

Protection of Intellectual Property Rights on the Practice of Clipper Social Media Content Perspective of MUI Fatwa Number 1 of 2003 concerning Copyright

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Abstract

The development of digital platforms in Indonesia has undergone significant changes, marked by the abundance of content on social media. However, despite this, some parties have taken advantage of the situation by reposting, reuploading, or clipping social media content. Such actions result in the loss of moral rights as creators over their works and cause economic losses due to the loss of viewers and monetization opportunities. This study aims to analyze the protection of intellectual property rights regarding the practice of clipping social media content from the perspective of the Indonesian Ulema Council's Fatwa No. 1 of 2003 on Copyright. It employs a normative-qualitative research method with a legal and conceptual approach. The study identifies issues related to intellectual property protection on social media and associated trends. In conclusion, the protection of intellectual property rights on social media, particularly in Indonesia, requires a contextual approach and a balance between the protection of moral rights for content creators, platforms, and the public. There is a need to strengthen intellectual property literature grounded in Islamic values and to update fatwas to be responsive to digital dynamics.

Keywords: Intellectual Property Rights, Clipping, Social Media, Copyright.

A. Introduction

For every individual, science is very important and can even improve human dignity.¹ In the 21st century, visualization has become a communication capital that is quite popular in promoting photos, videos, content and digital products in Indonesia.²

The social media ecosystem has been decentralized into platforms like youtube, tiktok, instagram, and twitter (X) allowing anyone to publish their creative work instantly and reach an audience.³ Significantly, the development of digital technology

¹ Dicky Wahyudi and Zulpahmi Lubis, "The Law of Studying Mantiq Science According to Imam An-Nawawi and Imam Al-Ghazali" 6, no. 2 (2024): 7013–20.

² Muhammad Royhan Munthe and Abd Rahman, "Account Abuse on Ibn Taymiyah Perspective on Iphone Phones (Study on Online Buying and Selling Accounts in Medan City)" 5, no. 1 (2023): 321–30, <https://doi.org/10.37680/almanhaj.v5i1.2355>.

³ Joshua burgess, jean. & green, *No Title* (Cambridge: polity press, 2009).

has a great impact on human life.⁴ However, behind the ease of access and dissemination of content, it also gives birth to practices that have the potential to violate Copyright, one of which is the act of cutting, combining, reuploading or distributing pieces of other people's content without permission, this phenomenon is called *clipper*. This phenomenon illustrates a new dynamic in content consumption patterns, which are now part of the holistic social media process. This raises questions about how this fragmented form of digital expression affects the audience experience as well as the structure of social interaction in the social media networking space.⁵

The practice of *clippers* has a broad spectrum from simply distributing short clips as a form of appreciation to building commercial channels that rely entirely on other people's content. This last dimension contains serious legal issues. The owner of the original content loses control of his work, his potential revenue is sucked up by others, and his moral rights as a creator are ignored.⁶ This practice raises serious problems related to the protection of Intellectual Property Rights, as it can harm content creators both economically and morally. In Indonesia, Copyright protection is regulated in Law Number 28 of 2014 concerning Copyright, not only that the Indonesian Ulema Council through Fatwa Number 1 of 2003 concerning Copyright also emphasizes that Copyright is a valid property according to Islamic law, so that violations of it are categorized as haram acts.⁷

Cybercrime has become a serious challenge for law enforcement in this digital age.⁸ This issue is further complicated by the global nature of digital platforms that operate across national borders, making it difficult for Indonesian law to regulate foreign entities while ensuring compliance with domestic standards. The government has introduced measures such as Ministerial Regulations requiring platforms to remove prohibited content at official request and imposing sanctions on non-compliant, but uncertainty remains regarding the scope of responsibility of platforms, content removal mechanisms, and protection of users' rights from overregulation.⁹

Several previous researchers have highlighted the problem of clippers on social media. The research by Delamarisa highlights the protection of the Copyright of Content Creator Youtube videos that are re-uploaded without a watermark on the Tiktok and Facebook platforms, concluding that the absence of watermarks is a crucial factor in copyright infringement, this study also introduces the importance of optimizing digital

⁴ Nurhaida Fahrismas et al., "Consumer Protection of Personal Data Security After Retinal Eye Perspective Recording" 4, no. 3 (2026): 1411–23.

⁵ Media Education, "Munadhil Abdul Muqsyith, Fitriya Ayuningtyas, Valerii L. Muzykant b, Rani Sabtelasari" 21, no. 3 (2025): 360–69, <https://doi.org/10.13187/me.2025.3.360>.

