

## Copyright Illustration Image by Artificial Intelligence

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### Abstract

*This research aims to find out and analyze the legal protection of creators whose data is used as a reference by Artificial Intelligence (AI) in making illustrative images and how copyright arrangements for illustrative images produced using AI. This research uses normative juridical research methods by conducting literature study research in the form of Law Number 28 of 2014 concerning Copyright and literature related to the issues raised in this study. The results of this study indicate that the legal protection of creations used as AI references is automatically protected, but it is better if the creator licenses his work that is published in general. Also, illustrative images produced using AI cannot be categorized as Creation protected by the Copyright Law because AI is a computer system/program that cannot be equated with the Creator. It is recommended that the government immediately make changes to the Copyright Law as a consideration of the current development of AI in Indonesia in order to anticipate the imbalance between the Creator / Copyright Holder and the development of AI that uses Creation as a reference in producing new works, the need for innovation or new rules that focus on legal views related to AI that are developing in Indonesia in order to minimize the occurrence of a legal vacuum that can cause chaos in Indonesia.*

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## INTRODUCTION

In essence, Intellectual Property Rights (IPR) are the result of human brain and emotional work. The abstract work of the heart, known as the combination of rational and emotional work, produces works of art, designs, and inventions that can be used in human life. Intellectual property rights themselves include copyrights, patents, trademarks, and others. Copyright is an exclusive right consisting of economic rights and moral rights. Economic rights are the right to obtain economic benefits from a creative work. Moral rights are rights inherent in the creator and cannot be revoked for any reason. In Copyright Law Number 28 of 2014 (hereinafter referred to as the Copyright Law or UUHC) it states that copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a creation is realized in a tangible form without reducing restrictions in accordance with the provisions of applicable laws and regulations. Copyright is the most widely protected area of intellectual property, because it covers science, art, literature and even computer programs (Hapsari, 2012).

Over time, the development of science and technology has undergone rapid and significant changes. These developments have impacted everyday life, one invention that has had a significant impact on human activity is the internet (Alemayehu Tegegn, 2024). With the advent of the internet, the digital era began to emerge. In this digital era, many activities can be conducted online. The presence of technology has had a significant impact on the

dissemination of ideas and concepts. The internet has made it possible for everyone around the world to access information and knowledge in equal measure (Subandowo, 2022).

Humans have the ability to create something as a result of thought, effort, and creativity, which results from thoughts that are entirely the Creator's. As stated by John Locke in *Labor Theory*, this is called intellectual work, and humans should be bestowed the rights to own their creation (Shekhar, 2020). The emergence of Generative Artificial Intelligence poses complex issues for existing copyright legislation, especially regarding the entitlement and moral rights pertaining to content produced by AI (Chen & Chen, 2024; Epstein et al., 2023). John Locke argued that every human being has a right to the fruits of their own labor, as seen in every creative process/step used to create something (Chen & Chen, 2024).

Rapid developments in technology have transformed human thinking, leading to a more advanced lifestyle, with various advances in information technology giving birth to a world without boundaries, space, and time, which can increase productivity and efficiency. The development of information technology has brought about significant changes in people's lives and behavior, transforming lifestyles across economic, socio-cultural, and legal contexts. Technological advancements have created a variety of situations and circumstances never before imagined by humans.

The most recent technological advancement in the digital era is the use of artificial intelligence (AI). AI has now permeated human life in various ways, enabling it to perform a wide variety of tasks previously only possible with specialized training and knowledge, or with government authorization. The use of AI is becoming increasingly popular. Various AI applications have emerged, such as "Midjourney," "Stable Diffusion AI," and many more, allowing users to create works like artists. These applications easily generate works based on keywords entered by the user. When a user enters a specific keyword, the AI application analyzes it and creates a new work according to the specified keyword (Indra Tektona et al., 2021).

In reality, AI can be categorized as a program that emerged as a result of the development of computer algorithmic systems. Historically, computer programs were created using databases and algorithms and executed using computer languages or programming languages as input and output processes containing instructions from the computer program. The input process itself is the process of entering data into a computer program, while the output is the result produced by the computer program after going through the data input process. However, current AI developments use more complex and varied computer programs than previous generations.

There are various problems with the advent of AI technology. One issue highlighted by the author is the use of copyrighted works in AI development. It's important to understand that AI development requires input data, and the availability of this input data influences the design of the AI system and the AI techniques used to solve the primary objective of the AI system. The quantity and quality of data influence the final product. The input data required for AI development can come from public information, personal data, and even copyrighted works (Gema, 2022). The use of copyrighted data in AI development can certainly raise legal issues if it doesn't comply with applicable laws and regulations.

