

# Legal Protection of NFT Digital Objects by NFT Marketplace Based on Comparison with Domain Names

**Nabilah Putri Kirana.**

Faculty of Law, Padjajaran University, Indonesia.

---

## Article history:

Received 2023-09-25

Received in

revised form 2023-11-19

Accepted 2023-11-29

## Keywords:

Intellectual Property Rights;  
Copyright; NFT.

## DOI:

[doi.org/10.26905/idjch.v14i3.11255](https://doi.org/10.26905/idjch.v14i3.11255).

## Corresponding Author:

Nabilah Putri Kirana.

*E-mail:* [nabilahputrik@gmail.com](mailto:nabilahputrik@gmail.com).

**Abstract:** Advances in information technology have driven economic globalization. The interests protected by such are no longer only its products but also its intellectual property rights. One form of utilizing digital technology and the internet in the economic field for two-dimensional artworks is through Non-Fungible Tokens (NFTs). NFT is a form of digital asset in the field of art, where usually transactions that occur are carried out on a special platform. This article examines the protection of the creator's exclusive rights from the tokenization of his work by other parties as well as the responsibilities of the NFT Marketplace. Normative analytical and juridical descriptive research methods are used for legal norms in copyright law related to the exclusive rights of creators and marketplace responsibilities for the commercialization of copyrighted works as NFTs based on these principles and theories.

## 1. Introduction

The rapid development of information and communication technology (from now on referred to as ICT) has influenced and changed various patterns of human life, including forming an information society through the internet. Advances in information technology have driven economic globalization; the scale of investment in industry and product marketing is not limited to the national market but instead extends beyond national borders. Market changes beyond national borders are followed by intellectual property rights used in product manufacturing and marketing. The interests protected are thus no longer just the product but its intellectual property rights. Intellectual Property Rights, abbreviated as IPR, are rights to property originating from human intellectual work, namely rights originating from creative results, namely the ability of human thought expressed in various forms of valuable and practical works to support and facilitate human life and have economic value.

Intellectual property is creativity from human thought processes to meet human needs and welfare. Human creativity, which emerges as a person's intellectual asset, has long influenced human civilization through discoveries (inventions) and results in creative works and art (art and literary work). The results of a person's intellectual or creative work that is then poured out and formed in a particular form must be protected by the state because it is a person's Intellectual Property Rights. The existence of intellectual property rights (now abbreviated as IPR) in relations

between humans and between countries is essential. In its development, IPR faces various problems. This problem has touched on various other aspects, but the legal and technological aspects of efforts to protect intellectual works are the most essential ones.

Today, the protection of two-dimensional works of art in digital media needs particular attention as an implication of technological developments on the existence of copyright.<sup>1</sup> In the era of the Industrial Revolution 5.0, there has been a comprehensive transformation of all aspects of production in the industry by integrating digital technology and the internet with various industries. One form of utilizing digital technology and the internet in the economic sector for two-dimensional works of art is Non-Fungible Tokens (NFT).<sup>2</sup>

NFT is a form of digital asset in art, where transactions are usually carried out on a particular platform (OpenSea.io, variable, foundation) with payments via cryptocurrency originating from the Ethereum program (the Ethereum smart contracts).<sup>3</sup> NFT can function as proof of ownership and the existence of digital assets in artwork, videos, photos, and music. Furthermore, digital asset creators can benefit from trading on the NFT market or peer-to-peer exchange. By using the blockchain system for the validation function of the authenticity of a work, NFT can be a promising Intellectual Property (IP) protection solution.<sup>4</sup> However, the global use of NFT to support the digital economy needs special attention.