⁶ ok Saidin, *Legal Aspects of Intellectual Property Rights (Revised Edition)*, Revised (Jakarta: PT. Raja Grafindo Persada, 2015).p. 208.

⁷ Fatwa of the Indonesian Ulema Council Number 1 of 2003 concerning Copyright.

⁸ Rabith Madah and Khulaili Harsya, "A Juridical Review of Digital Platforms' Liability for Illegal Content According to Indonesian Law" 4, no. 01 (2025): 276–86, <https://doi.org/10.58812/shh.v4.i01>.

⁹ Deni Murdani, Nusa Putra University, and Content Creator, "Legal Protection of Copyright of Content Creators of Youtube Videos Reuploaded Without Watermark" 4, no. 4 (2025): 224–33.

tracking technology as a legal preventive measure.¹⁰

Then Munadhil S fitria in his research on Users' Educational Engagement in Social Media Clipper Cycle Content emphasized that there is a mismatch between clip content and comments on user engagement and sentiment, using a multimodal approach that integrates visual and textual analysis with artificial intelligence (AI) techniques, including Clip and NLP. Rafik further highlighted the legal protection of video works that are illegally re-uploaded on YouTube, concluding that despite the protections in the Copyright Law, infringement remains rampant due to weak law enforcement. They suggested legal education and increased supervision by the government and digital platforms. From the tracking of the previous research above, it is clear that the protection of Intellectual Property Rights in the practice of *clippers* on social media has not been discussed by previous researchers, especially highlighting this problem from the perspective of the MUI Fatwa.¹¹

Thus, the study of the practice of clipper social media content is not only relevant from the perspective of positive law, but also from the perspective of Islamic law. This analysis is important to provide a comprehensive understanding of Copyright protection, as well as to affirm the ethical and moral urgency of raising a number of issues that need to be studied in depth. First, it should be noted that the *practice of clippers* occurs in the form of copyright infringement that it causes to the content works of digital creators. Both are to examine how positive legal provisions in Indonesia, especially the Copyright Law, provide protection for Digital copyrighted works that are cut and disseminated without permission from the first party or the original creator.

B. Research Methodology

Legal research is an analytical process where the use of methods, systematics, and thinking with the intention of investigating specific legal phenomena. The research approach is interpreted as the researcher's point of view in choosing a grouping in the discussion room which is expected to be able to provide certainty from the substance of the scientific work.¹²

This study uses normative juridical law research methods. Because the problem that will be studied in this study is related to the legal protection of intellectual property rights for clippers of content on social media. According to Soerjono Soekanto and Sri Mamudji, in the normative legal research method, the data sources used are literature that is included in the category of secondary data, such as primary legal materials, secondary legal materials, and tertiary legal materials. The collected data is then analyzed qualitatively to gain an understanding of the phenomenon being studied.¹³

¹⁰ Sri Maharani M.T.V.M. Rafik Al Hariri, "Legal Protection for Creators whose Video Works Are Re-Uploaded on Youtube Illegally According to Law Number 28 of 2014 concerning Copyright" 1 (2019).

¹¹ Nur Solikin, *Introduction to Legal Research Methodology* (East Java: Cv. Qiara Media Publisher, 2021).

¹² Soejono Soekanto and Sri Mamudji, *Normative Law Research A Brief Review* (Jakarta: Raja Grafindo Persada, 2006).

¹³ HAS Creative. (2024, June 2). PWK- The Moment Dr. Tirta Descended, Gara – Angry Video Was Seen & Imitated Same Her son!. [Video]. YouTube.
https://youtu.be/Qtlxl1YM9Bk?si=ODDKiXl8RDCOX_hX

C. Results and Discussion

1. The Phenomenon of *Clipper Practices* on Social Media

The phenomenon of *content clippers* on social media is part of the evolution of digital culture, where original video clips of podcasts, movies, YouTube vlogs and repackaged in fewer formats. This content is usually 20 to 60 seconds long and is made as engaging as possible to take center stage through visual elements such as dynamic text, background music, or other audiovisual effects. Clipper content is not only technical, but also a form of content narrative and *remix culture* in the era of media platformization. This historical shift towards short-form content can be traced back to the beginnings that popularized the 10-second video format and paved the way for instant consumption, a feature that is quite dominant on social media today. This phenomenon has sprung up on social media platforms, especially TikTok, Instagram Reels and Facebook.

Based on the results of the analysis of *the content clipper phenomenon* on social media, it was found that some content was quite crowded. The owner of the Youtube account on behalf of HAS Creative uploaded an original video on June 2, 2024 entitled "PWK-Moment of Dr. Tirta Turun, Gara – Gara Video Angry – Angry to Be Seen by S Imitated with His Child!" with a percentage of 17.3 million original youtube video views, a duration of 1 hour and 18 minutes, 348 thousand likes and as many as 10 thousand comments.

