

Theft of Digital Painting Artworks: A Review of the Legal Protection of Art Industry Perpetrators in Indonesia

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Abstract	As a result of globalization and technology breakthroughs, digital painting has become more popular in Indonesia and has enabled artists to display their work online. Still, art theft is a serious problem, especially for artists who contribute to the art industry. The purpose of this research is to find out the technological developments, impact, and legal protection against theft of digital painting cases against perpetrators of the art industry in Indonesia. Research methods are qualitative research with descriptive and analytical approaches. The conclusion of this study is that the dynamics of the art industry in Indonesia are heavily influenced by technological advances and the style of digital painting. The impact of the theft of digital painting works of art on perpetrators of the art industry in Indonesia is loss of recognition, financial losses, and violations of the law. The Legal protection to deal with theft of digital painting artworks against perpetrators of the art industry in Indonesia can be done in a variety of ways namely by registering Copyright by submitting an application for copyright registration, protection of Digital Painting, updating of legislative regulations leading to more detailed explanations relating to the artwork of Digital painting, and Legal awareness and education.		
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1. INTRODUCTION

Over the years, painting has developed into a creative medium that draws people in and encourages them to express themselves. In addition to providing us with visual pleasure, admiring stunning pieces of art on canvas or in other media helps us comprehend the ideas, points of view, and emotions that the artists are trying to get across. Though traditional painting dates back to prehistoric times, modern digital painting art is a result of the revolution in time and technology that painting has undergone in terms of form and technique. This alteration demonstrates how artists have evolved and adapted to social advancements in both technology and culture.

With globalisation and technological advances, the art of digital painting has entered Indonesia. This phenomenon cannot be freed from the influence of the Internet, as specialised hardware and



software are getting cheaper, all of which have given Indonesian artists a new opportunity to showcase their work digitally. Increased accessibility to digital technology is one of the factors driving the development of digital painting art in Indonesia. More and more Indonesians have smartphones, tablets, and laptops that can run a variety of programmes dedicated to digital art. Besides, the internet gives artists a wide platform where they can display their work and interact with the community of artists around the world. The process of change in the technique and aesthetics of the art of painting can also be seen in the evolution of this digital painting art. In the art of traditional painting, artists use traditional media such as oil, acrylic, or water paint to paint their work on canvas or other media, but in digital art, the artists can use specialised software and hardware such as graphic tablets. It allows the use of visual effects, textures, and styles that were previously difficult or even impossible to use in traditional painting art. In the last decade, one of the main drivers of the development of digital painting art in Indonesia has been the emergence of a generation of innovative digital birth artists characterised by mastery of editing techniques and computer graphic design. These phenomena are clearly the result of social and cultural changes caused by globalization. However, what makes digital painting so close to the Indonesian context is how local artists combine digital techniques with local wisdom, including myths and ethnic elements. This fusion between tradition and digital is a characteristic of the development of digital painting in Indonesia.

Technological and digitization advancements in the art industry have introduced a novel peril: the theft of digital artworks. The artists who made contributions to this industry are, ironically, its primary victims. The high economic value of an artist's creation may captivate collectors, galleries, and even major corporations, leaving them vulnerable. Stealing without authorization or even by unethical industries has frequently resulted from the escalating prominence of digital artwork. Digital painting art theft can manifest in diverse ways, including unauthorized reproduction, copyright infringement, counterfeiting of artworks, and other activities that pose a risk to practitioners within the art sector.

Ahmad Nusyirwan, an Indonesian digital artist, faced the theft of his computer paintings. Multiple sources, such as galamedia.pikiran-rakyat.com, urbanasia.com, kumparan.com, and hai.grid.id, report that Ahmad disclosed on his own Twitter account that he is portraying the iconic opera singer Marilyn Monroe, who is widely recognised on the Internet from platforms like Pinterest to Google Image. The Instagram postings from the account @75gallery showcase Ahmad's digital paintings available for sale. The paintings are in the form of a canvas measuring 80 cm by 60 cm and feature acrylic touches. The price for each painting is Rp. 12,000,000 (twelve million rupiah). Nevertheless, the absence of compelling evidence regarding Ahmad Nusyirwan's ownership of the digital artwork has hindered the progress of legal enforcement in this case.

