

Copyright Protection in Indonesian Higher Education: Legal Challenges and Academic Integrity

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ABSTRACT

This study examines the legal challenges surrounding copyright protection within Indonesian higher education, with particular emphasis on academic integrity and the persistent issue of plagiarism. It traces the development of copyright law from the Dutch-era *Auteurswet* of 1912 to Law No. 28 of 2014, assessing how these legal frameworks address intellectual property rights in academic contexts. A doctrinal legal research method was applied, involving the analysis of relevant statutes, academic literature, and international agreements, including the TRIPs Agreement and the Berne Convention. The study also considered the socio-legal context within higher education institutions that contributes to plagiarism and weak enforcement. Findings reveal significant shortcomings in Indonesia's legal structure, including vague definitions of copyright infringement and inadequate enforcement mechanisms. These legal gaps, coupled with a lack of institutional accountability, allow academic dishonesty—particularly plagiarism—to thrive in universities. The study argues for targeted reforms in higher education, including clearer legislative definitions, enhanced enforcement through administrative sanctions (e.g., fines, funding restrictions), and the introduction of ethical review boards to adjudicate cases of academic misconduct. Strengthening institutional responsibilities and aligning national law with international standards could significantly improve copyright protection and uphold academic integrity. To effectively protect intellectual property and foster a culture of academic honesty in Indonesian higher education, legal reform must be coupled with institutional accountability. These combined efforts are critical to ensuring the credibility of academic work and the protection of authorship rights in the educational sector.

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1. INTRODUCTION

Humans possess inherent capabilities for creativity, emotion, and volition, which enable them to produce intellectual contributions in fields such as science, technology, art, and literature. These creations, resulting from human intellect, carry significant economic value due to the time, effort, and resources invested in their development (Chazawi, 2007). Intellectual property (IP), which includes inventions and creative works, holds substantial value for creators and serves as an asset for society (Iswahyudi, 2022). Thus, the protection of intellectual property through legal mechanisms is vital to affirm authors' rights and prevent the unauthorized use of their creations.

The evolution of intellectual property protection has been influenced by philosophical traditions, particularly from Western thinkers like Socrates, Plato, and Aristotle, whose ideas on creativity and ownership have had a lasting impact on legal frameworks across the world, including Indonesia (Ardhiwisastro, 1999). While these ideas shaped early Western law, their relevance to Indonesia's modern copyright framework is indirect, but they still provide context for understanding the value placed on intellectual works. With the emergence of intellectual property laws, a balance between moral and economic rights has been emphasized to protect innovation while recognizing authors' ownership of their works (Purwaningsih, 2010). Intellectual property laws are thus critical in nurturing innovation by ensuring creators can protect and profit from their intellectual endeavors.

As globalization accelerates, international agreements such as the World Trade Organization's TRIPs Agreement have played a pivotal role in shaping intellectual property law by setting global standards for protection (Damian, 2009). Indonesia's adherence to the TRIPs Agreement in 1994 aligned its legal framework with these international standards, aiming to safeguard the economic and moral rights of creators while fostering commerce, technology exchange, and attracting foreign investment (Djumhana & Djubaedillah, 2014). Despite these developments, issues such as plagiarism, particularly within academic environments, continue to challenge the effectiveness of Indonesia's intellectual property laws in protecting the integrity of creative works (Iswahyudi, 2022).

Plagiarism, which involves the unauthorized use of someone else's work or ideas, remains a significant concern in academic settings, undermining trust and academic integrity (Iswahyudi, 2022). In Indonesia, cases of academic misconduct, including the use of predatory journals and plagiarism in dissertations, have raised concerns over the adequacy of the current legal framework in addressing these issues (Tempo.co, 2024; Republika.co.id, 2024). While Indonesia's Copyright Law (Law No. 28 of 2014) offers protection to creators, it remains insufficient in addressing plagiarism, particularly in academic contexts, due to weak enforcement mechanisms and a lack of targeted regulations to combat academic dishonesty (Soelistyo, 2010).