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Currently, it can be said that the existence of illustration images in Indonesia is quite developed. This is evident from the illustrators/creators who publish their work in tangible forms such as comics, picture stories, magazines, posters, advertisements to illustrators who publish their work through social media platforms such as Instagram, Pinterest, Twitter and other websites (Restuningsih et al., 2021). Illustrations themselves are used to attract the attention of readers or viewers so that they are more interested in knowing more details. In creating an illustration itself, the Creator needs to fulfill two characteristics: clarity and accuracy *where* the illustration needs to clearly and accurately depict what the Creator wants to convey to avoid misunderstanding the meaning conveyed; quality created *where* good quality can be known from the information conveyed or depicted from the illustration image whether it is conveyed clearly and accurately. This is one of the reasons why not everyone can produce a good illustration image, because not everyone can fulfill these characteristics. These characteristics are acquired by learning various *skills* such as artistic skills, technical abilities in using tools used to create illustrations, and social skills.

Creating illustrations requires a significant amount of time, effort, and expertise. This need can be a challenge, as not everyone possesses adequate design skills. Therefore, some parties utilize AI support for illustration creation. This can be problematic because many illustration creators upload their work to social media platforms and publish their creations to the public for free. AI can process data from one or more existing creations to create new illustrations that are similar or have the same style.

Regarding the Copyright Law, there are 2 (two) legal issues related to AI. Namely, (1) triggering debate regarding the subject of copyright law; The main point of the legal dispute is the issue of which party can claim the title as creator for works produced by AI. Because, the work is not created directly by humans or AI system developers. (2) the object problem is related to the classification of creations based on copyright provisions, and whether certain limitations or exceptions apply. This is because AI can easily create works listed in copyright regulations. In addition, the object problem is also directly related to the principle of *fair use/fair dealing* or reasonable interests, considering the nature of AI systems which are automatic and unpredictable so that they have the potential to deviate and cause copyright infringement (Fauzi et al., 2022).

One example of an AI-related case that has become increasingly prevalent recently began with a viral post on the social media platform X/Twitter on December 31, 2023, featuring billboards of two political candidates with images created using " *generative AI*" (Gen AI). The hashtag #TolakGambarAI was then widely used by the artist/illustrator community to fight for copyright, as well as the loss of their jobs (Dianita, 2025). Another recent case in Indonesia involved a video of a celebrity being edited using AI to advertise their product. However, the celebrity has since clarified the video, stating that it was a fake or hoax.

This is problematic because the AI here appears to possess the ability to reason that should only be possessed by humans. This raises the question of whether it is possible for non-humans to possess the ability to think like humans. To answer this question regarding humans and the ability to think, the author cites *Surah Al-Isra* verse 70 of the Quran:

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وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِّنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَىٰ

كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا

Translation:

"And indeed, we have glorified the children and grandchildren of Adam, and We carried them on land and in the sea, and We gave them sustenance from the good things and We preferred them above the many creatures that We created with perfect advantages."

Based on the Qur'an's perspective, humans are also believed to be created with all the perfect advantages compared to other creations of Allah SWT, and only humans are created with a perfect intellect. Based on Copyright law in Indonesia which adheres to the principle of automatic protection, namely legal protection in copyright arises immediately after an idea or concept is realized in the form of a tangible work. In principle, Indonesian positive law itself has not specifically regulated whether a computer program can be recognized as the creator of a work that is entitled to copyright protection for that work. (Martin et al., 2018) Until now, the Copyright Law does not recognize AI as a legal subject. Copyright regulations in Indonesia are considered slow in responding to the development of AI. Based on the description above, the author raises 2 problems to be studied, namely (1) How is the legal protection for creators whose data is used as a reference by AI in creating illustration images? ; (2) How are copyright regulations for illustration images produced using AI?

## RESEARCH METHODOLOGY

The research method used is the normative juridical research type. In this research, research was conducted on library materials as the basis for research by examining laws and regulations and documents related to the research problem. The types and sources of law used during the research are primary legal materials and secondary legal materials, namely; Primary Legal Materials in the form of research materials obtained through legislation and related to this research. Secondary Legal Materials, obtained from conducting a Literature review in the form of literature in the form of books, articles, scientific journals, research results and others that are directly related to the problems discussed in this research. This research was analyzed using legal interpretation/interpretation techniques, legal reasoning and legal argumentum, which then drew conclusions related to the problems studied with prescriptive statements (Widi et al., 2021).

