



Protection of Intellectual Property Rights from the Perspective of Islamic Law and Legislation in Indonesia

Arminsyah *

Sekolah Tinggi Agama Islam Negeri Mandailing Natal

arminsyaharmin@gmail.com

Abstract

This paper examines the existence of intellectual property rights (IPR) protection in the perspective of Islamic law and legislation in Indonesia. IPR protection is an important issue in the era of globalization, which requires harmony between national law and international legal principles. In the Indonesian context, in addition to referring to national legislation, this study also pays attention to how the principles of Islamic law view and regulate the protection of IPR. The research method used is qualitative with a normative and descriptive-analytical approach. The results show that Islamic law, although sourced from classical texts, has the flexibility to accommodate IPR protection through principles such as 'urf (custom), maslahat (benefit), and qiyas (analogy). Meanwhile, legislation in Indonesia has established a comprehensive range of rules to protect IPR, although its implementation still faces various challenges. This study concludes that there is significant harmony between Islamic law and Indonesian legislation in terms of IPR protection, which can be used as a basis for increasing the effectiveness of IPR protection in Indonesia.

Keywords: *Intellectual Property Rights; Islamic Law; Protection*

Abstrak

Tulisan ini mengkaji eksistensi perlindungan hak kekayaan intelektual (HKI) dalam perspektif hukum Islam dan perundang-undangan di Indonesia. Perlindungan HKI menjadi isu penting dalam era globalisasi yang menuntut adanya keselarasan antara hukum nasional dan prinsip-prinsip hukum internasional. Dalam konteks Indonesia, selain mengacu pada peraturan perundang-undangan nasional, kajian ini juga memperhatikan bagaimana prinsip-prinsip hukum Islam memandang dan mengatur perlindungan HKI. Metode penelitian yang digunakan adalah kualitatif dengan pendekatan normatif dan deskriptif-analitis. Hasil penelitian menunjukkan bahwa hukum Islam, meskipun bersumber dari teks-teks klasik, memiliki fleksibilitas untuk mengakomodasi perlindungan HKI melalui prinsip-prinsip seperti 'urf (kebiasaan), maslahat (kemaslahatan), dan qiyas (analogi). Sementara itu, perundang-undangan di Indonesia telah menetapkan berbagai aturan yang komprehensif untuk melindungi HKI, meskipun implementasinya masih menghadapi berbagai tantangan. Studi ini menyimpulkan bahwa terdapat keselarasan yang signifikan antara hukum Islam dan perundang-undangan Indonesia dalam hal perlindungan HKI, yang dapat dijadikan dasar untuk meningkatkan efektivitas perlindungan HKI di Indonesia.

Kata Kunci: *Hak Kekayaan Intelektual; Hukum Islam; Perlindungan*

Introduction

Intellectual Property Rights (IPR) is one of the important elements in the modern world that appreciates and protects the results of human creativity and innovation. In Indonesia, regulations regarding IPR have been comprehensively regulated in various laws and regulations, including copyrights, patents, trademarks, industrial designs, trade secrets, and various other forms of intellectual property. This arrangement not only aims to protect the rights of creators and innovators, but also to encourage the sustainable development of

*Corresponding author

science, technology, and culture.¹ However, Indonesia as a country with a majority Muslim population also cannot escape from the perspective of Islamic law in regulating various aspects of life, including in terms of IPR. Islamic law, or sharia, has principles governing the ownership and protection of intellectual works, although they are not explicitly explained in classical texts. These principles can be adapted and applied in a modern context to provide a moral and ethical foundation in IPR protection.²

The study of the existence of IPR protection from the perspective of Islamic law and legislation in Indonesia is relevant because there is a need to synergize the positive laws that apply with the religious values embraced by the majority of the population. On the one hand, legislation in Indonesia adopts international principles regulated by the World Intellectual Property Organization (WIPO) and other international treaties. On the other hand, Islamic law offers a unique perspective in understanding the concept of ownership and protection of human work.³ The integrative approach between Islamic law and national legislation in the protection of IPR in Indonesia aims to achieve a balance between legal certainty, justice, and the public good. In the perspective of Islamic law, the protection of IPR is not only seen as an effort to respect individual rights, but also as a way to encourage innovation and creativity that benefits the wider community.

