

Digital Poster Plagiarism Perspective of Mui Fatwa Number 1 of 2003 Concerning Copyright

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Keywords:

Plagiarism, Digital Poster, Copyright, MUI Fatwa

Abstract

*This research is motivated by the increasing issue of copyright infringement on posters in the digital era, where the ease of creating and distributing digital works opens up opportunities for plagiarism practices. As technology advances, it is becoming easier for people to find and download images or works that should be protected, such as graphic designs posted online on social media. These designs can be copied and shared quickly, any original creation should automatically be protected. These issues should be reason enough to update the law. Furthermore, this study aims to discuss the causes of digital poster plagiarism in Indonesia, legal protection for creators due to digital poster plagiarism, and analyze the binding force of the MUI fatwa regarding digital poster plagiarism, especially in the perspective of MUI Fatwa Number 1 of 2003. This study uses the Normative Juridical Research Method with a Conceptual approach, by examining MUI Fatwa Number 1 of 2003 concerning Copyright and the applicable laws and regulations in Copyright Law Number 28 of 2014. The results of the study indicate that copyright infringement, imitating or copying concepts, visual elements, and plagiarism through social media without permission from the original creator, especially for this digital poster, is haram. This fatwa expressly recognizes copyright as one of the *huquq maliyyah* (property rights) protected by sharia (Islamic Law). In this case, public awareness of digital poster plagiarism is very important. Legal defense efforts must be in line with strict law enforcement and adequate punishment for copyright violators by authorities based on existing laws and regulations.*

INTRODUCTION

Plagiarism is the act of taking or using someone else's work and presenting it as one's own, without giving proper recognition to the original owner. Plagiarism in the digital world is a complex problem because along with technological advances and the rapid development of technology today, it is easier for someone to access other people's work on the internet. There are even cases where a graphic designer has created a design, but another graphic designer copies it and uploads it first on social media (Royhan & Ngabekti, 2021), of course this will have a negative impact on graphic designers and cause widespread copyright infringement, which makes it increasingly difficult to identify perpetrators and protect digital works.

One form of digital work that is often the object of plagiarism is a digital poster. A poster is a visual media with the main function of sending messages through images (Karimun, Muhammad, 2021), which is often used for various purposes, promotions,

competitions/competitions, social campaigns, and various other artistic expressions. Digital poster plagiarism is the act of imitating, copying, or using design elements, ideas, or the entire concept of a poster belonging to someone else without permission and without citing the source of the creator, which is a problem and is increasingly worrying in Indonesia (Ujang Badru Jaman et al., 2021).

Such actions violate the economic and moral rights of the creator, as stipulated in Article 8 and Article 5 of the Copyright Law, Economic rights are rights that allow someone to obtain money or profit from their intellectual property. These rights are called economic rights because intellectual property can be sold or used in a way that involves money. On the other hand, moral rights are rights that protect the original creation from being changed or damaged without the owner's permission. These rights also include the right to be recognized as the creator of the work. These moral rights cannot be revoked for any reason, even if someone else has the economic rights, because only economic rights can be sold or transferred.

The legal consequences of copyright infringement based on DSN MUI Fatwa Number 1 of 2003 will cause three things, first the creator has committed an unlawful act by plagiarizing it, second for violators of digital poster copyright is an act of injustice and this will bring sin that must be accounted for before Allah SWT. In addition, such actions can also be legally accounted for in accordance with the applicable Copyright Law, third related to digital posters whose copyright is violated, the violation does not immediately make the digital poster itself haram. However, the process or method of obtaining and using it without permission is what makes it haram (Husna & Permata, 2024)

In addition, in situations where the creator is a foreign citizen, it can refer to the provisions of Article 2 letter c number 2, that Law No. 28 of 2014 concerning Copyright is also applied to works created by non-citizens. This connection occurs because Indonesia is a member country of the World Trade Organization (WTO) through the signing of the WTO Establishment Agreement with Law Number 7 of 1994 concerning Ratification of the Agreement on the Establishment of the World Trade Agency (Agreement on the Establishment of the World Trade Organization). The WTO Establishment Agreement contains the TRIPS agreement in attachment 1c. Also considering that the TRIPS Agreement is a global agreement that determines the norms of IPR protection and requires each member country to implement it into national law (Sava Waroha Sasikirana Haqa, 2025)