The primary objective of this study is to evaluate the effectiveness of Indonesia's Copyright Law in combating plagiarism and protecting academic works. This research seeks to address the shortcomings of the current legal framework by examining existing literature and relevant legislative measures, highlighting areas for improvement. Specifically, the study will assess potential amendments to intellectual property law to better tackle plagiarism in academic settings and propose stronger enforcement of sanctions for academic misconduct.

This research offers a unique contribution by combining a doctrinal legal approach with a focus on ethical issues surrounding plagiarism, which has not been extensively explored in previous studies. Unlike prior research, which predominantly focuses on the economic aspects of intellectual property, this study offers a more comprehensive analysis that incorporates both ethical and legal considerations in the context of plagiarism. By doing so, it provides a holistic perspective on how Indonesia's intellectual property laws can be reformed to safeguard creators' rights, enhance academic integrity, and promote ethical behavior in academic and creative fields.

This paper aims to contribute to the broader discourse on intellectual property law in Indonesia, underscoring the need for legal reforms that more effectively address plagiarism and support a culture of academic honesty. Through a detailed doctrinal analysis, this study will propose concrete solutions to

enhance the legal protection of intellectual creations, ensuring that the contributions of creators are both recognized and protected.

2. METHODS

This study employs a normative legal method to explore the rules, principles, and legal doctrines related to the issue of plagiarism from the perspective of Indonesian copyright law. The methodological approach is designed to provide a comprehensive understanding of the subject by incorporating a variety of legal analysis techniques. These include legislative, historical, conceptual, case, and comparative law approaches, all of which work in tandem to assess the effectiveness of Indonesia's copyright law in addressing plagiarism and protecting intellectual property.

2.1 Approach

The normative legal method serves as the foundation for this study, which focuses on identifying and interpreting legal norms, principles, and doctrines embedded in existing legislation and case law. This approach allows for a deep analysis of how plagiarism is defined and addressed under Indonesian law. The study also adopts a comparative law approach to examine how other countries, namely Malaysia, South Korea, and Singapore, have addressed plagiarism and intellectual property protections. This comparative element is essential for understanding how Indonesia's legal framework aligns with international norms and identifying potential areas for reform based on practices in these jurisdictions. The countries selected for comparison were chosen due to their geographical proximity and similarities in legal culture, as well as their relatively advanced intellectual property systems and their efforts to tackle plagiarism through legal and academic reforms.

2.2 Scope and Object

The scope of this research is focused on Indonesian copyright law, specifically Law No. 28 of 2014, which governs the protection of intellectual property rights. The central object of the study is to assess how Indonesian law addresses plagiarism, particularly in academic contexts, and to evaluate the enforcement mechanisms that are in place to prevent violations. This focus is crucial for understanding the limitations of the current legal framework and the potential need for reforms.

2.3 Operational Definitions

- **Plagiarism:** In this research, plagiarism is defined as the unauthorized use or reproduction of another person's intellectual property, whether through direct copying or the misrepresentation of someone else's ideas without proper attribution.
- **Copyright Protection:** Copyright protection refers to the legal rights granted to the creators of original works, ensuring that their intellectual property is safeguarded from unauthorized use, reproduction, or distribution.

2.4 Place

This study primarily focuses on the legal landscape of Indonesia, examining how its intellectual property laws—especially the Copyright Law—are applied in the context of plagiarism and copyright violations. It also includes a comparative perspective, drawing on the practices of Malaysia, South Korea, and Singapore to enrich the analysis and provide a broader view of potential legal reforms.

2.5 Population and Sample/Informant

The population in this study consists of legal texts, statutes, case law, and academic publications related to intellectual property law and plagiarism. The primary sources of data include:

- Primary legal materials: Indonesian Copyright Law, relevant judicial decisions, and legislative texts.

- Secondary legal materials: Scholarly articles, legal commentaries, and analyses of intellectual property law.
- Tertiary materials: Encyclopedias, legal reference works, and textbooks on copyright law.

