



Legal Analysis of Copyright Protection for Artificial Intelligence-Based Works Under Law No. 28 of 2014 on Copyright

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ABSTRACT: Advances in Artificial Intelligence (AI) have brought significant changes to the process of creating digital works, including illustrations, music, graphic design, and audiovisual works. The emergence of generative AI raises legal issues in the field of copyright, particularly regarding the legal status of AI-generated works, the element of originality, and the parties that can be considered creators and copyright holders. This study aims to analyze the legal protection of AI-based works under Law No. 28 of 2014 on Copyright and to examine the legal standing of parties who may potentially hold copyright over works generated by AI. This study employs a normative legal research method using a statutory approach, a conceptual approach, and a comparative approach. Legal materials were obtained through a literature review and analyzed qualitatively using legal analysis methods. The results of the study indicate that Indonesia's copyright legal system remains oriented toward the concept of human authorship, which positions humans as the primary subjects of copyright creation. Artificial Intelligence cannot yet be recognized as a creator or a legal subject because it lacks legal personality and the capacity to independently exercise legal rights and fulfill legal obligations. Copyright protection for AI-based works fundamentally depends on the level of human creative involvement in the creation process. This study proposes a classification of human involvement in AI usage: AI as an assistive tool, collaborative creation with humans, and works generated entirely automatically by Artificial Intelligence. The greater the human intellectual contribution to the creative process, the greater the likelihood that the work will receive copyright protection. This study also highlights the need for copyright regulatory reform in Indonesia to make it more adaptive to the development of Artificial Intelligence and the digital creative industry.

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1. INTRODUCTION

Advances in digital technology have brought about major changes in various aspects of human life, including the fields of art and intellectual property. One of the most significant technological developments today is the emergence of Artificial Intelligence (AI), which is capable of producing various forms of creative works, such as digital illustrations, music, poetry, graphic design, and audiovisual works. The presence of generative AI technology has created a new paradigm in the creative industry because the process of creating works is no longer entirely carried out by humans, but also involves algorithm-based systems and machine learning capable of producing works through specific data and instructions (Organization, 2019). Platforms such as OpenAI through DALL·E and Midjourney are examples of technological developments that allow users to produce digital art simply through text commands (prompts).

The development of Artificial Intelligence raises various legal issues, particularly in the field of intellectual property rights, especially regarding copyright over works generated by AI. In the conventional copyright legal system, a work essentially stems from human intellectual ability, creativity, and expression. However, the use of AI in the process of creating works raises fundamental questions about who can be considered the creator and copyright holder of such works. This issue becomes even more complex when works generated by AI have high economic value and are used commercially in the digital creative industry.

Normatively, copyright regulations in Indonesia are governed by Law No. 28 of 2014 on Copyright. Article 1(2) states that an author

is a person or persons who, individually or jointly, produce a work that is distinctive and original. This provision indicates that the concept of an author in Indonesian copyright law remains oriented toward human authorship. Consequently, Artificial Intelligence, as a technological system, cannot yet be categorized as a legal entity or an author as defined under the current Indonesian Copyright Law. This situation raises legal issues regarding the protection status of works generated by AI, particularly when the creation process involves only minimal human involvement.

On the other hand, the use of AI in creating works of art also raises questions regarding the originality of a creation (United States Copyright Office, 2023). Artificial Intelligence works by learning from and processing large amounts of data sourced from various digital sources, including images, music, text, and other pre-existing creative works (Kavlakoglu, 2024). This data is used as training data to generate new works based on specific patterns. This situation raises questions regarding the extent to which works generated by AI can be considered original and whether the use of training data without permission has the potential to constitute copyright infringement against works owned by others.

Another legal issue concerns which parties can be considered the copyright holders of works created using Artificial Intelligence. In practice, several parties are involved in the creation of AI-based works, including AI users who provide prompts, AI system developers, and AI service providers (Dwivedi et al., 2023). Each party makes a different contribution to the creative process, leading to uncertainty regarding who is most entitled to copyright protection. This uncertainty has the potential to lead to legal disputes, particularly regarding economic rights, moral rights, and the commercial use of AI-generated works.