Although there are regulations governing this, there are still many irresponsible individuals who use illegal methods by taking people's rights without permission. Therefore, the issue of copyright and intellectual property rights is one thing that has not escaped the attention of the MUI and the Copyright Law. Many people plagiarize without permission from graphic designs that blatantly copy digital poster works, this is a problem that must be studied, the MUI has issued a fatwa that aims to analyze plagiarism and also to provide protection for intellectual works protected by copyright. Based on the explanation above, this study aims to examine how Digital Poster Plagiarism Perspective of MUI Fatwa Number 1 of 2003

Research methods

This study uses a juridical-normative research method, a legal research method that focuses on library research or document studies. This method examines applicable legal norms, both those contained in laws and regulations, legal theory, and legal doctrines. The main approach used is a conceptual approach, a conceptual approach is carried out when researchers

do not move from existing legal rules (Marzuki, 2019), related to the problem of plagiarism on digital posters. This method was chosen because it wanted to analyze and understand how positive law relates to plagiarism and also about Copyright contained in MUI Fatwa Number 1 of 2003 and Law Number 28 of 2014 which regulates and protects graphic design from plagiarism, this study uses a qualitative research method.

The data collection methods used in this case include books, articles, journals, literature reviews, and social media. In this study, the information collected came from observations made through digital platforms (such as social media). The subject of the examination in this digital poster plagiarism case was a graphic designer who experienced a setback because his work was copied by another party without the permission of the original creator, which violates Law Number 28 of 2014 concerning Copyright and MUI Fatwa Number 1 of 2003. MUI Number 1 of 2003.

Results and Discussion

1. Causes of Digital Poster Plagiarism in Indonesia

There are many factors that cause someone to commit plagiarism, according to (Fatimah, 2018) that someone's intention to plagiarize is strongly influenced by fear of failure and lack of confidence in their own work, then they take action to copy and plagiarize and use other people's work which is considered more worthy and better than their work (Suntoro et al., 2022). In today's era, graphic design has become very easy to plagiarize. Based on the results of the study, there are many factors that cause digital poster plagiarism. One of the other basic causes is:

1. The ease of access in today's digital era allows someone to easily find, save, copy and even modify various design elements, including existing images, illustrations, typography and poster layouts. Unfortunately, this ease is often not balanced with an adequate understanding of intellectual property rights.
2. Lack of understanding and awareness of copyright ethics, many people, especially those without a formal design education background, may not realize that a poster design work, no matter how small its contribution, is protected by copyright law. This ignorance is made more serious by the lack of education regarding the importance of originality and respect for the intellectual work of others.
3. The pressure to create designs quickly and effectively also encourages plagiarism practices such as promoting posters in a short time or entering competitions, someone may feel forced to take shortcuts by copying existing designs rather than starting from scratch.
4. Low implementation of the law and lack of effective mechanisms to detect plagiarism, although Indonesia has a copyright law, its implementation in the digital context is still minimal.
5. The increasing availability of design tools, while empowering more people to create, also makes it easier to copy, manipulate, and combine existing design elements without a deep understanding of copyright. Copy-paste, drag-and-drop, and design templates available online can be abused to create copyright-infringing work.

In fact, there have been many studies conducted to provide solutions to overcome various problems that arise in copyright protection in Indonesia. Some of them are efforts to socialize the importance of copyright, increase public legal awareness, improve the community's

economy, in the implementation of copyright laws, and uphold the truth in handling copyright violations, especially in Indonesia.

By studying the laws in force in Indonesia. Especially the Copyright Law also needs legal updates because of the increasingly sophisticated development of technology, there are also many things that can be done by irresponsible parties in committing plagiarism. Along with the rapid development of technology and digital media, more specific regulations regarding digital poster plagiarism are indeed needed. This is important to provide legal certainty and stronger protection for creators in the digital realm, while preventing the misuse and plagiarism of digital posters that often occur.

