

Legal Responsibility for Plagiarism of Artistic Works in Indonesia

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ABSTRACT: This study was conducted for the fundamental reason of understanding and addressing the growing problem of plagiarism in works of art in Indonesia. Plagiarism, as a form of copyright infringement, harms the creators of artistic works and creates injustice in the creative world. The primary objective of this research is to explore how Indonesian law addresses plagiarism in artistic works and to assess the effectiveness of the implementation of the Copyright Law in addressing plagiarism. This study employs a normative legal approach with a normative legal research design. This study applies several legal approaches, namely: the Statute Approach, which analyzes regulations governing copyright, including Law No. 28 of 2014 on Copyright; the Conceptual Approach, which delves into legal concepts related to copyright and plagiarism; and the Case Approach, which examines the application of law through case studies and relevant court decisions. Based on the results of the research conducted, it was found that the legal responsibility for perpetrators of artistic plagiarism in Indonesia is regulated in the Copyright Law (UUHC) No. 28 of 2014, which includes criminal and civil sanctions. Copyright infringement may be subject to compensation for economic losses and protection of the moral rights of the creator. The enforcement of copyright law against plagiarism of artistic works in Indonesia, despite being regulated by the 2014 UUHC, still faces various obstacles. Among these are low legal literacy among the public, particularly artists, and a lack of understanding of copyright. This has led to many artistic works being copied or used without permission. Additionally, proving copyright infringement involving substantial similarity between works is often subjective. Lengthy, expensive legal processes and insufficient oversight further exacerbate this situation.

KEYWORDS: plagiarism; copyright; law enforcement.

I. INTRODUCTION

Plagiarism is an unethical and illegal act, and this legal violation is clearly outlined in the Copyright Law of the Republic of Indonesia No. 28 of 2014. This law aims to protect the copyright of creators and encourage creativity and innovation in the realm of works such as written works, music, art, audiovisual works, and others. Plagiarism is defined as the act of claiming someone else's work, ideas, or information as one's own without proper attribution. Plagiarism can include copying text, using ideas without permission, or failing to cite the source from which information was obtained. Plagiarism is considered an ethical violation, especially in academic and professional contexts. However, with the advancement of technology and information, crimes such as imitation and taking advantage of others' work have become widespread. The progress of technology has caused plagiarism to evolve into a more widespread and concerning issue, as information can be easily accessed by anyone through the internet.

An example of a case related to plagiarism is the case involving a UNNES student named Rico Dwi regarding a work of art by Joey Chou. For his actions, Rico received a penalty of only failing four courses, even though the work that Rico plagiarized had won him an illustration competition on social media.¹ Cases of art plagiarism in Indonesia have actually been occurring for a long time, but it has resurfaced due to the integration of technology. One example of this is the case of digital art plagiarism in Indonesia, where a credible news source reported that a digital artist named Ahmad Nusyirwan allegedly had his work stolen by the account @75gallery, and the painting was also reproduced and resold through that account.² A work of art that has also become a tourist attraction has come under scrutiny for plagiarism. The artwork in question is Rabbit Town, an amusement park located in Bandung, West Java. The art attraction was found guilty of copyright infringement and lost a lawsuit filed by the Chris Burden Estate in the Central Jakarta Commercial Court. One of the installations at Rabbit Town, titled "Love Light," has been

¹ Detik, 'Plagiat Karya, Mahasiswa Unnes Disanksi Batal Lulus 4 Mata Kuliah', *Detiknews.Com*, 2024.

² Ferry Budi Saputra, 'Viral Dugaan Plagiarisme Karya Seni Milik Ahmad Nusyirwan Dilukis Ulang dan Dijual di Media Sosial', *Hai.Grid.Id*, 2021 <<https://hai.grid.id/read/072620216/viral-dugaan-plagiarisme-karya-seni-milik-ahmad-nusyirwan-dilukis-ulang-dan-dijual-di-media-sosial>>.

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accused of copyright infringement for allegedly copying the artwork “Urban Light” created by artist Chris Burden and displayed at the Los Angeles County Museum of Art in the United States.³

The cases of plagiarism cited above demonstrate a low level of respect for the work of others. Suganda (2006) identified several causes of plagiarism in Indonesia, including: (1) lack of training and awareness of good writing practices, (2) limited access to literature, (3) low level of appreciation among writers, and (4) weak sanctions against perpetrators of plagiarism. This action harms the original author and reduces creativity, creating a negative mentality among perpetrators. Efforts to protect works have been implemented through legislation, namely Law Number 28 of 2014 concerning Copyright in Indonesia. This law provides legal protection for creators and copyright owners over their works, as well as regulating sanctions for copyright violations such as plagiarism or unauthorized use.

Ideally, the existence of legal regulations and sanctions, whether civil or criminal, will encourage restraint and order in quoting and eliminate or reduce plagiarism in any form, without exception. However, in reality, the data mentioned earlier regarding plagiarism cases confirms what Suganda stated in 2006, in other words, the data shows the weakness of sanctions against plagiarism perpetrators. Based on the reading of Law Number 28 of 2014 concerning Copyright, it is explained in Article 113 which states that:

- 1) Any person who, without authorization, commits an infringement of economic rights as referred to in Article 9(1)(i) for commercial use shall be punished with imprisonment for a maximum of 1 (one) year and/or a fine of up to Rp 100,000,000 (one hundred million rupiah).
- 2) Any person who, without authorization and/or without the permission of the creator or copyright holder, commits an infringement of the economic rights of the creator as referred to in Article 9(1)(c), (d), (f), and/or letter h for commercial use shall be punished with imprisonment for a maximum of 3 (three) years and/or a fine of up to Rp500,000,000.00 (five hundred million rupiah).
- 3) Any person who, without authorization and/or without the permission of the creator or copyright holder, commits an infringement of the economic rights of the creator as referred to in Article 9(1)(a), (b), (e), and/or letter g for Commercial Use shall be punished with imprisonment for a maximum of 4 (four) years and/or a fine of up to Rp1,000,000,000.00 (one billion rupiah).
- 4) Any person who commits the acts referred to in paragraph (3) in the form of piracy shall be punished with imprisonment for a maximum of 10 (ten) years and/or a fine of up to Rp 4,000,000,000.00 (four billion rupiah).