Minting can convert images, songs, films, and videos into NFTs. NFT minting converts digital assets such as images, videos, paintings, GIFs, music, game assets, and other works of art into NFT assets. In the minting process, it will store the digital files owned on the blockchain.<sup>5</sup> The NFT minting process can be done through the OpenSea website, so we must follow the steps recommended in the marketplace. One step that must be taken in the NFT minting process on OpenSea is to open the OpenSea site via a browser. Select the My Collection menu if you already have an account and have connected a wallet. After that, select the Create a Collection menu and upload the file or digital asset that will be converted into an NFT. Then came the NFT asset. Then, fill in the description of the NFT digital asset and create it. Finally, it would help if we waited for OpenSea to approve the created NFT. If approved, the NFT will automatically appear in the buy and sell list on OpenSea.<sup>6</sup>

The legal aspect is essential because the law is expected to overcome various problems related to IPR. The law must be able to protect intellectual creations to develop the community's creativity, ultimately leading to the goal of protecting IPR. In addition, the technological aspect is also a dominant factor in developing and protecting IPR. The rapid development of information technology has caused information to be easily and quickly spread to all corners of the world and is vulnerable to misuse or violations. Therefore, IPR becomes very important for legal protection in conditions like this.

<sup>1</sup> Ahmad M. Ramli, *Cyber Law dan Haki dalam Sistem Hukum Indonesia*, (Bandung: Refika Aditama. 2010) 4. dalam Muhammad Amirulloh, *Hukum Teknologi Informasi Dan Komunikasi (Tik) Sebagai Hukum Positif Di Indonesia Dalam Perkembangan Masyarakat Global*, (Bandung: Unpad press. 2016) 1.

<sup>2</sup> Bio Bintang Gidete, Muhammad Amirulloh, and Tasya Safiranita Ramli, "Pelindungan Hukum Atas Pelanggaran Hak Cipta Pada Karya Seni Yang Dijadikan Karya Non Fungible Token (NFT) Pada Era Ekonomi Digital," *Jurnal Fundamental Justice*, March 29, 2022, 1-18, <https://doi.org/10.30812/fundamental.v3i1.1736>.

<sup>3</sup> Daniel Burkhardt et al., "Design Patterns based on Deep Learning analyzing Distributed Data," in *15th International Conference on Wirtschaftsinformatik*, 2020, 66-82, [https://doi.org/10.30844/wi\\_2020\\_a5-burkhardt](https://doi.org/10.30844/wi_2020_a5-burkhardt).

<sup>4</sup> *Op.cit.* Bio Bintang Gidete.

<sup>5</sup> Gagas Yoga Pratomo, "Ingin Bikin NFT Di Android? Begini Caranya," *liputan6.com*, January 21, 2022, <https://www.liputan6.com/crypto/read/4865762/ingin-bikin-nft-di-android-begini-caranya>.

<sup>6</sup> *Ibid.*

One exciting issue currently developing in the scope of IPR studies is copyright infringement through social media. The Copyright that is often violated is in the form of digital content in images, songs, films, and videos. Currently, information has become a force in itself in global competition. The presence of social media as a phenomenon of technological progress has caused the acceleration of globalization and a giant leap in the dissemination of information and communication worldwide. Social media as an information medium allows various digital works to be continuously used and distributed to thousands of people quickly. This is certainly very vulnerable to misuse. In addition, the ability of social media to use and distribute Copyright widely certainly causes concern for many parties, especially creators and industry circles.

Copyright, which is part of Intellectual Property Rights (IPR), contains exploitation rights or economic rights and moral rights based on the economic rights owned, allowing a creator to exploit a work of creation in such a way as to obtain economic benefits. Hence, it needs to be adequately protected and in a work of creation with economic value. Therefore, if managed orderly based on a set of legal rules, a creation can avoid disputes between the copyright owner and the copyright manager (holder) or other parties who violate it. To regulate it, adequate legal provisions are needed for all possible violations by those not entitled to the Copyright owned by a person.<sup>7</sup>

The definition of Copyright is regulated in Law Number 28 of 2014 concerning Copyright: Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after creation is manifested in a natural form without reducing restrictions by the provisions of laws and regulations. "Based on several definitions of copyright above, it can be concluded that basically what is meant by copyright is; "A special right owned by the creator of a work in the fields of science, art, and literature that can be defended against anyone who violates the right by the provisions of applicable laws." Such as Copyright, for example, works of books, music, films, computer programs, drama, painting, and so on.<sup>8</sup>

