

Intellectual Property Law and Ethics Creating Space for Ethical Innovation from the Perspective of Dignified Justice

I Gede Agus Kurniawan*, Putu Aras Samsithawrati**,
Fradhana Putra Disantara***, Briggs Samuel Mawunyo Nutakor****

*Universitas Pendidikan Nasional, **Universitas Udayana, ***Institut Teknologi dan Bisnis Yadika Pasuruan,

****Wisconsin International University College, Ghana

Email: gedeaguskurniawan@undiknas.ac.id

Naskah diterima: 4 November 2024

Naskah direvisi: 5 Mei 2025

Naskah diterbitkan: 30 Juni 2025

Abstract

This research aims to analyze the relationship between intellectual property law and ethics in fostering ethical innovation in Indonesia from the principles of dignified justice. This study employs normative legal research methods with a conceptual approach, analyzing primary, secondary, and tertiary legal materials through literature study and qualitative analysis to examine the relationship between intellectual property law, ethics, and dignified justice in the context of innovation. The research findings indicate that the integration of ethical principles into Indonesia's intellectual property legal framework is crucial for building a fair, inclusive, and sustainable innovation ecosystem. Intellectual Property Rights (IPR) should be seen not only as protection for exclusive rights but also as a tool to balance the interests of creators, society, and indigenous communities. Analysis of regulations and case studies such as copyright piracy, compulsory licensing in health emergencies, and protection of traditional knowledge demonstrates that ethical considerations must complement legal protections to ensure equitable access, cultural respect, and social responsibility. Adaptive legal reforms, stronger institutional enforcement, recognition of indigenous contributions, and incentives for green innovation are necessary to make Indonesia's IPR system more humane, just, and aligned with both local wisdom and global standards.

Keywords: *intellectual property; ethics; innovation; dignified justice; legal protection*

Abstrak

Tujuan penelitian ini adalah untuk menganalisis hubungan antara hukum kekayaan intelektual dan etika dalam mendorong inovasi yang beretika di Indonesia dalam prinsip keadilan bermartabat. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan konseptual, menganalisis bahan hukum primer, sekunder, dan tersier melalui studi kepustakaan dan analisis kualitatif untuk mengkaji hubungan antara hukum kekayaan intelektual, etika, dan keadilan bermartabat dalam konteks inovasi. Hasil penelitian menunjukkan bahwa integrasi prinsip etika dalam kerangka hukum Hak Kekayaan Intelektual (HKI) di Indonesia sangat

penting untuk membangun ekosistem inovasi yang adil, inklusif, dan berkelanjutan. HKI harus dipahami bukan hanya sebagai perlindungan hak eksklusif pencipta, tetapi juga sebagai instrumen untuk menyeimbangkan kepentingan kreator, masyarakat, dan komunitas adat. Analisis terhadap berbagai regulasi dan studi kasus seperti pembajakan hak cipta, lisensi wajib dalam krisis kesehatan, serta perlindungan pengetahuan tradisional menunjukkan bahwa pertimbangan etis harus melengkapi perlindungan hukum demi memastikan akses yang adil, penghormatan budaya, dan tanggung jawab sosial. Reformasi hukum yang adaptif, penguatan lembaga penegak hukum, pengakuan terhadap kontribusi masyarakat adat, serta dorongan inovasi ramah lingkungan diperlukan agar sistem HKI Indonesia menjadi lebih manusiawi, adil, dan sejalan dengan nilai-nilai kearifan lokal dan standar global.

Kata kunci: kekayaan intelektual; etika; inovasi; keadilan bermartabat; perlindungan hukum

I. Background

In the era of globalization propelled by rapid technological and economic advancement, innovation stands as a principal engine driving economic growth and improving human welfare. Innovation is not merely an indicator of technological progress; it embodies the creation of new knowledge capable of elevating the quality of life across societies. Despite these undeniable benefits, innovation also invites significant legal and ethical scrutiny, particularly concerning the mechanisms by which intellectual creations are protected to ensure they serve broader societal interests without undermining individual rights. Intellectual Property Rights (IPR) thus emerge as a pivotal legal framework, granting exclusive rights to creators and innovators to incentivize continual advancement. However, the evolution of the IPR system globally has also unveiled complex challenges. While initially intended to safeguard the rights of inventors and creators, IPR mechanisms are increasingly exploited by powerful entities for purely commercial gain, often at the expense of the public interest¹.

Moreover, ethical concerns intensify when

traditional knowledge and cultural heritage are appropriated without proper acknowledgment or benefit-sharing with indigenous communities. Cases such as the misappropriation of Indonesia's traditional herbal formulations like temulawak (*curcuma xanthorrhiza*) illustrate how multinational corporations have historically secured patents based on indigenous knowledge without engaging in fair compensation or informed consent, thereby exacerbating historical injustices. Finally, a more robust exploration of the ethical theories informing critiques of the IPR system would enrich the analysis. Only then can discourse move beyond theoretical critique toward meaningful reform that genuinely reconciles innovation with justice and human dignity demands. The dignified justice approach in this study is important as a response to these problems. Dignified justice not only focuses on distributive or procedural justice but also respects the inherent values and dignity of each individual and social group. The concept of dignified justice draws its philosophical foundations from the broader discourse of human rights and dignity-centered theories of justice. However, within the Indonesian academic context, the term

1 I Gede Agus Kurniawan et al., "Intellectual Property Rights and Ethics: A Comparison of Philosophical Approaches in Northern and Southern Countries," *Kosmik Hukum* 25, no. 1 (January 2025): 106, <https://doi.org/10.30595/>

“dignified justice” (*keadilan bermartabat*) has been particularly developed by legal scholars such as Professor Teguh Prasetyo².

In his theoretical framework, dignified justice is positioned as a response to the inadequacy of conventional justice models that prioritize merely the equality of distribution or adherence to procedural norms without necessarily upholding human dignity as a central value.

Prasetyo emphasizes that true justice must not only ensure formal fairness but also affirm the moral worth and socio-cultural identity of all individuals and communities³. Therefore, in the context of intellectual property law, dignified justice demands that the legal protection of innovation must equally consider ethical obligations towards society, respect for traditional knowledge, and equitable access to technological advancements⁴. This approach advocates for a justice system that integrates legal certainty with substantive ethical responsibility, ensuring that the benefits of innovation are not monopolized but distributed in a manner that honors human dignity⁵. From the perspective of dignified justice, innovations protected by IPR should not only benefit the rights holders but also not harm the basic rights of society, especially in access to knowledge, technology, and other vital products⁶. On the other hand, dignified justice also challenges how the current IPR system can make room for more inclusive and ethical innovation. This approach requires a legal framework that not only serves as protection for innovators

but also as an instrument to maintain a balance of interests between innovators, users, and the general public. Thus, the dignified justice approach is expected to realize an IPR system that supports sustainable innovation while still considering ethical aspects and justice for all parties involved. Furthermore, this study will examine the role of ethics in shaping a more balanced IPR system. Ethics in the context of IPR has an important role to play in ensuring that innovations and creations are not only commercial but also pay attention to the social impact of the existence of these innovations⁷.

