

## AI as Creator Debate: A Comparative Study of Regulations in Indonesia and the UK

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**ABSTRACT:** The concept of creator in copyright law, which has historically been associated with human creativity, is called into question by the growth of (Artificial Intelligence) in the creation of creative works. This essay discusses three primary subjects: (1) how AI regulation is governed by Indonesian law; (2) how AI regulation is governed by English law; and (3) what kind of legal protection is available for works created by AI. The purpose of this study is to examine how each legal system handles works created by artificial intelligence, particularly with regard to identifying creators and copyright protection procedures. By examining Law Number 28 of 2014 governing copyright in Indonesia and the Copyright, Designs and Patents Act (CDPA) 1988 in the UK, normative legal research with a comparative perspective is employed. The study's findings demonstrate that Indonesian law still bases creator recognition on human creative contributions. In contrast, the UK does not recognize AI as a legal subject and instead grants creator status to the entity who makes the required arrangements for the creation process. This comparison highlights the fact that attribution of rights to the human creators who oversee the creative process can accomplish acknowledgment of AI works without necessarily requiring recognition of the AI as creator. This essay suggests a more flexible normative approach to AI-generated works in order to improve Indonesian copyright law.

**Keywords:** Artificial Intelligence, Legal Subject, Regulation.



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### INTRODUCTION

From a conceptual standpoint, artificial intelligence is a technology that mimics human cognitive functions including information processing, thinking, and decision-making. In reality, AI serves as a tool to help people with a variety of tasks and activities. Robots are the physical expressions of artificial intelligence (AI), although AI often exists in the form of computer-based systems or software. AI can therefore be thought of as the central element or "brain" that manages robotic systems (Nada et al., n.d.).

Indonesia is now at the forefront of the world's technological competitiveness thanks to the advancement of artificial intelligence (AI). President Joko Widodo stressed that Indonesia must be

able to develop AI technology on its own in order to offer real advantages for both national interests and the international community, rather than just being a consumer of such technology created by other nations (PM & Priancha, 2025).

The widespread application of AI in many facets of life is largely due to Indonesia's quick development of digital technology. The internet's growing ubiquity as the main infrastructure enabling digital technologies is indicative of this. According to a poll conducted by the Indonesian Internet Service Providers Association (APJII), the country's internet penetration rate is expected to reach 78.19 percent by 2023, or 215,626,156 out of 275,773,901 people. According to this statistics, the usage of digital technology, particularly artificial intelligence, has spread to many societal levels and has a big impact on the government, education, and business sectors (Apjii.or.id, 2023).

However, there are currently not many research on AI and how it can affect Indonesia's legal system. There are currently no laws that specifically control AI's existence or status, including the potential for it to be included as a legal issue. However, there is a chance to develop AI as a new type of legal issue within the national legal system from a conceptual and theoretical legal standpoint (Ravizki & Yudhantaka, 2022).

The United Kingdom (UK), in contrast to Indonesia, is among the nations that have created a legal and public policy framework to deal with the different issues raised by the advancement of artificial intelligence (AI), including intellectual property. Efforts to establish legal certainty on the status and protection of AI-generated works, as well as who owns the rights to those works, demonstrate this nation's active involvement. In this regard, computer-generated literary, dramatic, musical, and creative works are protected by copyright under the Copyright, Designs and Patents Act (CDPA) 1988, even in cases when human authorship cannot be determined. Consequently, the presence of human authorship in computer-generated works does not determine whether or not a work is eligible for copyright protection. Additionally, according to the CDPA 1988, the person who makes the essential preparations to enable the development of a computer-generated work is the author (Matulionyte & Lee, 2022).

Starting from the differences in approach between Indonesia and the United Kingdom in responding to works produced by AI, this paper examines three main issues, namely: (1) the legal regulation of AI as a legal subject in Indonesia; (2) the legal regulation of AI as a legal subject in the United Kingdom; and (3) the form of legal protection for works produced by AI.