2. Legal Protection for Creators Due to Digital Poster Plagiarism Based on MUI Fatwa Number 1 of 2003 Concerning Copyright

In general, legal protection is a guarantee given by the state to every individual as a legal subject, so that society can exercise its legal rights and interests. Thus, legal protection provides an important basis for individuals to maintain their dignity and rights and guarantee justice in their capacity as legal subjects.

Copyright protection is not just for someone who has an idea or concept, but for creative works that have a unique form, are personal, and show originality as something made by the creator using their own skills, creativity, or knowledge. This makes the work visible, readable, or felt by others. Legal protection is intended to protect the rights of the creator. Clear legal rules make it easier to enforce the law. Although copyright protection arises automatically once the work is created in a tangible form, and registration is not required, it is better to record the work. Recording provides formal proof of ownership, which helps the creator prove their rights if someone copies or steals their work. Having a record makes it easier to take legal action if necessary (Syahputra et al., 2022).

MUI Fatwa Number 1 of 2003 provides the basis that the act of taking or using someone else's work without permission in the case of digital poster plagiarism is haram because it is included in the act of *ghashb* (taking someone else's rights unjustly) and violates the principle of justice and in Islamic teachings, taking someone else's property without permission is clearly strictly prohibited. (Cipta, 2003). However, the problem is that nowadays we often see content creators who take advantage of plagiarizing digital posters without the creator's permission. Likewise, in the MUI Fatwa No. 1/MUNAS VII/MUI/5/2005 concerning the Protection of Intellectual Property Rights, it is also emphasized that the protection of intellectual property rights is not only a legal issue, but also a moral issue, which involves justice and respect for the hard work and creativity of others.

Furthermore, digital posters are a form of creative expression protected by the Copyright Act. This law provides legal protection for anyone who works in the fields of science, art, and literature, which includes works of art in various formats, such as paintings, drawings, and collages, which often appear as components in digital posters. Likewise, Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a creation is manifested in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations, as described in Article 1 number 1, Copyright includes moral rights and economic rights, "Every individual or business entity who wishes to utilize the economic rights of a creation must request permission from the creator. According to Article 9 paragraph (3) of the Copyright Act Number 28 of 2014, "Any person who duplicates and/or

uses commercially a creation without the permission of the Creator or Copyright Holder is prohibited." This act is generally referred to as piracy, which is the act of duplicating a creation or product to gain financial gain without the permission of the creator (Ahya Mofidi Lahida & Adi Sulistiyono, 2024).

On the other hand, Article 40 of the Copyright Law states that protected creations include creations in the fields of science, art and writing, which include:

1. Written works, books, articles, brochures and all other written works;
2. Works of fine art in any form such as paintings, drawings, carvings, calligraphy, shapes, sculptures, or collages;
3. Computer programs; Etc

The provisions of Article 40 paragraph (1) of the Law also explain that "images are one of the protected creations in the form of works of art". The images referred to can be examples, diagrams, sketches, logos, elements of color and beautiful shapes. (Mulyawan & Priyana, 2021), and in Article 113 paragraph (3) of the Law, Any Person who without rights and/or without permission from the Creator or Copyright holder commits a violation of the Creator's economic rights as referred to in Article 9 paragraph (1) letter a, letter b, letter e, and/or letter g for Commercial Use shall be punished with imprisonment of a maximum of 4 (four) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah). Any Person who fulfills the elements as referred to in paragraph (3) which is carried out in the form of piracy, shall be punished with imprisonment of a maximum of 10 (ten) years and/or a maximum fine of Rp. 4,000,000,000.00 (four billion rupiah). (Cipta, 2014).