Ethics in IPR emphasizes the importance of social responsibility for rights holders in utilizing their exclusive rights⁸. In this case, an ethic that focuses on dignified justice can provide direction for the development of an IPR system that strikes a balance between incentivizing innovators and protecting the public interest. This perspective also enables inclusive innovation by valuing the contribution of local cultures and traditions as part of the creative process. For example, the dignified justice approach can be implemented in the form of recognizing and respecting traditional knowledge, such as herbal medicines that have been passed down from generation to generation, by not immediately turning them into commercial products without consent and fair benefits for the community of origin. Based on the above background, the author is interested in conducting research entitled “Intellectual Property Law and Ethics: Creating Space for Ethical from the Perspective of Dignified Justice”. The problem formulation in this study is:

-
- 2 Teguh Prasetyo, *Hukum dan Teori Hukum Perspektif Teori Keadilan Bermartabat* (Bandung: Nusa Media, 2020), 20.
 - 3 Teguh Prasetyo, *Pembaharuan Hukum: Perspektif Teori Keadilan Bermartabat* (Malang: Setara Press, 2017), 39.
 - 4 Teguh Prasetyo, *Penelitian Hukum Suatu Perspektif Teori Keadilan Bermartabat* (Bandung: Nusa Media, 2019), 17.
 - 5 Fradhana Putra Disantara, Bayu Dwi Anggono, and A’An Efendi, “Mendudukan Norma Etika: Perspektif Teori Keadilan Bermartabat terhadap Relasi Etika dan Hukum,” *Rechtsidee* 10, no. 2 (June 2022): 9–10, <https://doi.org/10.21070/jihr.v10i0.773>
 - 6 Fradhana Putra Disantara, “Perspektif Keadilan Bermartabat dalam Paradoks Etika dan Hukum,” *Jurnal Litigasi* 22, no. 2 (October 2021): 210–211, <https://doi.org/10.23969/litigasi.v22i2.4211>
 - 7 I Gede Agus Kurniawan et al., “Legal Reform in Business Dispute Resolution: A Study of Legal Pluralism in Indonesia, Vietnam, and Thailand,” *Journal of Law and Legal Reform* 6, no. 2 (April, 2025): 78–79, <https://doi.org/10.15294/jllr.v6i2.21128>
 - 8 Arho Suominen, Matthias Deschryvere, and Rummy Narayan, “Uncovering Value through Exploration of Barriers - A Perspective on Intellectual Property Rights in a National Innovation System,” *Technovation* 123 (May 2023): 102719, <https://doi.org/10.1016/j.technovation.2023.102719>

1. What is the relationship between intellectual property law and ethics in fostering ethical innovation in Indonesia?
2. How can ethical principles be integrated into the application of intellectual property law to support ethical innovation?
3. What normative framework can guide the formulation of an ideal IP law that promotes ethical innovation in line with the principles of dignified justice?

This study aims to explore the relationship between intellectual property law and ethics in creating fair, inclusive, and dignified innovation. This study is also expected to be able to contribute ideas to the development of IPR policies that not only support economic growth and innovation but also reflect the values of social justice and human dignity. The novelty of this study lies in the integration of the concept of dignified justice into the domain of intellectual property law and ethical innovation. While previous studies have largely focused on balancing intellectual property rights between creators and the public, few have systematically incorporated a justice framework that explicitly centers human dignity as a core principle. By applying the dignified justice theory primarily developed within the Indonesian legal context, this study offers a new normative approach that not only emphasizes the protection of creators' rights but also ensures that innovation serves the broader interests of society without marginalizing vulnerable groups or traditional knowledge holders.

II. Method

The research method employed in this study is normative legal research, which is particularly appropriate for exploring the intersection of legal

doctrines and ethical considerations within the framework of IPR. In this context, the research does not merely aim to map out existing legal provisions but also to evaluate them against the normative framework of “dignified justice,” a philosophical approach developed primarily in Indonesian legal scholarship that emphasizes the balance between legal certainty and human dignity⁹. A conceptual approach underpins the research, focusing on the analytical exploration of legal and ethical concepts relevant to intellectual property. The legal materials analyzed in this study are classified into three main categories: primary, secondary, and tertiary sources. Through this method, the study endeavors to move beyond descriptive legal analysis toward a critical, ethically grounded evaluation of IPR norms. The goal is to generate insights that not only assess the current state of the law but also offer constructive recommendations for reform.

III. The Relationship Between Intellectual Property Law and Ethics in Creating an Ethical Innovation Space in Indonesia

Intellectual property is the product of thoughts, ideas, and innovations of a person or group that has economic and moral value. In Indonesia, intellectual property law is regulated to protect the rights of creators, patent holders, brands, and industrial designs¹⁰. This protection aims to encourage innovation and creativity that have an impact on national economic growth. In addition, the application of ethical principles in innovation development also supports the creation of an ethical space, where businesses and creators can compete fairly, respect each other's rights, and produce innovations that provide social benefits¹¹. In general, the regulatory framework governing intellectual property in Indonesia,

9 Prasetyo, *Hukum dan Teori Hukum Perspektif Teori Keadilan Bermartabat*, 53.

10 I Gede Agus Kurniawan, Putu Aras Samsithawrati, and Ni Ketut Supasti Dharmawan, “Legal Protection for Intellectual Property Holders in Business Activities in the Era of the Industrial Revolution 4.0,” *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum* 11, no. 1 (June 2024): 80–81, <https://doi.org/10.24252/jurisprudentie.v11i1.48076>

11 Andi Muhammad Reza Pahlevi Nugraha, “Tinjauan Yuridis Hak Paten di dalam Kerangka Hukum Nasional di Indonesia,” *Binamulia Hukum* 11, no. 1 (July 2022): 2–3, <https://doi.org/10.37893/jbh.v11i1.668>

such as Law Number 28 of 2014 on Copyright, Law of 2016 on Trademarks and Geographical Indications, provides a structured legal basis for the protection of creative and innovative works. These laws are designed to grant exclusive rights to creators and inventors, offering legal certainty and economic incentives intended to foster innovation. However, while these instruments clearly delineate the scope of legal protection, their implementation must be examined through an ethical lens to ensure that they do not become tools of exclusion or monopolization¹².

However, despite the structured framework offered by these laws, Indonesia's IPR system continues to struggle with several implementation gaps that hinder the promotion of ethical innovation. For instance, piracy and counterfeiting remain rampant across sectors such as entertainment, software, and branded goods, despite the existence of legal sanctions. This raises a critical question: why do these legal protections fail to curb such violations effectively? A deeper analysis reveals that enforcement remains weak due to under-resourced institutions, lack of public awareness, and inconsistent judicial outcomes. Moreover, current laws often focus on punitive measures rather than preventive strategies or ethical engagement, making them reactive rather than proactive in nurturing innovation that serves the public good. In this context, ethical principles are crucial not only as abstract ideals but as functional tools that can fill normative and institutional gaps in the legal system. While the text recognizes ethics as a guiding compass for responsible innovation, it should also explore mechanisms for translating these values into practice. For example, businesses could adopt voluntary ethical codes that emphasize respect for communal intellectual contributions, transparency in licensing, and fair compensation structures. Likewise, creators can be encouraged through soft law instruments such as public rankings, state awards, or tax incentives to go beyond

legal compliance and embrace ethical responsibility. These approaches can be institutionalized through industry associations or public-private partnerships, creating a norm-driven culture of innovation that is both legally sound and morally conscious.

From an ethical standpoint, the mere legal recognition of exclusive rights does not suffice to promote innovation that is equitable and socially beneficial. Ethical innovation requires that the exercise of IPR be guided by a sense of responsibility toward the public interest, particularly in sectors critical to social welfare, such as healthcare, education, and digital access. When legal instruments are applied without ethical considerations, there is a risk that IPR will be used to limit access, suppress competition, or exploit vulnerable community practices that contradict the broader social function of intellectual property. Therefore, this section argues that the relationship between intellectual property law and ethics must be understood as symbiotic rather than parallel. Legal frameworks serve as the structural foundation, but ethical norms act as a moral compass, directing how those legal rights are exercised. The interplay between these two domains is vital in creating an innovative ecosystem that is not only productive but also inclusive and respectful of human dignity. This is especially important in the Indonesian context, where innovation intersects with rich traditions, indigenous knowledge, and socio-economic disparities. As such, aligning legal mechanisms with ethical values is essential to ensure that the fruits of innovation are shared fairly and that intellectual property serves both individual and collective advancement.