Based on the above law, it is understood that acts of plagiarism are punishable by a maximum prison sentence of ten years and/or a fine of up to Rp. 4,000,000,000. The weak enforcement of plagiarism laws in Indonesia is considered necessary and urgent to discuss. Therefore, the research conducted will focus on the objective of analyzing various forms of plagiarism occurring in artistic works in Indonesia, examining existing regulations and legal sanctions, and assessing the effectiveness of law enforcement against acts of plagiarism in artistic works in Indonesia.

The works of art referred to in this study are digital art and paintings, which include the creations of an artist that may be subject to copyright infringement, such as plagiarism, distribution, or reproduction without permission. Furthermore, this study is based on findings of numerous cases that have caused losses to the owners of the works. For example, there was a case involving the use of a cover song that became a hot topic, where a song originally by Jerinx SID was covered without permission by Via Vallen and commercialized. Another case that also attracted attention was the cover of a song by Tri Suaka, who also benefited from it without permission from the original songwriter. The complexity and issues have prompted a need to examine more deeply how copyright protection laws are fully implemented and capable of providing solutions to these problems.

Several studies were then traced to determine the novelty of the research, including research on plagiarism among students in their final projects. This study focused on legal responsibility for plagiarism in final projects among students in Indonesia.⁴ Then, research on the legal implications of plagiarism in scientific works based on the perspective of intellectual property rights.⁵ Based on this research, the study conducted was different because it did not focus on plagiarism of scientific works but rather on plagiarism of artistic works. The study conducted by Sari, which focused on legal protection for creators of digital artworks in cases of plagiarism from the perspective of Law No. 28 of 2014 on Copyright, found that legal protection for creators of digital artworks is regulated by law, both in the form of preventive and repressive measures. However, this study also revealed that in

³ Tim Detik, ‘Rabbit Town Bandung Terbukti Plagiat, Didenda Rp 1 Miliar’, *DetikHot*, 2024 <<https://hot.detik.com/art/d-5550863/rabbit-town-bandung-terbukti-plagiat-didenda-rp-1-miliar>>.

⁴ Marisa Noviyana, Muhammad Yusuf Ibrahim, and M Nurman, ‘Pertanggungjawaban Hukum Atas Plagiasi Tugas Akhir Bagi Mahasiswa Di Indonesia’, 5 (2021), pp. 437–46.

⁵ Ari Pratama Nawazar and Angie Andiani, ‘Implikasi Hukum Dari Plagiarisme Dalam Karya Ilmiah Berdasarkan Perspektif Hak Kekayaan Intelektual’, *Civilia : Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan*, 2.6 (2023).

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practice, there are still challenges in enforcing copyright, such as a lack of legal awareness among digital artists and difficulties in proving cases of plagiarism in the digital world.⁶

The above studies have not attempted to describe the forms of plagiarism of artistic works in the digital context and in paintings in Indonesia. Furthermore, they have not analyzed the effectiveness of Law No. 28 of 2014 on Copyright, and the previous studies briefly reviewed above have not attempted to elaborate on the challenges in enforcing the law against acts of plagiarism in works of art in Indonesia as viewed from Law No. 28 of 2014 on Copyright. Therefore, it can be said that the research conducted has a novel aspect and complements previous studies.

The urgency of this research is the protection of copyright and creative integrity. In today's digital age, easy access to works of art often leads to acts of plagiarism that are detrimental to artists and creators. This study aims to explore how Indonesian law handles cases of plagiarism in works of art, as well as to assess the effectiveness of existing law enforcement. With the increasing number of plagiarism cases, it is important to educate the public, especially artists, about their rights and the consequences of plagiarism. In addition, this study is expected to provide recommendations for strengthening regulations and law enforcement practices, thereby protecting copyright and encouraging innovation and creativity in the Indonesian art world. Therefore, the author formulates the following problems: 1) What are the common forms of plagiarism in works of art in Indonesia, and how do they affect the original creators?; and 2) What are the challenges faced in law enforcement against acts of plagiarism of works of art in Indonesia as reviewed from Law Number 28 of 2014 concerning Copyright? With the objectives of the problem being: 1) To identify and explain the common forms of plagiarism in Indonesian art; and 2) To identify and explain the challenges faced in enforcing the law against acts of plagiarism in art in Indonesia as viewed from Law Number 28 of 2014 on Copyright.

II. RESEARCH METHODS

Research conducted from a legal perspective is classified as normative research. Normative research in law is research that focuses on theoretical and conceptual legal studies, analyzing legislation, legal doctrines, and applicable legal principles.⁷

This research focuses more on literature study by examining legal norms in various legal sources, such as laws, court decisions, agreements, and other legal literature relevant to the research conducted. Normative research is also a type of qualitative research.

The research approach used in this study is library research or literature study. This approach was chosen because the research is not quantitative in nature but rather explanatory.⁸ The approach used in this study is normative juridical.⁹ This approach is considered appropriate because the researchers used secondary data, namely books, journal articles, news, or printed and digital sources from credible sources to answer the research questions posed by the researchers.

Normative legal research is conducted by examining legislation, legal doctrines, and applicable legal principles related to copyright protection and legal liability for perpetrators of artistic plagiarism in Indonesia. The approach used in this research typically includes:

1. Statute Approach

The statutory approach is a method in normative legal research that involves examining, reviewing, and analyzing various regulations or laws that are applicable and relevant to the issue being studied. This approach is used to understand how written legal norms regulate a particular legal event or phenomenon.¹⁰ Based on the above explanation, the legislative approach referred to in this study is to analyze applicable regulations, such as Law Number 28 of 2014 concerning Copyright.

