

Addressing Intellectual Property Crime in Indonesia: Challenges to achieving economic justice



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ABSTRACT

This research analyzes the challenges of intellectual property law enforcement (IPR) in Indonesia and its correlation to the achievement of economic justice. Using the normative legal research method, this study examines applicable legal norms through a case and statutory approach. Data was collected through a literature study, including laws and regulations such as the Copyright, Trademark, and Patent Laws, as well as court decisions and legal literature. The results show that although Indonesia has an adequate legal framework, implementation on the ground is still not effective. The main challenges stem from the lack of capacity of law enforcement officials, weak coordination between agencies, and low public awareness of the importance of IPR. These conditions create a culture of permissiveness towards infringement, especially in the digital realm, which has a direct impact on economic injustice. IPR infringement creates inequality in the distribution of economic benefits, harms legitimate creators and businesses, and inhibits innovation. Therefore, this study concludes that there is a strong correlation between the effectiveness of IPR law enforcement and the realization of a fair, inclusive, and sustainable economic system.

1. Introduction

Intellectual Property Rights (IPR) are a fundamental instrument in driving innovation, creativity, and economic growth of a nation. In the era of globalization, where intangible assets such as brands, patents, and copyrights are the main pillars of the economy, IPR protection is no longer just a legal issue, but a reflection of a

country's commitment to economic justice.¹ Economic justice requires every individual and business entity to get fair recognition and rewards for their work and innovation. However, in Indonesia, IPR protection still faces serious challenges. The rise of intellectual property crimes, ranging from software and movie piracy, brand counterfeiting, to industrial design copying, erodes the foundation of economic justice and hinders the nation's potential to develop to its full potential.² Intellectual property is one of the important pillars in driving knowledge-based economic growth and innovation. In this era of globalization and digital economy, products resulting from creativity and innovation such as artworks, trademarks, industrial designs, and technological inventions have high economic value. Unfortunately, in Indonesia, the protection of intellectual property still faces serious challenges, especially the rise of intellectual property violations and crimes such as piracy, brand counterfeiting, and copyright infringement. This phenomenon not only harms the creators of the works, but also hinders the progress of the national creative industry sector.³

The Directorate General of Intellectual Property (DJKI) noted that 2023 and 2024 were the periods with the highest number of IPR violations, each reaching 53 cases. By mid-2025, reports of violations had dropped to 31 cases. Most violations occurred in the field of trademarks (163 cases), followed by copyrights (87 cases), and patents (21 cases), as well as several cases related to industrial designs, integrated circuit layout designs, and trade secrets.⁴ The digital era encourages various forms of IPR infringement such as piracy of digital content (music, movies, software, books), as well as trade in counterfeit products and unauthorized use of works, especially through marketplaces and social media. DJKI has collaborated with e-commerce platforms such as Tokopedia, Shopee, Bukalapak, Lazada, and TikTok Shop through MoUs, removal of illegal products, closure of infringing stores, as well as education

¹ Huatao Zhang and others, 'The Effects of Intellectual Property Protection on Corporate Digital Transformation', *International Review of Economics & Finance*, 103 (2025), 104478 <<https://doi.org/10.1016/j.iref.2025.104478>>.

² Yiling Liu and Yu-Cheng Lin, 'Converting Knowledge into Productivity: The Role of Intellectual Property Empowerment and Digital Economy in Enhancing Regional New Quality Productivity Forces - Evidence from China', *International Review of Economics & Finance*, 102 (2025), 104316 <<https://doi.org/10.1016/j.iref.2025.104316>>.

³ Hua Wang, Bin Xing, and Tianshu He, 'Does Judicial Protection of Intellectual Property Promote Corporate Innovation?', *Finance Research Letters*, 85 (2025), 108012 <<https://doi.org/10.1016/j.frl.2025.108012>>.

