

Copyright Protection in Philosophical View as A Natural Right

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Article	Abstract
<p>How to cite: Krisna Mukti Pradana, et al, 'Copyright Protection in Philosophical View as A Natural Right' (2024) Vol. 5 No. 1 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p>DOI: 10.35719/rch.v5i1.326</p> <p>Article History: Submitted: 03/01/2024 Reviewed: 14/03/2024 Revised: 19/04/2024 Accepted: 22/04/2024</p> <p>ISSN: 2723-0406 (printed) E-ISSN: 2775-5304 (online)</p>	<p>Copyright is intellectual property that needs to be protected in order to encourage respect for creative works and prevent copyright infringement. The aim of this research is to analyze the form of legal protection for copyright as a natural right from a philosophical perspective. The research method used is normative juridical with a philosophy approach. The results of this research are that the philosophy of copyright recognition refers to two theories, namely based on natural law theory and utilitarianism theory. Based on natural law theory, copyright is natural right after the creative work is completed, so the protection is automatic, there is no need for registration or enrollment. Recognition of copyright to creators as a moral right is adopted by Indonesia and France. Meanwhile, based on the Utilitarian theory, recognition of copyright in works, as an economic right, which requires registration, so that recognition and protection is given by the state through law, this theory is followed by America, England and Australia.</p> <p>Keywords: <i>Copyright, Philosophical, Natural Right.</i></p> <p>Abstrak Hak Cipta merupakan kekayaan intelektual yang perlu untuk dilindungi guna mendorong penghargaan terhadap karya cipta dan mencegah adanya pelanggaran hak cipta. Tujuan penelitian ini yaitu untuk menganalisis bentuk perlindungan hukum terhadap hak cipta sebagai hak alamiah dari pandangan filsafat. Metode penelitian yang digunakan yaitu yuridis normative dengan pendekatan filosofis. Hasil penelitian ini yaitu bahwa filosofi pengakuan hak cipta merujuk pada dua teori, yaitu berdasarkan teori hukum alam dan teori utilitarianisme. Berdasarkan teori hukum alam hak cipta lahir secara alamiah setelah karya cipta selesai dibuat, sehingga perlindungannya secara otomatis (<i>automatically protection</i>), tidak perlu ada registrasi atau pendaftaran. Pengakuan hak cipta kepada Pencipta sebagai hak moral (<i>moral right</i>), dianut oleh Indonesia dan Perancis. Sedangkan berdasarkan teori Utilitarian, pengakuan hak cipta kepada ciptaan, sebagai hak ekonomi, yang memerlukan registrasi, sehingga pengakuan dan perlindungannya diberikan oleh negara melalui undang-undang, teori tersebut diikuti Amerika, Inggris dan Australia.</p> <p>Kata Kunci: <i>Hak Cipta, Filsafat, Hukum Alam.</i></p>

Introduction

Recognition of copyright as Intellectual Property Rights philosophically developed since the 17th and 18th centuries, related to theories of the origin of the state and the power of the rulers at that time and not directly related to Intellectual Property Rights.¹ One related theory is natural law theory, which contains basic principles relating to issues of property rights, including intellectual property rights. There are two eras of natural law theory, namely the seventeenth century and the eighteenth century. The natural law theory of the 17th century was thought to be constructive, constructive and explanatory.²

This means that people only accept the situation at that time as a truly normal situation, whether related to state administration, politics, or other fields (absolute in nature). Meanwhile, natural law theory in the eighteenth century was more judgmental in nature.³ Therefore, in the eighteenth century, people did not take the realities and conditions at that time for granted. At that time, people were dissatisfied with the existing conditions and reality, so there was a desire for change, which was based on the idea that the conditions and reality at that time were not by the ratio. Ratio acquired a revolutionary place at that time. At that time a rational school of thought emerged.⁴

The doctrine of natural law states that justice, truth, accuracy, and honesty of law is something that still exists naturally, meaning that it is discovered and not created by something.⁵ For example, in England the Bill of Rights emerged because of conflict. In America, it is the United States Declaration of Independence. Several figures of thought related to natural law include Hugo de Groot (Grotius), John Locke, Immanuel Kant, Hegel, John Stuart Mill. Hugo de Groot, who is famous for Grotius, said that natural law is a law based on rationality, thus he has laid the foundation for natural law, namely rational.