Furthermore, it is presented again in a clipper uploaded on the Tiktok platform with a username @cerita_viral2023 with a percentage of 20.7 million views, a duration of 5 minutes, 978.3 thousand likes and 13.1 thousand comments. Packaged as attractive as possible from the original podcast video by beautifying it using animated text that makes it attractive for the clipper itself.¹⁴

Furthermore, on February 18, 2026, the owner of a Youtube account on behalf of The Catch Up Club posted an original video entitled "eps.04: chase access since youth" with an original view of the youtube video totaling 1 million, a duration of 39 minutes, 34 thousand likes and 1.1 thousand comments. And again presented in a video clipper uploaded via Instagram reels with the username Brilionet. 8.7 million views, 13 seconds duration, 609 thousand likes and 1,209 thousand comments.¹⁵ The main motivation behind the production of *clippers* includes three main aspects, namely virality, monetization and visibility.

First, because of its more concise and easy-to-share characteristics, short video clips have great potential to go viral, especially those that contain elements of humor, drama or controversy. Second, now many platforms offer direct monetization mechanisms such as creator bonuses, subscription vitures and brand partnerships that make *content clippers* a means to generate passive income. Third, visibility on social media no longer depends on the high quality of production, but

¹⁴ The Catch Up Club. (2026, February 18). Eps. 04 – Chase Saksess Since Youth. [Video]. Youtube. <https://youtu.be/G1p4SnUH0bc?si=h2ddJjuapfQqZr9B>

on the ability to attract attention in a matter of seconds. This assesses social media *content clippers* as an effective means for individuals and institutions to strategically build personal digital branding and reinforce certain narratives.¹⁵

2. Legal Protection of Intellectual Property Rights in *Clipper Practice* Videos According to Positive Law

Copyright is an important part of intellectual property that has a very wide scope of objects, as it includes science, literature and art (*literary and art*) which includes computer programs. The development of the creative economy that is quite advanced makes Indonesia a developing country to change regulations on the Copyright Law, considering that the Copyright Law is the most important principle of the national creative economy. Thus, in order to fulfill the elements of protection and development, it is hoped that the contribution of the copyright sector and related rights can be more optimal.¹⁶

Content is one of the forms of intellectual property which specifically falls under the Copyright protection regime. Video is a work consisting of audio or sound and visual or visual. In the Copyright Law, this term is known as cinematography which means creations in the form of moving images, including documentaries, advertisements, reports or films made with screenplays and cartoon films.¹⁷ Legal protection is an act of protecting a person's rights that is carried out to receive justice based on the law that is currently in force in a preventive and repressive manner.¹⁸

Legal protection is the protection provided to legal subjects in the form of legal instruments. According to Satjipto Rahardjo, legal protection is the protection of a person's interests by allocating power to him to carry out actions in the context of those interests.¹⁹ Based on Law Number 28 of 2014 Article 1, copyright is a copyright that arises automatically in accordance with the declarative principle after the work has been realized in a tangible form without reducing restrictions in accordance with the provisions of the applicable laws and regulations.

In some cases, legal protection of Copyright is usually carried out by the Copyright holder in civil law, but there is also a criminal law side. Criminal sanctions are generally imposed on serious counterfeiting activities, but are now increasingly common in other cases. Criminal sanctions for copyright infringement in Indonesia are generally threatened with imprisonment of a minimum of one month and a maximum of seven years which can be accompanied or not accompanied by a fine of at least one million rupiah and a maximum of five billion rupiah, while creations

¹⁵ Crystal Abidin, "Cultural Science Mapping Internet Celebrity on TikTok : Exploring Attention Economies and Visibility Labours" 12, no. June 2019 (2020): 77–103.

¹⁶ Saidin, *Legal Aspects of Intellectual Property Rights (Revised Edition)*.

¹⁷ Fadhilah incandescent Ash Shiddiq, "The Application of the Fair Use Doctrine to the Showing of Unlicensed Film Footage in Film Review Videos on Youtube Platforms in Indonesia," *Technology and Economics Law Journal Technology and Economics Law Journal* 2, no. 2 (2023): 282–98, <https://doi.org/10.21143/TELJ.vol2.no2.1042>.

¹⁸ Angelo Fernando and Catherine Aureulli Chandra, "Legal Protection for Creators and Copyright Holders of Creator Content on Social Media" 2, no. 1 (2024): 235–58.