The case above relates to the mechanism of copyright, a legal concept that grants exclusive rights to works of art, literature, and science. Even in Indonesia itself, there are special instruments that are related to dealing with copyright issues in substance, such as Law Number 28 of 2014 on Copyright and Law Number 11 of 2008 of the Republic of Indonesia on Electronic Information and Transactions, as well as structurally, where Indonesia has the Directorate-General of Intellectual Property as the agency responsible for providing protection and enforcement of copyright-related laws. Despite the establishment of two entities, there are difficulties and barriers in implementing measures to protect and enforce laws, particularly for artists who play a crucial role in the art business, as illustrated by the aforementioned instance. Technological advancements and the widespread adoption of digital painting in the modern period have greatly influenced the Indonesian art business. While this phenomenon has bolstered the expansion of the art ecosystem and the digital creative economy of the country, it has also led to a rise in illicit activities, including the theft of digital paintings. Hence, it is imperative to carry out a comprehensive investigation on this matter. This study aims to investigate the impact of technological advancements and digital painting trends on the dynamics of the Indonesian art sector. The advent of technology has created fresh prospects for artists to engage in digital work while simultaneously presenting them with unique difficulties in navigating the evolving art sector within their own country. Furthermore, this study aims to ascertain the repercussions of the occurrence of digital painting artwork theft on artists in Indonesia. These illicit actions not only result in financial consequences but also potentially hinder the creativity and career motivation of digital artists. Furthermore, this initiative will develop a robust legal defence strategy to address instances of digital painting artwork theft committed by individuals involved in the art sector in Indonesia. The study will thoroughly examine the strategic measures that can be implemented in terms of regulation, law enforcement, and public education, considering the absence of a legal framework.

2. METHOD

The journal's research on the topic "Theft of Digital Painting Art Works: A Review of the Legal Protection of Performers of the Art Industry in Indonesia" employs qualitative research methods utilising descriptive and analytical approaches. The objective of the study is to acquire a comprehensive comprehension of the protection and law enforcement concerns associated with the theft of digital painting artworks in Indonesia. The study will examine the challenges related to safeguarding and enforcing legal measures against the theft of digital artwork in Indonesia. It will adopt a descriptive methodology. The researchers will collect data from multiple pertinent sources, specifically Law Number 28 of 2014 on Copyright and Law Number 11 of 2008 of the Republic of Indonesia on Electronic Information and Transactions, in order to provide a precise and comprehensive understanding of the

issue being studied. Moreover, the analytical process entails a comprehensive examination of the data by the researchers. The researchers conducted a study on many aspects related to the theft of digital art, including the methods used to steal digital art, the motivations behind such thefts, and the measures taken to protect and prosecute cases of stolen digital paintings in Indonesia. The Law Number 28 of 2014 on Copyright and Law Number 11 of 2008 of the Republic of Indonesia on Electronic Information and Transactions establish a strong connection between the theft of digital paintings and the violation of copyright laws and misuse of digital content. Law Number 28 of 2014 on Copyright governs the economic and moral rights of artists, whereas Law Number 11 of 2008 of the Republic of Indonesia on Electronic Information and Transactions Act governs cyber crimes, such as unauthorised distribution and downloading of digital property. Hence, it is crucial to conduct a comprehensive legal analysis of both legislations to comprehend the underlying issue and devise policy measures to safeguard the creators in the digital art sector against the increasing menace of intellectual property theft.

3. FINDINGS AND DISCUSSION

3.1 Technological Developments and Trends in Digital Painting Influence Dynamics of the Art Industry in Indonesia

We use the term "Industrial Revolution 4.0" to describe the major transformations in digital technology and automation occurring in the modern world. The use of technologies such as the Internet of Things (IoT) in the business and society sectors is a sign of the Industry 4.0 revolution. These changes have changed the way people live, work, and communicate. However, we are witnessing a shift towards the Industrial Revolution 5.0, also known as the era of transformation, where man and machine collaborate. It shows that smart humans and technology must work together to improve quality of life and create added value.