Furthermore, in the Electronic Information and Transactions Law, the ITE Law does not directly mention or define "digital poster plagiarism" as a separate crime. However, the ITE Law, namely Law Number 11 of 2008 as amended to Law Number 19 of 2016 and then updated again to Law Number 1 of 2024, can be applied to ensnare acts of digital poster plagiarism through Articles that regulate the misuse of electronic information and electronic documents. The concept of digital poster plagiarism, in this Law is seen more as part of an unlawful act related to the unauthorized use of information or electronic documents belonging to others, in Article 32 paragraph (1), this Article states, every person intentionally and without rights or against the law commits an act;

Changing, adding, reducing, transmitting, damaging, removing, moving, hiding Electronic Information and/or Electronic Documents belonging to another Person or the public; Duplicating, falsifying, or unauthorized use of Electronic Information and/or Electronic Documents belonging to another Person or the public; or committing acts that result in the Electronic System not functioning or disrupting the existence and/or availability of legitimate Electronic Information and/or Electronic Documents, or that have been created and owned by any Person or the public."

From the substance of Article 32 paragraph (1) letter b, the act of plagiarism of digital posters can be included in the category of "duplicating, re-verifying, or unauthorized use of Electronic Information and/or Electronic Documents belonging to another person." When someone plagiarizes a digital poster, he essentially duplicates or uses a digital poster that is information or electronic documents belonging to another person, without the rights or permission of the copyright owner. Although the ITE Law does not specifically use the term "plagiarism," this action is clearly a form of misuse of digital content.

The criminal threat for violations of Article 32 Paragraph (1) is regulated in Article 48 Paragraph (1) of the ITE Law, which reads; "Any person who fulfills the elements as referred to in Article 32 paragraph (1) shall be punished with imprisonment for a maximum of 8 (eight) years and/or a maximum fine of IDR 2,000,000,000.00 (two billion rupiah)." (Republic of Indonesia, 2008)

It is important to remember that law enforcement against digital poster plagiarism often also involves involve the Copyright Law which clearly regulates the exclusive rights of creators over their works. The ITE Law in this case acts as a legal basis that regulates unlawful acts, complementing the Copyright Law in the context of protecting digital works, especially in digital poster works. So, when someone plagiarizes a digital poster, he not only violates the creator's copyright, but if the plagiarism involves the use of electronic systems and unauthorized distribution, then he can also be charged with the ITE Law because this action constitutes unauthorized use of electronic information.

3. Binding Power of MUI Fatwa Number 1 of 2003 Concerning Copyright Against Digital Poster Plagiarism in Indonesia.

Copyright in Islam is known as Haq Al-Ibtikar, which includes economic rights (haq al-iqtishadi) and moral rights (haq al-adabi) this means, a creator has full rights to his work, including the right to receive compensation from someone who has plagiarized and this is a form of appreciation that graphic design creators have. The creator has full control over his creation, and has the right to receive benefits both materially and morally from his work. Taking advantage of someone else's work without permission is an act of injustice, because it clearly harms other parties (Husna & Permata, 2024). This is in line with the word of Allah SWT in the Al-Qur'an Surah Al-Baqarah verse 188 which reads;

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْخُلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ ﴿١٨٨﴾

It means: "Do not consume the wealth between yourselves in a false way and do not bring matters of property to the judges with the intention that you may consume some of other people's wealth in a sinful way, even though you know.

This verse generally prohibits consuming or taking other people's property in a wrong or improper way. In the context of copyright, taking someone else's work without permission, including in the form of plagiarism of digital posters, can be categorized as an act of taking rights that are not his in a wrongful manner. Creative works have economic value and are intellectual "property" for their creators. And from the Hadith;

عَنْ أَبِي ذَرٍّ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى يَا عِبَادِي إِنِّي حَرَّمْتُ الظُّلْمَ عَلَى نَفْسِي وَجَعَلْتُهُ بَيْنَكُمْ مُحَرَّمًا فَلَا تَظَالَمُوا

Meaning: "From Abu Dzar RA, the Prophet SAW said, Allah Tabaraka wa Ta'ala said, "O My servants, indeed I have forbidden injustice to myself, and I have made it unlawful among you, so do not do injustice to each other." (HR. Muslim)."