Grotius was a great thinker about state and law, as a pioneer and even the creator of modern natural law. Grotius was a devout believer, but he said how great the laws of nature were. In the introduction to his book entitled *De Jure Belli ac Pacis* (law of war and peace), he says that God himself cannot make any changes to the truth, that two times two is four. According to Grotius, natural law is a rule of pure reason and therefore it is so fixed that God Himself cannot change it. This is because how can it happen that God can act contrary to what is appropriate according to reason. In the human mind, reason is the key to guiding a life with moral value. If God did not exist then reason would be able to guide humans. Reason does not depend on supernatural powers. Then what is related to the state and law are norms, both written and unwritten and not stipulated in state law, but the norms still apply. Thus, norms are not created by the state or law but from nature. According to Grotius, natural law is all provisions that are right and good according to reason and cannot be wrong, moreover they are fair. Examples are people must respect other people's property, people must return other people's property, people must keep their promises.

Next, a natural law figure from England was John Locke, who laid the foundations of thinking about human rights. His thinking in his book *Two Treatises on Civil Governmental*, is

¹ Haryono, Agus Sutono, *Pengakuan Dan Perlindungan Hak Cipta Tinjauan Secara Filosofis Dan Teoritis*, Jurnal Ilmiah CIVIS, Volume VI, No 2, 2017, h. 50.

² Ibid, 50.

³ Andi Zahidah Husein, dkk, *Perlindungan HAKI Dalam Pandangan Filsafat Sebagai Hak Alamiah Berdasarkan Pada Teori Jhon Locke*, Jurnal Filsafat Terapan, Volume 1. No. 1, Tahun 2023, h. 8.

⁴ Ibid, h. 8

⁵ Peter Drahos, *A Philosophy of Intellectual Property*, Aldershot: Dartmouth Publishing Company, 1996, h. 80.

that humans are free, or exist naturally before the state exists. Humans have natural rights, namely human rights that are owned individually, such as the right to life, the right to freedom and independence, property rights, the right to own something and so on. According to their nature, humans from birth have natural rights or natural rights, which according to John Locke are called basic rights. In order for basic rights to be implemented properly, humans enter into agreements to form a society, then form a state. In this agreement, people surrender natural rights to the community, but not all of them. Next, a ruler is appointed and given the authority to safeguard and guarantee the implementation of these human rights. Human rights are not handed over entirely to the authorities, therefore the power possessed by the authorities is limited, limited by these human rights.

Another natural law figure was Immanuel Kant (1724-1804). His view is related to legal duties and rights, that there are differences between rights and obligations in law. Regarding rights, there is only one right, namely natural rights, namely the Independence of a person from the arbitrary will and coercion of number. Kant said that this right is owned by every human being for human reasons. Another figure, namely Hegel, believed that rights and obligations should be determined by an institution legally established by the state.⁶ According to Hegel, there are three categories of abstract right, which are part of the trinity of objective nationalization of spirit, namely abstract right, social ethics, morality. The application is in the form of freedom in Property, Contract and Wrong.⁷

Utilitarian figures (JS. Mill) have different views about law and freedom.⁸ In his book 'Essay on Liberty (1859)', he considers the relationship between authority and the freedom that individuals have in society. According to Mill, there are two fundamental principles, namely:⁹ (1) That individuals are not responsible to society for their actions as long as they concern their individual interests and no other party's interests apart from them. People can express their disagreement or dislike only through giving advice, instructions or avoiding it, if it concerns their belongings. (2) That individuals are responsible to society as a result of their actions causing harm to the interests of other people and they should submit to social rules or legal sanctions if society considers them important for providing community protection.

The ideas of several figures above show that there are differences in the recognition of copyright which will influence the form of protection given to copyrighted works in various countries. This copyright protection issue shows that copyright protection is a complex and multifaceted issue, which requires a comprehensive and collaborative approach from various parties, including government, industry and society. In this regard, there is a need for further research regarding the philosophy of copyright protection for someone's copyrighted work, so the problem formulation in this research is "What is the philosophy and theory of copyright recognition and protection?"

