

Law Enforcement Analysis for Copyright Infringement: Legal Certainty Perspective

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Abstract

Keywords: Legal Certainty; Copyright Infringement; Copyright.	The rapid development of information and communication technology in the digital era has brought significant changes in the distribution pattern of copyrights, especially cinematographic works. On the other hand, this progress also raises the complexity of law enforcement issues against copyright infringement through digital platforms. This study aims to analyze the aspect of law enforcement against copyright infringement in film products in the digital era in the context of realizing legal certainty for the parties. The approach used was normative juridical with a qualitative type of research. The results of the study show that the Regulation on Copyright has provided an adequate normative basis for copyright protection in the digital era. However, in practice, law enforcement still faces various obstacles, including rapid technological developments, low public legal awareness, and limited resources for law enforcement officials. Regarding legal certainty, the research found that there is a gap between existing legal norms and the reality of enforcement in the field. Therefore, it is necessary to update regulations, strengthen coordination between institutions, and increase public legal awareness to realize optimal legal certainty for all parties.
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INTRODUCTION

The development of modern society is closely related to the rapid advancement of technology over time. This also applies to the advancement of information and communication technology in the digital era, which brings significant changes in various sectors, including the legal, economic and socio-cultural sectors. Digitalization encourages the creation of a borderless space that allows people to acquire, utilize, and distribute copyrighted works in various forms (Lombardi, 2024; Okediji, 2018). On the other hand, this progress also raises complex issues related to law enforcement for copyright as violations are rampant due to the ease of accessing copyrighted works on various digital platforms that facilitate the spread of illegal content quickly, widely, and beyond national borders. This condition has a negative impact, not only on creators who are economically and morally disadvantaged, but also for the state because of the reduced potential income that should be obtained from the creative industry sector (Banks, 2017; Boğa & Topcu, 2020; Bonadio et al., 2022).

In social life, each individual has different interests. These interests are not always in line and under certain conditions can cause conflicts. Therefore, the rule of law is needed as a means to regulate and balance these various interests (Sutrisno, 2019). Copyright itself is part of Intellectual Property Rights (IPR) which is internationally known as Intellectual Property Rights (IPR). Intellectual Property Rights are in principle divided into two main groups, namely Industrial Property Rights and Copyright (Simatupang, 2017). The World Trade Organization (WTO) classifies intellectual property rights into 7 categories according to article 1.2 Trade Related Aspect of Intellectual Property Rights (TRIPs), namely Trademarks, Geographical

Indications, Industrial Design, Patents, Layout Design of integrated circuits, Undisclosed Information, Trade Secrets and Test data and New Plant Varieties.

In 2014, the government established a new regulation in the field of rights in response to the dynamics of changing times. The previous provision, namely Law Number 19 of 2002, was considered inadequate so it was replaced by Law Number 28 of 2014 concerning Copyright. The establishment of this law aims to meet the need for legal reform in the field of copyright while providing a guarantee of legal protection and certainty for copyright holders and owners. In addition, to align with international conventions in the field of copyright, including TRIPS/WTO (Marlina et al., 2024).

Copyright is the exclusive right owned by the creator or the party who obtains the rights to a work in the field of science, art, or literature. This right gives the authority to publish and replicate the work, while complying with the restrictions set by legislation. (Saidin, 2010) Entering the digital era, economic actors in various sectors are required to adjust to changes in activity patterns that are now mostly taking place online. This transformation makes it easier for the community to meet their daily needs which include accessibility to audio content, the use of audiovisual media, and library literacy, to buying and selling transactions. In line with this, law enforcement officials are also required to adapt to these developments, especially in an effort to provide protection for intellectual property rights that are increasingly prone to infringement in the digital realm.

Law Number 28 of 2014 concerning Copyright has regulated the types of works that receive protection, especially in the fields of science, art, and literature as detailed in Article 40 paragraph (1). However, in practice there are still a number of problems that have not been fully accommodated clearly. These problems are related to copyright infringement that continues to increase through digital media, both in terms of methods and forms.