2. Conceptual Approach

The conceptual approach is a method in normative legal research used to explore, understand, and analyze legal concepts relevant to the issue being studied. This approach focuses not only on written legal rules, but also on ideas, theories, principles, and legal doctrines that have developed in legal science.¹¹ In the context of this study, this approach is used to examine legal concepts related to copyright, plagiarism, and legal liability.

3. Case Approach

The case approach is a method in legal research that involves analyzing specific cases related to the legal issues being studied. This approach is used to understand the application of legal rules in practice through court decisions and how the law is applied in

⁶ Sari, 'Perlindungan Hukum Bagi Pencipta Karya Seni Digital Di Indonesia Atas Tindakan Plagiarisme Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta', *Universitas Negeri Surakarta (UNS)*, (2022).

⁷ Z. Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021).

⁸ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D* (CV. Alfabeta, 2017).

⁹ Sri Walny Rahayu, 'Metode Penelitian Hukum', 2016 .

¹⁰ Christina Aryani, 'Reformulasi Sistem Pembentukan Peraturan Perundang-Undangan Melalui Penerapan Omnibus Law', *Jurnal Usm Law Review*, 4.1 (2021), p. 27, doi:10.26623/julr.v4i1.3194.

¹¹ I. N. S. Firmanto, T., Sufiarina, S., Reumi, F., & Saleh, *Metodologi Penelitian Hukum: Panduan Komprehensif Penulisan Ilmiah Bidang Hukum* (PT. Sonpedia Publishing Indonesia, 2024).

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resolving disputes relevant to the research.¹² In the context of this study, a case study approach was applied to examine court decisions or cases of plagiarism of works of art that have occurred in Indonesia to see how the law is applied in practice.

This research is descriptive-analytical, which means that it aims to systematically, factually, and accurately describe legal accountability for plagiarism of artistic works in Indonesia, as well as analyze the laws and regulations governing this aspect.¹³ As a normative legal study, this research not only explains the applicable legal provisions but also analyzes the implementation and effectiveness of regulations in addressing cases of artistic plagiarism. Through a descriptive approach, this study outlines the concepts of copyright, plagiarism, and the forms of legal liability that can be imposed on violators. Meanwhile, using an analytical approach, this study examines how existing regulations are applied in practice, including through case studies and court decisions related to plagiarism of works of art in Indonesia.

III. DISCUSSION AND RESULT

A. Forms of Artistic Plagiarism in Indonesia and Its Impact on Original Creators

Plagiarism in artwork can be divided into six types: direct plagiarism, paraphrase plagiarism, idea plagiarism, collage plagiarism, digital plagiarism, and auto plagiarism. In this study, all six types of plagiarism were found in several cases in Indonesia. The following is a more detailed description of each type of plagiarism in artwork:

1. Direct Plagiarism

Plagiarism is a serious issue that continues to pose a challenge in the world of art, both in traditional forms such as painting and contemporary forms such as digital works. One of the most explicit and easily recognizable types of plagiarism is direct plagiarism. In the context of artistic works, direct plagiarism refers to the act of copying or reproducing a work in its entirety or nearly in its entirety without making any significant changes and without acknowledging the original creator. This behavior not only causes economic harm but also undermines the integrity and originality of the art world. Direct plagiarism in visual art is particularly easy to commit, especially in the digital age. The ease of accessing, downloading, and modifying images through the internet has created an opportunity for those who want to take shortcuts in creating works.¹⁴ This becomes even more complicated when the work is then claimed as original by the perpetrator and even sold for commercial gain.

On the other hand, the original creators of works are often unaware that their work has been plagiarized or find it difficult to pursue legal action due to limited evidence and lengthy legal processes. In the digital context, direct plagiarism is usually done by taking digital files or works such as illustrations, designs, photographs, or even NFT (Non-Fungible Token) works—and then re-uploading them to other platforms, either to claim them as their own work, create a fake portfolio, or even resell them on digital art marketplace platforms. In the context of paintings, direct plagiarism typically manifests as the complete copying of an object, style, composition, and color scheme from an original painting.¹⁵

Legally, Indonesia has provided protection for copyright through Law No. 28 of 2014 on Copyright. This law stipulates that creators have exclusive rights to reproduce, publish, and distribute their creative works. Article 9(1) explains that the economic rights held by creators cannot be used by others without permission. Meanwhile, Article 113(1) and (2) stipulate that any infringement of copyright may be subject to criminal penalties, including imprisonment for a maximum of 10 years and/or a fine of up to Rp4,000,000,000. Moral rights of creators are also regulated, including the right to have their name credited as the creator and the right to refuse any changes to the work that may harm the creator's reputation.¹⁶

A concrete example of direct plagiarism occurred in March 2021, which went viral on social media. It involved the repainting of a WPAP artwork that had previously been created by digital artist Ahmad Nusyirwan. The repainted artwork was then sold online by the Instagram account @75gallery without permission or attribution to the original creator. The painter known to have repainted the work is Aprilisfiya Handayani, who later clarified that she had created the work in 2020 based on an image she found on Pinterest, unaware that it belonged to Ahmad Nusyirwan. April admitted that she did not know the identity of the original owner of the work and assumed that the image was free to use because it was found publicly on Pinterest. However, this reflects a common misunderstanding about copyright in the digital world, namely that the availability of a work on the internet

¹² Ahmad Faizal Azhar, 'Penerapan Konsep Keadilan Restoratif (Restorative Justice) Dalam Sistem Peradilan Pidana Di Indonesia', *Mahkamah : Jurnal Kajian Hukum Islam*, 4.2 (2022), pp. 134–43.