Developments in artificial intelligence also indicate that copyright regulations in various countries still face challenges in determining the legal status of AI-generated works. In the United States, copyright protection still emphasizes the importance of human involvement as the primary creator (Rezon et al., 2025). Conversely, the United Kingdom, through the concept of computer-generated works, provides protection for works generated by computers while still holding humans responsible for the creation process (Fauzy, 2023). These differing approaches indicate that regulations regarding AI-based works remain an evolving global legal issue and do not yet have uniform international standards.

Research on the relationship between Artificial Intelligence and copyright has actually been conducted by several researchers in the past. However, most of this research still focuses on general discussions regarding the development of AI technology and intellectual property protection in a broad sense. Research that specifically analyzes the parameters of human creative involvement in the process of creating AI-based works as the basis for determining copyright protection in Indonesia remains relatively limited. Therefore, this study is urgently needed to provide a legal analysis of the legal status of Artificial Intelligence-based works within Indonesia's copyright legal system.

The novelty of this study lies in the effort to develop a classification of the level of human involvement in the process of creating works based on Artificial Intelligence. This classification is divided into three categories: the use of AI as an assistive tool, the collaborative use of AI with humans (collaborative creation), and works generated entirely automatically by Artificial Intelligence. This classification serves as the basis for analyzing the potential for copyright protection of AI-based works under Indonesian positive law.

Based on the above discussion, this study aims to analyze the legal protection of copyright for works of art created by Artificial Intelligence under Law No. 28 of 2014 on Copyright, as well as to analyze which parties may be considered the copyright holders of works generated by AI. This study is expected to contribute to the development of intellectual property law in Indonesia, particularly regarding copyright regulations in the era of Artificial Intelligence.

II. METHOD

This study employs a normative legal research approach, which involves examining legal norms, legal principles, legal doctrines, and legislation related to copyright protection for works created by Artificial Intelligence (Marzuki, 2017). Normative legal research was chosen because the main focus of this study lies in the analysis of positive legal regulations regarding copyright and the legal status of works produced by Artificial Intelligence within the Indonesian legal system.

The approaches used in this study include the statutory approach, the conceptual approach, and the comparative approach. The statutory approach was conducted by examining various legal provisions related to copyright, particularly Law No. 28 of 2014 on Copyright as the primary legal basis for this study. Additionally, this study also examines several international legal instruments and policies regarding the development of Artificial Intelligence from an intellectual property perspective.

A conceptual approach is used to understand legal concepts related to human authorship, originality, authorship, moral rights, and the concept of Artificial Intelligence as a technology capable of producing creative works. This approach is important for to analyze whether AI-generated works can meet the elements of copyright protection under Indonesian positive law.

Meanwhile, a comparative approach was used to compare copyright regulations governing AI-generated works in several countries, such as the United States and the United Kingdom. This approach was used to examine the development of regulations on AI-generated works in various countries and to serve as a basis for analyzing the potential for developing copyright regulations in Indonesia.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include

legislation related to copyright, specifically Law No. 28 of 2014 on Copyright, as well as several international documents and policies related to Artificial Intelligence and intellectual property. Secondary legal materials consist of scientific books, legal journals, academic articles, previous research findings, and other literature discussing the relationship between Artificial Intelligence and copyright. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources used to clarify terms and concepts in the study.

Legal materials are collected through library research, which involves gathering, reading, and reviewing various laws and regulations, scholarly literature, journals, legal documents, and other academic sources relevant to the research topic. All legal materials obtained are then classified according to the main research issues to facilitate the analysis process.

The analysis of legal materials was conducted qualitatively using legal analysis methods. The analysis involved interpreting legal provisions related to copyright protection for works based on Artificial Intelligence, and then linking these to the practical development of AI technology. Furthermore, this study also employs a classification analysis of the level of human involvement in the creation process of AI-based works, distinguished into the use of AI as an assistive tool, collaborative creation with humans, and works generated entirely automatically by Artificial Intelligence. This classification serves as a parameter for analyzing the potential for copyright protection of AI-based works within the Indonesian legal system.

Based on the results of this analysis, this study seeks to draw conclusions regarding the form of legal protection for works based on Artificial Intelligence, as well as the parties that can be considered copyright holders under Indonesian positive law.

