



LEGAL PROTECTION FOR VIDEO CONTENT CREATORS ON SOCIAL MEDIA THAT ARE REUPLOADED TO THE FACEBOOK PRO PLATFORM BASED ON MUI FATWA NUMBER 1 OF 2003 CONCERNING COPYRIGHT

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ABSTRACT

The phenomenon of video reuploads by social media users, particularly on the Facebook Pro platform, raises serious issues related to copyright infringement and economic losses for video content creators. The practice of reuploading content without permission, especially for monetization purposes, demonstrates weak legal awareness and digital ethics in the virtual space. This study aims to analyze the form of legal protection for video content creators whose work is reuploaded without permission, reviewed from Law Number 28 of 2014 concerning Copyright and the perspective of the Indonesian Ulema Council (MUI) Fatwa Number 1 of 2003. This study uses an empirical juridical approach by examining reupload practices on social media as well as relevant positive and Islamic legal norms. The results show that reuploading videos without permission for commercial purposes violates the moral and economic rights of creators and is classified as an unjust and haram act according to the MUI Fatwa. This study emphasizes the importance of strengthening preventive and repressive legal protection, as well as increasing digital legal literacy to protect the copyright of content creators in the digital economy era.

Keywords: Legal protection; copyright; video content creator; reupload; MUI Fatwa.

1. INTRODUCTION

The development of digital technology and social media has brought significant changes in the way individuals produce, distribute, and consume creative content. Social media is no longer simply a space for social interaction but has transformed into a digital economic ecosystem that enables individuals to gain financial benefits through content monetization (Putri et al., 2025). In this context, video content creators have become crucial actors in the digital creative economy, particularly through video-based platforms like TikTok, YouTube, Instagram, and Facebook.

One phenomenon that has emerged alongside the development of the digital economy is the practice of reuploading or re-uploading videos belonging to other content creators without permission. This practice is increasingly widespread on the Facebook Pro platform, a professional feature from Facebook that allows users to earn income through video monetization programs. Data shows that Indonesia has the third-largest number of Facebook users in the world, with over 135 million active users, making Facebook Pro a highly potential space for content monetization practices, both legal and illegal (Nuraisya, 2024).

In practice, many Facebook Pro users re-upload videos from other platforms, such as TikTok and Instagram, without the consent of the original creator, even removing watermarks and the creator's identity. This practice not only creates public confusion regarding content ownership but also has the potential to cause economic and moral harm to the original creator (Zaki & Sukranatha, 2021). Economic losses arise from the loss of potential royalties and advertising revenue, while moral losses occur due to the omission of attribution and the distortion of the creator's identity (Delamarisa & Murdani, 2025).

From the perspective of Indonesian positive law, the practice of re-uploading videos without permission for commercial purposes constitutes a form of copyright infringement, as stipulated in Law Number 28 of 2014 concerning Copyright. This law emphasizes that copyright is an exclusive right encompassing the moral and economic rights of the creator, which arise automatically from the moment a work is manifested in a tangible form (Ramli, 2021). Violations of economic rights, such as the unauthorized use of content for monetization, are subject to civil and criminal sanctions, while violations of moral rights relate to the inclusion of the creator's name and the integrity of the work.

However, positive legal regulations have not fully addressed the ethical issues and substantive justice values that have developed in society, particularly in the Muslim context. Therefore, an Islamic legal perspective is relevant to complement the analysis of copyright protection in the digital era. The Indonesian Ulema Council (MUI), through Fatwa Number 1 of 2003 concerning Copyright, emphasized that copyright is part of property rights protected by sharia, and any form of copyright infringement, including piracy, is categorized as an act of injustice and haram (MUI Fatwa, 2003). This fatwa reinforces the view that unauthorized use of another person's work, especially for commercial gain, violates the principles of justice and protection of property (*ḥifẓ al-māl*) in Islam.