## RESULTS AND DISCUSSION

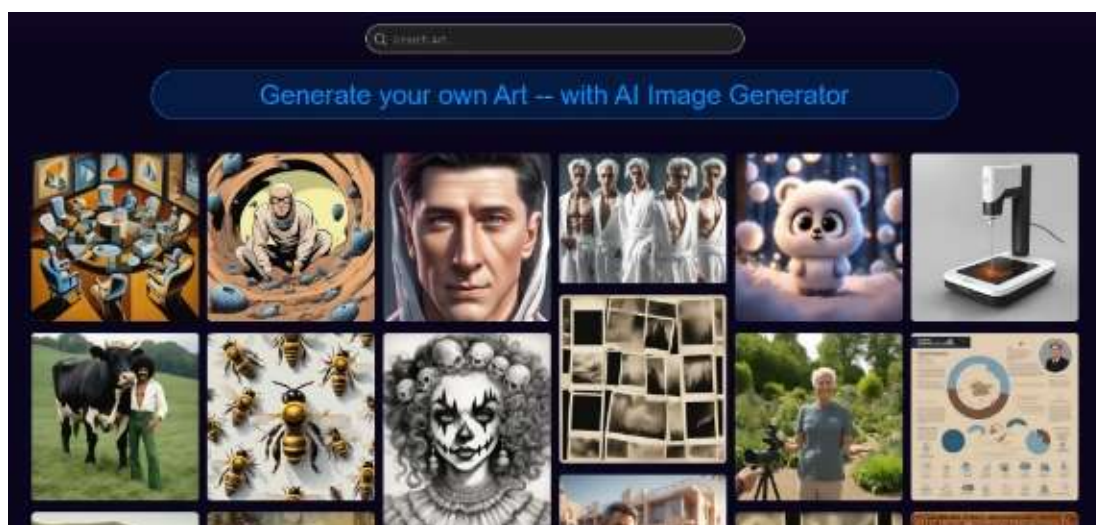
### 1. Legal Protection for Creators Whose Data is Used as a Reference by AI in Creating Illustrations

Every individual has their own interests, and the interests of one party can clash with those of another, leading to chaotic situations. Therefore, everyone's interests must be protected and regulated by law. Legal protection means safeguarding human rights violated by others, and this protection is provided so that society can enjoy all the rights granted by law. The law

functions to resolve problems that arise between individuals, between individuals and society, or between individuals and the state. In other words, legal protection encompasses various legal remedies that must be implemented by law enforcement officials to provide a sense of security, both physical and mental, from harassment and threats from any party (Mochtar & Hiariej, 2023).

Legal protection is provided to legal subjects, namely individuals or legal entities, either orally or in writing. The implementation and provision of legal protection requires a means of implementation known as legal protection facilities; legal protection facilities are classified into two categories:

- a. Preventive legal protection facilities  
Preventive legal protection provides legal subjects with the opportunity to file objections and statements before a government decision is definitively made. The goal of preventive legal protection is to prevent problems or disputes from arising. This is contained in laws and regulations with the aim of preventing violations and imposing limitations on fulfilling obligations.
- b. Repressive legal protection means  
Repressive legal protection is the final protection provided in the event of a violation or dispute in the form of sanctions such as fines, imprisonment, or other additional penalties that have been stipulated in statutory regulations.



**Figure 1.1** Image produced by one AI application

Copyright protection generally covers science, art and literature (art and literary) and also includes computer programs. One of the creative results is illustration images, where illustration images are included in the classification in Article 40 paragraph (1) letter f UUHC, namely a copyright in the form of a creation in the form of an artistic work of art.

With the advancement of technology today, a system or application is emerging that is currently popular, often called generative AI. Where AI is an artificial intelligence system that can create new works, such as images, videos, text, and audio from simple text instructions. Similarly, in creating illustrations, illustrations can now be easily created through AI systems, so anyone can create the desired illustration image using the AI system. The proliferation of

AI technologies has precipitated a paradigm shift in the creative landscape, blurring the conventional boundaries of authorship and challenging the long-held tenet that copyright protection is exclusively reserved for original works of human creation (Watiktinnakorn et al., 2023). Generative AI itself utilizes deep learning and very large datasets to produce high-quality output similar to human creation.