¹³ A. Putra, A. A., Samudra, T. G., Priyatama, L., Adriaman, M., Fauzi, V. F., Pratama, A., & Fadhlurrahman, *Metode Penulisan Artikel Hukum* (Yayasan Tri Edukasi Ilmiah, 2024).

¹⁴ Mirza Ayunda Pratiwi and Niki Aisya, 'Fenomena Plagiarisme Akademik Di Era Digital', *Publishing Letters*, 1.2 (2021), pp. 16–33, doi:10.48078/publetters.v1i2.23.

¹⁵ Fenny Wulandari, 'Problematisa Pelanggaran Hak Cipta Di Era Digital', *Journal of Contemporary Law Studies*, 2, 2024, pp. 99–114.

¹⁶ 'Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta', 1, 2014.

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does not automatically make it free to use or in the public domain. In her clarification, April also stated that she had asked @75gallery to remove (take down) the copied work from their sales platform, but the request was not fulfilled.¹⁷

In intellectual property rights studies, Aprilisfiya Handayani's actions can be categorized as direct plagiarism, which is when someone explicitly copies or reproduces another person's work without giving attribution or obtaining permission. The acknowledgment shown by April following the emergence of this case, including an apology and the removal of the work, demonstrates ethical awareness; however, this does not negate the fact that a violation occurred. According to the Copyright Law of the Republic of Indonesia No. 28 of 2014, any form of reproduction, duplication, or distribution of a copyrighted work without the creator's permission constitutes a legal violation.¹⁸ In this context, Ahmad Nusyirwan's WPAP digital work falls under the category of legally protected artwork, meaning that April's reproduction without permission is subject to criminal and/or civil penalties if reported and prosecuted.

In addition to providing justice to the original creator, this case also raises awareness among the art community that plagiarizing artwork can lead to real legal and social consequences. The case of Ahmad Nusyirwan, an Indonesian digital artist whose WPAP-style artwork was plagiarized and repainted by a painter named Aprilisfiya Handayani, is a clear example of plagiarism in the digital art world. The repainted works were even sold through an Instagram account named @75gallery without permission or attribution to the original creator. Although Aprilisfiya claimed that she took the images from Pinterest and was unaware that the works belonged to Ahmad Nusyirwan, this admission does not negate the fact that repainting and distributing the works without permission still constitutes copyright infringement.

In her clarification, April revealed that she had asked the gallery to remove the work, but her request was rejected on the grounds that her work was not considered plagiarism. Due to the gallery's failure to take action, the work remained in circulation until it eventually came to public attention and sparked criticism. Although the case did not go to court, Aprilisfiya eventually acknowledged her mistake, issued a public apology, and removed the plagiarized work.

This incident underscores that plagiarism in any form, whether intentional or unintentional, remains a serious violation of intellectual property rights. The case highlights the importance of copyright literacy among artists, especially in the digital age where works can easily be disseminated and misused. This case serves as a reminder that the freedom to access artistic works online should not be misconstrued as the freedom to use or modify such works without permission.

Legal protection for works of art, both digital and conventional, is regulated by the Copyright Law, and any violation of this law is subject to legal sanctions. Therefore, artists are required to not only be creative, but also ethically and legally responsible for every work they create or consume. The formal registration of copyright with the Directorate General of Intellectual Property (DJKI) is an important step as legal evidence in the event of future infringements. Additionally, in the digital age, the use of watermarks, metadata, and digital platforms that offer copyright tracking features can greatly assist in preventing or uncovering cases of plagiarism.

Direct plagiarism, although it appears very obvious and easy to identify, still occurs frequently due to weak law enforcement, a lack of copyright literacy among the public, and economic motives. Many perpetrators view plagiarism as an easy way to gain fame or profit, especially in the age of social media, where works can go viral quickly. However, plagiarism not only violates the law but also contradicts the ethical values of the art world, which values originality, creativity, and respect for others' work. Therefore, collaboration between artists, academics, legal institutions, and the government is needed to strengthen the system protecting copyright. Education on artistic ethics and the importance of respecting others' work must be incorporated into the art curriculum at both the high school and university levels.

2. Plagiarism Paraphrase

Plagiarism paraphrase in the context of artwork is a form of plagiarism that is not done directly like in direct plagiarism, but rather through changing some elements of the original work without changing its substance or basic meaning.¹⁹ In this form, the perpetrator attempts to give the impression that the work is the result of personal creativity by changing colors, altering the composition slightly, or adding additional elements, even though the structure and main ideas of the original work remain the same. In the world of visual arts, paraphrase plagiarism can be seen in the form of minor changes to illustrations, graphic designs, paintings, or even art installations. For example, an artist might copy the brushstrokes and composition of a famous painting but only change the subject or color palette, then claim that their work is original. Although the surface appearance may differ, the essence and main structure remain a copy of the original work.

In the digital age, this form of plagiarism often appears in digital designs, especially those used for commercial purposes such as merchandise designs, NFTs, or social media content illustrations. Perpetrators usually take original works as references, then

¹⁷ Ferry Budiman, 'Karya Seni Ahmad Nusyirwan Diplagiat, Pelukis Ngaku Ngambil Di Pinterest', *Hai.Grid.Id*, 2021 <<https://hai.grid.id/read/072622090/karya-seni-ahmad-nusyirwan-diplagiat-pelukis-ngaku-ngambil-di-pinterest>>.

¹⁸ 'Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta'.

¹⁹ Ismatul Aula; Rina Widayanti; Erwan Setyanoor, 'Upaya Perlindungan Hukum Dalam Hak Kekayaan Intelektual Terhadap Praktik Plagiarisme Hak Cipta', *Jurnal EKOBIS-DA; Jurnal Ekonomi Dan Bisnis*, 5.02 (2024), pp. 28–47.

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make minor modifications and re-upload the works as original creations. Because they appear “different,” many cases like this escape public attention and are even used for commercial purposes that benefit the plagiarists.