This also affects developments in the cinematography sector. According to Article 40 letter m of the UUHC, "cinematography" means a documentary, advertisement, story, or reportage with moving images and scenarios. Content in the form of videos uploaded through social media sites is currently one of the types of cinematography that is growing rapidly. The existence of social media unfortunately also has a negative impact, namely the increasing practice of using other people's works illegally for personal interests, or what is commonly called copyright infringement. This phenomenon is easy to find on various platforms such as YouTube, Instagram, and TikTok. Where many remixes of film clips are found to be parody and the act of cutting films that are still aired through streaming platforms are disseminated, and uploaded into digital content through short videos with some parts that were originally one hour long can become thirty parts with a duration of only a few minutes.

These problems show that there is a difference between the applicable legal norms and the advancement of digital technology which is very dynamic, especially regarding copyrighted works. Through an analysis of the Indonesian legal system that regulates copyright, this study aims to explore how aspects of law enforcement in Indonesia for copyright issues can provide optimal protection for creators of works in facing problems in the era of digitalization. Copyright protection in the digital world does not only involve the creators of works, but also service providers, the public, and the government.

On that basis, it is necessary to have a deep understanding of how aspects of law enforcement against copyright infringement in film products in the digital era in the context of

realizing legal certainty for the parties. Strong enforcement of copyright laws will create an environment that supports the growth of the creative industry, and will encourage creators to continue to work without fear of piracy or copyright infringement of their works (Pratiwi, 2022). This research aims to find out how law enforcement against copyright infringement, especially in the context of piracy in the digital era, and examine the extent to which law enforcement is able to realize legal certainty for the parties.

The benefits of this research are expected to provide theoretical contributions to the development of legal science, especially in the field of intellectual property rights and copyright law enforcement in the digital era. Practically, this research is expected to be a reference for policymakers in formulating more adaptive regulations and for law enforcement officials in handling copyright infringement cases. In addition, this research also aims to increase public legal awareness regarding the importance of respecting copyrights in the digital environment, as well as providing recommendations for creators and copyright holders in protecting their works from acts of piracy and unauthorized use.

METHOD

This research used a normative juridical approach. The normative juridical approach is a legal research method that focuses on the study of secondary literature or data, which includes aspects of legal history, legal principles, legal systematics, synchronization levels, and legal comparisons (Soekanto, 2001). The type of research used is qualitative research, which aims to gain a deep understanding of various phenomena experienced by research subjects. This understanding is obtained through depictions in the form of descriptions of words and language, which are carried out in certain natural contexts and by utilizing various natural methods (J. Moleong, 2019).

Data collected directly from the community is known as primary data or basic data, while data derived from library materials is called secondary data. Legal research also uses secondary data which, from the point of view of binding power, is classified into primary and secondary legal materials (Soekanto, 2020). The primary legal material consists of binding laws and regulations, namely Law Number 28 of 2014 concerning Copyright. Secondary legal materials consist of scientific journals and relevant results of previous research.

The collection of legal materials is carried out through library research, namely by collecting, reading, studying, and analyzing various written sources that are relevant to the problem being researched. And also, observation, the observation method is used to explain the observed background, the activities that occur in it, and the people involved in those activities, as well as the meaning of the background, activities, and involvement in those people (Nasution, 2023). Legal material analysis uses a descriptive method of analysis, while legal material testing uses data triangulation, data triangulation is a method to check the validity of data by using something outside of the data for the purpose of checking or comparing with the data. In other words, data triangulation is carried out by researchers who can cross-check their findings by comparing them with various methods, sources, or theories (J. Moleong, 2019).

RESULTS AND DISCUSSION

Law Enforcement Aspects in Copyright as an Effort to Ensure Legal Certainty

Law is a set of rules that govern human behavior in carrying out relationships between others in society. As a guideline for behavior, the law not only aims to create order and order, but also to realize justice. The law is directed so that everyone gets what is his right in accordance with the contributions or services that have been given, provides proportionately balanced treatment, gives awards based on his ability and contribution to society, and imposes sanctions according to the level of wrongdoing committed.