⁴ Ardhian Arie, 'Pelanggaran Kekayaan Intelektual Capai 296 Kasus Dalam Tujuh Tahun, DJKI Perkuat Langkah Penegakan Hukum', *DJKI*, 2025, pp. 1–3 <<https://dgip.go.id/index.php/artikel/detail-artikel-berita/pelanggaran-kekayaan-intelektual-capai-296-kasus-dalam-tujuh-tahun-djki-perkuat-langkah-penegakan-hukum?kategori=ki-komunal>> [accessed 21 August 2025].

and AI-based detection technology. Strict sanctions are also in place: copyright piracy is punishable by up to 10 years in prison and/or a fine of up to Rp 4 billion, while trademark infringement can result in 5 years in prison and/or a fine of Rp 2 billion.⁵

The high number of intellectual property violations in Indonesia shows the weakness of the legal protection system and the lack of public awareness of the importance of intellectual property rights. Crimes such as movie piracy, illegal software, and counterfeiting of branded products are still easily found in physical and online markets. Law enforcement against perpetrators also often does not provide a deterrent effect, due to lengthy legal processes, low sanctions, and limited capacity of law enforcement agencies in understanding the complexity of intellectual property cases. As a result, many creative businesses are reluctant to officially register their work because they feel that the protection is not optimal.⁶ IPR infringement not only hurts the creators and rights owners financially, but also creates a damaging domino effect. Innovators and industry players lose motivation to invest in research and development because the fruits of their labor can be easily stolen and illegally produced. As a result, the competitiveness of local products declines, foreign investment is discouraged, and potential jobs are lost. Moreover, IPR crimes damage Indonesia's image internationally, placing the country on watch lists or even sanctions from global trading partners. This condition creates an unhealthy and unfair business environment, where honest businesses have to compete with illegal products sold at much lower prices.⁷

This problem becomes more complex when it is linked to aspects of economic justice. Micro, small and medium enterprises (MSMEs) that innovate and create original products are often disadvantaged by the practice of plagiarism or counterfeiting of products by other parties that are larger or have wider market access. This inequality not only hinders the fair distribution of economic benefits, but also creates disincentives to local innovation. On the other hand, the public as consumers also do not get quality and safe products when consuming goods resulting from

⁵ Arie, 'Tantangan Membasmi Pelanggaran Kekayaan Intelektual Di Era Digital', *DJKI*, 2025, pp. 1–3 <<https://www.dgip.go.id/artikel/detail-artikel-berita/tantangan-membasmi-pelanggaran-kekayaan-intelektual-di-era-digital?kategori=liputan-penyidikan-ki>> [accessed 21 August 2025].

⁶ Dong Wang and Bibo Ding, 'The Strength of Intellectual Property Protection, Corporate Financing Constraints, and Corporate Governance Efficiency: Mechanisms and Heterogeneity Analysis', *International Review of Economics & Finance*, 103 (2025), 104449 <<https://doi.org/10.1016/j.iref.2025.104449>>.

⁷ Cita Citrawinda Noerhadi, 'Cybercrimes and Alternative Settlement of Intellectual Property (IPR) Disputes in Indonesia', *International Journal of Cyber Criminology*, 16.1 (2022), 89–109 <<https://doi.org/10.5281/zenodo.4766558>>.

intellectual property violations.⁸ The government's efforts in forming regulations and policies on intellectual property protection have actually been made, such as through the Copyright, Trademark, and Patent Laws, as well as the establishment of the Directorate General of Intellectual Property (DJKI). However, the effectiveness of the implementation of these policies is still questionable. Limitations in inter-agency coordination, lack of public education, and lack of collaboration with the private sector are obstacles in creating a strong protection system. In this context, the big challenge lies in how intellectual property law can be enforced consistently and inclusively to ensure economic justice for all parties.

Handling intellectual property crime in Indonesia faces complex and multidimensional challenges. In terms of regulation, although the legal framework already exists, there are still loopholes that are utilized by criminals. The legal sanctions imposed are often considered to lack a deterrent effect, especially for large corporations that commit violations. On the other hand, law enforcement officials are still faced with limited resources, ranging from a lack of technical understanding of the types of IPR to the availability of budget and technology to conduct investigations. The lack of coordination between institutions, such as the police, prosecutors, and Customs, is also a significant obstacle in the prosecution process. In addition to legal and institutional challenges, social and cultural factors also play an important role.⁹ The level of public awareness of the importance of IPR is still low. Many people take piracy or counterfeiting lightly, even considering it a common occurrence. This permissive attitude is exacerbated by the easy access to illegal content through digital platforms, where the identity of the perpetrators is often difficult to trace. This phenomenon creates a cycle that is difficult to break: the huge market demand for pirated products encourages criminals to continue operating, while suboptimal law enforcement fails to stop them.