## 2. Method

The research method used to write this paper is normative legal research conducted by examining library materials and secondary data. In contrast, the later approach is a normative legal (statute approach) with a descriptive-analytical nature. A descriptive is a study consisting of one or more variables. However, the variables do not intersect each other, and the data analysis does not go beyond the scope of the sample, is deductive, based on a theory or concept which is then applied to explain a set of data, or shows a comparison or relationship between a set of data and another set of data.<sup>9</sup>

This writing is descriptive and analytical; it describes the Copyright regulations related to the protection of the exclusive rights of creators whose works are used as NFT by other parties and the responsibilities of the NFT marketplace based on the Personality theory by Hegel, Labor theory by John Locke, Risk theory by Robert Sherwood, Theory Code 2.0 by Lawrence Lessig. The approach

<sup>7</sup> Eddy Damian, *Hukum Hak Cipta*, 2004.

<sup>8</sup> Oksidelfa Yanto, "KONSEP PERLINDUNGAN HAK CIPTA DALAM RANAH HUKUM HAK KEKAYAAN INTELEKTUAL (Studi Kritis Pembajakan Karya Cipta Musik Dalam Bentuk VCD Dan DVD)," *Yustisia Jurnal Hukum* 4, no. 3 (December 1, 2015), <https://doi.org/10.20961/yustisia.v4i3.8706>.

<sup>9</sup> Zainuddin Ali, *Metode Penelitian Hukum* (Bandung: Sinar Grafika. 2021) 45.

method used is normative legal, namely by examining the legal norms in copyright law regarding the exclusive rights of creators and the responsibilities of the marketplace for the commercialization of copyrighted works as NFT based on these principles and theories.

Principles and legal theories in protecting the exclusive rights of creators from the digitalization of their work into NFT by other parties

There are 2 (two) types of creators or legal subjects can be given copyright protection: individuals and legal entities. Namely, the creator of the Copyright automatically becomes the copyright holder, not necessarily the creator, but can be another party who receives the rights from the creator or another party who further receives the rights from the creator or copyright holder concerned. The copyright holder is the creator, the copyright owner, or another person who receives the rights from the abovementioned person. In general, Copyright is an exclusive right that consists of moral and economic rights. Copyright provides legal protection for a work of creation both morally and economically. The economic rights of Copyright can be transferred or assigned to another person by the creator, while moral rights are not like that; these moral rights still follow and are attached to the creator, although the economic rights of Copyright can be transferred or assigned to another person. Thus, only the economic rights of Copyright can be transferred or assigned, while the moral rights cannot be separated from the creator.

Copyright also has the alter ego principle, namely protecting the creator's natural rights. The definition of the alter ego principle lays the foundation for economic recognition and the creator's moral rights so that the creator has the natural right to utilize his creation. In essence, the alter ego principle places the inventor as a party with a high position and whose ownership of an invention he has created cannot be challenged.

However, the alter ego principle generally emphasizes high respect for the creator and his creation and is inherent in the creator.<sup>10</sup> Article 5, paragraph (2) of Law Number 28 of 2008 concerning Copyright explains that moral rights inherent in the creator do not allow for the transfer of rights. If referring to the alter ego principle, which upholds the ownership of Copyright inherent in the creator, then Article 36 is not by the alter ego principle, which should be used as a reference in forming laws. The work of creation is a unity with its creator because it is a manifestation or expression of the creator that is unique and personal. Thus, the work of creation cannot be separated from its creator. Therefore, any legal action against the work of creation can only be carried out by the creator, disregarding other parties.