Several previous studies have addressed the copyright protection of digital content, from both positive and Islamic legal perspectives. Studies by Fathanudien et al. (2024) and Hikmasari (2023) emphasize the importance of upholding the economic and moral rights of creators in addressing the rise of copyright infringement on social media. Meanwhile, research by Husna and Permata (2024) and Ria and Yovitasari (2022) highlighted the ethical and religious dimensions of copyright infringement based on the Indonesian Ulema Council (MUI) Fatwa. However, most of this research remains normative and has not specifically examined the practice of video reuploading on the Facebook Pro platform, a new phenomenon in the digital monetization ecosystem.

Based on this description, there is a research gap regarding a comprehensive analysis of legal protection for video content creators whose work is reuploaded without permission on the Facebook Pro platform, particularly by integrating a positive legal

approach and the perspective of MUI Fatwa Number 1 of 2003. Therefore, this study aims to analyze the forms of legal protection for video content creators who experience unauthorized reuploading for commercial purposes, as well as examine the legal and ethical implications of this practice based on the Copyright Law and Islamic law. Therefore, this research is expected to contribute academically to the development of digital copyright law studies, while also offering a normative foundation for strengthening legal literacy and digital ethics in the creative economy era.

2. RESEARCH METHOD

This study uses an empirical juridical approach to examine the application of law in social life and legal norms based on the MUI Fatwa Number 1 of 2003 and the practice of reuploading video content creators on the Facebook Pro platform. This approach aims to analyze how legal protection regarding reuploaded content on social media, especially by content creators whose videos are reuploaded on the Facebook Pro platform for commercial purposes and account monetization (Marzuki, 2018). The legal approach used is a qualitative statutory approach used to examine legal protection for video content reuploaded without permission whether it is in accordance with the regulations of Law Number 28 of 2014 concerning Copyright and MUI Fatwa Number 1 of 2003 concerning Copyright, while the conceptual approach is used to see the perspective in the community with what is happening and is used to explore legal theories and principles, including the concept of preventive and repressive legal protection according to applicable law and the principle of *ḥifẓ al-māl* (protection of property) based on MUI Fatwa Number 1 of 2003 concerning Copyright. Primary law includes laws and regulations that form the basis of the study in the form of MUI Fatwa Number 1 of 2003 concerning Copyright. Secondary legal materials include scientific literature such as books, journals, articles, and opinions of expert scholars. MUI Fatwa Number 1 of 2003 is the main focus in this research study.

3. RESULT AND ANALYSIS

An Empirical Overview of Video Reupload Practices on the Facebook Pro Platform

Empirically, the practice of video reuploading on the Facebook Pro platform shows a relatively consistent pattern: taking video content from other platforms such as TikTok, Instagram, and YouTube and then re-uploading it to Facebook without the consent of the original creator. This pattern generally involves downloading videos from the original platform, either through built-in features or third-party applications, and then re-uploading them to Facebook Pro as new content. This phenomenon has become increasingly widespread with the increasing popularity of Facebook Pro as a means of monetizing video-based content, especially in countries with high Facebook user bases like Indonesia (Nuraisyah, 2024; Putri et al., 2025).

Based on observations of reuploaded content, the most frequently reuploaded videos are entertainment content, light educational content, and viral content. Entertainment content such as comedy clips, daily life videos, and reaction videos are the most dominant types due to their high visual appeal and easy to attract viewers. Furthermore, short, informative educational content—such as life tips, motivational content, or popular knowledge—is also frequently reuploaded due to its perceived high sales value and

potential for broad reach. Viral content with a large audience on the original platform is a primary target because it is believed to accelerate the increase in views and followers on Facebook Pro (Zaki & Sukranatha, 2021; Delamarisa & Murdani, 2025).

In practice, several forms of violations have been found to accompany these video reuploads. The most common violation is re-uploading without permission from the original content owner. Furthermore, many videos are reuploaded by removing the watermark or creator's identity previously displayed on the original video, thus obscuring ownership of the work. It is also common to find account names, profile photos, or identities that resemble the original creator, potentially misleading the public and creating the perception that the Facebook Pro account is the content creator's official account (Hikmasari, 2023; Fathanudien et al., 2024).