Previous research conducted by Sofia, Disemadi, and Agustianto analyzed law enforcement against copyright infringement in Indonesia through a decision study. This research shows that law enforcement involves two main approaches: preventive and repressive. The preventive approach is carried out through regulations that provide legal certainty, such as the Copyright Law, while the repressive approach is

⁸ Lavanya Madhusoodanan and others, 'Intellectual Property Rights (IPRs) and Its Role in Propelling the Growth of the MSME Sector', *The Journal of World Intellectual Property*, 25.3 (2022), 603–16 <<https://doi.org/10.1111/jwip.12243>>.

⁹ Lijuan Zheng, Bo Hou, and Peng Zheng, 'Intellectual Property Law Enforcement and Regional Cluster Innovation Efficiency', *Finance Research Letters*, 85 (2025), 108089 <<https://doi.org/10.1016/j.frl.2025.108089>>.

implemented through legal proceedings in court and out of court to crack down on violations that occur. This study highlights the importance of strong law enforcement to protect creators' rights in the digital era.¹⁰ In addition, Research by Ridwan Anthony Taufan compared criminal law enforcement against copyright crimes between Indonesia and Malaysia. The results showed that Malaysia has more complete legal provisions and the readiness of law enforcement officials that are more stable than Indonesia. Weaknesses in legal arrangements and law enforcement of copyright crimes in Indonesia become an evaluation for the government to overhaul the criminal law arrangements related to copyright crimes for the better.¹¹ The last research by Nanda Yuniza discusses the challenges of intellectual property infringement in the digital era in Indonesia. The development of information technology and the increasing use of the internet open up opportunities for various forms of infringement, such as piracy of digital content, sale of counterfeit goods, brand counterfeiting, and unauthorized use of works. The author highlights that piracy of music, movies, software, and digital books still dominates IP infringement, while marketplaces and social media are also often used to sell counterfeit products that violate copyrights and trademarks.¹²

Given the complexity of this issue, a holistic and integrated approach is required to achieve economic justice through IPR protection. Therefore, this background paper aims to identify and analyze in depth the key challenges in addressing intellectual property crime in Indonesia. This analysis is expected to provide strategic recommendations for the government and other stakeholders to strengthen law enforcement, increase public awareness, and create a fair and equitable innovation ecosystem for all parties. Therefore, it is important to take a deeper look at the challenges faced by Indonesia in dealing with intellectual property crime. The main focus needs to be directed at efforts to strengthen law enforcement, increase public awareness, and create an economic ecosystem that supports the protection of innovation and creativity. By doing so, it is hoped that economic justice can be realized

¹⁰ Hari Sutra Disemadi and Cindy Kang, 'Tantangan Penegakan Hukum Hak Kekayaan Intelektual Dalam Pengembangan Ekonomi Kreatif Di Era Revolusi Industri 4.0', *Jurnal Komunikasi Hukum (JKH)*, 7.1 (2021), 54 <<https://doi.org/10.23887/jkh.v7i1.31457>>.

¹¹ Ridwan Anthony, Taufan Erry, and Ariany Ade, 'Comparative Evaluation of Regulation and Law Enforcement of Corruption Crimes in Indonesia And', *SOSIOLOGICAL JURISPRUDENCE JOURNAL*, 8.1 (2025), 90–97.

