

## Legal Certainty on the Role of Investors as White Knight in the Process of Suspension of Debt Payment Obligations

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**ABSTRACT:** The objective of this research is to analyze the legal certainty concerning the role of investors as white knights in the Suspension of Debt Payment Obligations process in Indonesia and to identify the role of such investors in rescuing companies facing financial distress under the Suspension of Debt Payment Obligations scheme. Suspension of Debt Payment Obligations serves as a legal mechanism that allows debtors the opportunity to restructure their debts. In practice, the involvement of white knight investors has emerged as a viable solution to prevent bankruptcy by providing additional capital or implementing favorable restructuring schemes. This study employs a normative juridical research method with a statutory approach, case approach, and conceptual approach. The findings indicate that although white knight investors can offer a strategic solution for both creditors and debtors, there is currently no legal certainty regarding their status. White knight investors may play a critical role in averting bankruptcy and ensuring business continuity by injecting capital, initiating management reform, opening access to new funding, or through capital participation, share acquisition, and/or debt-to-equity conversion. As a recommendation, a clear regulatory framework within the Bankruptcy and Suspension of Debt Payment Obligations Law is necessary to govern the role of white knights, including their rights, obligations, and legal protections. Such legal certainty is expected to enhance the effectiveness of the Suspension of Debt Payment Obligations process and maintain stability in Indonesia's business environment.

**KEYWORDS:** Legal Certainty; Investor; White Knight; Debt Payment Obligations; Process of Suspension

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### I. INTRODUCTION

In the business world, the threat of bankruptcy often poses a significant challenge for companies facing financial distress. In Indonesia, the Suspension of Debt Payment Obligations mechanism has emerged as an important legal remedy to assist debtors in avoiding bankruptcy. Suspension of Debt Payment Obligations provides debtors with the opportunity to restructure their debts and formulate a fair payment plan for creditors. However, the success of this process often depends on the availability of sufficient financial support, which may be provided by investors acting as white knights. In the Suspension of Debt Payment Obligations process, the presence of a white knight investor not only offers a financial solution but also creates opportunities for the company to maintain its operational continuity. This becomes particularly crucial in the context of Indonesia's developing economy, where companies frequently encounter complex financial challenges. With the support of a white knight, a company can avoid the negative consequences of bankruptcy, such as the loss of strategic assets or reputational damage (Cleartax 2023).

The role of a white knight also necessitates strict oversight to ensure that the interests of all parties involved are adequately protected. Creditors, debtors, and investors each hold distinct interests, making clear and transparent regulation essential to avoid potential conflicts (Jensen and Meckling 1976). Furthermore, it is crucial to ensure that the white knight's role is not misused for purposes that could harm other parties, such as asset manipulation or evasion of legal obligations. One of the main challenges lies in the regulatory ambiguity surrounding the role of white knights within the Suspension of Debt Payment Obligations process. This legal uncertainty may pose risks to investors, including potential conflicts of interest or a lack of legal safeguards for their investments. Additionally, the divergent interests of creditors and debtors often complicate the effective implementation of the white knight's role. Therefore, a comprehensive legal analysis is necessary to assess whether existing regulations can provide sufficient legal certainty for all stakeholders involved.

In Indonesian business law, it is essential to establish an ecosystem that supports an efficient and equitable debt restructuring process. This involves not only the existence of robust regulatory frameworks but also effective cooperation among debtors, creditors, and investors (Maniah 2022). As a financial rescuer, a white knight can expedite the restructuring process; however, its effectiveness largely depends on the presence of legal certainty that ensures the protection of the rights and obligations of all parties involved (FasterCapital 2025). Accordingly, strengthening regulations and applying the principle of fairness are key elements in ensuring that the Suspension of Debt Payment Obligations process can yield optimal benefits for the national economy.

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Globally, the role of investors as white knights has garnered significant attention across various legal systems. Countries with more advanced legal frameworks generally possess clear regulations that support investor involvement in the restructuring of financially distressed companies (Comin 2022). These regulations not only provide legal protection for investors but also establish a transparent and equitable framework for all parties involved. By examining best practices from other jurisdictions, Indonesia can develop more comprehensive regulations to support the Suspension of Debt Payment Obligations process and ensure that the role of the white knight can be effectively implemented within the national legal system.