Research Method

The method used in this writing is a normative juridical method and a philosophical approach where the writing uses document study and looks at a problem from a philosophical

⁶ G.W.F. Hegel (Diterjemahkan oleh T. M. Knox), *Outlines of Philosophy of Rights*, New York: Oxford University Press, 2008, h. 6-7.

⁷ Ibid, h. 9.

⁸ Radbruch, Gustav, *Einführung in die Rechtswissenschaft*, Stuttgart. K.F Kohler, 1961, h.78.

⁹ Donald P. Harris, "TRIPS' Rebound: An Historical Analysis of How The TRIPS' Agreement Can Ricochet Back Against the United States", *Northwestern Journal of International Law & Business*, Volume 25 No. 1, 2004, hlm. 104.

perspective.¹⁰ According to Soerjono Soekanto, the normative juridical approach is legal writing carried out by researching library materials or secondary data.¹¹ Another name for normative legal research is doctrinal legal research,¹² also known as library research or document study, this research is carried out referring to written regulations or other legal materials related to this research. Meanwhile, a philosophical approach is a perspective or paradigm that aims to explain the essence or wisdom about something that is behind its formal object based on philosophical theory.¹³ In this regard, in this research the author analyzes forms of copyright protection based on philosophical views through various literature and opinions of philosophical figures in various countries.

Results and Discussion

Recognition and Protection of Copyright based on French Legal Philosophy

In 1886 the ten countries that signed the Treaty of Bern (France, Germany, Italy, Liberia, Spain, Switzerland, Tunisia, Belgium, England), used the principle of national treatment which used minimum standards. This agreement is known as the Bern Convention for the protection of literary and artistic works 1886.¹⁴ There are three basic principles in the Bern convention, namely: national treatment, automatic protection, and independence protection.¹⁵

The principle of national treatment is the basis of French copyright which is based on natural rights and the medieval school of natural law, which states that copyright is not a gift from another party, but is a right that is naturally inherent in every individual.¹⁶ The philosophy of natural rights or natural rights is that natural rights/natural rights are owned by every person/individual which are universal or general in nature, for example the right to live, have an opinion, work, own something, and so on.¹⁷ Natural rights are not created by other people/by a state or body, but are born and exist since the individual existed. Therefore, French copyright law respects authors, so it does not use the term copyright but uses the term author's right or *Droit d'Author*.¹⁸ French copyright law provides more protection to creators in the form of moral rights.¹⁹ Moral rights (*Droit moral* or *droit morous*) are the right to control one's work and prohibit other people, including publishers, from changing one's work in any form that might have a negative impact on one's artistic reputation. Respect for moral

¹⁰ Husain, Andi Zahidah, et al. "Perlindungan Haki Dalam Pandangan Filsafat Sebagai Hak Alamiah Berdasarkan Pada Teori Jhon Locke." *Praxis: Jurnal Filsafat Terapan* 1.01 (2022).

¹¹ Suganda, Rangga. "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah." *Jurnal Ilmiah Ekonomi Islam* 8.3 (2022): 2859-2866.

¹² Apsari, Kirana, and Komang Pradnyana Sudibya. "Harmonisasi Hak Atas Kebebasan Berpendapat Dan Berekspresi Serta Hak Individu Atas Reputasi Dalam Perspektif Ham." *Jurnal Kertha Negara* 9.10 (2021): 779-790.

¹³ Putra, Adji Pratama. "Pendekatan Filsafat Dalam Studi Islam." *JURNAL LENTERA: Kajian Keagamaan, Keilmuan dan Teknologi* 21.2 (2022): 190-199.

¹⁴ Haryono, Haryono. "Prinsip Perlindungan Hak Cipta sebagai Hak Kekayaan Intelektual dalam Kajian Filosofi dan Teori." *Seminar Nasional Keindonesiaan (FPIPSKR)*. 2021.

¹⁵ Ibid.

¹⁶ Haryono, Haryono, and Agus Sutono. "Pengkakuan Dan Perlindungan Hak Cipta Tinjauan Secara Filosofis Dan Teoritis." *CIVIS: Jurnal Ilmiah Ilmu Sosial dan Pendidikan Kewarganegaraan* 6.2 (2017).