### **METHOD**

This normative legal study examines copyright laws for works created by artificial intelligence (AI) in the legal systems of Indonesia and England using a comparative law methodology. By analyzing how each legal system handles the same issue namely, figuring out the status of the creator and the legal protection mechanism for works created by AI the comparative technique is applied normatively-functionally. (1) the idea of creator and authorship requirements in copyright law; (2) originality standards for AI-generated works; and (3) models of attribution and copyright protection for non-human works comprise the comparative parameters.

In the UK, this is in line with the guidelines for computer-generated works found in Article 9 paragraph (3) of the Copyright, Designs and Patents Act (CDPA) 1988; in Indonesia, the analysis is based on Law Number 28 of 2014 governing copyright. Because it is one of the nations that specifically regulates computer-generated works through Article 9 paragraph (3) of the Copyright, Designs and Patents Act (CDPA) 1988 which offers a normative solution without acknowledging AI as a creator or legal subject the UK was selected as the comparison point. Primary legal materials include English and Indonesian laws and regulations; secondary legal materials include books, journal articles, and pertinent legal doctrines. In order to develop normative arguments and suggestions for changing Indonesian copyright law, all legal texts are qualitatively examined through methodical and comparative interpretation.

## RESULT AND DISCUSSION

### Legal Arrangements of AI in Indonesia

The Indonesian legal system views copyright as a component of intellectual property rights derived from human creativity and intellectual capacity. The primary framework governing the acknowledgment, defense, and enforcement of copyright in Indonesia is Law Number 28 of 2014 respecting Copyright (Copyright Law). According to the Copyright Law, whenever a creation is realized in a tangible form by its inventor, copyright is automatically created. This clause is found in Article 1 number 1 of the Copyright Law, which defines copyright as the creator's exclusive right that develops based on the declarative principle from the moment the creation is realized in a tangible form, subject to the restrictions set forth by laws and regulations.

In Indonesia, copyright naturally results from the creation process carried out by a legal subject known as the creator. This is based on the theory of declarative rights. Article 1 number 2 of the Copyright Law emphasizes this by defining a creator as one or more individuals who, either alone or in concert, make a work that is distinctive, personal, and original. According to this clause, the author is awarded copyright as a legal subject with the ability to be creative, which is defined in the Indonesian legal system as an individual or group of individuals. Therefore, human authorship that is, human engagement in the production and expression of ideas into concrete form is implicitly required under the Indonesian copyright regime's definition of creation (Maulana & Putra, 2025).

The Indonesian legal system faces substantial conceptual issues as artificial intelligence (AI) advances, especially with regard to the legal standing of digital artworks produced by AI on its own. There are legal concerns about the location and type of legal protection for AI-based works under the Indonesian copyright regulatory system because the current framework does not specifically allow for works created by non-human entities. AI cannot be held legally responsible for its deeds or results since Indonesia does not yet have a regulatory framework that clearly recognizes AI as a legal issue (Sukmaningsih, 2024).

The concepts of *geen straf zonder schuld* and *actus non facit reum nisi mens sit rea*, which are doctrinally related to humans as natural legal subjects (*natuurlijk persoon*), highlight that criminal liability can only be imposed in cases where there is an element of fault. There is currently no formal statute that acknowledges AI as a subject of criminal law in Indonesia, despite the growth of legal doctrine expanding the scope of criminal law subjects by recognizing companies or legal

entities as parties that can be held accountable. In order to determine whether or not AI can be recognized and incorporated into the national legal system, this condition highlights the necessity of thorough legal interpretation and development, including its consequences for the copyright law (Hibatulloh, 2025).

In this regard, a number of systems might be taken into consideration as the foundation for copyright recognition for digital artworks created in Indonesia using artificial intelligence. The first of these strategies is portraying humans as creators, particularly those who give directions, create or develop algorithms, and engage in creative interventions by editing AI output. Second, presenting AI as an instrument or auxiliary tool in the process of production such that its function is comparable to that of traditional instruments like graphic design software or cameras. Third, without necessarily making AI a legal subject, the copyright legal framework must be changed to allow for certain regulations that specifically acknowledge and govern works created by AI (Sinaga et al., 2025).