¹² Nanda Yuniza Eviani, Maskun Maskun, and Ahmad Fachri Faqi, 'Legal Challenges of AI-Induced Copyright Infringement: Evaluating Liability and Dispute Resolution Mechanisms in Digital Era', *Jambura Law Review*, 6.2 (2024), 403–28 <<https://doi.org/10.33756/jlr.v6i2.24459>>.

through an effective intellectual property system that favors legitimate economic actors. Research or studies in this regard become very relevant in order to provide concrete recommendations in solving this complex problem

2. Research Method

This is normative legal research with the research method used in this study is the normative juridical method, which is an approach that relies on the analysis of applicable legal norms, both in the form of legislation and legal doctrine.¹³ This research is conducted through a case approach and statutory approach, by examining cases of intellectual property violations in Indonesia and examining relevant regulations, such as Law Number 28 of 2014 concerning Copyright, Law Number 20 of 2016 concerning Trademarks and Geographical Indications, and Law Number 13 of 2016 concerning Patents.¹⁴ Data is obtained from literature studies, namely the collection of primary and secondary legal materials such as regulations, court decisions, scientific journals, and related literature books. All data collected is analyzed descriptively qualitatively, to provide a comprehensive picture of the challenges of intellectual property law enforcement in Indonesia and its impact on the achievement of economic justice.¹⁵

3. Results and Discussion

Intellectual Property Crime in Indonesia: Challenges in Law Enforcement

In Indonesia, law enforcement against intellectual property crime (IPR) faces complex and multiple challenges. Although the country has an adequate legal framework, such as the Copyright, Trademark, and Patent Laws, their implementation in the field is far from ideal. The rise of IPR infringement cases, ranging from digital piracy to product counterfeiting, shows that law enforcement efforts have not been able to create a significant deterrent effect. This situation is not only detrimental to creators and business actors, but also hampers national economic growth based on innovation and creativity¹⁶.

¹³ Irwansyah Irwansyah, *Penelitian Hukum-Pilihan Metode Dan Praktik Penulisan Artikel*, ed. by Ahsan Yunus, 4th edn (Jogyakarta: Mirra Buana Media, 2021).

¹⁴ Kornelius Benuf, Siti Mahmudah, and Ery Agus Priyono, 'Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer', *Refleksi Hukum: Jurnal Ilmu Hukum*, 7.1 (2020), 145–60 <<https://doi.org/10.24246/jrh.2019.v3.i2.p145-160>>.

¹⁵ Muhaimin Muhaimin, *Metode Penelitian Hukum*, ed. by Fatia Hijriyanti, 1st edn (Mataram: Mataram University Press, 2020).

¹⁶ Bernard Nainggolan, 'Enforcement Of Intellectual Property Law In Indonesia', *IJLR: International Journal of Law Recontruction*, 6.2 (2022), 317–30 <<https://dx.doi.org/10.26532/ijlr.v6i2.35991>>.

One of the biggest challenges is the limited resources and understanding among law enforcement officials. Many officials, whether in the police, prosecutors' office, or courts, do not have in-depth technical knowledge of IPR. IPR cases are often considered less of a priority than other conventional crimes. As a result, the process of investigation, prosecution, and trial is slow and ineffective. The lack of specialization and coordination between institutions is also an obstacle. The data and evidence needed to ensnare perpetrators are often scattered across various agencies, so that case handling becomes unintegrated¹⁷. Another challenge comes from a legal system that is not yet fully adaptive to technological developments. Many IPR crimes now occur in the digital realm, such as *online* piracy of movies and music or the sale of counterfeit products through *e-commerce*. The speed and anonymity of cyberspace make it difficult to trace criminals. Existing laws have not fully accommodated these types of cybercrimes, making it often difficult to identify jurisdictions and collect legally valid digital evidence. This leaves a gap for perpetrators to continue operating without fear of prosecution¹⁸.

In addition, the rise of Intellectual Property Crime in Indonesia is growing along with technological advances and market globalization. Various forms of violations such as copyright piracy, trademark counterfeiting, and patent and industrial design violations often occur in both physical and digital markets. These illegal practices not only harm legitimate creators and business actors, but also damage the investment and innovation climate in Indonesia. Intellectual property crime has even become a systematic and organized form of economic crime, with huge losses every year¹⁹. Beside that, one of the main challenges in tackling intellectual property crime is weak law enforcement. Although Indonesia already has a fairly complete set of laws, such as Law Number 28 of 2014 on Copyright, Law Number 20 of 2016 on Trademarks and Geographical Indications, and Law Number 13 of 2016 on Patents, their implementation in the field is far from optimal. Many cases of infringement are not seriously followed up, or even never reach the judicial process due to the lack of capacity of law enforcement officials, lack of

¹⁷ Nana Kartika and others, 'Legal Protection of Intellectual Property Rights in Indonesia', *Proceeding International Seminar on Islamic Studies*, 6.1 (2025), 104–9.