The Intellectual Property Rights (IPR) legal system is now an increasingly relevant topic of discussion, considering its great contribution in determining the growth rate of a country, especially in the midst of the growing globalization current. The era of globalization itself can be understood through two main characteristics. First, the era is marked by a wide openness in relations between nations and between countries, which is supported by the unlimited flow of information so that events or findings in one part of the world can be quickly known and spread to all corners of the world. This condition has the consequence that all forms of plagiarism, piracy, and similar practices are increasingly losing their space in the increasingly open global order opening up equal opportunities for all nations and countries to know their respective potentials, capabilities, and needs, where countries that excel in mastering technology will gain more dominant advantages (Pangarso, R.W, 2022).

In the era of globalization, the law continues to play an important role as an instrument that regulates various aspects of people's lives. All activities, including economic activities carried out by individuals and groups, need to be based on the applicable legal provisions. In its function, law plays a role in integrating and aligning various values that develop in society so as to provide legitimacy for the application of legal norms. Therefore, law is placed as the main foundation (rule of law) because it has a strategic function in shaping a more orderly social life. Through the existence of the law, it is hoped that changes in people's behavior will be created in a more positive direction, such as increasing discipline, legal awareness, compliance, social responsibility, justice, legal certainty, and order in community life (Sutrisno, 2007).

In a cultural congress held in Bandung in 1951, the term copyright was first known. Before the term was used, it was known that the term "copyright" came from the Dutch word auteurs Recht, which was the brainchild of Prof. St. Moh. Shah, S.H. However, the term copyright is considered to have a limited scope of meaning only focusing on individual rights related to authorship, therefore, because it has a broader meaning, the term is replaced with copyright (Rosidi, 1984).

Copyright basically contains rights that are economic and moral rights, which reflect the existence of individual needs and social needs. Films or cinematographic works are one of the branches of copyright which is basically a combination of various works, each of which has copyright protection. Copyright is an exclusive right that is automatically attached to the creator when a work is realized in real form (Mustikawati et al., 2025) This is regulated in Law Number 28 of 2014 concerning Copyright (UUHC), where article 40 paragraph (1) letter m of the UUHC expressly conveys that cinematographic works are one of the types of protected works. Furthermore, the provisions of Article 59 paragraph (1) of the UUHC affirm that copyright protection for cinematographic works is valid for 50 (fifty) years from the first

announcement, which provides legal certainty for copyright holders in the film industry. In the film industry, the producer plays the role of the leader and controller in completing all elements of creation, because he is the one who coordinates and designs the entire production process. Therefore, the copyright to films is generally in the hands of the producer (Amrikasari, 2019).

The biggest problem in protecting copyright in today's digital age is the rampant dissemination of content without the creator's permission over the internet, which ultimately triggers many copyright infringements online. Because the internet makes it easier for anyone to distribute and duplicate works without territorial boundaries, so that the potential for infringement is getting higher, in addition, technological developments are also an obstacle in the enforcement of copyright law. This is because offenders continue to find new ways or methods to spread illegal content or evade the detection process, so that law enforcement becomes more complex.

With regard to infringed copyright, an infringement is declared to have occurred if the copyrighted material is used without a valid license and there is a substantial similarity between the infringed work and the original work. The aggrieved party is obliged to prove that his work has been copied, plagiarized, or reproduced without rights, or that the work of the other party is actually sourced from his creation. Copyright infringement is also declared to occur when the whole or substantial part of a protected work has been duplicated without permission (Pangarso R.W, 2022). In fact, any form of reuse of copyrighted works should first obtain permission from the rights owner. Furthermore, these actions also have an impact on the losses of other parties, especially producers or copyright holders, because their distribution rights are violated and potential economic benefits are reduced.