On the other hand, ethics plays an important role in shaping a healthy and ethical innovative climate. Ethics relates to moral principles that govern the behavior of innovative actors, such as acting fairly, respecting copyright, and avoiding practices that harm society¹³.

12 Anak Agung Sagung Ngurah Indradewi, "Dimensions of Intellectual Property Rights Law Regulations in Indonesia," *Focus Journal Law Review* 2, no. 1 (October 2022): 4-5, <https://doi.org/10.62795/fjl.v2i1.20>

13 Brendan F. Brown, "The Definition of Law," *New Scholasticism* 34, no. 2 (April 1960): 2-3, <https://doi.org/10.5840/newscholas196034226>

In the context of intellectual property, ethics includes the moral responsibility to refrain from plagiarism, recognize the contributions of others, and prevent the unauthorized exploitation of intellectual work¹⁴.

Law Number 28 of 2014 on Copyright is the legal basis that protects the rights of creators in Indonesia. Under this Copyright Law, creators have the exclusive right to control the use of their works, including in terms of publishing, distribution, and commercial exploitation. Copyright covers works of art, literature, science, and various other forms of creation that have creative value. This protection aims to ensure that creators are properly compensated for their work while preventing copyright abuse by unauthorized parties. Further, Law Number 13 of 2016 on Patents protects inventions that involve technical solutions in the form of products or processes. Patents grant exclusive rights to inventors to utilize their inventions for a certain period of time, so that they can enjoy the financial benefits of the resulting innovation. The existence of patent protection encourages the discovery of new technologies and the development of innovative products. In addition, Law Number 20 of 2016 on Trademarks and Geographical Indications serves to protect the identity of a product or service through trademarks. Trademark protection secures the reputation and trust attached to a product, so that consumers can distinguish the quality of the products they buy.

On the other hand, geographical indications protect products that have the characteristics of a particular region, such as Gayo coffee and Java tea, which are recognized for the quality and uniqueness of their region of origin.

The role of ethics in intellectual property is very important as it covers the moral aspects that govern the behavior of innovators and businesspeople in respecting the rights of others. Ethics in intellectual property includes recognizing the

contribution, transparency, and appropriate use of others' intellectual work. Without ethics, legal efforts to protect intellectual property can be ineffective, as moral violations that are not directly covered by legal regulations often harm creators and society at large. In Indonesia, one of the most common cases is brand counterfeiting and copyright infringement in music, movies, and books. Pirated products are widely circulated in the Indonesian market, which not only harms the creators but also reduces the quality of products that consumers receive. In this situation, the role of law and ethics becomes very important in eradicating piracy and encouraging public awareness to respect intellectual works¹⁵.

To create an ethical innovation space in Indonesia, the following steps can be implemented:

1. Public Education and Awareness: The public needs to be made aware of the importance of respecting intellectual property rights. Through public campaigns and formal education, it is hoped that the public can better understand their rights and obligations regarding intellectual property and the impact of violating these rights.
2. Collaboration Between Stakeholders: The government, industry players, and society need to collaborate in enforcing laws and ethical standards in intellectual property. Through this collaboration, innovations produced can benefit the wider community, and violations of rights can be minimized.
3. Consistent Law Enforcement: Laws protecting intellectual property rights must be consistently enforced. This includes the imposition of strict sanctions against violators and the application of clear regulations to protect the rights of creators. With legal certainty, innovators will be encouraged to innovate without worrying about their work being misused.

14 Jack Donnelly and Terry Nardin, "Law, Morality, and the Relations of States," *Human Rights Quarterly* 6, no. 3 (August 1984): 381, <https://doi.org/10.2307/762007>

15 M. Citra Ramadhan et al., "Pelanggaran Hak Cipta Buku yang Diperjualbelikan Melalui E-Commerce di Kota Medan," *Acta Law Journal* 1, no. 2 (June 2023) 22-23, <https://doi.org/https://doi.org/10.32734/alj.v1i2.12047>

4. Reward Creativity and Innovation: The government and private sector need to recognize individuals or groups that contribute to innovation. These awards can motivate creators to continue working and set an example for society of the importance of valuing intellectual work.

The relationship between intellectual property law and ethics is crucial in creating an ethical innovation space in Indonesia. Through a strong legal framework and the application of ethical principles, innovation can develop healthily and productively, providing benefits to society and driving national economic growth. On the other hand, ethical awareness and respect for intellectual property rights can encourage businesses to innovate honestly, creatively, and responsibly¹⁶. Moreover, deeper questions deserve attention when analyzing the interplay of ethical standards within the Indonesian IPR landscape. How do global ethical standards imposed by Trade-Related Aspects of Intellectual Property Rights (TRIPS) or World Intellectual Property Organization (WIPO) interact or conflict with local understandings of justice and communal ownership? In many indigenous communities, knowledge is not viewed as an individual asset but as a collective heritage. This worldview stands in contrast to the Western-rooted notion of individual exclusivity that underpins most IPR laws. Therefore, the current legal regime may inadvertently marginalize traditional holders of knowledge by forcing them to adapt to a legal paradigm that does not reflect their social reality. A nuanced critique must consider these tensions and how ethical frameworks rooted in cultural pluralism can offer alternative legal solutions, such as community registries or sui generis protections that recognize and preserve Indonesia's rich epistemic diversity.

IV. The Application of Ethical Principles in the Legal Protection of Intellectual Property in Indonesia Can Create an Ethical Innovation Space

The application of ethical principles in the protection of IPR in Indonesia plays an important role in creating an ethical and sustainable innovation space. With a strong legal foundation and policies guided by ethical principles, IPR protection can provide legal certainty for innovators and creators, encourage a healthy innovative climate, and ensure that IPRs are treated fairly and transparently. In Indonesia, ethical principles in IPR are regulated by various laws and government regulations governing copyrights, patents, trademarks, industrial designs, and other intellectual property protection¹⁷.

Copyright in Indonesia is protected by Law Number 28 of 2014 on Copyright. This Copyright Law covers the protection of literary, artistic, and scientific works and gives exclusive rights to creators to utilize and develop their works. The ethical principle in copyright protection is realized by granting moral rights and economic rights to the creator, which ensures that the creator is still recognized as the owner of the work and gets economic benefits from their work¹⁸.

The ethical principles in copyright also encourage people to respect the rights of creators by not committing acts of plagiarism or piracy. For example, the provisions of Article 113 paragraph (3) of the Copyright Law state that acts of copyright infringement can lead to imprisonment and high fines, which aim to prevent unethical acts, such as piracy of works. With this regulation, creators are given legal certainty and respect for their intellectual rights, which in turn motivates them to continue to work and innovate ethically.

16 Sulistyowati Irianto, "Legal Education for the Future of Indonesia: A Critical Assessment," *The Indonesian Journal of Socio-Legal Studies* 1, no. 1 (October 2021): 8, <https://doi.org/10.54828/ijsls.2021v1n1.1>

17 Sanusi, *Dinamika dan Pemecahan Pemasalahan Hak Kekayaan Intelektual di Era Digital* (Medan: PT. Media Penerbit Indonesia, 2024), 77.