¹⁹ Satjipto Rahardjo, *Legal Science Sixth Edition* (Bandung: Pt. Citra Aditya Bakti, 2006).

or goods that are the result of Copyright Crimes and tools used to commit these crimes are confiscated by the state to be destroyed.²⁰

Criminal provisions in the copyright law must be considered *lex specialis* because they specifically regulate copyright. However, the tendency is to only focus attention on the Copyright Law, without touching the substance of the criminal provisions in the Criminal Code. This can be understood, by reading and comparing the criminal sanctions threatened by, both the Criminal Code and the Copyright Law, even if they are threatened alternatively. The amount of crime is much higher than the fines threatened in the Criminal Code.

The legal protection side of Intellectual Property Rights is vital for the growth of the creative industry and information technology. The protection of intellectual property rights internationally requires the state to be able to provide strict legal sanctions to perpetrators of copyright crimes in its legal system. For the Indonesian state, this is then regulated in Law Number 28 of 2014 concerning Copyright against criminal provisions for copyright infringement Article 113:

- a. Every person who without rights violates economic rights as referred to in article 9 paragraph (1) of the letter for commercial users shall be sentenced to imprisonment for a maximum of 1 year and/or a maximum fine of Rp. 100,000,000 (one hundred million rupiah)
- b. Any person who without rights and/or without the permission of the Creator or Copyright holder violates the economic rights of the Creator as referred to in Article 9 paragraph (1) c, d, f, and/or h for Commercial Use shall be sentenced to imprisonment for a maximum of 3 (three) years and/or a maximum fine of Rp500.000.000, 00 (five hundred million rupiah).
- c. Any Person who without rights and/or without the permission of the Creator or Copyright holder violates the economic rights of the Creator as referred to in Article 9 paragraph (1) letter a, b, letter e, and/or letter g for Commercial Use shall be sentenced to imprisonment for a maximum of 4 (four) years and/or a maximum fine of Rp1,000,000,000, 00 (one billion rupiah).
- d. Every person who meets the elements as referred to in paragraph (3) with a maximum prison sentence of 10 (ten) years and/or a maximum fine of Rp.4,000,000,000.00; (four billion rupiah).

3. Analysis of Intellectual Property Rights Protection on the Practice of Clipper Social Media Content Perspective of MUI Fatwa Number 1 of 2003 on Copyright

To achieve the goals of human life cannot be separated from fulfilling the needs of life and the science of understanding. The fulfillment of human needs is an obligation of religion, therefore it must remain within the rules of Islam.²¹The

²⁰ Muhammad ikhwan Tarmizi, *Copyright of Digital Works Protection and Responsibility* (Medan: Merdeka Kreasi Group, 2021).

²¹ Muhammad Taufik and Fatimah Zahara, "Personal Data Protection Arrangements in E-Commerce

Fatwa of the Indonesian Ulema Council is a legal guideline for Muslims in Indonesia, explaining that Intellectual Property means wealth that arises from the results of brain processing that creates a product or process that is beneficial to humans and recognized by the State based on applicable laws and regulations. Similarly, Intellectual Property Rights is the right to enjoy economically the results of the intellectual creations of the person concerned so as to provide a right of privacy for him to register, and obtain protection for his intellectual works. As a form of appreciation for his intellectual creativity work, the State grants exclusive rights to the registrant and/or its owner as the rightful holder, which the right holder has the right to prohibit others without his consent or right, from trading or using the right in any form. The purpose of the state recognizing this right is to encourage everyone to develop their creative abilities for the benefit of the entire society.²²

The fatwa of the Indonesian Ulema Council on Intellectual Property Rights, considers Intellectual Property Rights as one of *the huquq māliyyah* (property rights) that are protected by a law (*ma'shun*) as *māl* (wealth). Up to this point, it is clear that Intellectual Property Rights can be considered as assets. However, there is an exception to the fatwa, namely Intellectual Property Rights protected by Islamic sharia are those that do not conflict with Islamic sharia.²³

In the regulation of laws and regulations related to copyright, it can be found in the Copyright Law. The normative definition of Copyright is contained in the general provisions. According to the Copyright Law, it is the exclusive right of the creator that arises automatically, which is meant by the creation as the object of this copyright, which has the scope, among others, of every copyrighted work in the fields of science, art, and literature produced on inspiration, ability, thought, imagination, intelligence or expertise expressed in real form.