The proliferation of copyrighted products and works on the Internet has been a manifestation of the development of the copyright era, making data publicly available and easily accessible to consumers, this availability and public access to data is what AI uses as a dataset to support generative AI programs in generating new works. Using portions of someone else's copyrighted work is recognized as a process for creating new works, but copyright limits the amount of borrowed material or parts, with restrictions based on the extent and significance of the elements extracted from the pre-existing work.(Gaffar & Albarashdi, 2025) A new work must add value. or certain content that sufficiently emphasizes unique characteristics and differentiates it from the creation it borrows.



**Figure 1.2** Differences in Illustrations Produced by Illustrator and AI

Article 1 number 20 of the Copyright Law explains that a license is a written permission granted by a Copyright Holder or Related Rights Owner to another party to exercise economic rights over their Creation or Related Rights products under certain conditions. A license on open Copyright content is a permission tool that allows Copyright Owners to provide a statement that other parties can freely reuse the content of their creations. Open content licenses make it easier for Copyright Owners to grant permissions that were previously considered complicated and expensive. An example is the "Creative Commons" license which usually includes easily identifiable information or marks on a creation to make it easier for other parties to understand and use the creation in accordance with the license granted(*Deed - Atribusi-BerbagiSerupa 4.0 Internasional - Creative Commons*, n.d.).

The use of a work as input data in the process of creating new works through an AI system can be considered duplication. If used for commercial purposes, it is considered commercial use. Therefore, parties developing AI in Indonesia must obtain permission from the creator or copyright holder when using their work as input data. The use of the work must still take into account the reasonable interests of the creator or copyright holder. The use of a

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work can be considered copyright infringement if it is found that the use of the work is detrimental to the reasonable interests of the creator or copyright holder.

The current problem is that although "reasonable interest" is described as a balanced interest in exploiting the economic benefits of a creation, there is no clear measure of this "balance." Currently, there are no legally binding court decisions in Indonesia that can serve as precedent for measuring the meaning of "balance" in this reasonable interest (Akpobome, 2024).

In the Copyright restrictions stated in Article 46 paragraph 1 of the Copyright Law regarding duplication for personal interests of Works that have been announced, only 1 (one) copy can be made and can be done without the permission of the Creator or Copyright Holder. However, the duplication referred to above in Article 46 paragraph 2 of the Copyright Law explains that it does not cover all or substantial parts of the database in digital form and also does not include computer programs. Therefore, duplication of the database is only permitted for non-substantial parts. Meanwhile, what is meant by "substantial part" in the Copyright Law is the most important part and which is the characteristic of a Work. However, the Copyright Law does not provide further explanation regarding how to determine whether a part of a Work is important and unique to be a characteristic of a Work, so it will certainly make it difficult for any party to sort out which parts are substantial and which are not substantial from a database so that it can be reproduced for personal interests.

Article 55 paragraph (1) of the Copyright Law explains that anyone who knows of a violation of Copyright and/or Related Rights through an electronic system for Commercial Use can report it to the Minister. Where the meaning of "Commercial Use" in information and communication technology media includes direct commercial use (paid) as well as the provision of free content services that obtain economic benefits from other parties who benefit from the use of the Creation (Alam Wibowo, 2023).

The use of datasets containing numerous protected works is justified by the United States copyright doctrine known as fair use. This allows the use of others' creations for transformative purposes. The doctrine limits and excludes the creator's exclusive rights to maintain a fair balance between the interests of copyright holders and users of the work. This doctrine also aims to consider whether the work is being used commercially or for non-profit educational purposes, the nature of the work, the proportion and substantiality of the overall use of the work, and the impact of the use on its market value.

The Copyright Law's Academic Manuscript explains that a work must be unique and personal. This demonstrates that the work is an original product of skill, creativity, and expertise, which is then manifested in tangible forms, either audio or visual. A work is granted protection because it possesses uniqueness or originality and also possesses new value through cognitive processes such as imitation, inspiration, and creation, resulting in a unique and valuable work.

On the other hand, AI is an intelligent system and cannot yet be said to be 100% equivalent to humans in terms of cognitive behaviour and processing when creating a work. The complexity of this issue needs to be legally resolved through regulations that align with the historical and philosophical foundations of copyright protection, as well as through an in-

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depth study of the interaction between AI and humans, and its dynamics in copyright protection.

Recently, the author also received information regarding the emergence of a technology called "GLAZE" developed by several researchers and students of the Computer Science faculty at the University of Chicago, USA in March 2023 in collaboration with many world artists. Where Glaze has the main task of preventing Generative AI from learning an artist's painting style so that AI has difficulty in imitating or even using other Creations as references in creating new works. Therefore, one of the Creators or illustrators on the account @acandut\_ (on x) educates other illustrators to use Glaze to protect the creator's works so that they cannot be used as references in creating new works through AI.