18 Sudjana Sudjana, "Pembatasan Perlindungan Kekayaan Intelektual (Hak Cipta) dalam Perspektif Hak Asasi Manusia," *Jurnal HAM* 10, no. 1 (July 2019): 69, <https://doi.org/10.30641/ham.2019.10.69-83>

To illustrate the real-world application of these principles, Indonesia has faced various copyright infringement cases that highlight the tension between legal protection and ethical considerations. A notable example is the long-standing issue of widespread music and film piracy, particularly the unauthorized reproduction and online distribution of local works by artists such as Iwan Fals and Rhoma Irama. Despite legal provisions in the Copyright Law, enforcement has been inconsistent, underscoring the need for ethical awareness among users and more robust mechanisms for protecting creators' rights¹⁹. These cases not only affect individual artists but also the broader cultural ecosystem, where local content is devalued and creators lose both recognition and revenue.

Furthermore, ethical concerns have emerged in the realm of patent law, especially during public health crises. During the COVID-19 pandemic, the Indonesian government explored the use of compulsory licensing provisions under the Patent Law to enable access to patented pharmaceutical products that global patent holders otherwise limited. This move demonstrates how ethical principles, particularly those related to public welfare and equitable access to essential medicine, can guide state actions even within the bounds of strict legal frameworks. It reflects a deliberate balance between respecting patent rights and ensuring public health, an embodiment of dignified justice in practice.

Another example that demonstrates the intersection of ethics, law, and indigenous rights is the controversial appropriation of traditional herbal remedies (*jamu*) and genetic resources by foreign entities seeking patent rights abroad. There have been cases in which foreign companies attempted to patent formulations based on local Indonesian herbs, such as *temulawak* (*curcuma xanthorrhiza*) or

kencur (*kaempferia galanga*), without involving or compensating the local communities who have preserved and developed the knowledge for generations. These incidents have raised ethical alarms and catalyzed the Indonesian government's push for legal instruments such as Government Regulation No. 51 of 2020 on Genetic Resources and Traditional Knowledge, which mandates benefit-sharing and community consent. The regulation represents a vital legal and ethical response to biopiracy, embedding respect for cultural dignity and local autonomy within the broader intellectual property regime.

These case examples demonstrate that the application of ethical principles in intellectual property protection is not merely theoretical but crucial to ensuring that the law reflects and responds to social realities. Grounding legal principles in lived experiences fosters a more just, inclusive, and credible innovative environment. Thus, aligning legal enforcement with ethics enhances not only compliance but also legitimacy, making the IP system a true facilitator of ethical innovation in Indonesia.

Patents are a form of protection granted to inventors for their technical solutions in the form of products or processes. In Indonesia, the legal foundation for patent protection is Law Number 13 of 2016 on Patents. Trademark protection in Indonesia, governed by Law Number 20 of 2016 on Trademarks and Geographical Indications, also embodies both legal and ethical principles. Legally, trademarks serve to identify the origin of goods or services and protect brand reputation, while ethically they function to prevent consumer deception and foster fair business competition. However, ethical issues arise in cases of brand imitation, particularly involving traditional or small-scale businesses²⁰.

19 Yati Nurhayati et al., "The Issue of Copyright Infringement in 4.0 Industrial Revolution: Indonesian Case," *Jurnal Media Hukum* 26, no. 2 (December 2019): 12, <https://doi.org/10.18196/jmh.20190128>

20 Dwi Seno Wijanarko and Slamet Pribadi, "Preventive Legal Protection of Trademarks in Indonesia Based on Law Number 20 of 2016 Concerning Marks and Geographical Indications," *Journal of Law, Politic and Humanities* 3, no. 1 (January 2023): 227–228, <https://doi.org/10.38035/jlph.v3i1.161>

For example, in the local furniture industry of Jepara, artisans often face difficulties when their intricate wood designs are replicated and sold under different labels. Although the law provides a basis for protection, a lack of awareness and enforcement gaps hinder its effectiveness. Therefore, ethical industrial design protection should not only focus on formal legal mechanisms but also include capacity-building for creators and proactive government intervention to safeguard marginalized innovators²¹. The Patent Law also provides that after the protection period expires, the invention will become public property, so that the knowledge can be accessed and utilized by the public at large. Thus, ethical principles are applied to create a balance between the exclusive rights of patent holders and the public's right to access information and technology. This shows that the ethical principles in IPR not only provide benefits to the right holders but also ensure that innovations can be utilized for the welfare of society²². In addition, the ethical principles in patents can also be seen in patent arrangements related to medicine and health technology. The government, through the Patent Law, has the right to grant compulsory licenses in certain situations, such as in a health emergency. This principle shows that although the exclusive rights of patent holders are recognized, patent protection must still consider the public interest and humanitarian ethics.

In Indonesia, trademarks are regulated by Law Number 20 of 2016 on Trademarks and Geographical Indications. Trademark protection is not only important for business purposes but also to protect consumers from confusion due to similar marks or unethical imitation. The ethical principle in trademark protection encourages healthy

competition, where each business actor can compete honestly without violating the rights of others.

The application of ethics in brand protection avoids unfair competition that can harm other parties, especially for brands that already have a reputation in the community. The use of similar or identical marks by other parties not only violates the law but is also considered unethical because it interferes with the exclusive rights of the mark owner and damages consumer confidence. By protecting brands, intellectual property law in Indonesia seeks to create a fair and healthy business climate, which is the main foundation for the sustainability and development of innovation in the business sector²³. Industrial design, which protects the creation or visual design of a product, is regulated under Law Number 31 of 2000 on Industrial Design. The ethical principles in the protection of industrial design emphasize respecting the originality and creativity of the creator. This regulation protects design owners from acts of imitation or plagiarism that can harm them economically and morally.

In an ethical context, industrial design protection also prevents irresponsible parties from copying or counterfeiting existing product designs. With this protection, design creators have a sense of security to develop innovative works without fear of being imitated or harmed by other unethical parties. This is in line with the purpose of IPR, which is to encourage creativity and innovation in society through appreciation and legal protection²⁴. Although various regulations regarding IPR in Indonesia are quite complete, the application of ethical principles in law enforcement is still a challenge.

-
- 21 Sigit Nugroho, Derita Praptirahayu, and Mieke Yustia Ayu Ratna Sari, "Fairness in Fair Dealing on the Industrial Design Protection," *Yuridika* 36, no. 2 (May 2021): 445, <https://doi.org/10.20473/ydk.v36i2.26009>
 - 22 Thomas Dragono, Wiwik Sri Widiarty, and Bernard Nainggolan, "Perlindungan Aset Digital dalam Dunia Metaverse Berdasarkan Hukum Nasional," *Jurnal Kewarganegaraan* 7, no. 1 (2023): 19, <http://repository.uki.ac.id/12093/>
 - 23 A.A. Ngurah Bagus Bayu Prasetya, I Nyoman Putu Budiarta, and Ni Made Puspa Sutari Ujianti, "Perlindungan Hukum Merek Terkenal terkait dengan Persaingan Usaha Tidak Sehat," *Jurnal Konstruksi Hukum* 1, no. 1 (August 2020): 16, <https://doi.org/10.22225/jkh.1.1.2122.13-18>
 - 24 Haydar Khakim and Widhi Handoko, "Studi Komparasi Kebijakan Pengaturan Desain Industri di Indonesia dan Korea Selatan dalam Perspektif Pembaharuan Hukum Hak Kekayaan Intelektual," *Notarius* 15, no. 1 (April 2022): 449, <https://doi.org/10.14710/nts.v15i1.46053>

There are still many cases of piracy, trademark infringement, and misuse of industrial designs that harm creators or rights owners. Firm and ethical law enforcement is the solution to overcome this challenge. The government, through the Directorate General of Intellectual Property (DJKI), continues to strive to strengthen law enforcement and socialization on the importance of respecting IPR. These efforts include anti-piracy campaigns, raising public awareness about the importance of IPR, as well as collaboration with international parties to address IPR violations that are cross-border in nature. Ethical principles in IPR enforcement can be achieved if there is a collective awareness to respect the work of others and uphold justice²⁵.