¹⁸ Anja Rösner, Justus Haucap, and Ulrich Heimeshoff, 'The Impact of Consumer Protection in the Digital Age: Evidence from the European Union', *International Journal of Industrial Organization*, 73 (2020), 102585 <<https://doi.org/10.1016/j.ijindorg.2020.102585>>.

¹⁹ Shiue-Hung Lin and Leslie Wu, 'Intellectual Property Rights and Law Enforcement in Developing Countries', *Economic Research-Ekonomska Istraživanja*, 35.1 (2022), 143–57 <<https://doi.org/10.1080/1331677X.2021.1889390>>.

evidence, or the influence of the economic power of the infringer ²⁰.

The above condition differs from other countries, such as Australia and Germany. In Australia, intellectual property rights violations, such as copyright and trademark infringement, are generally handled thru civil channels by the rights holders. However, actions such as trademark counterfeiting and the illegal use of copyrighted material for commercial gain can be criminal offenses. The applicable laws include the Copyright Act 1968 (for copyright infringement), the Trade Marks Act 1995 (for trademark counterfeiting), and the Therapeutic Goods Act 1989 (for counterfeit medicines or medical devices). This criminal offense can be punished by imprisonment for up to 5 years and/or a fine of up to U\$15,500 ²¹.

Law enforcement against IP crimes is carried out by various agencies, including the Australian Federal Police (AFP), the Commonwealth Director of Public Prosecutions, state and territory police, as well as the Australian Border Force and IP Australia in administrative or civil enforcement roles. Enforcement discrimination is more directed toward major perpetrators, such as organizers, mass importers, or wholesalers of counterfeit goods, especially if the products are dangerous to consumers or related to organized crime (Australian Federal Police/IP Australia First Response). In addition, reporting can be done thru Crime Stoppers, the Authorities (AFP, Australian Border Force), or regulatory bodies such as the Therapeutic Goods Administration for counterfeit medical products ²².

Unlike in Germany, violations of intellectual property rights, including copyright, trademarks, patents, designs, and trade secrets, can not only be pursued civilly but are also categorized as criminal offenses if committed intentionally. Ordinary offenders can be fined or imprisoned for up to three years, while if the violation is committed commercially or by a structured organization, the threat of punishment increases to between three months and five years in prison, and the offense can be handled without the need for a formal complaint from the victim (prosecution ex officio) if it is deemed to be in the public interest. Evidence can also be seized as part of the investigation process

²⁰ 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*, 1.3 (2024), 184–96 <<https://doi.org/10.62951/ijls.v1i3.87>>.

²¹ Justine Pila, 'Enforcement of Intellectual Property Rights', *Seville's EU Intellectual Property Law and Policy*, 2022, 644–69 <<https://doi.org/10.4337/9781788976404.00016>>.

²² Evgeny Guglyuvatyy, Natalie Stoianoff, and Shanti Das, 'Patents and Unjustified Threats—Legal Solutions in Australia', *The Journal of World Intellectual Property*, 27.2 (2024), 112–30 <<https://doi.org/10.1111/jwip.12293>>.

23.

Specifically for copyright infringement, Articles 106–108a of the German Copyright Act stipulate penalties of up to three years or a fine, and up to five years in prison if done for commercial gain WIPO. In the civil realm, IP rights holders typically start with a warning letter ("cease and desist"), and can then file for a preliminary injunction, even *ex parte*, to quickly stop the infringement. The German judicial system is divided into three levels: District Courts (Landgerichte), Appellate Courts, and the Federal Supreme Court, with cities like Cologne, Düsseldorf, Munich, and Frankfurt known for actively handling anti-counterfeiting cases ²⁴.

