution	External
Artists in Bandar Lampung City	The threat of copyright infringement arises. Case <i>plagiarism</i> , forgery of works, and use of works without permission are rife, detrimental to literary artists and hampering the progress of the creative industry in Bandar Lampung.	Socialization of Law Number 28 of 2014 concerning Copyright in order to provide policies to fulfill legal protection for literary artists in achieving their aesthetic goals.	in the ISSN Service Journal
	Artists or writers in Bandar Lampung do not yet have an understanding of the law governing copyright.		

Legal protection, according to Satjipto Rahardjo, is ensuring that an individual can act in his best interests by giving him the authority to do so.⁷ Legal protection, according to Setiono, is an effort to protect society from arbitrary actions by authorities that are not in accordance with legal norms. The aim is to create order and peace so that society can fully appreciate its dignity and worth.⁸ On the other hand, the legal definition of protection is an effort to maintain people's safety by establishing rules and regulations that regulate how people should behave and think to maintain social order.⁹

If those who infringe copyright are not held accountable, then protection will not be effective. Even though there are many violations, only a small percentage of cases of copyright infringement (including forgery, plagiarism, imitation, etc.) reach court. There are many copyright violations because law enforcement does nothing about

⁷ *Op.Cit*, Rahardjo, S. Sisi Sisi Lain dari Hukum Indonesia.

⁸ Setiono, 2004, "Rule of Law (Supermasi Hukum)", Tesis. Surakarta: Magister Ilmu Hukum Program Pascasarjana Universitas Sebelas Maret.

⁹ Sutedi, A. (2009). Hak Atas Kekayaan Intelektual. Jakarta: Sinar Grafika.

them.¹⁰ Taking legal action to protect an idea is the same as defending the creator's rights. In the legal field, the phrase "protection of rights" is often used. Interests are the needs of a person or organization that are expected to be met, while rights are interests that are protected by law. Basically, interests include powers that are guaranteed and protected by law when exercised.¹¹

According to Article 1 of Law Number 28 of 2014 concerning Copyright, what is meant by Copyright is:

"Copyright is the exclusive right of the creator which arises automatically based on declarative principles after a work is realized in real form without reducing restrictions in accordance with statutory provisions."

From this it can be concluded that the proclamation of a work of human imagination gives rise to copyright. Furthermore, copyright can be seen as a right that regulates the embodiment of human intellectual labor in fields such as science, art and literature, where these embodiments have different qualities and give rise to author's rights. Therefore, copyright can be defined as the exclusive right of the author or recipient to publish or reproduce his invention, or grant permission to do so, subject to the reduction of restrictions established by relevant laws and regulations.¹² Copyright protection depends on ideas, so it is important to remember that exclusive rights arise naturally from the manifestation of the creator's thoughts and ideas.¹³ The declarative principle, which is one of the foundations of copyright protection, emphasizes that exclusive rights arise from the act of creation itself, without requiring formal registration as in patents or industrial designs.¹⁴

The declarative principle is also important because it differentiates copyright from other types of intellectual property, such as industrial intellectual property which includes patents, integrated circuit layouts, trade secrets, and industrial designs.¹⁵ Industrial intellectual property relies more on registration systems to provide legal protection. In the context of copyright, the declarative principle is set to recognize the original author or, more precisely, a person who is able to provide proof of his

¹⁰ Dini, N. (2024). *Tanggungjawab Notaris Terhadap Pemalsuan Dokumen Surat Keterangan Waris Oleh Ahli Waris* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

¹¹ *Op.Cit*, Djumhana, M., & Djubaedillah, R. *Hak Milik Intelektual: Sejarah, Teori, dan Praktiknya di Indonesia*

¹² Saidin, O. (2019). *Aspek Hukum Hak Kekayaan Intelektual di Indonesia*. Medan: USU Press.

¹³ Gautama, S. (1987). *Himpunan Keputusan Merek Dagang*. Bandung: Alumni.

¹⁴ Ramadhan, M. C., Siregar, F. Y. D., & Wibowo, B. F. (2023). *Buku Ajar Hak Kekayaan Intelektual*.