In creating a space for ethical innovation, IPR protection in Indonesia must continue to strengthen the application of ethical principles in all aspects. The government needs to conduct more intensive socialization about the importance of IPR to the public and business people. In addition, collaboration between the government, business actors, academics, and the community is needed to form an innovative ecosystem that respects IPR and supports sustainable creative development. Fair and strict law enforcement also needs to be improved so that ethical principles can be truly applied in practice. In this context, the role of law enforcement agencies and public awareness is the key element that supports the effectiveness of IPR protection and ensures an ethical innovation space in Indonesia.

However, while this section presents a detailed legal overview of the ethical foundations in Indonesia's intellectual property regulations, a more critical assessment of the enforcement landscape is essential. In practice, the application of ethical principles often falters due to institutional

inefficiencies, limited resources, and systemic challenges such as corruption. For instance, despite existing legal frameworks, widespread piracy and trademark infringement persist, indicating that legal sanctions alone are insufficient without robust implementation mechanisms. Ethical enforcement requires more than punitive action; it demands structural integrity and transparency within law enforcement bodies to uphold justice consistently²⁶.

Moreover, proposed solutions such as awareness campaigns or stakeholder collaboration remain largely abstract unless they address specific institutional and cultural gaps. Public education initiatives should consider regional diversity, utilizing local languages and digital tools to connect with communities, particularly in rural and creative sectors where informal innovation thrives. Law enforcement agencies must move beyond reactionary enforcement to proactive engagement, such as establishing ethical review boards or ombudsman systems to mediate conflicts and assess intellectual property claims from a justice-centered lens²⁷. Another dimension requiring attention is the intersection between international obligations and local ethical commitments. Indonesia's compliance with agreements like TRIPS often introduces tensions, especially when global intellectual property norms prioritize individual exclusivity over communal ownership models inherent in traditional societies. For example, indigenous knowledge systems do not conform neatly to Western legal categorizations of intellectual property, making enforcement and recognition more complex. A culturally sensitive approach through sui generis systems or community-based registries can reconcile these differences and empower traditional knowledge holders without forcing them into foreign legal paradigms²⁸.

-
- 25 Camilla Della Giustina and Pierre De Gioia Carabellese, "AI, Facial Recognition, and Policing: Business Opportunities and Legal Challenges: A UK Analysis with Glimpses of EU Law," *Global Privacy Law Review* 5, no. 1 (March 2024): 26, <https://doi.org/10.54648/GPLR2024008>
 - 26 Zlatan Morill et al., "Protection of Personal Data in the Context of E-Commerce," *Journal of Cybersecurity and Privacy* 4, no. 3 (September 2024): 755, <https://doi.org/10.3390/jcp4030034>
 - 27 Farzaneh Shaikh Khatibi et al., "Can Public Awareness, Knowledge and Engagement Improve Climate Change Adaptation Policies?," *Discover Sustainability* 2, no. 18 (March 2021): 22 <https://doi.org/10.1007/s43621-021-00024-4>
 - 28 Laurence R. Helfer, "Regime Shifting: The TRIPs Agreement and New Dynamics of International Intellectual Property Lawmaking," *SSRN Electronic Journal*, (March 2003) : 7, <https://doi.org/10.2139/ssrn.459740>

Ultimately, incorporating ethical principles into Indonesia's intellectual property regime cannot be limited to legal formalities; it must also engage with the lived experiences of creators, entrepreneurs, and marginalized communities. Grounded in the philosophy of dignified justice, a more nuanced critique and contextual application of law can serve as a moral compass, ensuring that innovation is not only protected but also humanized. Including real-world examples of enforcement gaps, such as disputes over access to medicine or appropriation of batik designs by larger corporations, would further strengthen the analysis and highlight the socio-ethical stakes of intellectual property law in a developing and culturally rich nation like Indonesia.

V. Formulation of Ideal Intellectual Property Law Regulations to Encourage Ethical Innovation by Keeping in Mind the Principles of Dignified Justice

The ideal formulation for the regulation of IPR that encourages ethical innovation and still pays attention to the principle of dignified justice requires a holistic and adaptive approach to changing times. Ethical innovation requires a balance between the protection of IPR and public access to science, technology, and culture. Good regulations should support innovation without compromising the values of justice, ensure that every intellectual work is fairly valued, and prevent monopolies that could harm society at large.

While the ideals of fairness, social justice, and equitable access are rightly emphasized in the current formulation, the discussion remains largely theoretical and insufficiently grounded in the complex practical realities of Indonesia's legal and economic environment. For example, the mention of compulsory licensing as a mechanism to ensure public access to essential health technologies is conceptually sound. Still, the text does not

explore the enforcement challenges and institutional limitations that could hinder its implementation in practice. Indonesia's historical struggle with patent enforcement, combined with weak institutional capacity and regulatory fragmentation, could result in compulsory licensing mechanisms being undermined by pharmaceutical lobbying or bureaucratic inertia. Moreover, the text overlooks the potential conflicts between patent holders' commercial interests and the public health needs of the population, issues that have been extensively debated both domestically and internationally.

Additionally, while Government Regulation No. 51 of 2020 on Genetic Resources and Traditional Knowledge is acknowledged, its brief treatment in the original formulation does not adequately address the deeply rooted issues of biopiracy, inadequate benefit-sharing, and difficulties in monitoring the exploitation of traditional knowledge and genetic materials. The current legal infrastructure does not sufficiently support indigenous communities in protecting their knowledge, particularly in terms of registration systems, benefit-sharing mechanisms, and enforcement remedies²⁹. This omission weakens the overall argument that the current framework is equipped to embody the principles of dignified justice.

Furthermore, the analysis does not fully account for the tension between Indonesia's sovereign ethical values and its international obligations, especially under the TRIPS Agreement. There is a pressing need to elaborate on how Indonesia can navigate the normative pressure of global IPR regimes while maintaining its commitment to ethical innovation rooted in local values. For example, Indonesia might consider advocating for expanded TRIPS flexibilities or developing sui generis legal frameworks tailored to traditional knowledge that reflect the communal ownership norms of indigenous societies³⁰.

29 Vandana Singh and Shivani Lahoti, "A Competition Law Probe into Abuse of Dominant Position by Pharmaceutical Patent Holders: The Indian Perspective," *Queen Mary Journal of Intellectual Property* 15, no. 2 (May 1, 2025): 181, <https://doi.org/10.4337/qmjip.2025.02.02>

30 Raden Muhammad and Arvy Ilyasa, "The Impact of Trips Agreement on the Development of Intellectual Property Laws in Indonesia," *Indonesian Private Law Review* 3, no. 2 (November 2022): 94, <https://doi.org/10.2504/iplr.v3i2.2579>

Finally, the emphasis on incentivizing green technologies is appropriate but underdeveloped. The suggestion to offer tax incentives for environmentally friendly innovation is promising. Yet, the lack of specificity on how such policies would be monitored, evaluated, or integrated into the existing fiscal framework makes the proposal difficult to operationalize³¹. It would strengthen the argument to include references to successful comparative examples such as fast-track patent examinations for green tech in the EU and Japan or local pilot programs in Indonesia that have demonstrated measurable impact.