Likewise, with the activity or act of digitizing or tokenizing works of creation into NFT. The creator can only digitize tokenization. Other parties can only do it if they have obtained permission or approval from the creator. Not obtaining permission or approval from the creator means the other party has no legal basis for rights, violating the creator's exclusive rights. In this case, Law Number 28 of 2014 concerning Copyright has not explicitly regulated NFT. The presence of NFT as a digital asset is expected to make it easier for artists or digital creators to market their work. Artists can utilize this to return to work when they have difficulty selling their works conventionally. However, However, there is a loophole for copyright infringement, namely plagiarism, which is

<sup>10</sup> None Muhamad Harisman, "Kepastian Hukum Hak Cipta Atas Karya Desain Arsitektur Di Indonesia Dikaitkan Dengan Prinsip Alter Ego Tentang Hak Cipta," *Jurnal Poros Hukum Padjadjaran* 1, no. 2 (December 7, 2020): 283-302, <https://doi.org/10.23920/jphp.v1i2.238>.

then traded as NFT. Thus, Law Number 28 of 2014 concerning Copyright is expected to provide comprehensive protection for NFT.

In addition to the alter ego principle, there is the principle of *droit de suite*, namely, property rights that follow their owners are one of the basic principles of property law, especially for countries that adhere to the continental European legal system, such as Indonesia. Based on this principle, the Copyright of works digitized and commercialized in cyberspace still obtains copyright law protection. This has been emphasized in the definition of the announcement as regulated in Article 1 Number 11 of the Copyright Law and is further strengthened in Article 25 of the ITE Law.

Adopting the *droit de suite* principle in Anglo-Saxon countries is done with modifications, which they call the resale correct principle. Contemporary literature on Copyright states that resale rights are economic rights modified from the moral rights in Copyright. At the operational level, this principle is the right held by the creator to withdraw the creation and profit from the sale of his creation. This right is absolute by the principle of property law. This means that a flat sale must follow this right. In Indonesia, the legislator still grants permission for a flat sale for 25 years to be returned to the creator per Article 18 of Law Number 28 of 2014 concerning Copyright.<sup>11</sup>

Regarding the moral principle of Copyright, Paul Goldstein said that initially, there was a discourse on the concept of copyright rights between countries that adhere to the continental European legal system and countries that adhere to the Anglo-Saxon Anglo-Saxonstem. For continental European countries, the concept of copyright rights is based on the principle of natural rights, which is greatly influenced by the teachings of Kant and Hegel, which gave birth to the concept of natural rights and moral principles. Meanwhile, for Anglo-Saxon countries, copyright rights are based on the utilitarian principles of the teachings of Adam Smith and David Hume, which gave birth to the concept of economic rights. This difference can be recognized from the initial naming of copyright law. Auterswet or creator's rights is one example of copyright law in continental European countries emphasizing moral principles. For adherents of the Anglo-Saxon legal system, copyright law is known as the right to copy or Copyright, which emphasizes economic principles.<sup>12</sup>

Several theories have been adopted in IPR, including the Labor Theory, which was popularized by John Locke (1698). John Locke justified private property rights as a natural right and proposed that everyone has property within themselves. John Locke's IPR theory has a slightly different interpretation. One of them is that IPR is an instrument used to obtain labor.

Meanwhile, normative theory states that labor must be valued. According to John Locke, all objects humans own are God-given gifts for human enjoyment. However, humans cannot immediately enjoy these goods. Humans must change these goods into private property by employing labor. The existence of labor will add value to goods and will allow these goods to be enjoyed by humans. It can be seen that Locke stated that everything on Earth originally belonged to all humanity.<sup>13</sup>

<sup>11</sup> Bambang Pratama, "Ketiadaan Pengaturan 'Droit De Suite' Dalam Hak Moral Pada Undang-Undang Hak Cipta 2014," *Business Law*, April 30, 2016, <https://business-law.binus.ac.id/2016/04/30/ketiadaan-pengaturan-droit-de-suite-dalam-hak-moral-pada-undang-undang-hak-cipta-2014/>.

<sup>12</sup> *Ibid.*

<sup>13</sup> Muhammad Zaki Sierrad, "Larangan Pengalihan Hak Moral Dan Pembatasan Waktu Dalam Perjanjian Jual Putus Hak Cipta Buku Dalam Perspektif Hak Asasi Manusia," *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia* 1, no. 1 (June 27, 2022): 24-44, <https://doi.org/10.37631/jrkhm.v1i1.5>.