III. RESULTS AND DISCUSSION

Copyright Protection for Artificial Intelligence-Based Works under Indonesian Law

Advances in Artificial Intelligence (AI) have brought about major changes in the process of creating digital works. Through algorithm-based systems and machine learning, AI is capable of producing various forms of creative works such as digital illustrations, music, graphic design, poetry, and even audiovisual works (Chung, 2021). The emergence of this technology has raised new legal issues regarding copyright protection, particularly concerning the legal status of works generated by Artificial Intelligence within the Indonesian legal system.

Copyright regulations in Indonesia are governed by Law No. 28 of 2014 on Copyright. Article 1(1) explains that copyright is the exclusive right of the creator that arises automatically based on the declaratory principle once a work is embodied in a tangible form. Meanwhile, Article 1(2) states that a creator is a person or persons who, individually or jointly, produce a work that is distinctive and personal in nature.

This provision indicates that Indonesia's copyright legal system still regards humans as the primary subjects in the process of creating works. This concept is known as "human authorship," which is the principle that a work arises from human intellectual ability, creativity, and expression. The phrase "distinctive and personal" indicates that a work is intrinsically linked to the creator's identity and creativity as a human being. Consequently, Artificial Intelligence, as a technological system, cannot yet be classified as a creator or a legal entity under Indonesia's current copyright regime.

Nevertheless, advancements in generative AI technology indicate that the process of creating works is no longer a simple one. In practice, human involvement in the use of artificial intelligence can be categorized into several forms.

First, the use of AI as an assistive tool, where humans remain the primary controllers of the creative process and AI is used only to assist with specific technical tasks, such as visual enhancement, image processing, or editing of works (Zhou & Lee, 2024). In this scenario, the human creative element remains dominant, so copyright protection can still be granted to humans as the primary creators.

Second, the collaborative use of AI (collaborative creation), which occurs when humans provide specific prompts, define concepts, select specific results, and edit the output generated by generative AI (Dermawan & Herdianto, 2024). In this model, there is a combination of human creativity and the capabilities of generative AI. Therefore, copyright protection remains possible as long as the human intellectual contribution can be clearly identified in the final work.

Third, works produced entirely automatically by artificial intelligence without significant human creative involvement. In such cases, the element of human authorship is weak because humans provide only simple instructions, while the entire creative process is carried out by the AI system. Under the provisions of Law No. 28 of 2014 on Copyright, works in this category may not be eligible for copyright protection because they do not meet the requirement of human authorship.

This classification indicates that copyright protection for works based on artificial intelligence cannot be granted unconditionally. The determination of legal protection must take into account the degree of human creative involvement in the creation of the work. The greater the human intellectual contribution, the greater the likelihood that the work will be granted copyright protection.

In addition to questions regarding authorship, works created using artificial intelligence also raise issues regarding the originality of a creation. Under copyright law, originality is one of the key elements required for a work to receive legal protection. Originality does not necessarily mean that a work is entirely new; rather, it indicates the presence of creativity and intellectual expression on the part of its creator.

In practice, Artificial Intelligence works by learning from large amounts of data sourced from various digital sources, including

works of art, images, music, text, and various other pre-existing content (Miao & Holmes, 2023). This data is used as training data so that AI can recognize specific patterns and generate new works based on algorithmic processing. This raises the question of to what extent AI-generated works can be considered original if they are essentially formed from the processing of pre-existing works. The issue of originality becomes increasingly complex when AI-generated works bear a resemblance to works owned by others. In several international cases, AI development companies have faced lawsuits because the use of digital works as training data was deemed to have been done without permission from the copyright holders (Zahra & Sudarwanto, 2025). These circumstances indicate that the development of Artificial Intelligence not only raises issues regarding ownership of works but is also related to copyright protection for the data and works used in the AI training process.

On the other hand, the use of prompts in generative AI has also sparked a new debate about the nature of human creativity. With current technological advancements, prompts are no longer merely simple instructions; rather, they can serve as a form of creative expression crafted through a specific intellectual process. Users can specify visual styles, composition, color palettes, perspectives, and even specific technical details through the prompts they provide to the AI system.