In the context of Indonesian law, paraphrasing plagiarism is still categorized as copyright infringement if elements of the original work are still recognizable. Law No. 28 of 2014 on Copyright protects not only the physical form of a work, but also the original ideas and expressions of the creator.²⁰ Therefore, even though it has been modified, if the court finds that the essence of originality is still very similar to the original work, then the perpetrator can be prosecuted. One concrete example of paraphrase plagiarism in artistic works in Indonesia is a case that gained attention on social media in 2021, when a young illustrator posted a digital artwork that bore a striking resemblance to the style and composition of a work by senior Indonesian illustrator Ayang Cempaka.

This case did not reach court, but became a topic of public discussion due to the similarities in form, color palette, and digital painting techniques used. Another more serious case involved an artist from Yogyakarta who paraphrased the works of legendary painter Affandi for his final exhibition.

He did not copy a single painting in its entirety, but took several distinctive elements from various works by Affandi, such as his expressive brushwork and dramatic facial features, and combined them into a new painting. Because the work passed the curatorial selection and was displayed in the gallery, many people considered this act to be a violation of artistic ethics.

Although there was no formal legal process in this case, pressure from the art community and the public led the artist to remove the work from the gallery and issue a public apology. This case reflects that paraphrase plagiarism is very difficult to prove legally, but still has a significant ethical and reputational impact on the perpetrator.

More specifically, a controversial ruling was also issued in Decision No. 35/Pdt.Sus Hak Cipta/2020 (PN Niaga Jkt Pst), which discussed the plagiarism of the “Selamat Datang” logo sketch allegedly copied by Grand Indonesia. This case arose from the significant similarities between the original sketch and the GI logo. In art, inspiration is permitted, but plagiarism occurs when one steals another's expression without transformation, attribution, or permission—especially if there are commercial elements involved. Legal protection in Indonesia is strong for artistic creations, including logos and public installations. Additionally, there is another case that reached the court, namely Decision PK 19/Pdt.Sus-HKI/2023 (Supreme Court) Regarding Visual Arts, which includes recognition of personal rights over a copied work.

3. Plagiarism of Ideas

Plagiarism of ideas in artwork is a form of copying that occurs when someone takes or imitates the main idea of another person's work, even though the form and medium may be different. This type of plagiarism is often difficult to prove legally because what is being copied is not a tangible visual form, but rather the underlying concept or creative inspiration. However, in the art world, which values originality, plagiarism of ideas is still considered an ethical and moral violation. Plagiarism of ideas can be found in various forms of art, from paintings, art installations, performance art, to graphic design. For example, an artist creates an art installation themed “sadness in urban families” using broken dolls and wooden houses as symbols of childhood trauma.

Then, other artists create works with similar elements and messages, without acknowledging or referencing the first work. Although the visualizations are not exactly the same, similarities in ideas and symbolism can indicate plagiarism. In the context of digital art, plagiarism of ideas is also very likely to occur. When a digital artist creates a work with the theme “nostalgia for the 90s” with elements such as traditional games, tube televisions, and old comics, and then another artist creates a similar work with an almost identical visual approach and narrative, this sparks a debate about whether it is a form of homage or plagiarism of ideas. Another case comes from the academic art realm, where a fine arts student in Yogyakarta was reported for using concepts and approaches nearly identical to those of a senior's work in their final project.

The senior used human bodies and broken glass to depict psychological wounds, and the student created a work with similar symbolism and installation structure. Finally, the student was asked to redo the final assignment and submit a written statement that the previous work was his source of inspiration.

Based on Law Number 28 of 2014 concerning Copyright, protection of works only applies to expressions that have been embodied in tangible form. Ideas, concepts, principles, or methods are not covered by copyright protection.²¹ Therefore, although plagiarism of ideas can be considered a moral or ethical violation, it is difficult to prosecute legally unless it enters the realm of concrete expression.

Plagiarism of ideas in works of art is a subtle yet far-reaching form of intellectual theft. Although difficult to prove legally, its impact on the art world, the morality of creators, and public trust is enormous. Therefore, it is crucial for all stakeholders in the art world to foster a culture of valuing originality and openness in acknowledging inspiration. Giving credit or acknowledgment for the source of an idea is not merely a matter of courtesy but also a form of respect for the lengthy and complex creative process.

²⁰ ‘Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta’.

²¹ ‘Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta’.

4. Digital Plagiarism

Digital plagiarism is a form of copyright infringement in the modern art world that occurs when someone copies, uses, or modifies another person's digital artwork without permission or proper attribution, then claims it as their own. In the context of visual art, digital plagiarism includes the theft or duplication of works such as digital illustrations, graphic designs, digital paintings, photographs, art videos, and digital assets such as NFTs (Non-Fungible Tokens).²²

In observations of several works of art, the above actions are often carried out by saving images from the internet and re-uploading them to social media platforms, digital galleries, or digital art marketplaces without crediting the creator, and sometimes even adding a personal watermark. Technological developments, especially in the era of social media and online art markets, have expanded the scope for digital plagiarism because access to works has become very easy, while supervision and legal protection are not yet adequate.

Based on several cases that have been described, it can be said that the main characteristics of digital plagiarism are the manipulation and republication of works without the permission of the original creator, and often without significant changes to the work. This differs from artistic inspiration or influence, as digital plagiarism involves direct copying or only making minor modifications (such as changing colors, cropping part of an image, or adding new elements) while still claiming the work as original.

In Indonesia, this phenomenon is becoming increasingly prevalent with the growth of digital art communities and users of platforms such as Instagram, DeviantArt, ArtStation, and NFT marketplaces such as OpenSea and TokoMall. Many Indonesian artists have fallen victim to digital plagiarism, which has a direct impact on material and immaterial losses such as loss of economic rights to their work, damage to their reputation, and loss of trust from collectors or clients.