¹⁵ Raharjo, A. (2007). *Perlindungan Hukum Kekayaan Intelektual dalam Era Globalisasi*. Yogyakarta: Gadjah Mada University Press.

or her identity as the first person to express the concept, thereby providing copyright protection to that individual.¹⁶

According to the Copyright Act of 1912, specifically article 1 Auteurswet, it is stated: "*Copyright is the exclusive right of the author of a literary, scientific or artistic work or his successors in title to communicate that work to the public and to reproduce it, subject to the limitations laid down by law*" According to these articles, copyright is an exclusive right that arises because a work of literature, science or art is published or can be reproduced and is subject to restrictions determined by law. Copyright is defined in article V of the Universal Copyright Convention, which reads as follows: "*Copyright shall include the exclusive right of the author to make, publish, and authorize the making and publication of translations of works protected under this Convention.*" Creation, publication, and authorization to translate works covered by the Universal Copyright agreement are all aspects of the author's rights, as stated in Article 5 of the agreement.¹⁷ The purpose of copyright is to protect the existence of an idea after it has materialized into a form that is accessible to the public. In this case, it is necessary to propose that the copyrighted work be registered so that the registration letter can be submitted as the main evidence in legal disputes related to creative works.¹⁸

Initially, copyright was the embodiment of ideas that emerged from individual creative minds. However, over time, society began to realize that ideas also have significant economic value, apart from their aesthetic or practical value.¹⁹ Book publishing was one of the sectors where the UK was the first to implement economic protection, making the country a pioneer in copyright protection.

The development of copyright in England was largely driven by the government's desire for economic gain. Thus, the copyright system developed into a formal recognition of authors by providing economic royalties, reflecting John Locke's philosophical views on economic rights.²⁰ This economic right refers to the right to obtain financial benefits from works of art. Although England and France had a similar development of moral rights, the French term "*copyright*" emphasizes that works of art are unique intellectual products of the creator, which cannot be

¹⁶ *Op.Cit*, Saidin, O. *Aspek Hukum Hak Kekayaan Intelektual di Indonesia*.

¹⁷ Saidin, O. (2015). *Hak Kekayaan Intelektual dan Tantangan Globalisasi*. Medan: Pustaka Harapan.

¹⁸ WIPO. (2021). *World Intellectual Property Organization Report on Copyright and Creative Industries*. Geneva: WIPO.

¹⁹ Wijaya, T. (2020). *Perkembangan Hak Cipta di Indonesia*. Jakarta: Penerbit Aksara.

²⁰ Ginsburg, J. (2009). *Copyright and the Global Creative Economy*. New York: Oxford University Press.

completely separated from the creator even if economic rights change hands.²¹ Based on theory "*copyright*", even after the work changes hands, economic rights remain closely linked to the original creator. This concept is rooted in the thoughts of the French philosopher, George Hegel, who stated that creative works are a reflection of the creator's self-identity. The moral rights inherent in the creator remain, even after the copyright is transferred, and cannot be separated from the creator.²²

A. Definition of Copyright

Literary works are a form of creative expression that are protected by copyright law (UU No. 28 of 2014). Literary work copyright protects the author's exclusive right to manage and obtain profits from his work. Literary works are usually protected by copyright for the life of the author plus seventy years after his death, but this can vary depending on the country and category of work.

Because copyright covers not only computer programs but also scientific and artistic works as well as literary and artistic works, copyright is one type of intellectual property with the widest scope of protection. Intellectual property rights (IPR) arise as a result of the development or study of human creativity, which in turn gives rise to ideas for works that are useful for many people. When it comes to creative works such as scientific publications, literary works, or works of art that convey other people's ideas, thoughts, or imagination, copyright is essentially an intangible property right. Apart from that, there are several foundations of copyright, namely:

- a. Creative ideas are protected by copyright.
- b. Copyright is inherent.
- c. Legal ownership of an idea or work of art is different from copyright.
- d. Copyright is not a guarantee of exclusivity.

Copyright is a type of transferable intellectual property right (IPR) that applies to a variety of things, including intangible and intangible things.²³ In practical terms, copyright can function as a fiduciary guarantee. You can defend your copyright against anyone who tries to infringe it, and in many countries, copyright is also considered property.²⁴ This shows that the concept of copyright is closely related to property rights, which give their holders the right to use, transfer, or even protect

²¹ Fauzy, E. (2023). *Rekonseptualisasi Perlindungan Hukum Atas Hak Cipta Terhadap Artificial Intelligence Di Indonesia*.

²² Rizkia, N. D., & Fardiansyah, H. (2022). *Hak Kekayaan Intelektual Suatu Pengantar*. Penerbit Widina.