Empirically, the primary goal of video reuploading on Facebook Pro is to accelerate monetization and generate economic profit. By reuploading content that has proven popular on other platforms, reuploaders attempt to more quickly meet monetization requirements, such as the number of views, watch duration, and user engagement. This strategy is seen as a shortcut to generating advertising revenue without going through the creative process of producing content independently. These findings indicate that economic motivation is a dominant factor in reuploading practices, while also highlighting the inequality between original content creators and those who reuse their work for commercial purposes (Ramli, 2021; Ria & Yovitasari, 2022).

Legal Protection Under Law Number 28 of 2014 for Videos Reuploaded by Content Creators on the Facebook Pro Platform

Law Number 28 of 2014 concerning Copyright provides a firm legal basis for protecting creative works, including digital videos produced by content creators on social media. In the context of Facebook Pro, videos are protected from the moment they are first manifested in tangible form, without requiring registration as a prerequisite for copyright. This protection is automatic and includes the creator's exclusive right to use, reproduce, and economically benefit from their work. Therefore, the practice of reuploading videos without permission, especially for monetization purposes, directly contradicts the basic principles of copyright protection stipulated in the law (Ramli, 2021).

Normatively, copyright infringement in the practice of reuploading videos on Facebook Pro primarily relates to the violation of the creator's economic rights. Article 9 of the Copyright Law affirms that creators have the exclusive right to obtain economic benefits from their creations, including through publication, reproduction, and digital communication. When a video is reuploaded and monetized by another party without permission, an unauthorized transfer of economic benefits occurs, harming the original creator. This loss includes not only the loss of potential royalties but also the reduced opportunity for the creator to develop their account and professional reputation on digital platforms (Delamarisa & Murdani, 2025).

In addition to economic rights, the practice of video reuploading also often violates the creator's moral rights, as stipulated in Article 5 of the Copyright Law. Moral rights are inherent in the creator and include the right to be named and the right to maintain the integrity of their work. Removing watermarks, changing account identities, or unilaterally claiming credit for reuploaded videos constitutes a violation of moral rights because it

obscures the creator's identity and has the potential to damage their creative reputation. This violation of moral rights has a non-material dimension that is no less serious than the economic loss (Hikmasari, 2023).

From a civil law perspective, reuploading videos without permission for commercial purposes can be classified as an unlawful act (PMH) as stipulated in Article 1365 of the Civil Code. This action fulfills the elements of an unlawful act because it was carried out without authorization, caused harm to another party, and there is a causal relationship between the act and the harm suffered by the creator. In this context, content creators have the legal basis to file a lawsuit for compensation with the Commercial Court, as stipulated in Article 99 of the Copyright Law (Soekanto & Mamudji, 2019).

Law Number 28 of 2014 also provides preventive and repressive legal protection mechanisms for content creators. Preventive protection is realized through automatic recognition of copyright and the possibility of registering the work with the Directorate General of Intellectual Property as strong evidence in disputes. Meanwhile, repressive protection is provided through civil and criminal sanctions against perpetrators of copyright infringement. Article 113 of the Copyright Law expressly stipulates the threat of imprisonment and fines for parties who intentionally and without authorization violate economic rights for commercial purposes (Ningrat et al., 2020).

However, the effectiveness of legal protection against the practice of reuploading videos on Facebook Pro still faces various challenges. The cross-platform nature, anonymity of perpetrators, and the speed of digital content distribution often complicate the process of proof and law enforcement. Therefore, legal protection cannot rely solely on normative instruments but needs to be supported by increased digital legal literacy among content creators and a commitment from digital platforms to uphold copyright protection policies. Therefore, Law Number 28 of 2014 remains relevant as the primary legal umbrella, but its implementation requires synergy between the state, platforms, and the digital community (Fathanudien et al., 2024; Triadi et al., 2025).