The concept of the white knight has been widely implemented in various countries, including Japan and the United States, as a form of business intervention aimed at preventing bankruptcy and preserving business continuity. In Indonesia, however, there has been limited scholarly discussion on the role of white knights within the Suspension of Debt Payment Obligations framework, both from a legal perspective and in terms of business practice. Yet, the involvement of white knight investors may serve as a strategic solution to accelerate debt restructuring and mitigate the broader consequences of bankruptcy, such as mass layoffs, the loss of strategic assets, and instability within the business and financial ecosystem.

Financial crises faced by large corporations not only threaten internal operational continuity but also have broader implications for stakeholders and overall economic stability. A relevant case example is that of Toshiba in 2023, which nearly faced bankruptcy due to accounting malpractice and a corporate governance crisis. To avoid a total collapse, Toshiba undertook a strategic move by involving a white knight investor—Japan Industrial Partners (JIP)—to rescue the company from potential foreign takeover and operational disintegration. JIP proceeded with a majority share acquisition and devised a comprehensive restructuring plan as part of the corporate rescue strategy (Muhammad Idris 2024).

One notable example of the application of a white knight investor in Indonesia occurred when Sriwijaya Air faced financial distress in 2022. Sriwijaya Air, an Indonesian airline, experienced a state of significant indebtedness, prompting its creditors to file a petition for a Suspension of Debt Payment Obligation with the Commercial Court at the Central Jakarta District Court due to outstanding claims amounting to IDR 7.3 trillion. Nevertheless, based on Decision Number 247/Pdt.Sus-PKPU/2022/PN Niaga Jkt.Pst, Sriwijaya Air and its creditors reached a mutual agreement to settle and accept a composition plan. One of the key elements in Sriwijaya Air's proposed plan was the involvement of a third-party investor as part of the debt restructuring strategy.

The concept of a white knight has been widely implemented in various countries, such as Japan and the United States, including Indonesia, as a form of business intervention aimed at preventing bankruptcy and maintaining business continuity. In Indonesia, however, there has been a lack of comprehensive studies discussing the role of white knight investors within the Suspension of Debt Payment Obligation framework, both from legal and business practice perspectives. In fact, the involvement of white knight investors can serve as a strategic solution to expedite debt restructuring and mitigate the broader impacts of bankruptcy, such as mass layoffs, the loss of strategic assets, and instability within the business and financial ecosystem.

Jan Michael Otto defines the theory of legal certainty as the predictability of outcomes under specific conditions, namely: (1) the existence of clear, consistent, and accessible regulations, which are systematically organized and recognized by the authority of the state; (2) the government's consistent application of legal rules, including its adherence and submission to those rules; (3) citizens' compliance with existing regulations in their behavior; (4) an independent and objective judiciary that consistently applies legal norms in resolving legal disputes; and (5) the concrete enforcement of judicial decisions. (Muthia Sakti 2023).

Good Corporate Governance (GCG) refers to a set of rules that governs the relationship among shareholders, corporate management, creditors, government, employees, and both internal and external stakeholders, concerning their respective rights and obligations; in other words, it is a system that regulates and controls corporate conduct. According to Kusmayadi et al., GCG is a framework of systems designed to govern and control companies in order to generate added value for stakeholders. (Deddy Kusmayadi, *et.al*, 2015).

Norley, Wanson, and Marshall propose a theory that the implementation of corporate restructuring—through changes in legal structure, ownership, operations, or other structural elements—can enhance a company's potential for profitability and overall performance. (Rizqi Ramantha Viadi 2023).

The findings of this study are expected to contribute significantly to the development of business law in Indonesia, particularly in the context of Suspension of Debt Payment Obligations. By enhancing legal certainty, the role of the white knight may be optimized to support companies experiencing financial distress, while simultaneously ensuring adequate protection for creditors and investors. Furthermore, this research is anticipated to serve as a reference for policymakers in formulating more comprehensive and effective regulatory frameworks

## II. FORMULATION OF THE PROBLEMS

1. How is legal certainty ensured regarding the role of investors as white knights in the Suspension of Debt Payment Obligations process in Indonesia?
2. How is role of investors as white knights in rescuing companies undergoing the Suspension of Debt Payment Obligations process?