The definition of Copyright is explained in Article 1 Paragraph (1) of the Copyright Law, which describes Copyright as a privilege that is given to the creator automatically after a work is created in a special form, without violating the applicable law. Exclusive rights are further regulated in Article 4 of the Copyright Law, which includes moral rights and economic rights. These exclusive rights are granted to the creator so that no other party can benefit from these rights without the permission of the creator. Furthermore, moral rights are regulated in Articles 5-7 of the Copyright Law, while Economic Rights are regulated in Articles 8-11 of the Copyright Law. Economic Rights include the right of creators to derive economic benefits from the work they have created, while Moral Rights involve the protection of the creator's personal interests. Moral rights are personal and also eternal, these rights last throughout the life of the creator and continue until after

According to the Perspective of Maqashid Syariah (Case Study of Facebook Marketplace)" 4, no. 6 (2024): 2378-92.

²² Lara Nopi Dayanti and Uswatun Hasanah, "The Use of Bottled Drinking Water Brands by Refillable Drinking Water Depots from the Perspective of DSN MUI Fatwa No. 1 Year 2005 on Intellectual Property Rights (Case Study of East Cipar-Pari Village, Sultan Daulat District, Subulussalam City)" 6, no. 1 (2023): 2402-8.

²³ Fatwa of the Indonesian Ulema Council Number 1 of 2003 concerning Copyright.

the creator dies.²⁴

Regarding copyright, in the MUI Fatwa No. 1 of 2003 concerning Copyright, paying attention to an authorship (*haqq al-ta'lif*) is one of the copyrights affirmed by Wahbah Zuhaili, "Based on the fact (that authorship rights are rights protected by *sharia'* (Islamic law) on the basis of *qaidah istislah*), reprinting or copying a book (without valid permission) is considered an infringement or crime against the author's rights; In the sense that the act is disobedience that causes sin in the view of *Shari' a* and is theft that requires compensation for the author's rights to the manuscript that was printed in an infringing and unjust manner, as well as causing moral losses that befell him.²⁵

The protection of intellectual property rights is regulated in the Qur'an and Sunnah which uphold the values of honesty and justice and prohibit any fraudulent or unfair acts in commercial practices. Allah says in surah al-Nisa' verse 29 which means: "*O you who believe! Thou shalt not eat one another's property in a wrong way, except in the way of business which is done willingly among yourselves. And thou shalt not kill thyself; Indeed, Allah is Most Merciful to you.*"

Contemporary scholars such as wahbah al-zuhayli argue that property rights include property. Therefore, copyright is protected by sharia. This opinion refers to the definition of property according to the majority of scholars.²⁷ The legal consequences of the recognition of property rights as property are:

- a. Copyright is private property, sharia protects it from all acts of copyright infringement.
- b. The Copyright Owner to interpret his rights, for example the right to sell them to give the printing rights to a particular publisher.
- c. The copyright is owned and transferred by the inventor and can pass to the heirs if the owner dies.
- d. Printing, copying, or translating copyrighted material without the permission of the owner is prohibited under Sharia law.

According to Islam, everything obtained in a halal way (true and halal) such as wealth obtained from hard work, wealth taken from objects that do not have an owner, wealth taken on the basis of mutual pleasure, wealth obtained from inheritance, wills, grants, and so on, must be protected by both individuals and society.²⁶

In the Fatwa, MUI emphasizes that any form of violation of intellectual property rights, including but not limited to using, disclosing it, handing over, providing, announcing, reproducing, plagiarizing and hijacking the intellectual property rights

²⁴ Natanael Lie, "Legal Protection and Ownership of Intellectual Property Rights of Content on the Platform Media Social Indonesia" 27, no. 2 (2023): 97–107, <https://doi.org/https://doi.org/10.46257/jrh.v27i2.638>.

²⁵ Shofia Husna and Cahaya Permata, "The Obligation to Pay Royalties for the Cover of the Song of the Perspective of the DSN Fatwa Number 1 of 2003 on Copyright (Case Study of YouTubers in the City of Medan)" 6, no. 2 (2024): 7637–49.

²⁶ Ida Hanifah, "Legal Protection of Intellectual Property from an Islamic Legal Perspective," 2023, 66–73.

of others without rights is tyranny and the law is haram. Therefore, the protection of intellectual property rights in the MUI Fatwa is haram if carried out by irresponsible people.

D. Conclusion And Recommendation

Based on the results of the analysis, it can be concluded that the protection of Intellectual Property Rights in Indonesia still faces serious challenges in the digital era. In Islam, related to the protection of intellectual property rights (IPR), Islam provides a legal basis for through principles such as *hifz al-mal* (protection of property) and *'adl* (justice). The concept includes the protection of copyrights, patents, and trademarks as contained in positive law. Islamic law encourages this protection as part of the values of justice and economic sustainability of the ummah. Although Islam provides a philosophical foundation, the practical implementation of IPR protection can vary in countries with Muslim populations in different parts of the world.

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