The more detailed and creative the prompt used, the greater the human intellectual contribution to the work produced by AI. Therefore, in certain contexts, prompt engineering can be viewed as a form of creative activity that has the potential to satisfy the originality requirement under copyright law. However, not all prompts can automatically be considered a form of intellectual work, as general and simple prompts do not necessarily demonstrate a significant creative contribution.

The Legal Status of Copyright Holders Regarding Artificial Intelligence Works

Another issue that arises in AI-generated works concerns which party can be considered the copyright holder of such works. In practice, there are several parties involved in the creation of AI-generated works, namely AI users, AI system developers, and AI service providers (Praja et al., 2025).

An Artificial Intelligence user is a party who provides prompts or instructions to an AI system to generate a specific work. In some cases, users not only provide simple instructions but also define concepts, select specific outcomes, and make modifications to the work generated by the AI. This creative involvement can serve as the basis for the argument that users make an intellectual contribution to the resulting work.

In this context, AI users may be eligible for copyright protection provided there is a genuine human creative contribution to the creation of the work (Achmadi et al., 2024). The more significant the human involvement in determining the final outcome of the work, the greater the likelihood that the user will be considered the creator or copyright holder under Indonesian law.

Meanwhile, artificial intelligence developers are the individuals who design the algorithms, machine learning systems, and technological infrastructure that enable AI to produce creative works (Zaenudin & Riyan, 2024). However, developers' involvement is generally indirect with respect to specific works produced by users. Therefore, it is more accurate to view AI developers as creators of technological systems rather than as creators of every work produced by those systems.

AI service providers are also involved in issues of ownership of creative works, as some AI platforms include specific provisions in their terms of service (Prasetyo et al., 2025). Some platforms grant users rights to their creative works, while others retain certain rights to the output generated by users. This situation indicates that the legal relationship between users and AI service providers also affects the copyright status of works based on Artificial Intelligence.

Nevertheless, the possibility of recognizing Artificial Intelligence as a creator remains difficult to implement under Indonesia's current legal system (Mayana et al., 2024). Artificial Intelligence lacks legal personality, lacks consciousness, and cannot independently exercise legal rights or fulfill legal obligations. Furthermore, AI cannot be held legally liable in the event of copyright infringement or disputes over the works it produces.

Thus, based on the provisions of Law No. 28 of 2014 on Copyright, Artificial Intelligence cannot yet be recognized as a creator or copyright holder. Copyright protection for AI-based works essentially still depends on the extent of human creative involvement in the process of creating the work.

Comparison of Regulations on Artificial Intelligence Works in Several Countries

The development of Artificial Intelligence has prompted various countries to begin adapting their copyright legal systems to advancements in digital technology. However, to date, there is no uniform regulation regarding the legal status of AI-based works. In the United States, the principle of human authorship remains the primary basis for copyright protection (Perlmutter, n.d.). The U.S. Copyright Office asserts that copyright protection is granted only to works that involve human creativity. In the case of *Zarya of the Dawn*, full copyright protection was not granted to the images generated using Midjourney. The U.S. Copyright Office stated that these images do not meet the requirements for human authorship because they were generated by an AI system, so copyright protection is only granted to the text as well as the selection, coordination, and arrangement of elements in the comic carried out by humans (United States Copyright Office, 2023). However, protection is still granted to the arrangement of text and the composition of the work created by humans. This case demonstrates that human involvement remains the primary parameter in determining copyright protection for AI-generated works.

Unlike the United States, the United Kingdom, through the Copyright, Designs and Patents Act 1988, recognizes the concept of

computer-generated works. Under these provisions, computer-generated works may still obtain legal protection by designating the party who controls the process of creating the work as the author (*Copyright, Designs and Patents Act 1988, t.t.*). This approach indicates that the United Kingdom provides a more flexible framework for protecting technology-based works.

Meanwhile, European Union member states generally still uphold the principle that copyright is closely linked to human creativity. Regulations regarding Artificial Intelligence focus more on the ethical, transparency, and accountability aspects of AI use rather than on recognizing AI as a subject of copyright (*Recommendation on the Ethics of Artificial Intelligence - UNESCO Digital Library, t.t.*).