### Legal Arrangement of AI in the United Kingdom

When it comes to regulating works created by artificial intelligence (AI), the United Kingdom has taken a somewhat more progressive legal stance than Indonesia. According to Article 9 paragraph (3) of the Copyright, Designs and Patents Act (CDPA) 1988, the person or organization that makes the required arrangements during the creation process is deemed the legitimate creator if a work is produced by a computer and there is no identifiable human creator. This clause makes it possible to extend copyright protection to works created with the help of artificial intelligence (AI), even if the system's configuration or the creation of first instructions (prompts) include a substantial amount of human involvement. This strategy is essentially consistent with the idea of work created for hire, in which the owner of the copyright is the person who significantly leads and controls the creative process (Tektona et al., 2021).

Additionally, although though artificial intelligence (AI) is not yet recognized as a legal topic, the CDPA characterizes works created by computers without human interaction as computer-generated works, which maintain copyright protection by transferring such rights to the entity who managed the production process. The degree of AI's autonomy in producing art, however, is a topic of scholarly discussion, particularly in light of the capacity of contemporary AI systems to learn on their own (autonomous learning) and change over time (Jiang et al., 2022).

Contributions of talent, effort, and time alone are not deemed sufficient to qualify for copyright protection under the interpretation of Article 9(3) of the CDPA, which is in line with EU law. Rather, as an expression of the creator's intellectual work, a creative component is necessary. As a result, neither the originality criterion nor its interpretation in relation to AI-based creations are altered by the CDPA. Rather, it continues to track the source of uniqueness and upholds the same level of originality, even for works created by artificial intelligence systems (Atilla, 2024).

This explanation makes the CDPA's Article 9 paragraph (3) approach to the originality criterion pertinent and deserving of preservation. Efforts to extend protection to works that are not creative, unique, or readily generated might confuse the discussion and impede the development of a

harmonious protection system amid the controversy surrounding the recognition of AI works in the copyright law.

In this regard, Indonesia might use legal developments in the UK as a guide for updating its copyright law. This includes taking into account the use of the work-made-for-hire concept, which has been adopted in a number of nations. This theory permits the person commissioning or managing the creation process including in AI-assisted works to be granted copyright. In order to address the dynamics of the digital age and guarantee legal clarity and protection for all parties concerned, regulatory reform is therefore essential.

As of right now, Indonesian copyright protection is still predicated on the idea that only people individuals as well as legal entities can be acknowledged as copyright objects. Since AI does not yet have the legal status of artists or copyright holders, protection is only offered in cases when a human creative contribution satisfies the requirements of originality and fixity. As a result, works created automatically without human creativity cannot be considered protected compositions. This highlights a legal gap and the need to update the Copyright Law to reflect advancements in technology (Ikhsan et al., 2025).

Although both nations concur that AI cannot be acknowledged as a separate legal entity, the UK has made greater progress in modifying laws to take AI's function into account. Additionally, there is a rising debate in the UK regarding extending the term of "creator" to encompass non-human entities like artificial intelligence. As AI technology advances, some legal experts contend that the law must be updated to give AI projects equitable legal protection (Andrini, 2018)

### **Legal Protection of Creations Produced by AI**

Undoubtedly, society has benefited greatly from the application of artificial intelligence (AI) in recent years. The application of AI improves problem-solving skills in a timely and reliable manner. The use of AI in daily activities has several benefits, such as assisting humans in solving problems that are difficult to solve by traditional means, managing vast data by analyzing and interpreting it, and simplifying the process of searching through large amounts of data. Thus, AI contributes to making human work easier, which in turn increases work productivity and efficiency.