However, “everything” cannot be used directly without being obtained and processed first. In order to be processed, something in nature must first be taken; for example, an animal to be eaten must first be caught and processed by someone (which also means owned by that person). Therefore, Locke emphasized the importance of giving awards to people who have made “sacrifices” to find and process something from nature in property rights. It can be stated that Locke’s view of the problem of IPR protection is that IPR is obtained through a learning or understanding process (cognitive). Thus, although the “input” that drives the creation process comes from the creator’s external environment, the “assembling” of the creation itself occurs in his mind so that it is no longer as pure as its original form. John Locke’s IPR theory is very thick, revealing the nuances of the money market, wealth accumulation, service industry, etc.

According to Hegel, IPR is a personal expression, so the theory of personality (personhood theory) emerged. The justification for personality comes from the legal philosophy of Immanuel Kant and Hegel. This theory has become a discourse in the modern rule of law. The premise of this theory is that someone who wants to develop into a good person must control their external environment. Hegel’s personality justification theory was put forward to overcome the shortcomings of Locke’s theory. The core of Hegel’s philosophy is about human will, personality, and freedom. According to Hegel, individual will is the core of human existence that continuously actualizes in the world. Hegel believes that the individual will have the highest position in a hierarchy. The Hegelians (followers of Hegel) state that between the mind and the heart can be combined into freedom.<sup>14</sup>

Hegel’s theory can be interpreted as the actuality of a work of creation must have payment for the work of creation as a form of moral recognition of human intelligence. Hegel’s IPR theory emphasizes the direct freedom of each individual. So, criticism of the liberal influence on Hegel’s theory must be suppressed. Hegel defines liberalism as having only a little freedom to do certain things. The negative definition of liberal is freedom without obstacles. According to Hegel, IPR does not need to be analogous to tangible wealth because IPR is related to personality, mentality, and will. Intellectual property provides a way out of this problem by “manifesting” personal traits. Hegel said that thoughts, will, free minds own talents, and so on. Therefore, humans need to express and realize something external.<sup>15</sup>

In addition to the theories above, the theory of IPR protection also includes Robert M. Sherwood’s risk theory. The Risk Theory states that intellectual property is the result of research that contains risks that can allow other people to find the method or improve it, so it is reasonable to provide legal protection for efforts or activities that contain such risks.<sup>16</sup>

Creators and copyright holders are categorized as legal subjects in creative works. Copyright holders include two types: legal subjects of individuals or legal entities. The object of copyright is the work of creation from the creator, which includes exclusive rights, namely moral and economic rights. Copyright is included in the scope of IPR, and the principles of Labor Theory, Personality Theory, and Risk Theory protect IPR. Copyright is protected by law through the declarative prin-

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> None Putri Hascaryaningrum, et al., “Perlindungan Hukum Hak Cipta Terhadap Hak Cipta Atas Logo Melalui Mekanisme Cross Border Measure,” *Jurnal Hukum Politik dan Ilmu Sosial* 1, no. 4 (November 8, 2022): 42–52, <https://doi.org/10.55606/jhpis.v1i4.633>.

ciple, meaning that the results of a person's creation do not need to be registered because they are attached to the creator after the announcement of the results.

Parties who wish to exercise the economic rights of creation must obtain permission from the creator by Article 9, paragraph (2) of the Copyright Law. Actions carried out by other parties with commercial intent to exploit the economic rights of the creator by Article 9 paragraph (1) without permission from the creator by Article 9 paragraph (2) can be prosecuted under Article 113 of the Copyright Law.