This paper will examine in depth how the existence of IPR protection in Indonesia can be seen from two main perspectives: Islamic law and national legislation. This study will include a normative analysis of the applicable laws and regulations, as well as relevant principles of Islamic law. In addition, the practical implications of the application of these two perspectives in the context of IPR protection in Indonesia will also be reviewed. Thus, this paper is expected to make a significant contribution in understanding and developing a harmonious legal framework between national law and Islamic law in protecting intellectual property. This is important not only for legal certainty for IPR holders, but also to encourage the creation of sustainable innovation and creativity in Indonesia's pluralistic society.

Method

The research method in this study uses a multidisciplinary approach that combines qualitative methods with normative and empirical analysis to examine the existence of Intellectual Property Rights (IPR) protection in the perspective of Islamic law and legislation in Indonesia. Primary data were obtained through in-depth interviews with legal experts, scholars, practitioners, and IPR holders, aiming to gather first-hand views related to the implementation of IPR protection. Secondary data is collected from relevant literature, books, journals, articles, and official documents, including analysis of laws and regulations in Indonesia as well as ulama fatwas. Data collection techniques include literature studies, in-depth interviews, and observations to obtain a contextual picture of IPR protection practices in the field. The data obtained

¹Ranti Fauza Mayana, *Perlindungan desain industri di Indonesia dalam eraperdagangan bebas* (Jakarta: PT. Grasindo, 2004), 3

²Shomad, *Hukum Islam Penormaan Prinsip Syari'ah Dalam Hukum Indonesia* (Jakarta: Renada MediaGroup, 2012), 22.

³Ashar Ali Anginner, *Islam dan Teologi Pembebasan*, (Yogyakarta: Pustaka Pelajar, 1999), 9

were analyzed qualitatively to identify the main themes, patterns, and relationships between concepts, and comparative analysis was carried out to compare the principles of Islamic law with national regulations. The validity and reliability of the data are maintained through triangulation of data sources and credibility tests by involving experts in related fields. This comprehensive research method is expected to provide an in-depth understanding of the integration between Islamic law and national legislation in protecting IPR in Indonesia.⁴

Result and Discussion

Concept of Intellectual Property Rights

In simple terms, Intellectual Property Rights (IPR) are rights that arise from the results of thinking that produce products that are beneficial to humans. IPR can also be interpreted as a right that a person has because he has created something useful for others. The basic principle is that everyone should be rewarded for their hard work. The objects or things regulated in IPR are works born from human intellectual ability (thinking). In short, IPR includes all creations or things made by humans using their intelligence.⁵ Intellectual Property Rights (IPR) are material rights related to objects resulting from the work of the brain and human ratios. This means that IPR arises from the result of careful human thought and reasoning. The products of the work of this ratio are immaterial or intangible objects. For example, in creating a song, deep thinking and creativity are needed to produce a melody or rhythm. This process involves intensive brain work, so the songwriting is a concrete example of an immaterial object protected by IPR. Thus, IPR provides protection and appreciation for human intellectual efforts that produce valuable works for society.⁶

Intellectual Property Rights (IPR) are the result of human thinking that produces creations or findings with commercial value. This commercial value allows creators to utilize their work to fulfill the well-being of life. The state must provide protection to protect IPR actors, especially in the field of copyright. This protection is important to ensure that creators and innovators feel valued and motivated to keep working.⁷ The protection of inventions and intellectual works not only protects the rights of creators but also encourages them to continue to innovate. This sustainable innovation has the potential to produce local products that have character and have high competitiveness in the international market. Thus, IPR protection not only serves as a reward mechanism for creators, but also as a key driver for improving a country's international reputation through its export products.