Data are selected based on their relevance to the issue of plagiarism and copyright protection, focusing on those materials that provide insight into Indonesia's legal framework and its comparative aspects.

2.6 Technique of Data Collection

Data collection for this research involved a document study, where primary, secondary, and tertiary legal materials were reviewed and analyzed. Sources were selected for their direct relevance to the protection of intellectual property rights and the regulation of plagiarism. Additionally, international practices were reviewed to provide a comparative analysis of how other countries, particularly Malaysia, South Korea, and Singapore, handle similar legal issues in the realm of intellectual property protection. These comparative insights help establish benchmarks for improving Indonesia's approach to plagiarism and copyright law.

2.7 Technique of Data Analysis

Data analysis is conducted using several legal interpretation techniques to provide a nuanced understanding of Indonesia's copyright law and its application in addressing plagiarism. The following techniques are employed:

- Systematic Interpretation: This technique examines the interrelationship between various legal provisions and regulations within Indonesia's legal framework. It helps construct a cohesive understanding of how copyright laws, along with other relevant regulations, work together to address plagiarism. This method aids in identifying gaps or inconsistencies in the law that may hinder effective enforcement.
- Grammatical Interpretation: Grammatical interpretation focuses on the literal meaning of legal texts. By closely examining the exact wording of statutes and judicial decisions, this method ensures that the law is interpreted as written. It is particularly important to clarify ambiguities in legal language that could affect the enforcement of copyright protection.
- Teleological Interpretation: This technique evaluates the underlying purpose and intent behind legal provisions. It looks beyond the literal text to assess the social, economic, and ethical objectives of copyright laws. Teleological interpretation is used to understand how Indonesia's copyright laws are intended to protect intellectual property, foster innovation, and uphold academic integrity in the face of plagiarism. This approach considers the broader societal context and ensures that laws are applied in a way that aligns with their intended goals.

Together, these interpretation techniques provide a comprehensive framework for analyzing how Indonesia's copyright laws function, how they address plagiarism, and how they can be improved to ensure better protection for creators and academic integrity. This approach ensures that the study not only examines the legal provisions but also considers the broader ethical and social implications of plagiarism and intellectual property protection.

The primary approach used in this research is the normative legal method, which focuses on identifying and interpreting legal norms and principles within existing legislation and case law. This approach is supplemented by multiple other methodologies, such as comparative law, to understand how plagiarism and copyright protection are regulated in different jurisdictions, including Malaysia, South Korea, and Singapore.

3. FINDINGS AND DISCUSSION

3.1 *Legal Protection of Copyright Against Plagiarism in Indonesia*

Intellectual Property (IP) pertains to the rights arising from human intellectual activity, which results in valuable products such as inventions, literary works, and artistic creations. In Indonesia, the Copyright Law No. 28 of 2014 provides legal protection for these intellectual creations, including written works. However, the law does not explicitly address plagiarism as a specific offense. Instead, plagiarism is often considered under the broader category of copyright infringement, which encompasses the unauthorized use or reproduction of a work, or the extraction of significant elements without proper attribution.

The law outlines two primary categories of rights: moral rights and economic rights. While both are fundamental to protecting the interests of creators, the application of these rights in cases of plagiarism remains weak, particularly in academic contexts. Plagiarism is often handled as an ethical violation within educational settings rather than as a legal infringement, making enforcement difficult. Moreover, despite the existence of regulations such as the Ministry of National Education's Regulation No. 17 of 2010, which aims to prevent plagiarism in higher education, there remains a significant gap in the legal framework that directly addresses plagiarism as a distinct violation under the Copyright Law.

The absence of a clear definition or classification of plagiarism in Indonesian copyright law makes enforcement of legal remedies challenging. While the law grants creators protection for both economic and moral rights, which include the right to attribution and protection against unauthorized reproduction, it does not provide a direct mechanism for addressing plagiarism. As a result, plagiarism is often dealt with through academic channels rather than legal ones, which limits its deterrent effect. Furthermore, a lack of widespread legal awareness and education about plagiarism exacerbates the enforcement gap.