¹⁷ Ricketson S, Richardson M, 1998, *Intellectual Property, Cases, Materialis and Comentary, 2- Edition, Sydney-AdelaideBrisbane, Canberra,-HobartMelbourne-Perth*. h. 45.

¹⁸ Murniatun, Murniatun, and Fokky Fuad. "Neighboring Rights dalam Sengketa Penyiaran (Free to Air) Studi Komparasi Hukum Indonesia dan Korea Selatan." *UNES Law Review* 6.3 (2024): 8562-8575.

¹⁹ Ibid, h. 59.

rights is a protection of the creator's good name, reputation, creation, not the economic value of the creation.

France, which adheres to the civil law tradition, under the copyright philosophy, recognizes and protects the creator as a moral right.²⁰ Moral rights according to French law are rights that are perpetual, inalienable and flow as inheritance rights to the creator, even if the economic rights are transferred to a company or other party. According to the French legal concept, creation is the personality of the creator, creation is an extension of the character and personification of the creator. Personality cannot be transferred to another party. Moral rights in France are owned or exercised over all objects of creation. The creator becomes the central point who has full rights to control any use of the work that might harm his interests.

The French copyright philosophy is based on the thoughts of John Locke, who upholds moral rights.²¹ John Locke's thoughts in his book *Two Treatises on Civil Government* state that law is no longer derived from God, but from nature and based on reason. It is stated that power is not derived from God who is absolute but is based on natural law and is not absolute. John Locke's theory is that humans exist in the wild. Natural existence precedes the existence of the state. In the wild, humans have natural rights, namely rights that are owned individually, such as the right to life, liberty and independence. In accordance with natural law theory, humans from birth have basic rights called human rights.

The French concept of copyright is placed as a human right, not as a property right. French copyright is related to the status of humans as creators, so French copyright law ignores bodies as creators. Thus, recorded works, television broadcasts and radio broadcasts do not receive copyright protection. These works only need to receive copyright protection, known as neighboring rights, which are rights that are lower in level than the author's rights. In French copyright law the concept only protects the creator. Therefore, protected copyright works are creative works that reflect the personality of the creator.

Recognition and Protection of Copyright based on American Legal Philosophy

The philosophy of copyright in the United States is based on the aim of granting copyright, namely in order to encourage the production of creations. In the concept of French copyright law, it is the creator who is protected. creative for the public interest and benefit. The principle on which the philosophy of American copyright law is based is the principle of benefit.²²

The philosophy of copyright law in the United States can be seen in Article 1 Section 8 of the US Constitution, namely: "The Congress shall have power.... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discovers....". The principle underlying American copyright is expediency, in accordance with the opinion of Jeremy Bentham and J.S.

²⁰ Sierrad, Muhammad Zaki. "Larangan Pengalihan Hak Moral Dan Pembatasan Waktu Dalam Perjanjian Jual Putus Hak Cipta Buku Dalam Perspektif Hak Asasi Manusia." *Juris Humanity: Jurnal Riset dan Kajian Hukum Hak Asasi Manusia* 1.1 (2022): 24-44.

²¹ Hariyanto, Ignatius. *John Locke dan Akar Pemikiran Kekayaan Intelektual*. Kepustakaan Populer Gramedia, 2021.

²² Chambliss, William J. and Robert B. Seidman, *Law, Order, and Power*, Addison-Wesley Publishing Company Massachussets, Menzo, California. 1971, h. 7.

Mills, namely the principle that balances the economic interests of producers with the interests of consumers.²³

Utilitarian Philosophy of Jeremy Bentham and JS. Mills is a moral philosophy that defines justice and truth in an action, which takes into account the ultimate goal, namely the happiness of society at large or in general.²⁴ The connection with regulations is that regulations are made in order to provide greater happiness to the people at large or (the principle of utility). The Copyright Law as a rule is created when it can provide greater benefits to the wider community, then protection is given to creations (American copyright prioritizes the protection of economic interests rather than the interests of the creator. This means that economic rights are more prominent compared to moral rights.²⁵

Based on the philosophy above, the concept of copyright recognition in America does not come from natural rights, but comes from being granted by the state through legislation. Therefore, formal procedures such as registration or enrollment are required. With this concept, copyright is a property right, that is, it is a commodity or ownership (property right) that can be transferred. The consequence is that copyright is a gift from the state through law, so the state has the right to regulate and provide conditions for obtaining it. With the concept that copyright is a property right, it essentially rejects the doctrine of moral rights in a creation.