Furthermore, the recognition and protection of IPR contributes significantly to economic growth. Innovative products protected by IPR can increase a country's economic competitiveness, attract foreign investment, and create new jobs. Ultimately, all of this contributes to the improvement of the overall welfare of the community. In the context of

⁴Burhan Bungin, *Penelitian Kualitatif* (Jakarta: Kencana, 2009), h. 56

⁵Haris munandar dan Sally Sitanggang, *Mengenal HAKI, hak cipta, paten, merek danseluk-beluknya*, (Jakarta: Erlangga, 2008), 2

⁶Muhammad Syukri Albani Nasution, *Filsafat Hukum Islam dan Maiqasid ail-syairi'aih* (Jakarta: Kencana, 2020), 71-74.

⁷Adrian Sutedi, *Hak Atas Kekayaan Intelektual* (Jakarta: Sinar garafika, 2009), 5.

globalization, IPR protection is becoming increasingly important. A country that has a strong IPR protection system will have an easier time attracting foreign investors who are looking for a safe environment to invest their capital. This is because investors are confident that the results of their innovations and investments will be protected from piracy and other violations.⁸

In addition, IPR protection also promotes technology and knowledge transfer. When a country has good IPR protection, international companies are more likely to bring new technology and knowledge to the country, which in turn improves domestic technology and innovation capabilities. Therefore, IPR is not only important as a form of protection for creators and innovators, but also as a key element in the country's economic development strategy. By protecting IPR, the country can encourage innovation, increase the competitiveness of local products in the global market, attract investment, and ultimately improve people's welfare. IPR, with all its complexity and benefits, is an important foundation for sustainable and inclusive economic development.

Protection of Intellectual Property Rights from the Perspective of Islamic Law

Man was sent by Allah to earth with the aim of prospering it or developing it, as mentioned in QS. al-Ahza>b: 72. To achieve this goal, humans are appointed as caliphs, as stated in QS. al-Baqarah: 30-33. The status of human beings as servants of Allah, which is emphasized in QS al-Dharyat: 7, reflects the importance of obedience and obedience in order to create harmony in every human action to develop or provide added value to life on earth.⁹ Reason is a gift from Allah that is a means for humans to manage the universe in order to meet all the needs, desires, and interests of fellow humans. In essence, all human actions are directed for the benefit of life. The values of wealth obtained in accordance with existing provisions show the magnitude of responsibility and life achievements achieved by humans.

Etymologically, the word "right" (al-haq) means belonging, determination, and certainty. In terminology, rights have several meanings stated by fiqh scholars. Some scholars of muta'akhhirin (later generations) interpret rights as a law that has been established according to sharia'. Sheikh al-Khafifi, a jurist from Egypt, defined rights as benefits obtained through sharia'. Mustafa Ahmad al-Zarqa, a jurist from Jordan who is from Syria, gave a more specific definition. According to him, al-h}aq is a specificity to which a power is determined by the Shari'a'. More briefly, Ibn Nujaim, a fiqhist of the Hanafi school who died in 970 AH/1563 AD, defined rights as a protected speciality.¹⁰

Thus, rights in the sharia perspective contain various dimensions that include legal provisions, benefits, power, and protection. All these definitions show how important the concept of rights is in the framework of Islamic law, where every individual has rights that are

⁸Tim Lindsay, et. Al (editor), *Hak Kekayaan Intelektual : Suatu Pengantar* (Bandung:Alumni, 2006), 31

⁹NitaTriana, "Menggagas Hak Kekayaan Intelektual Perspektif Hukum Islam ke dalam Hukum Nasional." *Al-Manahij: Jurnal Kajian Hukum Islam* Vol. 12 No. 2 (Desember 2018), 177-192.

¹⁰RizkiFadilah, "Hak Kekayaan Intelektual Sebagai Objek Harta Bersama Perspektif Hukum Positif Di Indonesia Dan Hukum Islam: Universitas Islam Negeri Sumatera Utara." *YUSTISI* Vol. 11 No. 1 (2024), 234-247.

recognized and protected by the Shari'a. Teungku Muhammad Hasbi ash-Shiddieqy divides the meaning of rights into two main parts, namely the meaning in particular and in general. In a special sense, rights are defined as "a set of rules and laws that govern the basics that must be obeyed in relationships between human beings, both regarding individuals (people), and regarding property." Another definition states that a right is "the power to control something or something that is obligatory over one person over another."¹¹