### **3. The role and responsibility of the NFT marketplace in the practice of digitizing the creative works of others.**

NFT relates to various aspects of Indonesian law, such as property law. According to the Civil Code, property is any item or right that can be the object of property rights. In its development, Indonesia also recognizes the existence of digital goods, which are intangible in the form of electronic information, as regulated by Government Regulation No. 80 of 2019 concerning Trade Through Electronic Systems. Reflecting on this, NFT, a string of codes that functions as a token, can be classified as digital goods in Indonesian law. In addition to property law, the existence of NFT is also related to intellectual property law. Based on Article 25 of Law Number 11 of 2008 concerning Information and Electronic Transactions, which states that electronic information and electronic documents that are arranged into intellectual works, internet sites, and intellectual works contained therein are protected as intellectual property rights based on the provisions of laws and regulations so that this NFT can be protected as intellectual property rights because, in essence, NFT is a work of art that is encrypted into a blockchain network.<sup>17</sup>

Crimes against two-dimensional works of art and NFT are one form of crime in digital economic activities; the government must consider this because legal issues arising from weak cyberspace protection closely correlate with economic growth from online transactions.<sup>18</sup> Protection of an NFT artwork is given to the creator of the creation in the form of exclusive rights to the artwork consisting of moral and economic rights. Moral rights are inherent in the creator and cannot be transferred, while economic rights are the creator's rights to obtain economic benefits from his creation.<sup>19</sup>

In terms of regulating digital artwork, it refers to the Copyright Law and the ITE Law by the affirmation of Article 25 of the ITE Law, which, in essence, states that Electronic Information and Electronic Documents that are arranged into intellectual works contained therein are protected as Intellectual Property Rights with the provisions of the relevant Laws and Regulations. Therefore, it can be concluded that NFT digital artwork is protected through laws and regulations.<sup>20</sup> On the platform side, in its "Terms of Service," Opensea has stated that "All other third-party trademarks,

<sup>17</sup> KlikLegal.com, "Perdagangan Non-Fungible Token (NFT) Dalam Hukum Indonesia - KlikLegal," KlikLegal, February 3, 2022, <https://kliklegal.com/perdagangan-non-fungible-token-nft-dalam-hukum-indonesia>.

<sup>18</sup> Sinta Dewi Rosadi and Garry Gumelar Pratama, "Urgensi Perlindungan data Privasi dalam Era Ekonomi Digital di Indonesia," *Veritas Et Justitia* 4, no. 1 (June 28, 2018): 88-110, <https://doi.org/10.25123/vej.v4i1.2916>.

<sup>19</sup> Kemala Megahayati, None Muhamad Amirulloh, and None Helitha Novianty Muchtar, "Perlindungan Hukum Sinematografi Terhadap Pengaksesan Tanpa Hak Oleh Pengguna Aplikasi Telegram Berdasarkan Undang-Undang Hak Cipta Dan Undang-Undang Informasi Dan Transaksi Elektronik Di Indonesia," *Ajudikasi Jurnal Ilmu Hukum* 5, no. 1 (June 3, 2021): 1-16, <https://doi.org/10.30656/ajudikasi.v5i1.3218>.

<sup>20</sup> *Op.cit.* Bio Bintang Gidete.

registered trademarks, and product names mentioned on the service or contained in content linked to or related to any NFT displayed on the service are the property of their respective owners and may not be copied, imitated, or used, in whole or in part, without permission from the applicable intellectual property rights holder.”<sup>21</sup>

The platform also provides an online reporting form for those who find their intellectual property assets are being infringed. This reporting mechanism requires the reporter to fill in the IPR details and other relevant information. The report will be reviewed, and if it meets the criteria for copyright infringement, action will be taken, including removing the NFT in question from the platform. In other words, the owners of the intellectual property rights of an asset are required to be proactive in monitoring and reporting if they find any violations. Even after the removal, the IPR owners still need to continue to monitor various platforms to ensure that the violated assets are not marketed and offered again.<sup>22</sup>