²³ Yoyo Arifardhani, S. H., & M. M., L. M. (2020). *Hukum Hak Atas Kekayaan Intelektual: Suatu Pengantar*. Prenada Media.

²⁴ Tarmizi, S. H., Muhammad Ikhwan, S. H., & Kn, M. (2021). *Hak Cipta Karya Digital: Perlindungan dan Tanggung Jawab*. Merdeka Kreasi Group.

their work from infringement by others. Now that this rule is in effect, the importance of copyright in property law can be confirmed. A person who owns an item and has the means to protect it from others who would damage it has a copyright. It confirms that copyright has economic value, and provides legal protection to creators to maintain control over their work and derive economic benefits from it.²⁵

B. Author's Legal Remedies for Copyright Infringement

Basically, copyright protection is granted immediately upon creation; However, the creator needs to register his copyright so that he can have valid evidence in court. If there is no registration, the creator has the option to include the "©" symbol indicating copyright, followed by the year and name of the individual who holds the copyright. Third example: Justicia © 2022.

Works Not Protected by Copyright, as described in Article 41 of the Copyright Law, include:

- a) Unrealized works;
- b) Any and all ideas, processes, systems, methods, concepts, principles, discoveries, or data, regardless of whether they are contained in a Work; And
- c) Any and all tools, objects, or products designed solely to solve a technical problem or serve a specific functional purpose.

Copyright holders have a number of options to protect their work, such as:

1) Recording

Copyright, unlike other forms of intellectual property, does not require registration; instead, protection is immediate after the work is created or after its public disclosure ("declarative principle"). Copyright registration may be preliminary evidence in a dispute over ownership of an invention, but it is not required for protection.

2) Collective Management Institute

Collective Management Institution ("CMO") is a platform where creators, copyright holders and anyone else with related rights can come together to manage the financial rights to their products. Once a creator or copyright holder gives the CMO the authority to collect royalties on their behalf, the CMO will handle the collection, distribution, and payment of those payments. Chief Marketing Officers (CMOs) can negotiate royalties with a variety of businesses including restaurants, hotels, television networks, radio stations, and others on behalf of creators or copyright holders.

²⁵ Syaunqi, M. (2024). Analisis Perlindungan Hak Cipta Terhadap Asset Graphic Design Pada Media Internet dalam Perspektif Haq Ibtikar (Doctoral dissertation, UIN Ar-Raniry Banda Aceh).

3) *Platform E-Commerce*

There are various regulations regarding the protection of intellectual property rights on various e-commerce platforms. The only thing online marketplaces often do to protect users' intellectual property is to list the types of unlawful behavior and provide mechanisms for reporting violations, such as notifications or takedowns. As an illustration, there are e-commerce platforms such as BukaLapak and Tokopedia that provide warnings and deletions in response to violations. The Intellectual Property Protection Platform (IIP Platform) is a feature of Lazada's e-commerce platform. Those who own copyrights or other forms of intellectual property can use the Alibaba Group IP Protection Platform to register an account and provide identification and documentation of ownership. These documents will be saved for future use in case of copyright infringement after the evidence is properly validated. All major e-commerce sites belonging to Alibaba Group, including Taobao.com, Tmall.com, Tmall.hk, 1688.com, Aliexpress.com, and Alibaba.com, can receive complaints through this account.

4) *Social Media Platforms*

An example of a social media network that allows copyright or related rights holders to protect their work is YouTube. YouTube's content ID system is a way to protect user-generated material from infringement. The author, copyright holder, related rights holder, or attorney representing the work must provide examples of their work, such as a YouTube reference, proof of ownership of exclusive rights, and location of exclusive ownership in order for the work to be protected by a content ID.

Indonesian copyright law is outlined in Copyright Law Number 28 of 2014. The two main types of protection are those provided by law: civil and criminal.

1) *Civil Law Protection*

Civil law protection for copyright includes several mechanisms designed to protect the interests of creators. One important step in this protection is copyright registration. Even though copyright applies automatically after the work is created, registration with an official institution such as the Directorate General of Intellectual Property (DJKI) provides strong legal evidence and can be used as evidence in disputes that may arise at a later date. This registration can also increase legal certainty for work owners.

When a violation occurs, the copyright owner has the right to file a civil lawsuit against the party who violated his rights. In this lawsuit, the owner can ask for compensation which includes material and immaterial losses suffered as a result of the violation. In addition, copyright owners can also request an injunction to stop or prohibit unauthorized use of the work, which is an important step to maintain the integrity and value of the work.