Administrative enforcement is also strong, such as the free seizure of goods at the border at the request of the right holder thru German Customs. This right allows the right holder to directly inspect the seized goods and, if necessary, proceed to court (World Trademark Review). Law enforcement authorities such as the Public Prosecutor's Office, the State Police (LKA), and federal agencies (like BKA for major or interstate cases) play a role in investigations and prosecutions. Additionally, private associations such as GvU (*Gesellschaft zur Verfolgung von Urheberrechtsverletzungen e.V.*) also contribute to the detection of violations, particularly against major cases in the digital realm, and then forward these findings to the competent authorities for criminal prosecution ²⁵.

Intellectual property law enforcement in Indonesia also faces institutional challenges, especially in terms of coordination between the agencies involved, such as the Directorate General of Intellectual Property (DJKI), police, prosecutors, and courts. The absence of a unified work system and integrated database makes the process of handling cases often slow and unsynchronized. In addition, many officials do not have a deep understanding of intellectual property, so the handling of cases is often not targeted or even ignored. Indonesian people's legal awareness of the importance of intellectual property protection is still low. Many businesses, especially MSMEs, do not understand the benefits of

²³ Christof Karl and others, 'Unjustified Allegations of Infringement of Intellectual Property Rights from a German Perspective', *GRUR International*, 7.1 (2025), 36–51 <<https://doi.org/10.1093/grurint/ikaf055>>.

²⁴ Geoffrey S Kerckmar, 'Computer Software & Copyright Law : The Growth of Intellectual Property Rights in Germany I COMMENTS] Computer Software and Copyright Law : The Growth of Intellectual Property Rights in Germany', *Number 3 Dickinson Journal of International*, 15.3 (2024), 565–92.

²⁵ Daniel Hoppe, 'Enforcement of Intellectual Property Rights in Germany', in *Enforcement of Intellectual Property Rights in the EU Member States* (Intersentia, 2019), pp. 435–522 <<https://doi.org/10.1017/9781780687827.014>>.

registering their intellectual property rights, making them easy victims of plagiarism ²⁶. On the other hand, consumers are also often unaware or unconcerned that they are buying pirated or counterfeit products, which only strengthens this crime chain. The lack of public education from the government and the lack of social campaigns on the importance of respecting original works is one of the main causes of this condition.

Social and cultural factors also exacerbate the situation. The level of public awareness about the importance of IPR is still low. Many consumers do not care or even consider buying pirated or counterfeit products as a natural thing because of the low price. This permissive attitude creates a fertile market for illegal products. The lack of public education and campaigns regarding the negative impact of IPR crimes, both on the economy and the morale of the nation, means that people have little incentive to report or avoid such products ²⁷. Intellectual property crime (IPR) in Indonesia is still a serious problem that hinders the development of an economy based on innovation and creativity. Infringement of copyrights, trademarks, and patents often occurs in various sectors, such as the music industry, software, and consumer products. Weak law enforcement, lack of public awareness, and low incentives for innovators have led to rampant product piracy and counterfeiting. As a result, local creative industry players often suffer economic losses and lose motivation to continue innovating ²⁸.

The analysis of intellectual property (IP) crime in Indonesia using the theory of Intellectual Property Rights (IPR) by Robert M. Sherwood is an inappropriate approach. Robert M. Sherwood is known as an expert who has analyzed the relationship between IP law and economic development, not as the originator of a specific theory on IP crime. He focuses more on how strong IPR protection can encourage innovation and economic growth in developing countries. Therefore, his theoretical framework does not directly address the motives, modus operandi, or countermeasures of IP crime itself ²⁹. In analyzing this phenomenon, Robert M. Sherwood's IPR theory becomes very relevant. Sherwood emphasizes the importance of a strong IPR protection system as a foundation for economic growth in developing countries. According to him, intellectual property is

²⁶ Agi Attaubah Hidayat and others, 'The Future of MSMEs in Indonesia: Policy Directions for National Legal Formation in Supporting MSMEs Growth', *Justisi*, 11.1 (2025), 299–316 <<https://doi.org/10.33506/js.v11i1.3876>>.

²⁷ Rouhui Li and others, 'Intellectual Property Protection and Capital Allocation Efficiency', *International Review of Economics & Finance*, 102 (2025), 104346 <<https://doi.org/10.1016/j.iref.2025.104346>>.