In Indonesia, there are two categories of legal entities, namely individual legal entities and incorporated legal entities (Qurrahman et al., 2024). Both of the above entities have differences in their characteristics and have certain requirements in the grouping of legal entities. Until now, the grouping of legal entities for AI is still a polemic among the public and legal experts. There is a view that artificial intelligence is equal to humans because of its ability to carry out various things that are equal to or even through human abilities (Machmudin, 2010).

Otto Von Gierke, using his organ theory, asserts that legal entities are actually actualities of the nature and personality of people in their legal relationships. Legal entities certainly have rights, obligations, and the ability to act autonomously in all decisions taken as legal entities.

According to another view by L. J. Van Apeldoorn, "in order for the legal subject itself to carry out legal actions, it must have the expertise to have the rights granted by it". That is, in terms of capability, the subject of law is different from a person who is not yet an adult at the time of

carrying out legal acts and a person who is under guardianship (Haris & Tantimin, 2022).

Experts predict that artificial intelligence (AI) will evolve to the point where it can potentially defeat humans. AI capable of recognizing various aspects of autonomy and intelligence is expected to be realized with the latest technology. Philosophical views on AI independence are also evolving. Previously, AI was considered independent as long as it could perform its tasks based on a predefined program. But now, AI has a higher level of independence, capable of setting its own goals and targets and having the best way to create them (Ravizki & Yudhantaka, 2022).

In some countries, the designation of legal entities that are neither individuals nor legal entities has been applied before. For example, Te Urewera Forest became a legal topic in 2014 when New Zealand passed the Te Urewera Act, which is governed by Section 11. Additionally, Section 14 of the Te Awa Tupua (Whanganui River Settlement) Act 2017 in New Zealand confirmed Te Awa Tupua River as a legal entity.

In addition to the countries mentioned above, India also designated the Ganges as a legal entity in 2017, as decided in the case of Mohd Salim v. State of Uttarakhand and others (Odonnell, 2020). To determine legal entities other than legal persons and institutions, some of these countries base their decisions on the legal entity theory.

Anything that can be subject to legal rights and obligations is referred to as a legal subject. When it comes to artificial intelligence, the theory of legal entity, there is an opportunity for AI to be considered as a legal entity or equated with a legal subject.

To implement artificial intelligence (AI) into Indonesian legislation, there are at least several theoretical and conceptual frameworks that must be met. These frameworks include (Amelia et al., 2024):

1. NLP: Used to analyze complex legal texts;
2. Machine Learning: To detect discrepancies and predict the impact of new regulations;
3. Big Data Analytics: To identify trends in legal data;
4. Expert Systems: To provide recommendations based on expert knowledge;
5. AI Ethics and Security: To consider ethical aspects, privacy, and data security.

One AI technology that is highly relevant in the legal system is Natural Language Processing (NLP). (Eriana & Zein, 2023) NLP enables AI to meet and analyze, understand, and generate human language in complex legal texts, such as statutes, court decisions, and government regulations. Legal documents in this field are often technical in nature and use highly formalized language, making it difficult to find relevant information. With the help of NLP technology, it can help users to mark parts of speech and identify words and their meaning content, or determine whether one text is similar to another (Santoso, 2023).

For example, AI can help identify overlapping or inconsistent regulations and provide suggestions to improve them. In the context of the legislative process, NLP can also be leveraged to automate the review of legal documents, which in turn can speed up the lawmaking process and ensure that the resulting regulations are more structured and thorough.

Besides Natural Language Processing (NLP), another AI technology that has great potential in supporting the legal system in Indonesia is Machine Learning. This technology allows AI to learn patterns from available data, detect potential discrepancies in existing regulations, and provide suggestions on how to improve these regulations (Cahya et al., 2024). In the legal domain, AI's ability to learn from data is particularly useful in predicting the impact of proposed new regulations. This technology can help legislators understand the long-term consequences of a regulation, so that their decisions are based on accurate and relevant data.