Apart from litigation in court, dispute resolution can also be done through mediation and arbitration. This process can be an effective alternative to reach an agreement without going through lengthy and expensive court processes. Thus, civil law protection provides various channels for creators to protect their works and enforce their rights.

2) Criminal Law Protection

On the other hand, copyright infringement is also regulated within the framework of criminal law. Based on Law no. 28 of 2014, actions that violate copyright can be subject to criminal sanctions. This criminal offense may involve unauthorized reproduction, distribution, or sale of protected works. Sanctions imposed on violators can reach up to 7 years in prison and fines of up to IDR 5 billion, depending on the seriousness of the violation.

The criminal legal process begins with an investigation carried out by law enforcement based on a violation report. If sufficient evidence is found, violators can be prosecuted in court. Enforcement of criminal law against copyright infringement aims to provide a deterrent effect and protect creators from greater losses due to copyright infringement.

Thus, copyright law protection in Indonesia includes civil and criminal mechanisms that complement each other. Through copyright registration, civil lawsuits, and criminal sanctions, creators are given various tools to protect their creative works. It is important for every creator to understand the rights they have and the steps they can take to enforce their copyright.

C. Supporting and Inhibiting Factors for Activities

1. Supporting Factors

There are many supporting elements needed for this community service project to be implemented, such as:

- 1) Financial support from the Institute for Research and Community Service, LPPM, University of Lampung;
- 2) In Bandar Lampung, the topic of socializing legal protection for literary artists attracted the attention of participants.
- 3) Facilities that facilitate the implementation of activities and strong teamwork among community service providers in planning events;
- 4) Openness, openness and active involvement of various related parties.

2. Inhibiting Factors

Apart from that, the obstacles to legal copyright protection for literary artists include several aspects, namely: Many literary artists do not fully understand their rights regarding copyright. Lack of knowledge regarding legal protection can make them vulnerable to violations. And copyright registration procedures at official institutions are often considered complicated and time consuming. This may discourage artists from registering their work, although registration may provide stronger protection. In addition, the lack of outreach and education programs about copyright among literary artists hinders their understanding of the importance of copyright protection. And also in some cultures, the act of plagiarizing or using someone else's work without permission may not be taken seriously, thereby reducing respect for copyright.

Figure 1. Photo with the service team and service participants



Figure 2. Delivery of material by resource persons



IV. CONCLUSION

On Saturday, August 10 2024, 09.00 WIB until finished, this activity will take place at the Lamban Lembah Foundation, Pesawaran Regency. Under the leadership of Agit Yogi Subandi, S.H., M.H., M.H., M. Wendy Trijaya, S.H., M.Hum., Made Widhiyana, S.Pd.H., M.H., Sona Asnawi, S.H., and Ahmad Habib Panglima, the Community Service activity "Socialization and Focus Group Discussion (FGD) regarding Copyright Legal Protection for Literary Artists in Bandar Lampung" was carried out. A total of 34 people consisting of students, literary artists from Bandar Lampung, and the founder of the Lamban Lembah Foundation (Arman AZ) attended this activity. The resource persons present were academics who were experts in Civil Law and General Law. Based on the findings, legal protection of literary works is very important to prevent copyright infringement. Protecting works from piracy and plagiarism is an important step for artists who want to gain legal recognition for their creative works.

However, the regulation and protection of copyright for literary works, scientific works and artistic works has been stipulated through Law Number 28 of 2014. Unfortunately, cases of copyright infringement in Indonesia still frequently occur due to a lack of seriousness and responsiveness from law enforcement officials. This incident really needs to be investigated thoroughly. A number of variables, including resource persons and LPPM Lampung University, played a role in the implementation of this activity. On the other hand, many literary artists do not understand copyright in depth, which becomes an obstacle in carrying out this activity if it is used as assessment material. Lack of knowledge regarding legal

protection can make them vulnerable to violations. And copyright registration procedures at official institutions are often considered complicated and time consuming. This may discourage artists from registering their work, although registration may provide stronger protection. Apart from that, there is a lack of outreach and education programs about copyright among literary artists.

The University of Lampung Research and Community Service Institute (LPPM) has provided the support and financing needed to realize this community service program. Apart from that, we would also like to thank the founder of the Lamban Lembah Foundation who has participated in funding the launch of this program.

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