Ethical IPR regulation must be based on the principles of fairness and equality of access. This can refer to Article 27 of the Universal Declaration of Human Rights (UDHR), which states that everyone has the right to take part in the cultural life of society and to share in the benefits of scientific progress and its applications. IPR must therefore ensure that the rights of creators are protected without prejudice to the rights of the public to enjoy and utilize such works for the common good.

In Indonesia, the main legal basis governing IPR is Law Number 28 of 2014 on Copyright and Law Number 13 of 2016 on Patents, where intellectual property protection is granted to creators or rights holders exclusively to introduce, utilize, and obtain economic benefits from their works or inventions. However, the expansion of arrangements that guarantee dignified justice can be developed through the application of the principles in Law Number 39 of 1999 on Human Rights, which guarantees the right of all citizens to enjoy the benefits of the results of culture and scientific progress.

One of the challenges in regulating IPR is that innovation occurs faster than legal updates, so some-

times the law lags in keeping up with technological developments. So, the ideal IPR regulation must have the flexibility to accommodate technological advances, for example, in the fields of digital technology and biotechnology. Such innovations demand clear intellectual property rights to create incentives for innovators, but also need to be designed so as not to create monopolies that are detrimental to society³².

Clear examples of adaptive IPR arrangements can be seen in cases such as digital copyright and patents on genetics. In this case, the Copyright Act provides for a time limit on copyright protection, i.e., the lifetime of the creator plus 70 years after his death, which can help maintain a balance between exclusive rights and society's need for access. On the other hand, the patent arrangement as enshrined in Law Number 13 of 2016 provides for a term of protection of 20 years, but with the stipulation that the inventor must disclose the technical details of their invention so as to enable others to utilize it after the patent right expires.

IPR arrangements must consider aspects of social justice. The state needs to regulate so that people still have access to important products, especially in the health sector, through mechanisms such as compulsory licensing. Compulsory licensing is a policy where the government grants permission to third parties to produce or use patented inventions without the consent of the patent holder, especially for critical health products such as vaccines or medicines in emergency conditions³³.

This compulsory license is stipulated in Article 109 of the Patent Law, which provides a way out when the patented product is not sufficiently available in the domestic market or when there is an

31 Toshima Makoondlall-Chadee and Chandradeo Bokhoree, "Environmental Sustainability in Hotels: A Review of the Relevance and Contributions of Assessment Tools and Techniques," *Administrative Sciences* 14, no. 12 (November 2024): 320, <https://doi.org/10.3390/admsci14120320>

32 Saudin J. Mwakaje, "Intellectual Property Rights as a Tool for Bridging Gender Gap: Approaches and Prospects under the African Union," *Journal of Intellectual Property Law and Practice* 20, no. 3 (March 2025): 157, <https://doi.org/10.1093/jiplp/jpae093>

33 James Crombie, "Intellectual Property Rights Trump the Right to Health: Canada's Access to Medicines Regime and TRIPs Flexibilities in the Context of Bolivia's Quest for Vaccines," *Journal of Global Ethics* 17, no. 3 (September 2021): 360, <https://doi.org/10.1080/17449626.2021.1993452>

unreasonable price. Thus, IPR must be able to balance the protection of the exclusive rights of inventors with the interests of the wider community to gain fair access to essential products, especially in the health sector.

Ethical innovation must be in harmony with local values and community culture. IPR arrangements need to pay attention to local wisdom and protect the genetic resources and traditional knowledge of indigenous peoples. Indonesia, as a country rich in cultural diversity and biodiversity, needs to implement special arrangements to safeguard traditional knowledge and biological resources from being utilized by certain parties without permission or proper compensation.

In this context, Government Regulation No. 51 of 2020 on Genetic Resources and Traditional Knowledge is an important legal foundation. This regulation includes mechanisms for obtaining access permits and equitable benefit sharing to indigenous peoples or traditional knowledge holders. As such, IPR arrangements must ensure that any commercial exploitation of genetic resources or traditional knowledge does not harm the rights of local communities.

Effective implementation of IPR law also requires international cooperation, especially in dealing with cross-border copyright infringement that often occurs in the digital era. Indonesia is a member of WIPO, so it is obliged to comply with international agreements such as TRIPS, which provides an international framework for the protection of intellectual property rights. Through this cooperation, Indonesia can improve its monitoring of IPR violations in the digital realm and prevent piracy of local products in the global market³⁴. Moreover, comparative insights from other jurisdictions can inform Indonesia's policy development. For example, India has utilized the TRIPS flexibility by issuing compulsory licenses in the

pharmaceutical sector, ensuring access to affordable medicine while still respecting patent rights. Additionally, countries like Peru and Kenya have integrated the protection of traditional knowledge into their national legal systems through community-led registries and benefit-sharing schemes. By learning from these practices, Indonesia can adopt or adapt global best practices in ways that remain locally grounded and aligned with the values of dignified justice.

In addition, strict law enforcement is essential to ensure compliance with IPR rules. Strengthening institutions such as DJKI needs to be done in order to handle IPR infringement cases quickly and fairly. In this case, the role of the courts and supervisory institutions is also crucial to impose strict sanctions on infringers and provide proper compensation to the aggrieved parties³⁵.

Sustainable innovation requires IPR arrangements that are able to accommodate the development of environmentally friendly technologies and reduce negative impacts on the environment. Indonesia, as one of the countries committed to the Sustainable Development Goals (SDGs), can develop IPR arrangements that support innovation in the fields of renewable energy, organic agriculture, and environmentally friendly technologies. In this context, IPR can be an incentive to encourage inventions that are not only commercially profitable but also contribute to environmental conservation.

The government can further incentivize innovation in green technology by tailoring the IPR regime to prioritize sustainability-oriented inventions. Current IPR laws in Indonesia, while comprehensive, lack targeted provisions that explicitly incentivize green innovation. As such, reforms are needed to align the IPR framework with national and global sustainability objectives. One key policy reform could involve the establishment of a fast-track mechanism for the

34 Simson Lasi, "Legal Analysis of the Regulation of Intellectual Property Rights in the Creative Industry Review from an International Legal Perspective," *International Journal of Law and Society* 1, no. 3 (May 2024): 190, <https://doi.org/10.62951/ijls.v1i3.87>

35 Germarié Viljoen, "Construing the Transformed Property Paradigm of South Africa's Water Law: New Opportunities Presented by Legal Pluralism?," *Legal Pluralism and Critical Social Analysis* 54, no. 2–3 (November 2022): 197.

registration and examination of green patent technologies that demonstrably contribute to the reduction of carbon emissions, energy efficiency, or natural resource conservation. Similar mechanisms have been implemented in jurisdictions like the EU and Japan, yielding positive results in accelerating eco-innovation.

Moreover, the introduction of tax relief or fiscal incentives for patent holders whose inventions are classified as environmentally beneficial could serve as a powerful stimulus for research and development in this sector. For example, companies developing renewable energy technologies, biodegradable materials, or pollution-reducing innovations could benefit from reduced IPR filing fees or corporate tax deductions. These proposals are not only consistent with Indonesia's commitment to the SDGs and climate policy but also position green IPR as a high-impact, fundable research and policy area. Embedding environmental priorities into the IPR regime ensures that innovation contributes not only to economic growth but also to ecological stewardship, social equity, and long-term national resilience³⁶. In this way, IPR can become a tool that not only supports innovation but also contributes to broader sustainability goals.