On the other hand, the application of machines in the judicial system can speed up the process of analyzing and processing cases that have similar legal precedents. AI can access thousands of previous legal cases and provide recommendations on how to resolve a case based on the results of similar cases in the past. As such, AI has the potential to speed up the decision-making process and improve consistency in legal decisions, without compromising accuracy and compliance with applicable regulations. In this context, AI becomes a very useful tool for judges and lawyers in analyzing complex case data (Pasaribu, 2024). Lawmakers should amend the law to reflect the technological advances brought about by the fourth industrial revolution, so as to ensure legal certainty in society and uphold justice under these conditions (Ghazmi, 2021).

While the application of AI in the formulation of regulations in Indonesia is still in its early stages, these frameworks can serve as a foundation for the development of AI in the legal field. As AI technology continues to evolve, there is a need to revise and adjust regulations to address new challenges that arise. For example, there needs to be clearer regulation on the duration of copyright protection, identification of creators in collaborative cases, and fair and transparent licensing mechanisms. As such, the legal protection of AI-generated works in the UK reflects an attempt to strike a balance between economic interests, technological innovation, and existing legal principles. Although there are still challenges to overcome, the existing legal framework has provided a strong foundation to accommodate the development of AI technology in the creative industries. Going forward, collaboration between government, academia, and industry will be key to ensure that existing regulations remain relevant and effective in the face of dynamic AI developments (Kasap, 2019).

## CONCLUSION

Artificial intelligence (AI) cannot be positioned as a creator or a legal subject under Indonesia's positive legal framework, since the concept of a creator in Law Number 28 of 2014 concerning Copyright normatively requires human choice and intellectual capacity. Consequently, both from the perspective of copyright law and the paradigm of legal liability, AI does not legally qualify as a creator. In the absence of identifiable human creative involvement, works produced autonomously by AI fall into a normative vacuum due to the lack of recognition of AI as a legal subject. Therefore, normatively, AI should continue to be regarded as an object or tool rather than a legal subject, while allowing specific regulation of its operation through a system that attributes rights to human creators.

Unlike Indonesia, the United Kingdom has provided a normative solution without recognizing AI as a creator or legal subject under the Copyright, Designs and Patents Act (CDPA) 1988. Article 9 paragraph (3) of the CDPA stipulates that the author of a computer-generated work is not the AI itself, but the person who makes the necessary arrangements for the creation of the work. By attributing rights to the human or legal person responsible for the creative process, this model demonstrates that although AI is not formally acknowledged as a creator, its outputs are still protected by law. This approach preserves the fundamental principle of copyright, which is grounded in human creativity, while simultaneously ensuring legal certainty. Accordingly, under the British paradigm, recognizing AI-generated works does not require recognizing AI as a legal subject.

Given that AI remains entirely dependent on human creative input, autonomously generated works may lack adequate legal protection in Indonesia. Based on a comparison with the United Kingdom, Indonesia could normatively adopt several specific elements of the CDPA 1988 model, including the establishment of a distinct category of computer-generated works within copyright law, the attribution of creator status to the individual who plans, directs, or initiates the AI creation process, whether a developer, operator, or commissioning party, and the affirmation that the standard of originality remains applicable and is not diminished solely because a work is produced using AI.

A specific provision addressing AI-generated works should be incorporated into Law Number 28 of 2014 on Copyright in Indonesia. This is necessary to maintain legal clarity and to prevent a normative vacuum in response to technological developments. Legislators should also adopt a comparative approach by examining other legal systems, particularly the United Kingdom's Copyright, Designs and Patents Act 1988, which regulates computer-generated works. Such an approach would facilitate the formulation of clearer rules regarding the legal ownership of AI-generated works by those involved in the creative process, rather than by AI itself.

Furthermore, more detailed originality criteria for AI-generated content should be developed. These criteria would assist in assessing the level of human involvement in the creative process as a basis for granting legal protection. As a transitional measure, Indonesia may also consider a hybrid protection model that recognizes AI-generated works while maintaining ownership attribution to humans as users, creators, or operators of AI technology. Ultimately, these recommendations are expected to support the modernization of Indonesia's copyright regime in accommodating AI development while preserving the fundamental principle of protecting human intellectual property.

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