Reuploading Videos Without Permission from the Perspective of MUI Fatwa Number 1 of 2003

From an Islamic legal perspective, copyright is understood as a legitimate and protected form of property rights, known as the concept of *ḥaqq al-ibtikār*. This concept refers to an individual's exclusive rights over intellectual works produced through personal ability, creativity, and effort. The majority of scholars from the Maliki, Shafi'i, and Hanbali schools of thought view original works and their economic benefits as assets (*māl*) that have value and may be utilized according to Islamic law. Therefore, the owner of the work has full rights to determine its use, distribution, and economic utilization (Baskoro, 2021; Zuhaili, 2006).

The practice of reuploading videos without permission, particularly for commercial purposes, is classified as a form of injustice (*ẓulm*) according to MUI Fatwa Number 1 of 2003. This act is seen as the unlawful appropriation of another person's rights by using the work without the creator's consent. The Indonesian Ulema Council (MUI) fatwa explicitly states that all forms of copyright infringement, including piracy, constitute an unjust act and are prohibited by law. In the context of reuploading videos on social media, removing watermarks and obscuring the creator's identity further reinforces the injustice

by simultaneously depriving the creator of both their moral and economic rights (MUI Fatwa, 2003; Ria & Yovitasari, 2022).

Furthermore, the practice of reuploading without permission contradicts the principle of *ḥifẓ al-māl* (protection of property), one of the primary objectives (*maqāṣid al-syarī'ah*) of Islamic law. In the digital economy, creative works such as videos are no longer viewed merely as personal expression but as economic assets with tangible commercial value. Therefore, profiting economically from someone else's work without permission is tantamount to undermining the protection of property, which must be safeguarded by both individuals and the state. This principle is relevant to addressing ethical and fairness challenges in digital content monetization practices (Husna & Permata, 2024; Baskoro, 2021).

The Indonesian Ulema Council (MUI) Fatwa Number 1 of 2003 also places copyright as part of the ethics of *muamalah* (transactions), which demands honesty, trustworthiness, and fairness in transactions, including digital ones. Reuploading videos without permission for personal gain is seen as a form of *akl al-māl bi al-bāṭil* (unlawful appropriation of another's property). This prohibition has a strong normative basis in the Quran, specifically Surah Al-Baqarah, verse 188, which emphasizes the prohibition of taking another's property unlawfully. Thus, copyright infringement not only has a legal dimension but also has moral and spiritual implications for the perpetrators (Zulham, 2017; Ria & Yovitasari, 2022).

In the context of copyright protection on social media, the MUI Fatwa serves as an ethical and moral foundation that complements positive legal regulations. Although it lacks the legal sanction of a law, the MUI Fatwa holds strong moral authority among Indonesian Muslim communities. This fatwa encourages the internalization of the values of justice and moral responsibility in the use of digital works, so that copyright protection depends not only on formal law enforcement but also on the ethical awareness of social media users. Thus, the MUI Fatwa serves as a relevant normative instrument in building a just and civilized digital economic ecosystem (Fathanudien et al., 2024; Baskoro, 2021).

Synthesis of Positive Law and Islamic Law in Digital Copyright Protection

Digital copyright protection in the context of social media, particularly regarding the practice of reuploading videos on the Facebook Pro platform, demonstrates significant convergence between Indonesian positive law and Islamic law. Law Number 28 of 2014 concerning Copyright and Fatwa of the Indonesian Ulema Council (MUI) Number 1 of 2003 both recognize copyright as a legitimate right worthy of protection. In positive law, copyright is understood as an exclusive right that arises automatically upon the creation of a work, while in Islamic law, copyright is categorized as a *ḥaqq māli* (property right) that has economic and moral value and must be respected by others (Ramli, 2021; Baskoro, 2021).

The main convergence between the two legal systems lies in the protection of the economic rights of creators. The Copyright Law expressly grants creators the right to obtain economic benefits from their creations and prohibits unauthorized commercial use. This principle aligns with MUI Fatwa Number 1 of 2003, which views the unauthorized use of another person's work as a form of illicit appropriation of property. From an Islamic perspective, the practice of reuploading videos without permission for

monetization is categorized as an act of *akl al-māl bi al-bāṭil*, meaning consuming another person's property in an unlawful manner, which is morally and ethically prohibited (Ria & Yovitasari, 2022; Husna & Permata, 2024).