One real case of digital plagiarism that occurred in Indonesia involved an illustrator from Bandung, Diela Maharanie. In 2021, Diela discovered that one of her illustrations, which featured her signature colorful style with ethnic motifs, had been used by an online store without permission to be printed on products such as tote bags and T-shirts. The work was taken from her personal Instagram account, reprinted, and sold massively through a local marketplace without including Diela's name or permission as the copyright owner. After receiving public attention and criticism from the illustrator community, the online store finally removed the products and apologized, although the reputational and material losses had already occurred. This case serves as an important example of the fragility of copyright protection in the digital world and the need for robust mechanisms to protect artists from copyright infringement online. Legally, Indonesia does have a legal framework for protecting digital artworks through Law No. 28 of 2014 on Copyright, which states that copyrighted works include visual artworks in all forms of expression and media, including digital media. However, the implementation of this law in the digital realm still faces various challenges, such as the lack of public awareness about digital copyright, the difficulty of tracking infringements online, and the weakness of reporting systems on many online platforms. In many cases, artists prefer to resolve issues informally, through mediation or public pressure on social media, rather than pursuing legal action due to the lengthy and costly process.

Digital plagiarism is also common in the world of NFTs, where artists find their work turned into digital tokens by others without permission, then sold on the international market. One example occurred in 2022 when the digital work of an Indonesian artist with the initials "FR" was turned into an NFT by a foreign account on OpenSea. The work had previously only been uploaded to a personal Twitter account, but was exploited by an unknown person for profit. Although NFTs are unique, the verification process for authenticity still relies on community verification and manual reporting, leaving many artists unaware that their work has been "digitally stolen" until it is too late. This case highlights that in the era of web3 and blockchain, forms of plagiarism are evolving, and legal protection and education about digital copyright are urgent needs for local creators. Digital plagiarism not only violates copyright laws but also threatens the rapidly growing digital art ecosystem in Indonesia. When creators feel unsafe sharing their work online, the spirit of creativity and innovation is stifled.

5. Collage Plagiarism

Collage is essentially a practice of appropriation: taking something that already exists and combining it into a new form. However, when the pieces taken have original artistic expression, such as photographs, paintings, or graphic designs, the creator has moral and economic rights to the work. In this context, collage becomes problematic when an artist takes pieces from another work without permission and fails to provide attribution, especially when the resulting collage is used commercially.

One of the most striking examples of collage plagiarism occurred in 2020, involving an interactive art installation at Rabbit Town, a tourist attraction in Bandung. The installation, which served as a backdrop for visitors' selfies, was accused of copying the work of foreign contemporary artists such as Yayoi Kusama and Colette Miller. The allegations first surfaced on social media and subsequently sparked widespread discussion among art practitioners and academics. The installation titled "Love Wings" was deemed to resemble Colette Miller's work in her Global Angel Wings project, which has been exhibited globally since 2012.

²² Yuda, Rayhan Lesmana and Roni Andarsyah, 'Model Klasifikasi Multinomial Naïve Bayes Untuk Analisis Sentiment Terkait Non-Fungible Token', *Jurnal Teknik Informatika*, 14.3 (2022), pp. 135–39.

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In a study conducted by the Indonesian Committee for Legal Advocacy and Ethics in Fine Arts, it was found that several installations in Rabbit Town bear similarities in composition, color, and concept to the works of other artists.²³ However, Rabbit Town stated that the installation was merely “inspirational” and did not violate the law because there was no explicit acknowledgment of the adopted artist's work. This statement has sparked a heated debate about the extent to which appropriation can be justified in collage art, especially when appropriated elements become the primary focus of the new work. Although there has been no official lawsuit filed by the original international artist, the case has raised legal discussions about copyright infringement in public art spaces.

6. Auto Plagiarism

Auto plagiarism or self-plagiarism is a form of plagiarism that occurs when someone reuses their own creative work—either in part or in its entirety that has been previously published, exhibited, sold, or submitted, and then presents it as new work without providing any information or explanation regarding its previous use.

In the context of art, especially painting and digital art, this action is considered unethical because it contradicts the principles of originality, intellectual honesty, and creative integrity that form the foundation of the art world. Even though the creator of the work is the same person, the act of duplicating or recycling one's own work without disclosing its history to the public, clients, or competition judges is still considered a form of cheating.

Auto plagiarism is often committed to pursue economic gain or to meet production demands in a short period of time, but the risks of reputational damage and professional sanctions are significant. In painting, auto plagiarism can occur when an artist creates a new work that is very similar or even identical to an older painting that has already been exhibited or sold, and then presents it as a new work at an exhibition or art competition without explanation. For example, an artist once sold a painting titled “Farmers Head to the Fields” in 2019, then in 2023 painted nearly the same image with only minor modifications to colors or objects, and entered it into a national competition. This action misled the judges and the public, giving the impression that the work was the result of new artistic exploration.

Article 27 paragraph (3) of Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) states that:

“Any person who intentionally and without authorization distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing defamatory and/or libelous content.”

Based on the above article, if the perpetrator claims that the new work is original and distributes it digitally, even though the public knows that the work is very similar or identical to a previous work that has been sold, then this publication can be considered misleading or damaging to the reputation of other parties, including art institutions, previous buyers, or competition organizers. If there are parties who feel that their reputation has been tarnished by such actions.

A similar phenomenon occurs in digital art, where illustrators or designers often reuse elements from older digital works—such as characters, backgrounds, or even entire compositions—with minor changes to colors or visual effects, then upload them to digital platforms like Instagram, Behance, or NFT marketplaces as new works. One concrete example of auto-plagiarism that sparked significant debate in Indonesia occurred in 2021, when a renowned digital illustrator was accused of reselling their old works as NFTs with slightly altered appearances and titles. In one case, a piece originally titled “Dawn Spirit” and sold in 2018 reappeared as an NFT named “Morning Light” with only the background color modified. Collectors felt deceived, as they believed they had purchased an original work that had never been marketed before.