### III. RESEARCH METHOD

The research method employed in this study is normative juridical, which focuses on legal principles or norms derived from statutory regulations, court decisions, and the opinions of legal scholars (Bachtiar, 2021). The approach involves the use of library research to examine legal issues by focusing on applicable laws, as well as the study of literature and secondary data. The author analyzes, processes, examines, and explains the form of legal certainty concerning the role of investors as white knights in the Suspension of Debt Payment Obligations process in Indonesia, as well as their role in rescuing companies undergoing Suspension of Debt Payment Obligations. This research applies three main approaches. First, the statute approach, where the analysis refers to statutory provisions relevant to the problem formulation (Peter Mahmud Marzuki, 2010). Second, the conceptual approach, which is grounded in legal doctrines and principles (Peter Mahmud Marzuki, 2010). Third, the case approach, which involves the examination of court decisions that are final and binding and directly relate to the issues discussed (Bahder Johan Nasution, 2008). The legal materials used in this research include primary legal materials and secondary legal materials. Data collection is conducted through library research, and the analysis method employed is prescriptive qualitative analysis, which entails examining qualitative legal materials to provide recommendations and solutions to specific legal problems.

### IV. DISCUSSION

#### A. Legal Certainty Ensured Regarding the Role of Investors as White Knights in the Suspension of Debt Payment Obligations Process in Indonesia

Indonesia's national economic development is founded upon the principle of economic democracy as stipulated in Article 33 of the 1945 Constitution. Within this system, law plays a crucial role in ensuring a balance between economic growth and social justice. The government is mandated to establish a system that ensures public welfare through fair, transparent, and predictable legal regulations for all economic actors (Nugraha, 2017). Amidst the increasingly complex dynamics of economic globalization, the role of law becomes even more strategic. Globalization not only connects markets and business actors across countries, but also brings together various legal systems with differing characteristics (Sinaga and Sulisrudatin, 2015). Therefore, Indonesia's legal system must remain open to international influences without losing its local character and national interests.

In dealing with such complexity, legal certainty becomes a key element. The theory of legal certainty emphasizes that legal norms must be formulated clearly, consistently, and enforceably to protect the rights and interests of all parties (Sakti, 2023). In the business context, this is vital to foster a sense of security and stability among investors, market players, and stakeholders. One concrete manifestation of legal certainty in business practice is the regulation of limited liability companies (PT). Over time, regulations regarding PTs in Indonesia have evolved significantly, from the Indonesian Commercial Code to the enactment of the 2007 Limited Liability Company Law (Pangestu and Aulia, 2017). These laws form the legal foundation for companies to operate in a lawful and protected manner.

Nevertheless, not all companies are able to survive amidst economic pressures. Some experience severe financial distress, requiring legal intervention through restructuring mechanisms. In this regard, Law No. 37 of 2004 on Bankruptcy and Suspension of Debt Payment Obligations offers companies the opportunity to propose a debt settlement plan with creditors in order to avoid bankruptcy. Suspension of Debt Payment Obligations is distinct in that its primary focus is not liquidation, but rather business rehabilitation. The process allows debtors to submit a realistic and proportionate composition plan that must be accepted by a majority creditors. Upon approval, the plan is ratified by the court through a homologation ruling, enabling the company to resume its operations (Simanjuntak, 2023).

In practice, one strategic approach within the Suspension of Debt Payment Obligations process is to engage external investors acting as white knights. These investors provide rescue solutions through capital injection, debt purchase, equity acquisition, or debt-to-equity conversion. Their objective is to maintain business continuity and rebuild creditor confidence in the company's recovery prospects (Sentosa, 2000). However, the role of white knight investors lacks an explicit legal basis in the Suspension of Debt Payment Obligations Law. Their involvement is only implicitly reflected in the composition plan proposed by the debtor. This regulatory gap opens wide room for interpretation and creates legal uncertainty for investors and other parties involved in the restructuring process.

Without adequate legal certainty, investors face several risks. One risk is the potential moral hazard posed by debtors who may exploit investors merely as a shield to avoid liability. Another is the potential for conflicts with creditors—particularly secured creditors—if the restructuring plan is perceived as impairing their rights over collateral assets.

Another significant risk is the failure of the restructuring plan itself. Even if the plan is ratified through homologation, it may still fail without proper business strategy and competent management. In such cases, investors bear considerable financial and reputational risk. Theoretically, this legal uncertainty contradicts the principle of legal protection. According to Michael Jan Otto, legal certainty does not only refer to the existence of written rules but also to the legal system's ability to fairly guarantee the rights and obligations of all parties involved.