The ideal formulation of IPR regulation to encourage ethical innovation with justice and dignity is one that ensures a balance between the protection of exclusive rights of innovators and public access to their benefits. To make this vision actionable, several targeted legal reforms are recommended. First, traditional knowledge should be formally integrated into national and international patent classification systems to ensure recognition and prior informed consent. Second, amendments to existing IPR laws should include "public interest" safeguards such as expanding provisions on compulsory licensing beyond public health emergencies to cover access to essential digital and agricultural

technologies. Third, the establishment of an independent IPR Ombudsman would offer a dedicated mechanism to resolve disputes, protect community interests, and investigate ethical concerns, especially in cases involving indigenous knowledge and local innovation³⁷. To further enhance policy clarity and impact, a short policy roadmap is proposed:

1. Integrate traditional knowledge databases into the national patent system and link them to WIPO standards.
2. Amend Patent Law to explicitly recognize ethical limitations and community benefit-sharing obligations.
3. Establish an IPR Ombudsman within the DJKI.
4. Provide incentives for green and socially beneficial innovations, especially those aligned with local wisdom.
5. Strengthen cross-sectoral enforcement mechanisms and harmonize domestic law with international standards (e.g., Nagoya Protocol, TRIPS flexibilities).

This approach ensures that IPRs are not only a legal shield for creators but also a strategic tool for inclusive, ethical, and dignified innovation that reflects Indonesia's cultural richness and developmental needs.

VI. Closing

A. Conclusion

In conclusion, the integration of ethical principles into Indonesia's intellectual property legal framework is essential to fostering a more just, inclusive, and sustainable innovation ecosystem. By applying the concept of dignified justice, intellectual property law is no longer viewed merely as a tool for protecting exclusive rights but also as a tool for protecting exclusive rights but also as a mechanism for balancing the interests of creators,

36 Qian Zheng, Jinye Li, and Xiaole Duan, "The Impact of Environmental Tax and R&D Tax Incentives on Green Innovation," *Sustainability* 15, no. 9 (April 2023): 7303, <https://doi.org/10.3390/su15097303>

37 Sanjib Bhattacharya and ChandraNath Saha, "Intellectual Property Rights: An Overview and Implications in Pharmaceutical Industry," *Journal of Advanced Pharmaceutical Technology & Research* 2, no. 2 (April 2011): 88, <https://doi.org/10.4103/2231-4040.82952>

society, and marginalized communities. The analysis of regulatory frameworks, along with practical examples such as copyright piracy, compulsory licensing during the pandemic, and biopiracy involving traditional knowledge, demonstrates that ethical considerations must complement legal protections to ensure equitable access, cultural respect, and social responsibility. Moving forward, a continuous effort to harmonize law and ethics will be critical in shaping an intellectual property regime that not only incentivizes innovation but also reflects Indonesia's commitment to human dignity and collective welfare.

The analysis of regulatory frameworks, along with practical examples such as copyright piracy, compulsory licensing during the pandemic, and biopiracy involving traditional knowledge, demonstrates that ethical considerations must complement legal protections to ensure equitable access, cultural respect, and social responsibility. Moving forward, a continuous effort to harmonize law and ethics will be critical in shaping an intellectual property regime that not only incentivizes innovation but also reflects Indonesia's commitment to human dignity and collective welfare.

The ideal formulation of IPR regulation to foster ethical innovation with dignity and justice must strike a careful balance between protecting creators' exclusive rights and ensuring public access to the benefits of innovation. This requires adaptive, fair, and socially responsive laws that incorporate traditional knowledge, safeguard public interests through mechanisms like compulsory licensing, and promote sustainability-oriented technologies. Strengthening institutional enforcement, enhancing international cooperation, and integrating ethical and cultural considerations into IPR systems are crucial steps. By implementing targeted reforms such as recognizing indigenous contributions, incentivizing green innovation, and establishing an independent IPR Ombudsman, Indonesia can position its IPR regime not merely as a tool for economic gain but as a foundation for inclusive, equitable, and dignified national development aligned with global best practices and local values.

B. Recommendation

Based on the results of the study, several important steps are recommended for strengthening the IPR system in Indonesia: The government needs to improve law enforcement by enhancing the capacity of DJKI and improving coordination among law enforcement agencies. The Patent Law should be revised to include clearer provisions for artificial intelligence-generated inventions and other emerging technologies such as blockchain. Additionally, education and public outreach programs on IPR should be expanded to raise awareness among the public and business actors. The government should provide targeted incentives for environmentally friendly and local wisdom-based innovations. To ensure faster and more effective conflict resolution, specialized IPR courts or mediation centers should be established. Finally, international cooperation in cross-border IPR enforcement must be strengthened. All of these efforts should be pursued while maintaining a balance between the protection of creators' rights and public interests, in order to build an ethical, inclusive, and sustainable innovative ecosystem.

References

- Bhattacharya, Sanjib, and ChandraNath Saha. "Intellectual Property Rights: An Overview and Implications in Pharmaceutical Industry." *Journal of Advanced Pharmaceutical Technology & Research* 2, no. 2 (April 2011): 88–93. <https://doi.org/10.4103/2231-4040.82952>
- Brown, Brendan F. "The Definition of Law." *New Scholasticism*, (April 1960): 254–256. <https://doi.org/10.5840/newscholas196034226>
- Crombie, James. "Intellectual Property Rights Trump the Right to Health: Canada's Access to Medicines Regime and TRIPs Flexibilities in the Context of Bolivia's Quest for Vaccines." *Journal of Global Ethics* 17, no. 3 (September 2021): 353–366. <https://doi.org/10.1080/17449626.2021.1993452>

- Disantara, Fradhana Putra. "Perspektif Keadilan Bermartabat dalam Paradoks Etika dan Hukum." *Jurnal Litigasi* 22, no. 2 (2021): 205–229. <https://doi.org/10.23969/litigasi.v22i2.4211>
- Disantara, Fradhana Putra, Bayu Dwi Anggono, and A'An Efendi. "Mendudukan Norma Etika: Perspektif Teori Keadilan Bermartabat terhadap Relasi Etika dan Hukum." *Rechtsidee* 10, no. 2 (2022): 1–13. <https://doi.org/10.21070/jihr.v10i0.773>
- Donnelly, Jack, and Terry Nardin. "Law, Morality, and the Relations of States." *Human Rights Quarterly* 6, no. 3 (August 1984): 381–383. <https://doi.org/10.2307/762007>
- Dragono, Thomas, Wiwik Sri Widiarty, and Bernard Nainggolan. "Perlindungan Aset Digital dalam Dunia Metaverse Berdasarkan Hukum Nasional." *Jurnal Kewarganegaraan* 7, no. 1 (2023): 742–750. <http://repository.uki.ac.id/12093/>
- Giustina, Camilla Della, and Pierre De Gioia Carabellese. "AI, Facial Recognition, and Policing: Business Opportunities and Legal Challenges: A UK Analysis with Glimpses of EU Law." *Global Privacy Law Review* 5, no. Issue 1 (March 2024): 23–30. <https://doi.org/10.54648/GPLR2024008>
- Helfer, Laurence R. "Regime Shifting: The TRIPs Agreement and New Dynamics of International Intellectual Property Lawmaking." *SSRN Electronic Journal*, (2003): 1–83. <https://doi.org/10.2139/ssrn.459740>
- Inradewi, Anak Agung Sagung Ngurah. "Dimensions of Intellectual Property Rights Law Regulations in Indonesia." *Focus Journal Law Review* 2, no. 1 (October 2022): 1–11. <https://doi.org/10.62795/fjl.v2i1.20>
- Irianto, Sulistyowati. "Legal Education for the Future of Indonesia: A Critical Assessment." *The Indonesian Journal of Socio-Legal Studies* 1, no. 1 (October 2021): 1–36. <https://doi.org/10.54828/ijsls.2021v1n1.1>
- Khakim, Haydar, and Widhi Handoko. "Studi Komparasi Kebijakan Pengaturan Desain Industri di Indonesia dan Korea Selatan dalam Perspektif Pembaharuan Hukum Hak Kekayaan Intelektual." *Notarius* 15, no. 1 (April 2022): 440–458. <https://doi.org/10.14710/nts.v15i1.46053>
- Khatibi, Farzaneh Shaikh, Aysin Dedekorkut-Howes, Michael Howes, and Elnaz Torabi. "Can Public Awareness, Knowledge and Engagement Improve Climate Change Adaptation Policies?" *Discover Sustainability* 2, no. 18 (March 2021). <https://doi.org/10.1007/s43621-021-00024-z>
- Kurniawan, I Gede Agus, Putu Aras Samsithawrati, and Ni Ketut Supasti Dharmawan. "Legal Protection for Intellectual Property Holders in Business Activities in the Era of the Industrial Revolution 4.0." *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah dan Hukum* 11, no. 1 (2024): 74–81. <https://doi.org/https://doi.org/10.24252/jurisprudentie.v11i1.48076>
- Kurniawan, I Gede Agus, Putu Aras Samsithawrati, Ni Ketut Supasti Dharmawan, Fradhana Putra Disantara, and Ruetaitip Chansrakaeo. "Legal Reform in Business Dispute Resolution: A Study of Legal Pluralism in Indonesia, Vietnam, and Thailand." *Journal of Law and Legal Reform* 6, no. 2 (April 30, 2025): 69–116. <https://doi.org/10.15294/jllr.v6i2.21128>
- Kurniawan, I Gede Agus, Putu Aras Samsithawrati, Fradhana Putra Disantara, Briggs Samuel Mawunyo Nutakor, and Mac Thi Hoai Thuong. "Intellectual Property Rights and Ethics: A Comparison of Philosophical Approaches in Northern and Southern Countries." *Kosmik Hukum* 25, no. 1 (January 31, 2025): 106–123. <https://doi.org/10.30595/kosmik hukum.v25i1.24489>
- Lasi, Simson. "Legal Analysis of the Regulation of Intellectual Property Rights in the Creative Industry Review from an International Legal Perspective." *International Journal of Law and Society* 1, no. 3 (May 2024): 184–196. <https://doi.org/10.62951/ijls.v1i3.87>