The case did not go to court, but it had a major impact on the artist's reputation: he was expelled from the Southeast Asian collector community, his collaboration with a digital gallery was canceled, and his OpenSea account was suspended. This incident serves as an important lesson that even though someone has copyright over their own work, misusing old work for new purposes without transparency can still be considered an ethical violation.

Legally, Indonesia has not yet explicitly regulated self-plagiarism in Law No. 28 of 2014 concerning Copyright.²⁴ However, in practice, auto plagiarism can be problematic in the context of contract violations or academic integrity. For example, if an artist has sold the exclusive rights to a work to a gallery or collector, and then reproduces a similar work for resale, that action could be challenged on the grounds of breach of contract or bad faith. In an academic context, art or design students who reuse previous assignments for final projects or exhibitions with new claims may face academic sanctions such as disqualification, reprimands, or revocation of degrees, depending on institutional policies.

Plagiarism of artistic works in Indonesia appears in various forms, such as total or partial copying of visual works—including paintings, digital illustrations, batik motifs, and graphic designs—which are then used without permission for personal or commercial purposes. This practice harms the original creators both economically, as they lose potential income from their work, and morally, as their exclusive rights and creative identity are ignored or stolen. Beyond undermining the integrity of creators,

²³ Justicia Paramitha, ‘Dugaan Plagiarisme Karya Seni Rupa Seniman Asing Pada Tempat Wisata Di Indonesia (Studi Kasus Dugaan Plagiarisme Wisata Swafoto Rabbit Town Bandung)’ (Universitas Gadjah Mada Yogyakarta, 2020).

²⁴ Henry Soelistyo, *Self Plagiarism: Sebuah Pergumulan Paradigmatik* (PT Kanisius, 2023).

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such actions also hinder the development of a healthy and equitable art ecosystem. In the digital age, plagiarism has become increasingly prevalent due to the ease of distribution and access to artistic works, underscoring the need for strong legal protection and public education on the importance of respecting copyright.

B. Tantangan dalam Penegakan Hukum Tindakan Plagiarisme Karya Seni di Indonesia Ditinjau dari Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta

Plagiarism of artistic works is one form of copyright infringement that not only harms creators economically but also morally. One of the functions of Law No. 28 of 2014 on Copyright (UUHC 2014) is to provide a legal framework that protects the rights of creators, or in the context of this study, artists. Although this regulation normatively recognizes and protects the exclusive rights of creators over their works, the enforcement of laws against plagiarism still faces various challenges in substantive, procedural, and sociocultural domains. Based on interviews conducted by an artist in Yogyakarta, Mr. Joko, who is a stone carver, he stated that:

“For over 20 years, I have been a stone carver or artist, sir. However, some of my works, such as the one-eyed elephant, Hanoman, and the dinosaur, have been copied by other craftsmen. I suppose it’s common, sir, but on the other hand, I feel disappointed. I don’t know how to prevent my work from being copied. After all, they’re also trying to make a living for their families, so what can I do?”

From the interview excerpts, it is evident that they do not understand or are unaware of how to protect their artwork legally, particularly through copyright. This indicates a low level of legal literacy regarding intellectual property protection among traditional or local artists. This situation also indicates a lack of intervention from government agencies or legal institutions in providing education, protection, and facilities for copyright registration for local artists so that their works are not easily plagiarized.

Plagiarism, in technical terms, can be defined as the act of copying or duplicating someone else's work and claiming it as one's own without permission or acknowledging the original source. In the legal context of Indonesia, the term “plagiarism” is not explicitly mentioned in Law No. 28 of 2014 on Copyright (UUHC 2014), but such practices fall under the category of copyright infringement, particularly related to violations of the moral rights and economic rights of the creator. According to Article 9(1) of the UUHC 2014, the creator has the exclusive right to perform or prohibit others from publishing, reproducing, translating, adapting, distributing, performing, announcing, communicating to the public, or renting the work without permission. Therefore, the act of copying or distributing someone else's work without permission is a clear violation of the exclusive rights protected by law. In the visual arts, such as digital illustrations and paintings, this violation often occurs in the form of taking works to be modified or sold without the knowledge or consent of the original creator. Copyright protection not only ensures fairness for creators but also plays a crucial role in fostering a healthy and ethical environment for the development of the national creative industry. In the digital age, where works can be disseminated massively and without borders, education about the importance of copyright and understanding the consequences of its violation have become critically important.

Based on the above article, in other words, anyone who commits any of the aforementioned acts without the creator's permission may be categorized as having infringed copyright, including if they copy and claim the work as their own creation. Furthermore, Article 5(1) states that the creator has moral rights that cannot be revoked, including the right to have their name attributed to the work and to prohibit distortions or mutilations of the work that could harm the creator's reputation. This indicates that plagiarism, even if not intended for economic gain, remains a legal violation.

One of the main challenges in enforcing laws against plagiarism is the low level of legal literacy among the public, especially artists and consumers of art. Many artists, particularly traditional and local artists, are unaware that their works are protected by copyright law. This is exacerbated by the public perception that once a work has been published in a public space or on the internet, it can be used freely without permission. This phenomenon is common in visual works such as paintings, graphic designs, batik motifs, and sculptures. Some artists have suffered losses because their works have been used commercially without permission.

A concrete example is the case of a batik motif owned by a local artisan from Yogyakarta that was copied by a large textile company and used in the mass production of clothing without permission. This case came to light in 2020 when a batik motif created by Ibu Sri Wahyuni, a hand-drawn batik artisan from Bantul, was found to be identical to a motif on clothing products widely sold by a national fashion brand. The batik motif was initially published through the artisan's social media accounts and online catalog as part of promoting local products. However, without her knowledge, the design was taken, reprinted, and used in the company's latest fashion collection. When contacted, the company claimed that the motif was “found” online and considered part of the public domain, despite its distinctive characteristics and cultural value originating from the region where it was created.