Law enforcement is a series of actions that aim to explain the purpose of the law consisting of values, ideas, and minds that are quite abstract. The purpose of the law or the ideal of law contains moral values such as justice and truth. These values must be applicable in real life. The legal will is basically an idea and thought of the law-making institution which is then designed in the form of laws and regulations. The formulation of the thinking included in the legal norms also affects how the law enforcement process is carried out. In the end, the action reached its peak at the implementation stage by law enforcement officials. In fact, it can be expressly stated that the success or not of law enforcement in practice has actually been determined from the stage of formation of the law regulation itself. (Rahardjo, 2009)

Elements that affect law enforcement can be seen based on the degree of closeness to the process, namely elements that have a relatively distant relationship and elements that have a closer relationship. Based on this grouping, he divided the three main elements that participate in the law enforcement process. First, the law-forming element, namely the legislative institution. Second, the element of law enforcement which includes officials such as police, prosecutors, and judges. Third, it is the environmental element which includes individual, community, and social factors that also affect the implementation of law enforcement (Rahardjo, 1983).

Elements of Lawmakers

As the starting point of the law, the legislative institution plays the role of determining the quality of the norms that are the foundation for the entire law enforcement process. In this context, the House of Representatives produced Law Number 28 of 2014 concerning Copyright as a normative basis that provides legal guarantees for creators of copyrighted works. The

quality of regulation is the initial component that determines whether legal certainty can be realized optimally.

Law Enforcement Elements

In practice, copyright law enforcement involves various institutions. Their role is crucial because they are the ones who determine whether the norms that have been created can be implemented and applied effectively and consistently. These roles include:

1. Directorate General of Intellectual Property (DJKI)

Has authority at the national level to manage and protect intellectual property and all matters related to the administration and enforcement of intellectual property infringement at the national level.

2. Ministry of Communication and Information Technology

Have the authority to enforce the law in the administrative realm. This authority is exercised in the event of copyright infringement related to information systems, especially in the digital realm. DJKI makes recommendations to the Minister of Communication and Information Technology through the general of informatics applications and then the Minister of Communication and Information Technology closes internet sites or blocks content, or closes access rights if it is proven that there is a copyright violation through the internet.

3. Police

In the event of a criminal incident, the authorities are tasked with carrying out investigations, investigations, and law enforcement against copyright infringement. Investigation based on Article 1 point 9 of Law No. 2 of 2002 and investigation on point 13. In addition, the police collaborate with the DJKI and the Ministry of Law and Human Rights for the effectiveness of the crackdown.

4. Judge

The provisions regarding criminal sanctions for infringement are regulated in Articles 112 to 119 of the Copyright Law, which are the basis for judges to impose verdicts against copyright infringers. Judges cover a broader function in ensuring the achievement of justice, utility, and legal certainty.

Environmental Elements

Environmental elements include the people themselves. The level of public legal awareness of copyright protection is still minimal, causing many violations to occur. The character of the community also affects whether or not the law enforcement process is effective. Therefore, it is important to build legal awareness in every member of the community in order to create compliance with applicable rules.

Reporting from CNN Indonesia, there was a case of digital piracy in the Indonesian creative industry after a TikTok account with hundreds of thousands of followers was known to illegally broadcast paid content of PPV Byon Combat Showbiz Vol. 5. This violation was first from a public report and was followed up by the copyright owner, Yoshua Marcellos Muliardo, reporting through legal channels to the Metro Jaya Police on August 21, 2025. Given the large reach of these accounts, the actions of the perpetrators have the potential to cause losses, both economically and to the sustainability of the creative industry in Indonesia. The legal process went to the investigation stage at the end of November 2025, and on December 9, 2025, an @bambangmosaja account was reported where the perpetrator admitted his actions. In this case, the perpetrator was subject to Article 113 of Law Number 28 of 2014 concerning

Copyright, which contains a criminal threat of up to 10 years in prison and/or a maximum fine of 800 million rupiah. Based on the legal process and consideration of the reported good faith, on January 30, 2026, the case will be resolved through Restorative Justice (CNN Indonesia, 2026).