- Makoondlall-Chadee, Toshima, and Chandradeo Bokhoree. "Environmental Sustainability in Hotels: A Review of the Relevance and Contributions of Assessment Tools and Techniques." *Administrative Sciences* 14, no. 12 (November 2024): 320. <https://doi.org/10.3390/admsci14120320>
- Morill, Zlatan, Vedran Dakic, Daniela Djekic, and Damir Regvart. "Protection of Personal Data in the Context of E-Commerce." *Journal of Cybersecurity and Privacy* 4, no. 3 (September 2024): 731–761. <https://doi.org/10.3390/jcp4030034>
- Muhammad, Raden, and Arvy Ilyasa. "The Impact of Trips Agreement on the Development of Intellectual Property Laws in Indonesia." *Indonesian Private Law Review* 3, no. 2 (November 2022): 85–98. <https://doi.org/10.2504/iplr.v3i2.2579>
- Mwakaje, Saudin J. "Intellectual Property Rights as a Tool for Bridging Gender Gap: Approaches and Prospects under the African Union." *Journal of Intellectual Property Law and Practice* 20, no. 3 (March 2025): 155–165. <https://doi.org/10.1093/jiplp/jpae093>
- Nugraha, Andi Muhammad Reza Pahlevi. "Tinjauan Yuridis Hak Paten di dalam Kerangka Hukum Nasional di Indonesia." *Binamulia Hukum* 11, no. 1 (July 2022): 1–14. <https://doi.org/10.37893/jbh.v11i1.668>
- Nugroho, Sigit, Derita Praptirahayu, and Mieke Yustia Ayu Ratna Sari. "Fairness in Fair Dealing on the Industrial Design Protection." *Yuridika* 36, no. 2 (May 2021): 443–470. <https://doi.org/10.20473/ydk.v36i2.26009>
- Nurhayati, Yati, Ifrani Ifrani, Abdul Halim Barakatullah, and M Yasir Said. "The Issue of Copyright Infringement in 4.0 Industrial Revolution: Indonesian Case." *Jurnal Media Hukum* 26, no. 2 (2019): 122–130. <https://doi.org/10.18196/jmh.20190128>
- Prasetya, A.A. Ngurah Bagus Bayu, I Nyoman Putu Budiarta, and Ni Made Puspa Sutari Ujjanti. "Perlindungan Hukum Merek Terkenal terkait dengan Persaingan Usaha Tidak Sehat." *Jurnal Konstruksi Hukum* 1, no. 1 (August 2020): 13–18. <https://doi.org/10.22225/jkh.1.1.2122.13-18>
- Prasetyo, Teguh. *Hukum dan Teori Hukum Perspektif Teori Keadilan Bermartabat*. Bandung: Nusa Media, 2020.
- . *Pembaharuan Hukum: Perspektif Teori Keadilan Bermartabat*. Malang: Setara Press, 2017.
- . *Penelitian Hukum Suatu Perspektif Teori Keadilan Bermartabat*. Bandung: NusaMedia, 2019.
- Ramadhan, M. Citra, Pitra Yadi, Fitri Yanni Dewi Siregar, and Muhammad Koginta Lubis. "Pelanggaran Hak Cipta Buku yang Diperjualbelikan Melalui E-Commerce di Kota Medan." *Acta Law Journal* 1, no. 2 (2023): 121–132. <https://doi.org/https://doi.org/10.32734/alj.v1i2.12047>
- Sanusi. *Dinamika dan Pemecahan Pemasalahan Hak Kekayaan Intelektual di Era Digital*. Medan: PT. Media Penerbit Indonesia, 2024.
- Singh, Vandana, and Shivani Lahoti. "A Competition Law Probe into Abuse of Dominant Position by Pharmaceutical Patent Holders: The Indian Perspective." *Queen Mary Journal of Intellectual Property* 15, no. 2 (May 1, 2025): 176–195. <https://doi.org/10.4337/qmjip.2025.02.02>
- Sudjana, Sudjana. "Pembatasan Perlindungan Kekayaan Intelektual (Hak Cipta) dalam Perspektif Hak Asasi Manusia." *Jurnal HAM* 10, no. 1 (July 2019): 69–84. <https://doi.org/10.30641/ham.2019.10.69-83>
- Suominen, Arho, Matthias Deschryvere, and Rummy Narayan. "Uncovering Value through Exploration of Barriers - A Perspective on Intellectual Property Rights in a National Innovation System." *Technovation* 123 (May 2023): 102719. <https://doi.org/10.1016/j.technovation.2023.102719>

- Viljoen, Germarié. "Construing the Transformed Property Paradigm of South Africa's Water Law: New Opportunities Presented by Legal Pluralism?" *Legal Pluralism and Critical Social Analysis* 54, no. 2-3 (November 2022): 193-209.
- Wijanarko, Dwi Seno, and Slamet Pribadi. "Preventive Legal Protection of Trademarks in Indonesia Based on Law Number 20 of 2016 Concerning Marks and Geographical Indications." *Journal of Law, Politics and Humanities* 3, no. 1 (January 2023): 227-235. <https://doi.org/10.38035/jlph.v3i1.161>
- Zheng, Qian, Jinye Li, and Xiaole Duan. "The Impact of Environmental Tax and R&D Tax Incentives on Green Innovation." *Sustainability* 15, no. 9 (April 2023): 7303. <https://doi.org/10.3390/su15097303>