In addition to economic rights, both legal systems also place serious emphasis on respecting the moral rights of creators. Law Number 28 of 2014 defines moral rights as inherently inherent in creators, including the right to be named and to maintain the integrity of their work. This concept aligns with Islamic law, which places honor, reputation, and recognition of one's work as part of the values of justice and ethical transactions. Removing watermarks or obscuring the creator's identity when re-uploading videos not only violates positive legal norms but also contradicts the principles of honesty and trustworthiness in Islam (Hikmasari, 2023; Zuhaili, 2006).

Despite strong similarities, positive law and Islamic law differ in the nature of sanctions in responding to copyright infringement. Positive law emphasizes formal, state-enforceable legal sanctions, such as civil penalties in the form of compensation and criminal penalties in the form of fines and imprisonment. Conversely, Islamic law emphasizes moral and spiritual sanctions, where copyright infringement is viewed as an unjust act that results in sin and accountability before God. These differences are not contradictory, but rather complementary, providing a deterrent effect both in this world and in the hereafter (Ningrat et al., 2020; Baskoro, 2021).

In addressing the rise of copyright infringement on social media, an integrative approach that combines positive law and Islamic law is becoming increasingly relevant. This approach not only strengthens the normative legitimacy of copyright protection but also encourages the internalization of ethical values and moral responsibility among social media users. By integrating formal legal sanctions and moral-spiritual awareness, digital copyright protection is expected to rely not only on law enforcement but also on the collective awareness of the digital community in respecting the works and rights of others (Fathanudien et al., 2024; Triadi et al., 2025).

4. CONCLUSION

This study concludes that the practice of reuploading videos by content creators without permission on the Facebook Pro platform is a real and systemic phenomenon in the digital economy ecosystem, primarily driven by the motive of accelerating monetization and economic gain. Empirically, this practice demonstrates a pattern of taking content from other platforms without the creator's consent, removing identities, and commercial exploitation that harms the original creator, both economically and morally. These findings confirm that the dynamics of social media not only present economic opportunities but also pose serious challenges to digital copyright protection.

From a positive legal perspective, Law Number 28 of 2014 concerning Copyright provides a clear protection framework for videos as protected works, encompassing the creator's moral and economic rights. The practice of reuploading without permission for commercial purposes qualifies as copyright infringement and is subject to civil and criminal sanctions. However, this study also shows that the effectiveness of legal protection still faces obstacles in implementation, particularly related to the cross-platform nature, the speed of digital content distribution, and limited legal awareness among social media users.

From an Islamic legal perspective, the Indonesian Ulema Council (MUI) Fatwa Number 1 of 2003 affirms that copyright is part of legitimate property rights (*haqq al-ibtikār*) and must be protected. Reuploading videos without permission for commercial purposes is categorized as an unjust and forbidden act because it contradicts the principles of justice and protection of property (*haqq al-māl*). Therefore, copyright infringement not only has a formal legal dimension but also carries moral and spiritual implications that demand ethical accountability for the perpetrator.

The synthesis of positive law and Islamic law demonstrates a strong normative common ground in digital copyright protection, particularly in respecting the economic and moral rights of creators. The differences in the nature of legal sanctions in positive law and moral-spiritual sanctions in Islamic law are complementary and can strengthen the deterrent effect when applied in an integrated manner. This approach is relevant to addressing the complexity of copyright infringement on social media, which cannot be addressed solely through formal legal instruments.

Based on these findings, this study emphasizes the importance of strengthening digital copyright protection through a synergy between state regulations, digital platform commitments, and the internalization of ethical values among social media users. Practically, this requires increased legal literacy and digital ethics for content creators and users, as well as more responsive platform policies in addressing copyright infringement. Academically, this research contributes to the development of digital copyright studies using an integrative approach of positive law and Islamic law, and opens up space for further, more in-depth research on law enforcement mechanisms and the role of digital platforms in protecting creative works in the digital economy era.

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