One of the things that the MUI uses in compiling the Fatwa on Copyright as stated in the clause paying attention to number 4 letter J refers to Law Number 19 of 2002 which has now been amended by Law Number 28 of 2014, the fatwa also makes Intellectual Property Rights including Copyright as a guideline in compiling the fatwa, although the fatwa does not specifically regulate digital poster plagiarism but there are still considerations and relationships with the Copyright Law. The MUI does not have the authority to resolve intellectual property disputes including digital poster plagiarism, but the MUI Fatwa provides the Copyright Law as a reference, so law enforcement related to digital poster plagiarism refers to the Copyright Law explicitly and the MUI Fatwa only states that it is forbidden because the MUI is not a law enforcement institution (Cipta, 2003).

According to the MUI fatwa Number 1 of 2003, the law on plagiarizing a creator's design work without permission is haram. The MUI fatwa does not have the force of law that is mandatory as has been stipulated and determined in the Copyright Law, this law gives creators exclusive rights to control the use of their work and provides legal sanctions for anyone who violates these rights, including through plagiarism.

The Indonesian Ulama Council (MUI) fatwa, which serves as legal guidance for Muslims in Indonesia, states that intellectual property is a type of wealth created through intellectual thought and resulting in products or processes that benefit many people. This is recognized by the state under applicable laws and regulations (Dayanti, 2023). Therefore, Intellectual Property Rights refer to the right to enjoy the economic benefits of one's intellectual creation. It also gives them the right to keep their intellectual work private and to register and protect it. As a way to respect a person's creative efforts, the state grants exclusive rights to the person who registers or owns the intellectual work. This means the rights holder can prevent others from using or selling their creation without permission.

MUI Fatwa No.1/MUNAS VII/MUI/5/2005 (MUI, 2005) It also provides a moral and ethical perspective that complements legal protection of intellectual property rights, including graphic design. This fatwa views violations of intellectual property rights, including imitation of design, as acts of injustice and therefore prohibited (haram). This fatwa serves not only as a guideline for Muslims in Indonesia but also as an effort to raise public awareness of the importance of respecting and protecting intellectual property rights. The fatwa emphasizes that protecting intellectual property rights is not only a legal matter, but also a moral one, involving justice and respect for the hard work and creativity of others. Although this fatwa does not have the binding force of law, it serves as a moral approach that can strengthen public awareness and attitudes towards respecting industrial design rights (Lisa Yusri Ritonga, 2024).

Thus, plagiarism of digital posters is legally a violation of the law that can lead to criminal or civil charges in accordance with the provisions of the Copyright Law. The binding force of the Copyright Law is external and coercive for all parties, where violations can be subject to legal sanctions by the state.

It should be noted that in Indonesia and other developing countries, the level of public awareness of Intellectual Property Rights is still low. One of the violations that currently occurs is in the digital field, one of which is digital posters, including plagiarism of other people's digital posters, theft of other people's digital posters, or modification of posters without permission. This action is carried out by graphic design creators who do not ask permission from the original creator in advance, thus violating the current Copyright Law. In fact, most graphic designers are not aware of the current law. In addition, it must also be realized that the IPR system currently

used in Indonesia has not achieved the goal of protection and management to provide maximum value and benefits.

Conclusion

This study emphasizes the problem of digital poster plagiarism in the digital era, where easy access and distribution of works lead to copyright infringement. In Law Number 28 of 2014 concerning Copyright, digital poster design is included in copyright protection, there are two rights contained in the law, these rights include moral rights and economic rights, which allow the creator to gain profit. Copyright protection applies as long as the creator is still alive and is valid for 70 years after the creator dies. After the protection period ends, the work automatically becomes public property, meaning that others can use it freely without permission. There are also exceptions that allow the use of copyrighted works without permission, but only for certain purposes such as news, criticism, research, education, and parody. In graphic design, elements protected by copyright include illustrations, layouts, photographs, and images. If someone violates copyright, they can be subject to sanctions.

To overcome digital poster plagiarism today, new regulations need to be made to suit current technology, because as time goes by, technology becomes more sophisticated, and ensuring that laws are enforced properly, raising public awareness, and working with experts and industrial designers can help create better policies. Furthermore, to help people understand the negative impacts of design plagiarism, there are several ways to raise awareness. One way is to spread knowledge through online and offline activities such as teaching programs, working with design groups, social media can also be a good tool for sharing information about the risks and problems of design plagiarism.

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