3.2 *Sanctions for Plagiarism of Scholarly Works Under Indonesian Legislation*

Although Indonesia's legal framework offers both preventive and repressive protections for intellectual property, it has not adequately addressed plagiarism, especially in academic works. Under Indonesian criminal law, Article 380 of the Penal Code provides the legal foundation for addressing intellectual theft, which includes plagiarism. However, these provisions are rarely applied to plagiarism cases, particularly within academic institutions. Instead, plagiarism is often treated as an academic ethics issue rather than a criminal violation, which leads to limited legal consequences for perpetrators.

The Copyright Law differentiates between economic and moral rights, but does not specifically address plagiarism as an infringement. While economic rights, such as reproduction, distribution, and adaptation, are protected under the law, moral rights related to the recognition of authorship and the integrity of the work are not always enforced effectively. Despite this, violations related to economic rights, such as unauthorized reproduction or commercial use of a work, can result in criminal penalties, including fines and imprisonment. In practice, however, most plagiarism cases are resolved through informal mediation or internal academic procedures, rarely reaching court.

3.3 *Critical Analysis of Weak Enforcement and Implementation Challenges*

The primary challenge in addressing plagiarism under Indonesian copyright law lies in the lack of a clear, comprehensive legal framework that specifically addresses this issue. Although plagiarism falls under the general scope of copyright infringement, it is not explicitly categorized as an offense, which hampers legal enforcement. Furthermore, plagiarism is often perceived as an ethical violation, especially in academic settings, rather than a legal issue. This cultural perception diminishes the

seriousness with which plagiarism is addressed, leaving academic institutions to handle cases internally, often without involving the legal system.

In addition to legal ambiguity, enforcement is hindered by institutional and resource-related challenges. The absence of a specialized body for enforcing intellectual property rights and the limited use of plagiarism detection technologies in academic settings further exacerbate the problem. While some preventive measures, such as public awareness campaigns and educational efforts, exist, they have proven to be insufficient in reducing the prevalence of plagiarism. These deficiencies point to the need for more robust institutional support and greater integration of technology and specialized enforcement measures to address plagiarism more effectively.

3.4 Comparative Analysis: South Korea and Singapore

In contrast to Indonesia, both South Korea and Singapore have established more robust legal frameworks to combat plagiarism. These countries treat plagiarism not only as an ethical infraction but also as a legal violation, supported by clear legislative provisions and strong enforcement mechanisms. In South Korea, plagiarism is addressed within the framework of intellectual property laws, and severe penalties are imposed for violations, ranging from fines to imprisonment. South Korea also integrates preventive measures, including mandatory academic integrity education and the use of plagiarism detection software across universities.

Similarly, Singapore has enacted laws that explicitly address plagiarism, treating it as both an academic misconduct and a legal violation. The country employs a combination of stringent legal penalties and educational initiatives to discourage plagiarism. Moreover, Singapore's legal system incorporates advanced plagiarism detection technologies in its academic institutions, providing a strong deterrent against plagiarism. By integrating legal, educational, and technological strategies, both South Korea and Singapore have created more effective systems for preventing and addressing plagiarism.

3.5 Refined Future Research Recommendations

To improve Indonesia's legal framework in combating plagiarism, future research should focus on the following areas:

1. **Empirical Data on Plagiarism Prevalence:** There is a need for empirical research to quantify the extent of plagiarism in Indonesia, particularly in academic settings. Studies should collect data on the frequency of plagiarism cases, the methods used, and the effectiveness of existing legal mechanisms in addressing these violations.
2. **Comparative Legal Analysis:** Comparative research on how plagiarism is handled in countries like South Korea and Singapore could provide valuable insights for Indonesia. This research should explore the effectiveness of their legislative frameworks, enforcement mechanisms, and educational programs, with a focus on adapting these models to Indonesia's legal and cultural context.
3. **Evaluation of Technological Solutions:** Investigating the role of plagiarism detection technologies in Indonesia's educational system could help determine how these tools can be more effectively integrated. Research should assess the cost-effectiveness, accuracy, and impact of such technologies on reducing plagiarism.
4. **Legal Reforms for Clearer Definitions:** Future studies should explore how the Copyright Law in Indonesia can be amended to include clearer definitions of plagiarism and establish direct legal consequences for such violations. This could involve drafting proposals for specific amendments that align with international best practices.
5. **Impact of Preventive Education:** Research should evaluate the impact of educational programs on plagiarism prevention in Indonesia. By examining successful models in other countries,

researchers can propose strategies for expanding these programs to increase public awareness and reduce plagiarism rates.

Discussion

The findings of this study reveal significant gaps in Indonesia's legal protection of intellectual property, with a particular emphasis on the persistent issue of plagiarism. Despite the presence of a formal legal framework—most notably Copyright Law No. 28 of 2014—the legislation lacks explicit provisions identifying plagiarism as a legal violation. This legal omission contributes to ambiguous interpretations, especially within educational institutions where plagiarism is typically treated as a matter of ethics rather than a prosecutable offense (Panjaitan, 2017). This ambiguity undermines both institutional and governmental efforts to deter academic dishonesty and protect intellectual property within scholarly settings.

This deficiency in the legal framework becomes more problematic when considering that the Copyright Law does recognize both economic and moral rights of creators (Firmansyah, 2013). However, the absence of specific language and legal procedures addressing plagiarism significantly complicates enforcement efforts. This study supports previous research indicating that while Indonesia's intellectual property laws are generally robust, they fall short in handling academic misconduct such as plagiarism (Wiyanto, 2014). In the education sector, this results in a lack of effective deterrents, leaving institutions with limited tools to uphold academic integrity.

The consequences of this legal inadequacy are particularly acute in the academic environment. Plagiarism, if unregulated by enforceable law, risks becoming normalized within educational practices. This endangers the foundational values of scholarship, such as originality, critical thinking, and ethical research. A key conclusion of this study is the urgent need for a comprehensive strategy that combines legal enforcement with educational initiatives. Legal remedies—such as sanctions or fines—must be integrated with preventive strategies including plagiarism awareness campaigns, academic integrity workshops, and curriculum-embedded legal education (Panjaitan, 2017). Susanti (2013) also emphasizes the importance of a dual approach that includes both deterrent policies and proactive education to foster a culture that respects intellectual contributions.

International comparisons offer useful models for reform. Countries like South Korea and Singapore have succeeded in curbing academic plagiarism by establishing clear legal definitions of the offense and implementing both legal and educational interventions. In these nations, plagiarism is addressed not only through ethical guidelines but also as a legal infraction, which strengthens institutional responses and promotes deterrence. Their educational systems incorporate plagiarism detection tools and structured academic integrity programs to ensure compliance (Panjaitan, 2017). Indonesia could benefit from adapting such practices by integrating legislative reform with widespread educational reform to promote academic honesty and safeguard intellectual property.

A further significant issue identified in this study is the imbalance between the enforcement of economic and moral rights within Indonesian intellectual property law. While economic rights—such as financial compensation for creators—are well-defined and enforced, moral rights, which include proper attribution and protection against plagiarism, remain underdeveloped. In academic settings, the protection of moral rights is crucial for recognizing authorship and maintaining scholarly credibility. The lack of clear legal standards for addressing plagiarism as a violation of moral rights suggests an urgent need for reform. Clarifying the legal status of plagiarism would provide a stronger basis for academic institutions to enforce policies and protect the intellectual labor of scholars and students alike.

To address these issues effectively, several directions for future research and policy development are proposed. First, empirical research is needed to assess the prevalence and characteristics of plagiarism across Indonesia's academic landscape. Quantitative data, such as case studies or institutional reports, would provide a clearer picture of the extent of the problem and inform more targeted policy responses. Furthermore, understanding how institutions currently manage

plagiarism—whether through disciplinary committees, academic integrity codes, or informal mediation—can reveal best practices and areas for improvement.