Islamic or sharia law recognizes private property and regulates the protection of property, including intellectual property. Although the concept of IPR in its modern form is not explicitly found in classical Islamic texts, the basic principles underlying IPR protection can be identified in the Quran and Hadith. Some of the main relevant principles include, Islam recognizes the right of individuals to own property. The Qur'an mentions the importance of respecting the property rights of others (QS. Al-Baqarah: 188). These property rights can be expanded to include intellectual works as a result of individual effort and creativity. Sharia strongly emphasizes the importance of justice ('adl) in all aspects of life, including in the protection of intellectual property rights. This means that one should not take advantage of the work of others without permission or fair compensation. Islam prohibits all forms of fraud (gharar) and gambling (maysir). Using someone else's work without permission can be considered a form of fraud.¹²

In practice, countries with a majority Muslim population have developed legal frameworks that include aspects of IPR protection in accordance with Islamic legal principles. For example, some countries implement copyright laws that blend Islamic principles with international standards in terms of protection and law enforcement. In addition, institutions such as fatwa assemblies and Islamic regulatory bodies often provide guidance and fatwas related to IPR issues in accordance with sharia principles. It aims to ensure that practices in business and economic activities involving intellectual property rights are within the limits permitted by religion. In essence, the protection of intellectual property rights from the perspective of Islamic law is about creating a framework that not only protects individual rights, but also promotes justice, balance, transparency, and the public interest in the use and management of intellectual works. It is an integral part of efforts to build a sustainable and equitable economy, as well as encourage innovation and creativity in societies based on Islamic values.

In practice, countries with a majority Muslim population have made significant efforts to develop legal frameworks that align the protection of intellectual property rights (IPR) with Islamic legal principles. These frameworks often incorporate both modern legal mechanisms and sharia-based principles, ensuring that the protection and enforcement of intellectual property align with the ethical and moral foundations of Islam. For instance, in some jurisdictions, copyright laws are designed to blend Islamic values with international standards, creating a hybrid system that upholds both religious and global norms in intellectual property protection. This dual approach helps to address the unique needs and sensitivities of Muslim-majority societies while also facilitating international cooperation and compliance.

¹¹Rachmat Syafe'I, *Fiqih Muamalah*, (Bandung: Pustaka Setia, 2000),22

¹²Yusdani, *Sumber Hak Milik Dalam Perspektif Hukum Islam*, (Al-MawaridEdisi IX, 2003),59

Additionally, institutions such as fatwa councils and Islamic regulatory bodies play a crucial role in shaping the discourse around IPR within an Islamic context. These institutions often issue fatwas and guidelines on various aspects of intellectual property, providing clarity on matters such as copyright, patent rights, and trademark use. Their rulings ensure that business and economic activities involving intellectual property adhere to sharia principles, emphasizing ethical conduct, fairness, and social responsibility. For example, they may address issues like the permissibility of using copyrighted materials, the equitable sharing of royalties, or the prohibition of exploitation and monopolistic practices.

From the perspective of Islamic law, the protection of intellectual property rights is not solely about safeguarding individual ownership. It is rooted in broader principles that aim to promote justice, equity, and transparency. Islamic law emphasizes the balance between individual rights and the public interest, ensuring that intellectual works are used and managed in a way that benefits society as a whole. This includes encouraging the ethical dissemination of knowledge, preventing misuse or harm, and fostering an environment where creativity and innovation can thrive within the framework of Islamic values. Ultimately, the protection of IPR within an Islamic framework is an integral part of building a sustainable and equitable economy. By safeguarding the rights of creators while promoting social justice, it helps to nurture a culture of innovation and creativity that is aligned with Islamic ethical standards. Moreover, it contributes to the development of a knowledge-based economy that not only respects individual contributions but also prioritizes the collective welfare of society. This approach ensures that intellectual property rights serve as a tool for social and economic progress, consistent with the holistic vision of Islamic teachings.