An developing technology and trend in the world of painting is now being observed. The art of painting has adapted to the changing times and advancements in technology, transitioning from traditional methods to digital techniques, in response to the era's evolution and the industrial revolution. In addition, the field of painting has undergone substantial progress in the digital era, as well as during the 4.0 and 5.0 industrial revolutions. Indonesian digital artists now have convenient access to global internet venues for promoting and selling their artwork. Young artists have a preference for engaging in experimentation with cutting-edge technology and engaging in collaborative efforts with peers from different parts of the country. It promotes the production of innovative artistic creations infused with elements of the local culture. Computer technology and graphic software have significantly advanced the field of digital painting. Artists can utilize specialized digital software and technology, such as graphics tablets and styluses, to produce their artwork in digital format. Artists can

integrate conventional methods with the benefits and adaptability of contemporary technology through digital painting.

Digital painting enables artists to express their creative ideas through digital artwork, encompassing a wide range of genres, from realism to abstraction. It facilitates the modification or alteration of photographs in a more straightforward manner compared to conventional methods. Subsequently, the advent of features and tools provided by digital drawing apps empowered artists to create with accuracy and imaginative adaptability in accordance with their particular thoughts. Digital sketching applications provide an abundance of colors, textures, layers, and visual effects, enabling the creation of a diverse range of captivating artwork. Another benefit of utilizing a digital drawing application is the convenience of saving and distributing artwork. Artists have the ability to digitally preserve, maintain, and modify their work, thereby preventing physical harm or unintentional loss. The application additionally enables artists to effortlessly distribute their work on social media and many web channels. Social media facilitates artists receiving immediate feedback, engaging the art community in debates, exchanging ideas, and expanding their network with other artists.

Upon analyzing these advancements and patterns, it is evident that digital painting will bring about a transformation in the dynamics of the Indonesian art sector. This transformation will be characterized by the influence of technology on digital art, the distinctiveness and adaptability of digital artwork, the expanded reach and availability of artistic creations, and the shifting patterns of art consumption.

3.2 Immediate Impact of Theft of Digital Painting Artworks on Art Industry Perpetrators in Indonesia

Digital painting theft refers to the unauthorized acquisition, utilization, or dissemination of a digital artwork without the explicit authorization or approval of the copyright owner. This can occur through several means, including engaging in unlawful downloading, counterfeiting, falsifying, or misrepresenting a digital painting as one's own creation. The Law Number 28 of 2014 on Copyright provides a comprehensive explanation that includes the art of painting within its scope. Consequently, stealing artwork can be seen as a violation of copyright. Theft of digital painting art is a growing concern in the modern digital era, as artworks may be effortlessly replicated, disseminated, and altered electronically. Theft of digital art works can be done in a variety of ways, plus developments in technology and the availability of access to online content have made it easier for criminals to steal digital painting artworks. Here are some common ways to do it, among others:

- a. **Illegal downloads:** Digital artwork thieves can download digital artworks from various social media platforms such as Facebook, X, Instagram, Telegram, and so on, or websites such as Google, Pinterest, Reddit, and so forth;

- b. Falsification of works: Thieves of digital painting art often use falsification techniques to steal digital artworks. They may modify the signature, watermark, or other identifying elements of the original work so that a fake copy is difficult to distinguish from the original. These modified copies may be sold or traded as the original works without the knowledge or permission of their original owners; and
- c. Illegal dissemination through social media: Thieves often use social media as a tool to disseminate and publish stolen digital artworks. They can upload the original work or modified copies to social media platforms without the original owner's permission, creating a wide path to illegally disseminate the work.