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This case clearly illustrates how low legal literacy, both among artists and users of creative works, can lead to copyright infringement.²⁵

On the other hand, weak supervision and lack of protection for local intellectual property also exacerbate the situation. Mrs. Sri Wahyuni suffered economic and moral losses, because in addition to losing potential profits, she also lost control over the cultural identity inherent in her batik works.

Proving plagiarism in works of art is no easy task. In court, the plaintiff (original creator) must be able to prove: Ownership of the work (proof of creation); The occurrence of plagiarism (substantial similarity); The intent or negligence of the perpetrator in acknowledging the work of others.

However, in visual arts such as painting or design, the parameter of “substantial similarity” is subjective and often becomes a matter of debate among experts. Judges also require the assistance of art experts to assess the extent to which a work can be said to plagiarize another work. This is where the hermeneutic aspect of law often becomes a challenge because art is an interpretive domain. Additionally, creators often lack proper documentation of the creation process, such as initial sketches, proof of the creation date, or copyright certificates. Although Article 1(1) of the 2014 Copyright Law states that copyright arises automatically upon the tangible manifestation of a work, proof still requires supporting documents in litigation proceedings.

The 2014 UUHC does provide two avenues for law enforcement: civil and criminal. However, both face challenges, namely weaknesses in criminal and civil law enforcement. In civil cases, although creators can file civil lawsuits to obtain compensation, the process is lengthy and costly. Many artists do not have access to legal aid or are reluctant to file lawsuits due to uncertainty regarding the outcome. On the criminal side, Article 113(3) states that copyright infringement committed for commercial purposes may be punishable by a maximum prison sentence of four years and/or a maximum fine of Rp1 billion. However, criminal proceedings require a complaint from the aggrieved party, and law enforcement officials often lack sensitivity or prioritize cases involving art deemed to have “limited social impact.” Furthermore, administrative enforcement by the Directorate General of Intellectual Property (DJKI) remains limited, both in terms of personnel and on-site monitoring resources.

The development of digital technology and social media has brought new challenges in the form of digital plagiarism. Many works of art published on platforms such as Instagram, Pinterest, and TikTok are stolen or duplicated without permission and then claimed as the work of other users. Thus, one of the challenges is the complexity of the digital world and social media. The 2014 Copyright Law has attempted to accommodate digital developments through Article 40(1)(m), which includes digital content as an object of protection. However, this provision is insufficient to address the complexity of cross-border digital infringements. The reporting and takedown processes also remain dependent on the platforms themselves, rather than national legal systems.

According to Rawls, justice should be understood as “distributive justice,” where every individual has an equal right to legal and social benefits. In the context of art plagiarism, the inability of small artists to obtain justice for copyright infringement demonstrates a structural inequality in access to the law. This reinforces the urgency of promoting legal empowerment for artists and the arts community. From a responsive legal perspective, for example, Satjipto Rahardjo argues that good law is law that is able to respond to the needs of society. In this context, law enforcement against plagiarism of artistic works must not only be normative-formal, but also consider aspects of substantive justice and partiality towards the weak (creators). Although the 2014 UUHC is progressive in normative terms, it is still not fully responsive in its implementation. The law must facilitate fair proof, affordable costs, and alternative dispute resolution institutions such as mediation or arbitration that are pro-creator.

Based on the discussion in the previous subsection, the enforcement of laws against plagiarism of artistic works in Indonesia, despite having a normative basis in Law No. 28 of 2014 on Copyright, still faces various complex challenges, ranging from a lack of understanding of copyright among the public and artists, weak supervision and protection of local intellectual property, to difficulties in proving cases in the interpretive legal realm such as visual arts. In addition, lengthy, expensive, and often unfair legal processes for small artists further exacerbate inequality in access to justice. The development of digital technology and social media has also expanded the forms of cross-border copyright infringement that cannot be fully addressed by the 2014 Copyright Law. Therefore, there is a need for a more responsive legal approach that prioritizes substantive justice, as well as strengthening education, documentation of works, and access to more effective and affordable dispute resolution mechanisms for creators.

CONCLUSIONS

Plagiarism in artistic works in Indonesia can be divided into six main forms: direct plagiarism (complete copying without permission, such as the case of Ahmad Nusyirwan vs Aprilisfiya Handayani), paraphrasing (minor modifications while retaining the essence of the work), ideas (copying creative concepts even if the expression is different), collage (combining parts of other people's works without attribution), digital (theft of digital works/NFTs, such as the case of Diela Maharanie), and auto (reusing one's own work as “new”). The impacts include economic and moral losses for the original creators, damage to the reputation of artists, and obstacles to a fair art ecosystem.

²⁵ Rindia Fanny Kusumaningtyas, ‘Perlindungan Hak Cipta Atas Motif Batik Sebagai Warisan Budaya Bangsa (Studi Terhadap Karya Seni Batik Tradisional Kraton Surakarta)’, 2009.

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Legal liability for perpetrators of plagiarism of artistic works under Law No. 28 of 2014 on Copyright includes civil and criminal penalties to protect the moral and economic rights of creators. Civil penalties are stipulated in Article 95, which allows the creator or copyright holder to file a lawsuit in the Commercial Court to seek compensation for material and immaterial damages, request the removal of the work from circulation, and seek an injunction against the production and distribution of the infringing work. Criminal penalties under Article 113 stipulate that intentional infringements without authorization for commercial purposes may be punishable by imprisonment of up to 4 years and/or a maximum fine of Rp1 billion, and if committed on a large scale or systematically, the penalty may be increased to up to 10 years' imprisonment and/or a fine of Rp4 billion. Although this law provides a strong legal foundation for copyright protection, enforcement of copyright laws against plagiarism of artistic works in Indonesia still faces complex challenges, such as low public awareness, difficulties in proving infringement, and disparities in access to justice.

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