Therefore, the role of investors in restructuring must be firmly established within Indonesia's bankruptcy legal framework. Given these conditions, there is an urgent need for policy and regulatory reform that explicitly defines the mechanism and legal

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position of white knight investors in the Suspension of Debt Payment Obligations process. Clear regulation will enhance legal certainty, strengthen investor confidence, and improve the overall effectiveness of debt restructuring as a means of corporate rescue.

### B. Role of Investors as White Knights in Rescuing Companies Undergoing the Suspension of Debt Payment Obligations Process

Investment is an economic activity carried out with the aim of gaining future profit, whether through capital gains, dividends, or other forms of income. Investors play a vital role in supporting business sectors and economic development, including in rescuing companies experiencing financial crises. In this context, the role of investors as *white knights* becomes a crucial strategy in corporate restructuring (Sholikhatunnisa et al., 2024). A white knight refers to a strategic investor who intervenes to save a company that is on the brink of, or threatened by, bankruptcy. Amid the increasing number of Indonesian companies facing financial distress, the presence of white knights is becoming increasingly relevant in debt restructuring processes through the Suspension of Debt Payment Obligations mechanism. Suspension of Debt Payment Obligations is a legal framework that allows debtors to negotiate a composition plan with creditors (Fatahillah and Winanti, 2023), wherein the white knight can offer both financial and strategic solutions to help the company recover.

One of the most effective strategies to rescue a company in Suspension of Debt Payment Obligations or bankruptcy proceedings is by involving a strategic investor acting as a white knight. These white knights are third-party investors or other companies that step in to rescue financially troubled businesses through schemes such as debt-to-equity swaps, asset purchases, debt acquisitions, debt rescheduling (i.e., negotiating extensions of maturity dates or lower interest rates), debt refinancing (i.e., repaying old debt using lighter financing structures), injecting fresh capital, and/or management takeovers.

Among these restructuring schemes, the most preferred options by white knight investors are: First, debt-to-equity swaps, which provide investors with legal ownership in the company, allowing them to be directly involved in its internal affairs. This mechanism reduces the risk of default and gives investors control over post-restructuring strategic decisions. Additionally, it alleviates debt burdens without requiring substantial cash outflows. Second, injecting fresh capital, which enables investors to control the company and enhance asset value. With this injection, the company can resume normal operations and even expand its business to enhance competitiveness. Third, management takeovers, particularly when the company's financial difficulties stem from poor corporate governance. By replacing the old management with a more competent team, investors can enhance corporate performance and implement sustainable business strategies. While other mechanisms like debt rescheduling or haircuts are commonly used, white knights generally prefer those that allow them greater control. Therefore, a combination of debt-to-equity swaps, capital injection, and management takeover is often the primary choice in rescuing companies during the Suspension of Debt Payment Obligations process in both Indonesia and globally.

In the business world, a white knight is an investor or entity that intervenes to save a financially distressed company or one under the threat of a hostile takeover. Typically, white knights offer capital injections, acquire ownership, or propose management restructuring to help the struggling business resume normal operations.

A practical example of this concept in Indonesia is the case of PT Sriwijaya Air, a private airline that was once a major player in the country's aviation industry, carrying over 13 million passengers in a single year. Since 2019, the company suffered a sharp decline in financial performance due to route closures, reduced fleet operations, and the impact of the COVID-19 pandemic. As a result, PT Sriwijaya Air was unable to fulfill its financial obligations to creditors and was formally placed under Suspension of Debt Payment Obligations in October 2022 following a ruling by the Commercial Court. In response, the company submitted a composition plan to its creditors as a demonstration of its commitment to saving the business and avoiding bankruptcy.

The plan opened the door for potential involvement by white knight investors. PT Sriwijaya Air emphasized its continued commitment to operate in the aviation sector and expressed readiness to expand the business. In the legally binding peace agreement approved in July 2023, the company proposed a proportional and transparent debt repayment scheme to its creditors—an approach reflecting good faith and willingness to collaborate with strategic investors. The success of the Suspension of Debt Payment Obligations process laid the foundation for previously delayed strategic partnerships, as the company's financial condition began to stabilize. In this context, the role of a white knight investor is crucial in strengthening capital structure, improving corporate governance, and restoring market confidence in the long-term viability of PT Sriwijaya Air.