However, it is also advisable for Creators to immediately register their Creations with the Ministry of Law and Human Rights so that when a dispute arises, Creators can have authentic evidence to obtain protection for their Creations.

## **2. Copyright Regulations for Illustrations Generated Using AI**

Nowadays, illustrations are very popular because they are a form of visual media that is often used in various contexts. One of their uses is that illustrations act as visual aids in increasing the appeal and interest of readers or viewers. Illustrations are used in various media such as children's books, teen magazines, and advertisements, both online and on billboards that we often see in various places, to attract the attention of the general public who are the target and also attract their interest in reading or viewing the illustrations. (Soni, 2024) Unique and interesting illustrations create a positive first impression and encourage readers or viewers to want to know more. Illustrations can also be used for the purpose of conveying political or social messages. Where one example is used to convey important messages to the public in social or political campaigns or to introduce oneself as a legislative candidate or even as a presidential and vice-presidential candidate during the election period, which is usually poured on billboards or billboards that we often see around the environment. Considering the velocity at which businesses are integrating AI into their core operations, it is imperative to address the potential legal ramifications, such as copyright infringements and trademark violations, that may arise from AI's utilization (Henderson, 2025).

The use of AI in creative works has sparked legal debates on intellectual property rights, especially concerning the rights to use, modify, and commercialize AI-generated content. The convergence of computational methodologies, legal definitions of originality, and the economic ramifications for intellectual property rights holders necessitates a comprehensive and multidisciplinary approach to effectively address the copyright challenges in generative AI. (Amon et al., 2024) Where the illustration itself can be classified as a creation that can be protected in Law Number 28 of 2014 concerning Copyright. This is explained in Article 40 paragraph (1) letter f that protected creations consist of works of fine art in all forms such as paintings, drawings, carvings, calligraphy, sculptures, statues or collages. Based on Article 1 number 1 of the Copyright Law, Copyright is formed as an exclusive right of the creator that arises automatically based on the declarative principle after the creation is realized in a real form without reducing restrictions in accordance with the provisions of applicable laws and

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regulations. Looking at the contents of the article, it can be interpreted that copyright can arise automatically since there is a concrete statement and has been realized in a real form.

However, unlike most illustrations, there is no specific explanation yet as to whether the illustrations produced using AI are Creations or not. This is because AI itself is an artificial intelligence system or computer program that, although capable of performing tasks and having a way of thinking that is almost like a human, is not included in the classification of Creator as explained in Article 1 paragraph 2 of the Copyright Law, which states that a Creator is a person or several people who individually or together produce a creation that is unique and personal.

From what the author has observed recently, many creators, especially illustrators, have expressed objections to AI-generated works via their social media accounts. For example, illustrators have flocked to the hashtag #TolakGambarAI on Twitter/X, expressing their opposition to the use of AI in creating illustrations. Many established artists have voiced concerns regarding the utilization of their copyrighted works in AI training datasets without proper authorization or compensation.(Inie et al., 2023) Despite the fact that creators have long used artificial intelligence or computer programs as tools to create works of art, technological advances are increasingly focused on the realm of AI-generated works, where AI not only supports the process of creating works of art but can also produce works autonomously. As previously explained, AI can create works similar to human creations simply by relying on available input data, which is then processed to produce output data in the form of works that are almost equivalent to human creations in the fields of science, art, and literature. Due to the current lack of legal certainty regarding the regulation of Creations produced by AI, illustrations produced by AI cannot yet be categorized as creations and cannot yet receive Copyright protection like Creations produced by a Creator who is unique and personal.

## CONCLUSION AND SUGGESTION

Indonesian Copyright Law protects creators and their illustrations; it doesn't explicitly address the use of creator's data by AI for generating new illustration images. AI-generated illustrations may not qualify as protectable creations under the current law, as they are produced by computer systems using public datasets, rather than stemming from human inspiration, ability, imagination, and expertise. To address this, the government should amend the Copyright Law to account for AI advancements, balancing the interests of creators and AI development. Further clarification is needed on the legal status of AI-generated works, particularly illustrations, and new regulations or laws should be considered to avoid legal uncertainty in Indonesia.

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artificial intelligence. It is hoped that the results of this research will contribute positively to the development of legal science in the digital age.

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