Integrity Indonesia has collaborated with global marketplace platforms to remove counterfeit products from their platforms. We are ready to help brand owners protect their brand identity and reputation by combating infringement of their products. In addition to removing counterfeit products from online channels, integrity is also experienced in continuous monitoring to detect and identify whether the infringed products are being offered again using different accounts or channels.<sup>23</sup> In Indonesia, there are still no regulations governing the sale and purchase of NFTs, unlike crypto, which already has regulations regarding crypto trading in Indonesia, namely through the Regulation of the Minister of Trade Number 99 of 2018 concerning the General Policy for implementing Crypto Asset Futures Trading (crypto assets).<sup>24</sup>

Although it does not yet have a legal umbrella, the Ministry of Communication and Information is working with the Commodity Futures Trading Supervisory Agency, the Ministry of Trade (Bappebti), the police, and other authorized institutions to supervise transactions on platforms that trade NFTs and take legal action against NFT platform users who violate the law.<sup>25</sup>

#### 4. Conclusion

The work of creation is a unity with its creator because it is a manifestation or expression of the creator that is unique and personal. Thus, the work of creation cannot be separated from its creator. Therefore, any legal action against the work of creation can only be carried out by the creator, disregarding other parties, likewise, with the activity or act of digitizing or tokenizing the work of creation into NFT. The digitization of tokenization can only be carried out by the creator. Other parties can only do it if they have obtained permission or approval from the creator. Not obtaining permission or approval from the creator means the other party has no legal basis for rights, violating the creator’s exclusive rights. In this case, Law Number 28 of 2014 concerning Copyright has not explicitly regulated NFT. The presence of NFT as a digital asset is expected to make it easier

<sup>21</sup> Putri, “Maraknya Pelanggaran Hak Kekayaan Intelektual Di Pasar NFT,” Integrity Indonesia, August 26, 2024, <https://www.integrity-indonesia.com/id/blog/2022/03/15/maraknya-pelanggaran-hak-kekayaan-intelektual-di-pasar-nft/>.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

<sup>24</sup> Gabriella Ivana and Andriyanto Adhi Nugroho, “Akibat Kekosongan Hukum Terhadap Non-Fungible Token Sebagai Pelanggaran Hak Kekayaan Intelektual,” *Jurnal Usm Law Review* 5, no. 2 (November 12, 2022): 708, <https://doi.org/10.26623/julr.v5i2.5685>.

<sup>25</sup> *Ibid.*



for artists or digital creators to market their work. However, there is a loophole for copyright infringement, namely plagiarism, which is then traded as NFT. The report will be reviewed, and if it meets the criteria for copyright infringement, action will be taken, including removal of the NFT in question from the platform. The Indonesian government must immediately create regulations on copyright infringement in the NFT Marketplace, which is currently being widely used by the public. Sectoral regulations for the NFT Marketplace can provide legal certainty for the community of NFT platform users, which includes creators and copyright holders, to minimize copyright infringement and protect the exclusive rights of creators.