The theft of digitally painted artworks significantly impacts the Indonesian art industry, particularly for artists residing in the country. Indonesia has a great deal of potential to produce unique and diverse artworks because the country is rich in culture and art. In view of this phenomenon, the possible impact of the theft of digital paintings on the victim (artist) is:

1. Loss of appreciation and recognition: Theft of digital artworks can cause art perpetrators in Indonesia to lose recognition and appreciation;
2. Financial losses: Theft of digital artworks can reduce the value of the original work (economic value) and disrupt the ecosystem of the art trade. Artists in Indonesia may lose the opportunities for sales, cooperation, and financial assistance that they should receive;
3. Infringement of the law: Theft of artwork of digital painting violates Article 9, Paragraph (1), and Article 58, Letter (f) of Law Number 28 of 2014 on Copyright, which states that the copyright holder (artist) has economic rights in which the artwork belongs to the protected portion. In addition, theft of digital artwork may also be imposed under article 32, paragraph (1), of Law Number 11 of 2008 of the Republic of Indonesia on Electronic Information and Transactions, which explains that any individual deliberately and without any right or breach of law modifies, adds, reduces, distributes, corrupts, deletes, transmits, or hides electronic documents and information. Within the context of this research, we can understand the meaning of an electronic document as an image. This form of digital painting art is risky to be modified and distributed by others who claim to belong where the original of the painting was made by the original artist, not even aware that the work has been taken. In the long run, continued theft of digital artworks can create instability in the art industry and damage Indonesia's overall reputation. In addition to material damage, theft of digital art has other consequences. As artists realise that their work has been taken without permission, they usually feel angry and emotionally beaten. Theft of artwork can be seen as an attack on the core of artists' creativity and identity, as artists incorporate most of their identity and personal expression into their artwork. From a psychological perspective, theft of digital artworks can lead to feelings of fear and

loss of control. Artists often feel out of control of their work and vulnerable to exploitation. They're also often worried about the possibility of theft again in the future.

3.3 Legal Protection Strategy to Handle Cases of Theft of Digital Painting Artworks Against Perpetrators of the Art Industry in Indonesia

Legal protection for dealing with theft of digital painting artworks against perpetrators of the art industry in Indonesia is becoming increasingly important given the changing art landscape and the presence of digital transformation perpetrators of the art industry in Indonesia. As technology progresses, artists are becoming more and more involved in the practice of digital painting. However, unauthorized parties are stealing digital painting artworks at an increasing rate. In this context, the rights of Indonesian artists must be protected through strong and effective legal protection. Looking at the case of an Indonesian digital artist named Ahmad Nusyirwan, it is necessary to examine the fact that the current law on copyright in Indonesia is Law Number 28 of 2014 on Copyright. Copyright is automatically protected by copyright owners, including artists who produce digital paintings. In the case of the art of digital painting, creative expressions and elements of work that can be considered original are protected by this law.

In many countries around the world, copyright reflects two interests known as economic and moral rights. This copyright has the possibility for the creator (artist) or copyright holder to announce or extend the work exclusively, which appears automatically after the work is made without removing the restrictions set by the regulations of the applicable laws under Article 2 paragraph (1) of Law Number 28 of 2014 on Copyright. In Article 4 details the exclusive rights of moral rights and economics. This right is non-transferable and remains the property of the creator. This applies even when economic rights are given to others. While economic rights themselves are rights relating to the use and economic exploitation of the copyrighted work. An agreement between the creator and another party, like a publisher or record company, can transfer these rights. With regard to the management and exploitation of copyright, economic rights protect the creator. The creator is entitled to a financial reward for any use of his work.

According to General Explanation Law Number 28 of 2014 on Copyright, advances in technology have been regarded as one factor, as this sector plays a major role in developing copyright but also serves as a tool for copyright infringement. One of the advances in the field of information and communications technology that is increasingly important for the development of copyright is the Internet, the ease of the internet, everyone can access data freely through search engines. Uploading creations is a commonly used access method. The creation can be used freely, which can lead to violations. Since the birth of the Internet, it has changed human behavior and human relationships, one of which is Internet copying. Law Number 28 of 2014 on Copyright categorizes Internet copying as the

process, action, or method of permanently or temporarily duplicating a copy of a creation, a phonogram, or more. This action may be said to have been similar to the theft of digital painting artwork, so it would have to be labeled as a copyright mark while protecting its creators. Suhono, dkk, asserts that technology enables the marking of copyright on digital data:

- a. Header marking, is placing copyright information on the digital data header;
- b. Visible Marking, which gives a clear copyright mark to digital content;
- c. Encryption, is encoding digital data means the copyright holder needs to have a key to return it to its original representation
- d. Copy Protection, restricts or protects digital data so that it cannot be published.