Acts of copyright infringement, especially related to cinematographic works that are considered infringing, and the reasons include: first, uploading pirated cinematographic works to unofficial websites that violate economic rights in the form of duplication and distribution; second, uploading pirated cinematographic works to sites that are equipped with advertisements that violate economic rights in the form of duplication, distribution, and commercialization of works; third, uploading scenes from a cinematographic work that is qualified as a violation of moral rights in the form of distortion or mutilation of works and economic rights in the form of distribution and duplication; Fourth, uploading parodies made based on scenes from a cinematographic work that violates moral rights in the form of distortion or mutilation of creations and alterations of creations as well as economic rights in the form of distribution and transformation (Ministry of Law and Human Rights, Directorate General of Intellectual Property, 2020).

The findings of the research at the Cirebon Police, it is known that for cases related to Intellectual Property such as copyright, many of them are resolved through restorative justice where, the process of resolving acts of violation of the law is carried out by bringing perpetrators and victims to meet and talk to each other in one meeting so that an agreement is reached such as the payment of compensation in the amount agreed upon by the parties. It should be understood that copyright infringement is included in the complaint offense as stipulated in Article 120 of Law Number 28 of 2014 (UUHC) so that the police cannot take action on their own initiative even if they find violations directly in the community, because the criminal process can run if there is an official report from the party who feels aggrieved in this case, namely the creator or legitimate copyright holder, so it needs active participation from the right owner Copyright infringement can be further processed. The general obstacle in handling criminal proceedings related to copyright disputes is quite time-consuming due to the need for police coordination with related parties such as the Directorate General of Intellectual Property (DJKI). In the course of the criminal process, the complainant has the authority to stop the criminal process if he retracts his report in accordance with the provisions of Article 120 Paragraph (2) of the UUHC.

The findings at the Directorate General of Intellectual Property (DJKI) in terms of the Copyright Law are already a violation, related to that DJKI itself has its own law enforcement section where the creator can request for the site to be taken down and the right to access to the content is terminated by the way the creator comes to the DJKI and states that the film is a victim of content mutilation for the closure of the platform's access rights so that people cannot Watch and access twins. That in this digital era, profits are no longer only about money, the profits obtained through viral content such as the number of views or views so that they can generate endorsements also have commercial value (What's Up Podcast of the Ministry of Law of the Republic of Indonesia, 2025). Reports of copyright infringement on the internet that are processed will be verified by the DJKI team consisting of elements of the Ministry of Law and Human Rights, the Ministry of Communication and Information, the Copyright / Related Rights Association, copyright/information technology experts to make a decision whether or

not it is an infringement for a maximum of 3 days and will be recommended to Kominfo to later close all content within a maximum of 14 days requesting a court determination.

Law enforcement basically functions to guarantee, protect, and ensure that all legal provisions in Indonesia can run effectively and in accordance with applicable regulations. In this context, Law Number 28 of 2014 concerning Copyright, especially in Chapter XVII, has regulated law enforcement efforts against copyright infringement, including in the field of cinematography. Article 113 paragraph (3) of the Copyright Law emphasizes that acts of reproduction without rights can be categorized as a form of piracy.

Article 95 paragraph (1) of the UUHC in the event that the dispute resolution route is through a court mechanism, the creator or copyright holder has the right to take action by filing a (civil) compensation lawsuit or taking criminal action to the commercial court and other settlement mechanisms can be carried out through alternative dispute resolution including mediation, negotiation, or conciliation. However, dispute resolution through criminal channels is the last resort (*ultimum remedium*) in resolving copyright disputes. In Article 113 paragraph (4) of the Copyright Law, it is explained that the perpetrators of piracy can be sanctioned in the form of imprisonment for a maximum of 10 years and/or a maximum fine of IDR 4,000,000,000.00. In addition, the arrangements related to the settlement of copyright disputes have also been regulated in the same law, precisely in Chapter XIV concerning Dispute Resolution, which includes the provisions in Articles 95 to 99 as the legal basis for resolving disputes related to copyright infringement. In the provisions of the Film Law, especially in Article 80 of the Film Law, it is stipulated that any party who knowingly commits the act of distributing, duplicating, or commercializing films without going through the censorship process can be subject to sanctions in the form of imprisonment for a maximum of two years or a fine of up to Rp10 billion.