This experience illustrates that white knight involvement is not limited to financial rescue alone but also encompasses governance reform and comprehensive business restructuring. This aligns with the white knight philosophy of being long-term value creators rather than short-term asset exploiters. However, the involvement of white knights in Suspension of Debt Payment Obligations processes in Indonesia continues to face several challenges. The absence of specific regulations governing the legal mechanisms and protections for such investors presents risks, including moral hazard by debtors, potential conflicts with secured creditors, and post-homologation restructuring failures.

Therefore, the case of PT Sriwijaya Air provides a valuable lesson on the urgent need for a legal framework that supports the engagement of strategic investors. The lack of legal certainty may deter investors and increase the likelihood of future litigation, potentially harming not only the investors but all stakeholders involved. Through regulatory reinforcement and the establishment of a clear legal framework, white knights can optimally fulfill their role in the process of Suspension of Debt Payment Obligations.

## Legal Certainty on the Role of Investors as White Knight in the Process of Suspension of Debt Payment Obligations

With strong legal support, investors will be more confident in participating, ensuring that restructuring efforts not only rescue companies from bankruptcy but also contribute to broader economic recovery. By positioning investors as strategic partners in corporate rescue, the Suspension of Debt Payment Obligations mechanism can serve as an effective tool not only to prevent insolvency but also to rejuvenate companies in a fair, sustainable, and mutually beneficial manner.

### V. CONCLUSIONS

1. Currently, legal protection for investors acting as white knights remains unregulated under Indonesian law, despite their significant role in rescuing companies from bankruptcy. The absence of explicit regulatory provisions creates a wide space for legal interpretation, which in turn can generate conflict during implementation. Without legal certainty, investors may be reluctant to participate as white knights in Suspension of Debt Payment Obligations proceedings due to unquantifiable legal risks. To ensure optimal involvement of white knight investors in Suspension of Debt Payment Obligations, regulatory reforms are necessary—particularly in the form of clear and specific provisions regarding the role of such investors in debt restructuring. A strategic step for policymakers would be to include specific articles within the Suspension of Debt Payment Obligations Law or related implementing regulations to explicitly govern the mechanism for white knight participation.
2. Increasingly fierce market competition and ongoing economic uncertainty have triggered bankruptcy phenomena in both domestic and international contexts. Toshiba, a major Japanese electronics and technology company, narrowly avoided bankruptcy by securing a white knight investor—Japan Industrial Partners (JIP), a domestic investment consortium. JIP aimed to acquire a majority stake in Toshiba to prevent foreign hostile takeovers that could drastically alter the company's policy direction, while also undertaking cost-cutting and management restructuring measures. In Indonesia, the relevance of white knight investors can be seen in the Suspension of Debt Payment Obligations case of PT Sriwijaya Air (Decision No. 247/Pdt.Sus-PKPU/2022/PN Niaga Jkt.Pst). The airline faced debt claims amounting to IDR 7.3 trillion, prompting its creditors to file for Suspension of Debt Payment Obligations. Nevertheless, a composition agreement was reached and accepted by the parties, with PT Sriwijaya Air proposing the involvement of a third-party investor as part of the restructuring plan. Strategic investor involvement as white knights may take the form of (1) debt-to-equity swaps, (2) asset purchases, (3) debt takeovers, (4) debt rescheduling, (5) debt refinancing, (6) capital injections, and/or (7) management takeovers. White knight investors operate on the principle that a healthy business should be sustainable in the long term and should not be dismantled by hostile takeovers or speculative interests.

### VI. RECOMMENDATIONS

1. Regulatory reform is essential to clearly define the role of white knight investors in Suspension of Debt Payment Obligations proceedings. At present, no explicit provisions exist within the Suspension of Debt Payment Obligations Law regarding the legal procedures and protection mechanisms for such investors. This legal vacuum results in uncertainty that can discourage strategic investor participation in debt restructuring. Legislators are therefore advised to incorporate dedicated provisions into the Suspension of Debt Payment Obligations Law or formulate derivative regulations that explicitly outline procedures, rights, obligations, and legal protections for white knight investors—ensuring their recognition not only in practice but also in normative legal frameworks.
2. The government should provide incentives and policy support to encourage white knight participation, which could not only rescue financially distressed companies but also maintain national economic stability and public confidence. For companies undergoing Suspension of Debt Payment Obligations, transparency in financial disclosures and the availability of accurate, accountable information should be ensured. These disclosures can serve as a basis for white knight investors to make well informed decisions regarding their involvement in the company's recovery process.

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