When some of the above things are combined, it can be explained that the legal protection strategy for dealing with theft of digital painting art work against perpetrators of the art industry in Indonesia can be done by referring to Law Number 28 of 2014 on Copyright as the legal framework that regulates intellectual property rights in general, including the copyright in the art work of digital art painting and Law Number 11 of 2008 of the Republic of Indonesia on Electronic Information and Transaction as the legislative framework that regulates electronic activities in Indonesia and provides legal protection related to the use of information technology and electronic transactions :

1. Copyright registration : A copyright registration is required to protect digital painting artworks and provide proof that the work is legal and legitimate. Thus, artists in particular, can strengthen their legal position in the case of stolen digital paintings. In Indonesia itself, the Directorate-General for Intellectual Property Rights is an institution under the auspices of the Ministry of Law and Human Rights responsible for protecting copyright. This process includes the collection of documents demonstrating proof of ownership, such as original copies (hard or soft files) of the work and information about the creator. Once the registration is approved, the artist will receive a copyright certificate that provides legal certainty and official recognition of ownership of his work. To provide strong legal protection to artists in Indonesia, artists or art creators can apply for copyright registration with the Directorate-General of Intellectual Property Rights. Registration can be done directly or through its website, <https://e-hakcipta.dgip.go.id/>;
2. Digital painting protection: Artists may use watermarks or watermarks used to prevent digital painting artworks from being stolen or used illegally. Watermark embedding should be applied to artwork from the start of its creation, before it is published online. Then the use of watermarks needs to be careful of the placement and the right level of opacity so that it is not easily manipulated by those who want to steal the artwork of digital painting. Through the implementation of digital protection, art industry operators have the ability to control who can access and use the work;

3. Updating legislation that leads to more detailed explanations of digital painting artworks: Improving existing legislation, such as Law Number 28 of 2014 on Copyright and Law Number 11 of 2008 of the Republic of Indonesia on Electronic Information and Transactions, will follow the technological developments and dynamics of the digital art industry, provide a stronger legal basis to protect copyright, and address issues that may arise as digital art trends evolve. Thus, the regulation will provide stronger guidelines for law enforcement, artists, and other stakeholders, thus facilitating the handling cases of copyright infringement in the context of digital painting art;
4. Legal awareness and education: Increasing legal awareness among art industry operators is especially important for artists to gain a better understanding of the importance of legal protection for their artwork and become more prepared to take precautionary measures to protect copyright. One example is holding regular workshops and seminars involving artists and other stakeholders. Additionally, governments and associated agencies can publish easily understood and accessible legal guidelines for artists. This guide may include practical steps for copyright registration.

4. CONCLUSION

Based on the analysis of the author, it can be concluded that the dynamics of the art industry in Indonesia are heavily influenced by technological advances and the style of digital painting. Although the ease of access and distribution of digital painting art has changed the way artists interact with audiences, the phenomenon of theft of digital artworks raises serious concern among artists. The potential impact of the theft of digital painting artworks on art industry perpetrators in Indonesia includes loss of awards, financial losses, and violations of the law. Legal protection to deal with theft of digital painting artworks against perpetrators of the art industry in Indonesia can be done in a variety of ways, namely by registering Copyright by submitting an application for copyright registration to the Directorate-General of Intellectual Property Rights to ensure that artists have official proof of ownership of their digital painting Artworks. This process is done to obtain legal recognition and exclusive rights to their works, protection of Digital paintings by inserting watermarks, updating of legislation such as Law Number 28 of 2014 on Copyright and Law Number 11 of 2008 of the Republic of Indonesia on Electronic Information and Transactions, which leads to a more detailed explanation of digital artwork, and to increase legal awareness and education that helps artists understand how to protect works through workshops, seminars, and the existence of legal guidelines facilitating a better understanding of copyright in particular on digital paintings.

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