This difference in approach indicates that regulations regarding AI-generated works are still evolving and do not yet have uniform international standards. This situation presents an opportunity for Indonesia to formulate a regulatory model aligned with its national legal system and the future development of the digital creative industry.

The Urgency of Copyright Regulatory Reform in Indonesia

The rapid advancement of artificial intelligence underscores the need for Indonesia's copyright regulations to adapt to developments in digital technology. Law No. 28 of 2014 on Copyright was essentially drafted before generative AI became as widespread as it is today. Consequently, the legal status of works created using artificial intelligence is not specifically addressed in that law.

The absence of clear regulations has the potential to create legal uncertainty for AI users, creative industry practitioners, and technology developers (Abdi & Adhari, 2025). Uncertainty regarding who can be considered the creator and copyright holder may give rise to legal disputes regarding the commercial use of AI-based works in the future.

In this context, regulatory reform is essential to provide legal certainty regarding the development of Artificial Intelligence technology. The government needs to consider revising the Copyright Law or establishing specific regulations on Artificial Intelligence to better accommodate the development of digital technology in a more adaptive manner.

Such regulations should at least cover the legal status of AI-generated works, standards of originality, parameters for human creative involvement, the use of AI training data, and legal liability for copyright infringements arising from the use of Artificial Intelligence. With these regulatory updates, Indonesia's copyright legal system is expected to provide more adaptive legal protection without neglecting the principle of protecting human creativity as the primary foundation of copyright.

IV. CONCLUSION

Advances in artificial intelligence have brought about significant changes in the process of creating digital works and raised various legal issues in the field of copyright. Based on research findings, Indonesia's copyright legal system, as established by Law No. 28 of 2014 on Copyright, remains fundamentally oriented toward the concept of human authorship, which positions humans as the primary subjects in the creative process. Provisions requiring creators to produce works that are distinctive and personal indicate that copyright protection remains closely tied to human creativity and intellectual capacity.

Artificial Intelligence, as a technological system, cannot yet be recognized as a creator or a legal entity under the current Indonesian legal system because it lacks legal personality, consciousness, and the ability to exercise legal rights and obligations independently. Therefore, works produced entirely automatically by Artificial Intelligence without significant human creative input may not be eligible for copyright protection under Indonesian law.

This study shows that copyright protection for works based on Artificial Intelligence essentially depends on the level of human creative involvement in the creative process. In this context, the use of AI can be categorized into three forms: AI as an assistive tool, collaborative creation involving humans, and works generated entirely automatically by Artificial Intelligence. The greater the human intellectual contribution to the creative process, the greater the likelihood that the work will be eligible for copyright protection.

In addition, this study also shows that the development of artificial intelligence has raised new issues regarding the originality of works, the use of AI training data, and the determination of who can be considered the copyright holder. These circumstances indicate a regulatory gap in Indonesia's copyright legal system regarding the regulation of artificial intelligence-based works.

Based on the results of this analysis, this study argues that the approach to copyright protection for works based on Artificial Intelligence should not be viewed in absolute terms as either "protected" or "unprotected." The determination of legal protection should be based on the parameter of human creative contribution in the process of creating the work. Thus, the concept of human creative contribution can be used as the basis for determining the existence of copyright protection for works based on Artificial Intelligence in Indonesia.

V. RECOMMENDATIONS

The government needs to consider updating regulations related to copyright and artificial intelligence, either through a revision of Law No. 28 of 2014 on Copyright or the establishment of specific regulations on artificial intelligence. These regulations should address the legal status of AI-generated works, standards of originality, parameters for human creative involvement, the use of AI training data, and legal liability for copyright infringements related to the use of artificial intelligence.

In addition, clearer legal guidelines are needed regarding the role of Artificial Intelligence users in the creative process to provide

legal certainty for players in the digital creative industry. Regulations regarding the use of AI training data also need to be clarified to prevent copyright infringement of works owned by others.

Higher education institutions and research organizations also need to enhance academic research on the relationship between Artificial Intelligence and intellectual property rights, given that digital technology is evolving at a rapid pace and continues to raise new legal issues. Thus, the development of copyright regulations can be made more responsive to technological advancements without neglecting the principle of protecting human creativity as the fundamental basis of copyright.

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