Efforts to overcome copyright infringement carried out by DJKI are divided into two, namely preventive measures by carrying out prevention activities on copyright infringement in various regions of Indonesia, the form of prevention is the DJKI's cooperation agreement with relevant ministries or institutions such as the Criminal Investigation Branch of the National Police and Kominfo, conducting socialization and education to the public as in this digital era through DJKI's official social media platforms. Repressive Actions are law enforcement actions in overcoming copyright infringement such as the closure of infringing sites and collaboration between institutions in the enforcement of copyright laws.

Legal Certainty Review

One of the important elements of the legal system is legal certainty, in the legal system which plays a role in providing clarity, certainty, and protection of the rights and obligations of each legal subject. In the framework of copyright protection in the digital era, the aspect of legal certainty is increasingly crucial, considering the large investment value incurred by the creative industry, especially in the production of cinematographic works.

Legal certainty provides a guarantee for each individual to act in accordance with the applicable legal provisions, as well as a limit on actions that deviate from these norms. Individuals do not have clear guidelines as a reference in determining their behavior without legal certainty.

Gustav Radbruch stated that in his theory of legal certainty there are four main elements that are closely related to the meaning of legal certainty itself (Satjipto Rahardjo, 2012).

1. Law is understood as positive law, which is the norm contained in laws and regulations.
2. Law is composed of facts, in the sense that its formation rests on the reality that exists in society.
3. The facts on which the law is formed must be formulated as clearly as possible free from errors and errors.
4. Fourth, positive law is not easy to change in principle.

This view departs from the conception that legal certainty basically refers to the existence of the law itself. In this case, Gustav Radbruch emphasized that legal certainty is one of the results of law, specifically that derived from laws and regulations.

If the legal protection of copyright is not clear, it not only has an impact on economic losses for rights holders, but also has the potential to hinder the development of creativity and innovation in the national film industry. However, violations through digital streaming platforms are very large in volume with extraordinary technological sophistication, so that the platform can carry out an algorithm-based take down system that the content produced is pirated content because the mechanism for handling violations by means of creators having to make complaints one by one for each content that circulates is considered less effective. This is because these procedures tend to burden creators in reporting repeatedly, especially when the number of violations is very large. On the other hand, these conditions can also create a high workload for law enforcement officials in handling every report that comes in, so that it has the potential to reduce the optimization of overall law enforcement. It can no longer be just with an appeal but with something more concrete.

The embodiment of legal certainty is reflected through the application or enforcement of the law in every act objectively, regardless of identity or who the perpetrator is. In this process, the role of law enforcement officials is very important, especially in examining the position of the case along with all related aspects and the parties involved in it. This step requires a thoroughness in relating the existing facts with the provisions of the law that are violated.

CONCLUSION

Although a fairly strong legal basis is provided by Law Number 28 of 2014 concerning Copyright in protecting the rights of creators, in practice enforcement against copyright infringement, especially those carried out through the re-uploading of film content on social media without permission, still faces various obstacles. Actions such as re-uploading, altering, or disseminating videos without the consent of the rights holder are basically included in the category of copyright infringement. Although digital platforms are equipped with policies and technology to detect violations, in practice their implementation still faces many obstacles. This can be seen from the difficulty of conducting optimal supervision due to the high amount of content circulating, coupled with the low level of legal awareness among users. Law enforcement efforts against these violations can be taken through civil and criminal channels. However, its effectiveness is often hampered by several factors, including the rapid development of digital technology, the low level of public legal awareness, and the limited resources of law enforcement officials. The embodiment of legal certainty is reflected through the application or enforcement of the law in every act objectively, regardless of identity or who the perpetrator is. In this process, the role of law enforcement officials is very important,

especially in examining the position of the case along with all related aspects and the parties involved in it. Therefore, it is necessary to update the laws and regulations and their implementation rules in order to be able to accommodate the complexity of violations in the digital era. In addition, increasing public legal awareness is also no less important. With this update, it is hoped that the protection of the rights of creators can be more guaranteed and law enforcement against copyright infringement can be carried out firmly, fairly, and provides legal certainty for all parties involved.

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