²⁸ Tianli Ding and Lin Yang, 'Intellectual Property Protection and Corporate Digital Transformation: An Empirical Analysis from the Perspectives of Intellectual Property Protection and Digital Governance', *International Review of Economics & Finance*, 100 (2025), 104125 <<https://doi.org/10.1016/j.iref.2025.104125>>.

²⁹ Robert M Sherwood, *Intellectual Property and Economic Development*, 1st Editio (New York: Routledge, 2019) <<https://doi.org/10.4324/9780429045530>>.

not just a legal aspect, but an important instrument in knowledge-based economic development. Countries that fail to provide effective IPR protection will find it difficult to attract investment, both from within and outside the country, because investors see no guarantee of the results of innovation. In the Indonesian context, the weak legal infrastructure and supervision are evidence of the non-optimal implementation of Sherwood's theory.

Therefore, the solution to IPR crimes in Indonesia is not enough just to tighten regulations, but must also involve structural reforms. The government needs to strengthen law enforcement institutions, improve public education on the importance of IPR, and create an ecosystem that rewards innovation and creativity. This approach is in line with Sherwood's view that IPR is an integral part of the economic development strategy. Thus, eradicating IPR crimes is not just a matter of legality, but also an important step towards national economic transformation. Nonetheless, we can relate to Sherwood's thinking indirectly. IP crimes such as piracy and counterfeiting can be seen as obstacles to Sherwood's goal of economic development. When businesses are not adequately protected for their innovations, they tend to be reluctant to invest further. This creates an environment that is not conducive to innovation and creativity. Thus, IP crimes can be analyzed as counterproductive to efforts to achieve the economic goals emphasized by Sherwood, namely knowledge-based growth.³⁰

Thus, to analyze IP crime in Indonesia, it is more relevant to use criminological theory or other multidisciplinary approaches. For example, through rational choice theory, we can see that IP criminals weigh the huge financial benefits of selling counterfeit or pirated goods versus the relatively low risk of legal sanctions. In addition, structural analysis can reveal how weaknesses in the law enforcement system, lack of public awareness, and the role of digital technology facilitate the occurrence of these crimes. This approach is better able to comprehensively explain the root causes and dynamics of IP crime in Indonesia.

To overcome the challenges in intellectual property law enforcement, a more integrated and progressive strategy is needed. The government needs to strengthen law enforcement institutions, provide specialized training related to intellectual property, and encourage the establishment of special units that handle these violations quickly and effectively. In addition, public education must continue to be intensified to increase public legal awareness. Collaboration between the government, industry players, academics, and civil

³⁰ ROBERT M SHERWOOD, 'Global Prospects for the Role of Intellectual Property in Technology Transfer.', *IDEA: The Journal of Law and Technology*, 42.1 (2002), 27 <<http://ez.urosario.edu.co/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=edslex&AN=edslex6E297BD7&lang=es&site=eds-live&scope=site>>.

society is also important so that the intellectual property protection system in Indonesia is not only regulatively strong, but also effective in practice. Facing these challenges, a holistic and integrated law enforcement strategy is needed. The government needs to increase the capacity of law enforcement officers through specialized training and the establishment of specialist IPR units. Harmonization of laws and regulations with technological advances is also crucial. In addition, collaboration between the government, private sector, and civil society must be strengthened. With a combination of strict law enforcement, adaptive regulations, and increased public awareness, Indonesia can create a fairer and more conducive ecosystem for innovators and economic actors.

The Correlation between Intellectual Property Crime Enforcement and Economic Justice

Intellectual property (IP) is an intangible asset that has high economic value and plays an important role in driving the growth of innovation, creativity, and competitiveness of a country. In Indonesia, creative industry sectors such as music, film, design, culinary, and technology have shown great potential in sustaining the national economy. However, this potential is often hampered by rampant intellectual property violations, such as piracy, brand counterfeiting, and copyright infringement. This is where law enforcement against intellectual property crimes becomes very important to ensure equal economic justice for business actors, creators, and society in general ³¹.