## References

- Ali, Zainuddin. *Metode Penelitian Hukum*. Bandung: Sinar Grafika. 2021.
- Burkhardt, Daniel, Nana Agyei-Kena, Patrick Frey, Sven Kurrle, and Heiner Lasi. "Design Patterns based on Deep Learning analyzing Distributed Data." In 15th International Conference on Wirtschaftsinformatik, 66-82, 2020. [https://doi.org/10.30844/wi\\_2020\\_a5-burkhardt](https://doi.org/10.30844/wi_2020_a5-burkhardt).
- Damian, Eddy. *Hukum Hak Cipta*, Bandung: Alumni. 2004.
- Gidete, Bio Bintang, Muhammad Amirulloh, and Tasya Safiranita Ramli. "Pelindungan Hukum Atas Pelanggaran Hak Cipta Pada Karya Seni Yang Dijadikan Karya Non Fungible Token (NFT) Pada Era Ekonomi Digital." *Jurnal Fundamental Justice*, March 29, 2022, 1-18. <https://doi.org/10.30812/fundamental.v3i1.1736>.
- Harisman, None Muhamad. "Kepastian Hukum Hak Cipta Atas Karya Desain Arsitektur di Indonesia Dikaitkan Dengan Prinsip Alter Ego Tentang Hak Cipta." *Jurnal Poros Hukum Padjadjaran* 1, no. 2 (December 7, 2020): 283-302. <https://doi.org/10.23920/jphp.v1i2.238>.
- Hascaryaningrum, None Putri, None Nova Windiastri, None Yassinta Salsabila M, None Deni Tri Pamungkas, and None Aditya Pratama. "Perlindungan Hukum Hak Cipta Terhadap Hak Cipta Atas Logo Melalui Mekanisme Cross Border Measure." *Jurnal Hukum Politik Dan Ilmu Sosial* 1, no. 4 (November 8, 2022): 42-52. <https://doi.org/10.55606/jhpis.v1i4.633>.
- Ivana, Gabriella, and Andriyanto Adhi Nugroho. "Akibat Kekosongan Hukum Terhadap Non-Fungible Token Sebagai Pelanggaran Hak Kekayaan Intelektual." *Jurnal USM Law Review* 5, no. 2 (November 12, 2022): 708. <https://doi.org/10.26623/julr.v5i2.5685>.
- KlikLegal.com. "Perdagangan Non-Fungible Token (NFT) Dalam Hukum Indonesia - KlikLegal." KlikLegal, February 3, 2022. <https://kliklegal.com/perdagangan-non-fungible-token-nft-dalam-hukum-indonesia>.
- Megahayati, Kemala, None Muhamad Amirulloh, and None Helitha Novianty Muchtar. "Perlindungan Hukum Sinematografi Terhadap Pengaksesan Tanpa Hak Oleh Pengguna Aplikasi Telegram Berdasarkan Undang-Undang Hak Cipta Dan Undang-Undang Informasi Dan Transaksi Elektronik Di Indonesia." *Ajudikasi Jurnal Ilmu Hukum* 5, no. 1 (June 3, 2021): 1-16. <https://doi.org/10.30656/ajudikasi.v5i1.3218>.
- Pratama, B., "Ketiadaan Pengaturan 'Droit De Suite' Dalam Hak Moral Pada Undang-Undang Hak Cipta 2014," April 30, 2016. <https://business-law.binus.ac.id/2016/04/30/ketiadaan-pengaturan-droit-de-suite-dalam-hak-moral-pada-undang-undang-hak-cipta-2014/>.
- Pratomo, Gagag Yoga. "Ingin Bikin NFT Di Android? Begini Caranya." *liputan6.com*, January 21, 2022. <https://www.liputan6.com/crypto/read/4865762/ingin-bikin-nft-di-android-begini-caranya>.

- Putri. "Maraknya Pelanggaran Hak Kekayaan Intelektual Di Pasar NFT." *Integrity Indonesia*, August 26, 2024. <https://www.integrity-indonesia.com/id/blog/2022/03/15/maraknya-pelanggaran-hak-kekayaan-intelektual-di-pasar-nft/>.
- Rosadi, Sinta Dewi, and Garry Gumelar Pratama. "Urgensi Perlindungan data Privasi dalam Era Ekonomi Digital Di Indonesia." *Veritas Et Justitia* 4, no. 1 (June 28, 2018): 88-110. <https://doi.org/10.25123/vej.v4i1.2916>.
- Sierrad, Muhammad Zaki. "Larangan Pengalihan Hak Moral Dan Pembatasan Waktu Dalam Perjanjian Jual Putus Hak Cipta Buku Dalam Perspektif Hak Asasi Manusia." *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia* 1, no. 1 (June 27, 2022): 24-44. <https://doi.org/10.37631/jrkhm.v1i1.5>.
- Yanto, Oksidelfa. "Konsep Perlindungan Hak Cipta Dalam Ranah Hukum Hak Kekayaan Intelektual (Studi Kritis Pembajakan Karya Cipta Musik Dalam Bentuk VCD Dan DVD)." *Yustisia Jurnal Hukum* 4, no. 3 (December 1, 2015). <https://doi.org/10.20961/yustisia.v4i3.8706>.
-