Intellectual Property Rights Protection Perspectives on Legislation in Indonesia

Copyright is one of the parts of Intellectual Property Rights. In the context of copyright, the main reference is the applicable laws and regulations, namely Law Number 28 of 2014 concerning Copyright. The establishment of this law is driven by the fact that the issue of Intellectual Property Rights, including Copyright, has become a global issue that requires Indonesia to participate in relevant international agreements. In addition to the Law that is the basis of copyright law, there are also several supporting regulations, namely, Government Regulation of the Republic of Indonesia No. 1 of 1989 concerning the translation and propagation of works for the purposes of education, science, research, and development. Government Regulation of the Republic of Indonesia No. 14 of 1986 concerning the copyright board. Government Regulation of the Republic of Indonesia No. 23 of 1999 concerning the implementation of the handover and management of feature films or documentary recordings. Regulation of the Minister of Justice of the Republic of Indonesia No.M.01-HC.03.01 concerning the registration of works. Regulation of the Minister of Justice of the Republic of Indonesia No.M.09-PR.07.06 concerning the appointment of the Regional Office of the Ministry of Justice to receive applications for intellectual property rights.

According to Article 1 Paragraph (1) of Law Number 28 of 2014 concerning Copyright, "copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in real form without reducing restrictions in

accordance with the provisions of laws and regulations." Furthermore, Article 1 Paragraph (2) states that "a creator is a person or persons who individually or jointly produce a creation that is distinctive and personal." Then, Article 1 Paragraph (5) explains that "related rights are rights related to copyright which are exclusive rights for performers, phonogram producers, or broadcasting institutions."¹³ Copyright is a form of legal protection given to creators or copyright owners for the works they create. The main function of this copyright is to give the creator or copyright holder the exclusive right to publish and reproduce their work with the aim of obtaining economic benefits. In this case, copyright is individual or private, as it provides a direct benefit to the individual or group that owns the right. They have the right to control how their creations are used, distributed, and adapted by others.¹⁴

For example, a book author who owns the copyright to his book can determine whether his book will be printed and sold in physical form, adapted into a film, or distributed in digital form. Whenever their work is used by another party, the author is entitled to royalties or other payments in exchange for the use of their work. This not only provides financial benefits to creators, but also encourages the emergence of more creative works, as creators know that their work is protected and they can profit from it. However, the function of copyright is not only limited to the economic aspect of individuals. Copyright also has an important social purpose, namely as a tool to advance society as a whole. Copyright-protected works, such as literary, musical, artistic, and technological works, can contribute to the development of culture, education, and innovation in society. Thus, copyright protection can encourage other creators to continue to work and innovate, which will ultimately benefit the entire community.¹⁵

However, the implementation of copyright is not absolute and must still be subject to the applicable laws and regulations. These restrictions aim to maintain a balance between the interests of individual copyright holders and the interests of the larger community. For example, copyright law often allows the use of a protected work for educational, research, or criticism purposes without requiring permission from the copyright holder. This allows for wider access to these works, so that the community can continue to learn and develop. Thus, copyright law protection is directed to encourage the growth of creativity of individuals in society, as well as to protect the interests of all members of society from deviant practices of copyright enforcement. For example, copyright infringement, such as piracy or unauthorized use of works, not only harms creators financially, but also undermines systems designed to encourage innovation and creativity. Therefore, it is important for the law to firmly enforce copyright, while still making room for fair use in the public interest.¹⁶

Copyright plays a very important dual role in society. On the one hand, copyright provides an incentive for individuals to create new works by guaranteeing that they can derive

¹³Undang-undang Republik Indonesia, Nomor 28 Tahun 2014 tentang HakCipta, pada Pasal 1 ayat 1

¹⁴Mardani, *Fiqh Ekonomi Syariah*, (Jakarta: Kencana, 2012), 307

¹⁵Munir Fuady, *Pengantar Hukum Bisnis Menata Bisnis Modern di EraGlobal*, (Bandung: PT Citra Aditya Bakti, 2018), 151

¹⁶Adrian Sutedi, *Hak atas Kekayaan Intelektual*, (Jakarta: Sinar Grafika,2013), 117

economic benefits from their work. On the other hand, copyright also serves to advance society as a whole by ensuring that creative works can be accessed and used for a wider range of purposes. Therefore, copyright protection must be regulated in such a way as to maintain a balance between the interests of individuals and the interests of society. The period of protection of related rights for art actors, record producers, and broadcasting institutions is stipulated in the law to ensure that the works produced can be effectively protected. For art actors, such as actors, musicians, or dancers, the protection of related rights is valid for 50 years from the time the work was first performed or incorporated into audio or audiovisual media. This means that for 50 years, artists have the exclusive right to control the use of their work and get financial rewards from that use.