Historically, after being firm with the concept that copyright is a property right, in 1988 after America followed the provisions of the Bern Convention, a change in concept occurred. This is because America must follow the basic principles adopted by the Bern Convention in relation to copyright, such as the principle; automatic protection, national treatment, and independence protection.²⁶ In particular, the principle of automatic protection is a problem in itself, because obtaining copyright, which originally used a registration or registration process, has changed to without having to register or sign up. Apart from automatic copyright ownership, something that America finds difficult is the concept of moral rights. Then to get around this the concept of moral rights was included in The Visual Artistic Rights Act (VARA) of 1990, 17 USC 106 A. But VARA is given specifically to creators of visual art, such as painting, drawing, print, sculpture, still photographic image etc., and does not cover literary works, performing art works, sound recordings, serial and periodic works, amsk warks.²⁷ According to VARA the creator only has the rights of Attribution and integrity. The right of attribution is the right to include the name of the creator and prohibit other parties from including his name in their work, even though the work has been transferred to another party.²⁸ The right of integrity is the right to maintain the integrity of the work and the right to

²³ Noor, Natasha. "Copyright Law in Protecting Creators' exclusive Rights in The Creative Industry: A Comparative Study." *The Lawpreneurship Journal* 1.2 (2021): 200-217.

²⁴ Davies, Gillian and Kevin Garnett, *Moral Right, Thomson Reuthers, Sweet and Maxwell*, University of London. 1988, h. 59.

²⁵ Dharmawan, Ananda Fersa, Miranda Risang Ayu, and Eddy Damian. "Perlindungan Hak Ekonomi Inventor Aparatur Sipil Negara Berdasarkan Asas Alter Ego." *Jurnal Poros Hukum Padjadjaran* 3.2 (2022): 242-259.

²⁶ Rajan, Mira T. Sundara, *Moral Rights, Principles, Practice and New Technology*, Oxford University Press, 2011, h. 19.

²⁷ Shelburne, Thomas A. "When Art Might Constitute a Taking: A Takings Clause Inquiry under the Visual Artists Rights Act." *Vand. J. Ent. & Tech. L.* 23 (2020): 919.

²⁸ Wibawanto, Wisantoro Nusada, Tasya Safiranita, and Rika Ratna Permata. "Hak Moral pada Cover Musik dalam Platform Digital Berdasarkan Hukum Positif Indonesia." *COMSERVA: Jurnal Penelitian dan Pengabdian Masyarakat* 2.11 (2023): 2658-2669.

prohibit other parties from mutilating or distorting the work without the author's permission which could have an impact on the author's reputation or good name.²⁹

Recognition and Protection of Copyright based on Indonesian Legal Philosophy

The concept of copyright recognition and protection follows a philosophy based on natural law theory. Based on natural law theory, copyright is born based on natural rights, so recognition and protection are automatic after the creative work is completed. This concept is different from Patent rights, Trademark rights and Industrial Designs, which are recognized and protected after registration or registration. According to Budi Santoso, patent rights, trademark rights, and industrial designs are obtained through a registration or registration system carried out at government agencies, meaning that certain legal actions are required to obtain recognition of rights and protection.³⁰ Recognition and protection are not automatic, but must go through a registration or enrollment process.³¹ Copyright recognition and protection are automatic (automatically protection). The birth or emergence of copyright is automatic (automatically right) after the work has been created in a form that can be seen, read and heard, meaning that it already has a tangible form.³²

Indonesia, which adheres to the civil law tradition, has a philosophy of protecting creators as a moral right, in accordance with the principles of copyright protection in the Berne Convention, as a right that is perpetual, inalienable and flows as an inheritance right to the creator, even economic rights are transferred even to a company or other party. Creation is the personality of the creator, an extension of the character and personification of the creator. Personality cannot be transferred to another party. The creator becomes the central point who has full rights to exercise control over any use of the work that might be detrimental to his interests. Moral rights are the right to control one's work and prohibit other people, including publishers, from changing one's work in any form that might have a negative impact on one's artistic reputation.³³ Respect for moral rights is a protection of the creator's good name, reputation and creation, not the economic value of the creation.