Second, comparative legal studies should explore how neighbouring countries balance ethical and legal mechanisms in managing plagiarism. Such research would help identify regulatory models that Indonesia could adopt or adapt, especially in aligning educational policies with legal frameworks. For instance, understanding how Singapore's copyright law intersects with its university policies could guide the development of similarly integrated systems in Indonesia.

Third, the role of technology in combating plagiarism warrants closer scrutiny. Plagiarism detection software, such as Turnitin and Grammarly, has become a mainstay in many academic institutions worldwide. Evaluating the effectiveness of these tools in Indonesia could offer insights into how technology can support both prevention and enforcement. Moreover, integrating such tools into teaching and assessment practices could cultivate a culture of accountability and ethical scholarship among students.

Legislative reform is a cornerstone of any effective response to plagiarism. This study advocates for the revision of Indonesia's Copyright Law to include explicit language recognizing plagiarism as a legal offense. Future research could assist lawmakers by proposing model amendments and evaluating their potential impact. Additionally, the establishment of specialized bodies—such as intellectual property courts or academic integrity commissions—could streamline legal proceedings and enhance enforcement efforts.

Finally, preventive education must be evaluated and expanded. Academic institutions play a critical role in shaping students' understanding of intellectual property and ethical research. Current initiatives, such as orientation programs and integrity codes, should be systematically assessed for their effectiveness in reducing academic misconduct. Insights from such evaluations can inform broader public education campaigns aimed at raising awareness of plagiarism and its legal consequences.

In conclusion, the findings of this study underscore the urgent need for an integrated, multi-sectoral approach to combating plagiarism in Indonesia. Legal ambiguity, weak enforcement mechanisms, and limited educational outreach collectively hinder efforts to protect intellectual property and uphold academic integrity. By pursuing legislative reform, comparative research, technological innovation, and preventive education, Indonesia can develop a more effective and sustainable strategy to address plagiarism. This is not only essential for aligning with international standards but also for ensuring that the values of originality, honesty, and intellectual contribution are preserved within its educational system.

4. CONCLUSION

Intellectual Property (IP) legislation in Indonesia, particularly Law No. 28 of 2014 on Copyright, plays a vital role in protecting the moral and economic rights of creators. While it includes both preventive measures, such as education and plagiarism detection technologies, and punitive sanctions—ranging from criminal to civil penalties—it still faces significant challenges in fully addressing issues like plagiarism and copyright infringement. This study highlights the need for clearer and more consistent enforcement to protect creators' works and to foster a culture that values creativity and intellectual property. Strengthening the legal framework and ensuring that enforcement mechanisms are both effective and uniform will be crucial for promoting respect for intellectual contributions and stimulating further innovation in Indonesia.

To address plagiarism and copyright violations effectively, Indonesia's legal system must ensure that preventive and punitive measures are harmonized. This includes synchronizing the Copyright Law with the National Education System Law and other relevant regulations to eliminate inconsistencies in the application of sanctions. The enforcement of penalties, including academic consequences such as degree annulments, fines, and imprisonment, must be clear and uniform to

ensure accountability and to create a legal environment conducive to respecting intellectual property rights.

For future research, it is critical to explore the impact of plagiarism detection technologies in reducing academic dishonesty. Comparative studies with countries like South Korea and Singapore—where plagiarism is both an ethical and legal violation—can offer valuable insights into effective legal enforcement strategies. Additionally, research should examine the role of educational programs in promoting intellectual property awareness, as well as the impact of legislative reforms aimed at explicitly addressing plagiarism in Indonesia's Copyright Law.

This study underscores the urgency of reforming Indonesia's intellectual property laws and enforcement practices. By refining the legal framework, implementing consistent enforcement, and strengthening educational initiatives, Indonesia can better protect creators' rights, foster academic integrity, and create a more innovative environment for cultural and technological development.

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