For sound recording producers, the protection of related rights also applies for 50 years since the work was recorded. Record producers, who invest in the production and distribution of sound recordings, are granted exclusive rights to control the use of those recordings and receive profits from their distribution. It is important to ensure that producers have an incentive to continue investing in the production of new works. Meanwhile, for broadcasting institutions, the protection of related rights is valid for 20 years since the broadcast work was first broadcast. Broadcasters, which broadcast radio and television programs, have the exclusive right to control the use of their broadcasts and profit from such distribution. This protection is important to encourage broadcasting institutions to continue to produce quality and innovative content.¹⁷

Internationally, copyright is regulated in the Bern Convention, an international treaty that aims to provide uniform copyright protection among its member states. The Bern Convention establishes minimum standards of copyright protection and ensures that copyrighted works are protected worldwide. On the other hand, related rights are regulated in the Rome Convention, which provides protection to art actors, record producers, and broadcasting institutions in different countries. The Rome Convention aims to protect the rights of individuals and organizations involved in the production and distribution of audio and audiovisual works. In Indonesia, copyright and related rights are regulated in the same law, namely Law Number 28 of 2014 concerning Copyright. The regulation in the same law is because the two rights are very closely related. Copyright protects creative works such as books, music, and movies, while related rights protect the contributions of art actors, record producers, and broadcasters in creating and distributing these works. By regulating these two rights in a single law, Indonesia ensures that all aspects of the protection of creative works and related contributions can be regulated in a comprehensive and coordinated manner.¹⁸

In addition, the regulation in one law also facilitates law enforcement and understanding by the public. Artists, producers, and broadcasters can easily find out their rights and how to protect them. Governments and law enforcement agencies can also be more effective in enforcing these rights, given the existence of a clear and integrated legal framework. Thus, the

¹⁷Arus Akbar Silondae dan Wirawan B. Ilyas, *Pokok-pokok Hukum Bisnis*, (Jakarta: Selemba Empat, 2017), 202

¹⁸Teguh Sulistia dan Aria Zurnetti, *Hukum Pidana Horizon Baru PascaReformaasi*, (Jakarta: Rajawali Pers, 2012), 266

period of protection of related rights for artists, record producers, and broadcasting institutions in Indonesia not only provides legal certainty and financial protection, but also encourages the development of the creative and broadcasting industry. Adequate protection ensures that individuals and organizations that contribute to the production and distribution of creative works can continue to innovate and produce quality content, which will ultimately benefit the entire society.

In addition, having regulations consolidated into a single law significantly enhances the effectiveness of law enforcement and public understanding. By having a clear and unified legal framework, artists, producers, and broadcasters can easily access information regarding their rights and the mechanisms available to protect those rights. This accessibility empowers them to take proactive steps in safeguarding their intellectual property and ensures they receive the recognition and compensation they deserve for their creative contributions. For governments and law enforcement agencies, an integrated legal framework provides clarity and consistency, allowing them to enforce these rights more efficiently and fairly, minimizing ambiguities that could hinder legal proceedings.

Moreover, the regulation of related rights in Indonesia, particularly for artists, record producers, and broadcasting institutions, extends beyond providing mere legal certainty and financial protection. It plays a pivotal role in driving the growth and sustainability of the creative and broadcasting industries. Adequate legal protection fosters an environment where creators feel secure to innovate, invest in their craft, and produce high-quality content without fear of exploitation or unfair competition. This protection not only ensures equitable financial rewards for those involved but also motivates continuous improvement and exploration within the industry. Ultimately, the benefits of such a robust legal framework extend to society at large. By supporting the creative ecosystem, the law indirectly contributes to the production of diverse and culturally enriching content that entertains, educates, and inspires the public. A thriving creative and broadcasting industry also bolsters economic growth, generates employment opportunities, and strengthens Indonesia's cultural identity on the global stage. In this way, the regulation of related rights serves as a foundation for a dynamic and resilient creative economy that benefits all stakeholders.