Conclusion

The philosophy of copyright recognition and protection is based on two theories, namely Natural law theory of John Locke and the Utilitarian theory of Jeremy Bentham and JS Mills. First, based on natural law theory, humans have natural rights. John Locke thought that humans were free, or existed naturally before the state existed. Humans have natural rights, namely human rights that are owned individually, such as the right to life, the right to freedom and independence, property rights, the right to own something and so on. According to their nature, humans from birth have natural rights or natural rights, which are called basic rights. Copyright as a human right arises naturally after the creative work has been created or taken into form, so its recognition and protection is automatic, there is no need for certain formalities. The philosophy of recognizing and protecting copyright based on natural law

²⁹ Soelistyo, Henry. "Distorsi Hak Moral Dalam Orbit Digital." *Technology and Economics Law Journal* 1.2 (2022): 1.

³⁰ Prasomya, Diannita Anjar, and Budi Santoso. "Tinjauan Yuridis Pembatalan Merek Dagang Terkait Prinsip Itikad Baik Dalam Sistem Pendaftaran Merek." *Notarius* 15.2 (2022): 660-675.

³¹ Santoso, Budi, *Dekonstruksi Hak Cipta Di Indonesia*, Pustaka Magister, Semarang, 2012, h. 11.

³² Ibid. h 13.

³³ Dilla, Shinta, Siti Humulhaer, and Sri Jaya Lesmana. "Analisis Yuridis Akibat Hukum Akuisisi Pada Perusahaan Penerbit Bagi Pencipta Dan Pemegang Hak Cipta." *Lex Veritatis* 3.1 (2024): 30-40.

theory is adhered to by Indonesia and France, as countries that adhere to civil law. Recognition and protection rests more with the Creator as a moral right that cannot be erased, even though the right has been transferred. Second, philosophy based on the Utilitarian theory of Jeremy Bentham and JS. Mills is a moral philosophy that considers the happiness of society at large, therefore regulations are made in order to provide greater happiness to society at large. The recognition and protection of copyright is more about creation (copy right), as an economic right that benefits many people. Utilitarian philosophy and theory is adhered to by common law countries, such as America, England, Australia.

Bibliography

Book

- Chambliss, William J. and Robert B. Seidman, 1971, *Law, Order, and Power*, Addison-Wesley Publishing Company Massachusetts, Menlo Park, California.
- Davies, Gillian and Kevin Garnett, 1988, *Moral Right*, Thomson Reuters, Sweet and Maxwell, University of London.
- Hariyanto, Ignatius. *John Locke dan Akar Pemikiran Kekayaan Intelektual*. Kepustakaan Populer Gramedia, 2021.
- Radbruch, Gustav, 1961, *Einführung in die Rechtswissenschaft*, Stuttgart. K.F Kohler.
- Rajan, Mira T. Sundara, 2011, *Moral Rights, Principles, Practice and New Technology*, Oxford University Press.
- Ricketson S, Richardson M, 1998, *Intellectual Property, Cases, Materials and Commentary*, 2-Edition, Sydney-AdelaideBrisbane, Canberra,-HobartMelbourne-Perth.
- Santoso, Budi, 2012, *Dekonstruksi Hak Cipta Di Indonesia*, Pustaka Magister, Semarang.

Journal

- Apsari, Kirana, and Komang Pradnyana Sudibya. "Harmonisasi Hak Atas Kebebasan Berpendapat Dan Bereksresi Serta Hak Individu Atas Reputasi Dalam Perspektif Ham." *Jurnal Kertha Negara* 9.10 (2021): 779-790.
- Dharmawan, Ananda Fersa, Miranda Risang Ayu, and Eddy Damian. "Perlindungan Hak Ekonomi Inventor Aparatur Sipil Negara Berdasarkan Asas Alter Ego." *Jurnal Poros Hukum Padjadjaran* 3.2 (2022): 242-259.
- Dilla, Shinta, Siti Humulhaer, and Sri Jaya Lesmana. "Analisis Yuridis Akibat Hukum Akuisisi Pada Perusahaan Penerbit Bagi Pencipta Dan Pemegang Hak Cipta." *Lex Veritatis* 3.1 (2024): 30-40.
- Donald P. Harris, "TRIPS' Rebound: An Historical Analysis of How The TRIPS' Agreement Can Ricochet Back Against the United States", *Northwestern Journal of International Law & Business*, Volume 25 No. 1, 2004.
- Haryono, Agus Sutono. 2017. *Pengakuan Dan Perlindungan Hak Cipta Tinjauan Secara Filosofis Dan Teoritis*. *Jurnal Ilmiah CIVIS*. Volume VI. No 2. 2017. h. 50-58.
- Haryono, Haryono. "Prinsip Perlindungan Hak Cipta sebagai Hak Kekayaan Intelektual dalam Kajian Filosofi dan Teori." *Seminar Nasional Keindonesiaan (FPIPSKR)*. 2021.
- Murniatun, Murniatun, and Fokky Fuad. "Neighboring Rights dalam Sengketa Penyiaran (Free to Air) Studi Komparasi Hukum Indonesia dan Korea Selatan." *UNES Law Review* 6.3 (2024): 8562-8575.

- Sierrad, Muhammad Zaki. "Larangan Pengalihan Hak Moral Dan Pembatasan Waktu Dalam Perjanjian Jual Putus Hak Cipta Buku Dalam Perspektif Hak Asasi Manusia." *Juris Humanity: Jurnal Riset dan Kajian Hukum Hak Asasi Manusia* 1.1 (2022): 24-44.
- Husein, Andi Zahidah. dkk. 2023. *Perlindungan HAKI Dalam Pandangan Filsafat Sebagai Hak Alamiah Berdasarkan Pada Teori Jhon Locke*. *Jurnal Filsafat Terapan*. Volume 1. No. 1. h. 1-25.
- Husain, Andi Zahidah, et al. "Perlindungan Haki Dalam Pandangan Filsafat Sebagai Hak Alamiah Berdasarkan Pada Teori Jhon Locke." *Praxis: Jurnal Filsafat Terapan* 1.01 (2022).
- Murniatun, Murniatun, and Fokky Fuad. "Neighboring Rights dalam Sengketa Penyiaran (Free to Air) Studi Komparasi Hukum Indonesia dan Korea Selatan." *UNES Law Review* 6.3 (2024): 8562-8575.
- Noor, Natasha. "Copyright Law in Protecting Creators' exclusive Rights in The Creative Industry: A Comparative Study." *The Lawpreneurship Journal* 1.2 (2021): 200-217.
- Prasomya, Diannita Anjar, and Budi Santoso. "Tinjauan Yuridis Pembatalan Merek Dagang Terkait Prinsip Itikad Baik Dalam Sistem Pendaftaran Merek." *Notarius* 15.2 (2022): 660-675.
- Putra, Adji Pratama. "Pendekatan Filsafat Dalam Studi Islam." *JURNAL LENTERA: Kajian Keagamaan, Keilmuan dan Teknologi* 21.2 (2022): 190-199.
- Shelburne, Thomas A. "When Art Might Constitute a Taking: A Takings Clause Inquiry under the Visual Artists Rights Act." *Vand. J. Ent. & Tech. L.* 23 (2020): 919.
- Sierrad, Muhammad Zaki. "Larangan Pengalihan Hak Moral Dan Pembatasan Waktu Dalam Perjanjian Jual Putus Hak Cipta Buku Dalam Perspektif Hak Asasi Manusia." *Juris Humanity: Jurnal Riset dan Kajian Hukum Hak Asasi Manusia* 1.1 (2022): 24-44.
- Soelistyo, Henry. "Distorsi Hak Moral Dalam Orbit Digital." *Technology and Economics Law Journal* 1.2 (2022): 1.
- Suganda, Rangga. "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah." *Jurnal Ilmiah Ekonomi Islam* 8.3 (2022): 2859-2866.
- Wibawanto, Wisantoro Nusada, Tasya Safiranita, and Rika Ratna Permata. "Hak Moral pada Cover Musik dalam Platform Digital Berdasarkan Hukum Positif Indonesia." *COMSERVA: Jurnal Penelitian dan Pengabdian Masyarakat* 2.11 (2023): 2658-2669.