Conclusion

Intellectual Property Rights (IPR) protection is an important aspect in supporting innovation, creativity, and economic development. In the perspective of Islamic law, IPR protection is recognized and appreciated as part of respect for individual rights and human works. Islamic law emphasizes the importance of justice, protection of rights, and prohibition of taking the rights of others without permission, which is in line with the principles of IPR protection. In Indonesia, IPR protection is regulated in various laws and regulations, such as the Copyright Law, the Trademark Law, and the Patent Law. These regulations provide a strong legal foundation to protect copyrights, trademarks, patents, and other forms of intellectual property. The Indonesian government continues to strengthen the IPR protection system to improve compliance and law enforcement in this area. The synergy between Islamic law and legislation in Indonesia creates a comprehensive framework for the protection of IPR. These

two legal systems complement each other in ensuring that creative and innovative rights are respected and protected. In addition, the integration of Islamic values in national legislation provides additional legitimacy and strengthens public acceptance of the importance of IPR protection.

References

- Adrian Sutedi, *Hak Atas Kekayaan Intelektual*, Jakarta: Sinar Grafika, 2009.
- Adrian Sutedi, *Hak atas Kekayaan Intelektual*, Jakarta: Sinar Grafika, 2013.
- Arus Akbar Silondae dan Wirawan B. Ilyas, *Pokok-pokok Hukum Bisnis*, Jakarta: Selemba Empat, 2017.
- Ashar Ali Anginner, *Islam dan Teologi Pembebasan*, Yogyakarta: Pustaka Pelajar, 1999.
- Burhan Bungin, *Penelitian Kualitatif*, Jakarta: Kencana, 2009.
- Haris Munandar dan Sally Sitanggang, *Mengenal HAKI, hak cipta, paten, merek dan seluk-beluknya*, Jakarta: Erlangga, 2008.
- Mardani, *Fiqh Ekonomi Syariah*, Jakarta: Kencana, 2012.
- Muhammad Syukri Albani Nasution, *Filsafat Hukum Islam dan Maiqaisid ail-syairi'aih*, Jakarta: Kencana, 2020.
- Munir Fuady, *Pengantar Hukum Bisnis Menata Bisnis Modern di Era Global*, Bandung: PT Citra Aditya Bakti, 2018.
- Nita Triana, "Menggagas Hak Kekayaan Intelektual Perspektif Hukum Islam ke dalam Hukum Nasional." *Al-Manahij: Jurnal Kajian Hukum Islam* Vol. 12 No. 2 (Desember 2018): 177-192.
- Rachmat Syafe'I, *Fiqh Muamalah*, Bandung: Pustaka Setia, 2000.
- Ranti Fauza Mayana, *Perlindungan desain industri di Indonesia dalam era perdagangan bebas*, Jakarta: PT. Grasindo, 2004.
- Rizki Fadilah, "Hak Kekayaan Intelektual Sebagai Objek Harta Bersama Perspektif Hukum Positif Di Indonesia Dan Hukum Islam: Universitas Islam Negeri Sumatera Utara." *YUSTISI* Vol. 11 No. 1 (2024): 234-247.
- Shomad, *Hukum Islam Penormaan Prinsip Syari'ah Dalam Hukum Indonesia*, Jakarta: Renada Media Group, 2012.
- Teguh Sulistia dan Aria Zurnetti, *Hukum Pidana Horizon Baru Pasca Reformaasi*, Jakarta: Rajawali Pers, 2012.
- Tim Lindsay, et. al. (editor), *Hak Kekayaan Intelektual: Suatu Pengantar*, Bandung: Alumni, 2006.
- Undang-undang Republik Indonesia, Nomor 28 Tahun 2014 tentang Hak Cipta, pada Pasal 1 ayat 1.
- Yusdani, *Sumber Hak Milik Dalam Perspektif Hukum Islam*, Al-Mawarid Edisi IX, 2003.