Law enforcement against intellectual property violations is not just a matter of cracking down on violators, but also concerns the fair distribution of economic benefits for the results of creativity and innovation. When intellectual property rights are not respected, creators or rights holders do not get a fair return for their work or innovation. This creates economic inequality, where those who violate the law can benefit illegally, while law-abiding actors suffer losses. As a result, economic justice is distorted as the legal system fails to protect legitimate economic rights. Economic justice in the context of intellectual property means that every individual or business actor who creates innovative and original products has the right to obtain economic benefits from their creations ³². Strong law enforcement will ensure that violations of such rights are dealt with firmly and victims get legal protection. This creates a positive incentive for people to continue to innovate and create. Conversely, when law enforcement is weak, there is a disincentive for small and medium enterprises (MSMEs) to register or protect their works, as they feel there is

³¹ Andrew Chow, Low Wei Xu, and Vanessa Evelyn Sukanto, 'The Objectivity of Intellectual Property Rights in Indonesia', 132–49.

³² Guangfeng Zhu and Mingli Xia, 'Intellectual Property Protection and Enterprise Collaborative Innovation', *International Review of Economics & Finance*, 102 (2025), 104319 <<https://doi.org/10.1016/j.iref.2025.104319>>.

no guarantee of protection against infringement³³.

The correlation between law enforcement and economic justice is even clearer when we see that countries with good intellectual property protection systems tend to have more advanced creative industry and technology sectors. In the Indonesian context, weak inter-agency coordination, lack of capacity of law enforcement officers, and low public awareness of the importance of IP are the main factors that hinder the achievement of economic justice. Therefore, revamping the legal system that includes regulations, public education, and strengthening law enforcement institutions is crucial in creating a fair and inclusive economic climate ³⁴. Thus, the correlation between intellectual property crime enforcement and economic justice is direct and mutually influencing. The more effective the law enforcement against intellectual property infringement, the greater the chance of creating economic justice, where the benefits of innovation and creativity can be felt proportionally by the rightful parties. This not only strengthens legal protection, but is also an important foundation for sustainable economic growth based on social justice. In the long run, a fair and firm intellectual property legal system will be the main pillar for innovation-based national economic progress ³⁵.

Effective law enforcement against intellectual property crime has a very strong and fundamental correlation with the achievement of economic justice. Economic justice is a principle in which every individual, group, or entity has equal opportunities and rights to participate in and benefit from the economic system. In this context, IPR protection is not just a legal issue, but an important pillar that ensures that hard work, creativity, and innovation are properly recognized and rewarded. When IPR crimes are allowed to run rampant, the foundations of economic justice will be eroded, creating an unhealthy and unfair environment for all parties.

The first correlation is seen in the recognition of the rights of creators and innovators. IPRs, such as copyrights and patents, grant creators the exclusive right to control the use of their work or invention. This is the most fundamental form of justice, where one is financially and morally rewarded for their intellectual labor. When these rights are

³³ Marcos Eduardo Kauffman and others, 'Enhancing Intellectual Property Identification and Valuation in Manufacturing through Digital Twins', *International Journal of Production Economics*, 2025, 109767 <<https://doi.org/10.1016/j.ijpe.2025.109767>>.

³⁴ Yuan Zhang and others, 'Intellectual Property Protection in the Oil, Gold Sectors and Mineral Resources Rent on Indigenous Populations: Preserving Innovation and Value', *Resources Policy*, 95 (2024), 105090 <<https://doi.org/10.1016/j.resourpol.2024.105090>>.

³⁵ Xiaotian Hu and Xiaopeng Yin, 'Understanding the Product Structure of Exporters: The Role of Intellectual Property Protection in Export Origins', *Journal of Asian Economics*, 100 (2025), 101980 <<https://doi.org/10.1016/j.asieco.2025.101980>>.

violated through piracy or counterfeiting, the creators lose out on revenue, which directly violates the principle of economic justice.³⁶ This loss is not only materially detrimental, but also removes the motivation to continue creating, which ultimately harms the entire innovation ecosystem. enforcement of intellectual property (IP) crimes and economic justice looks to the recognition of the rights of creators and innovators as a fundamental principle that drives innovation. This recognition reflects the view that individuals who exert time, effort, and resources to create new works deserve legal protection and economic benefits from their work. This protection not only serves as an incentive for further innovation, but also ensures that creators get fair recognition for their contributions. As such, effective enforcement of IP laws becomes a bridge between the creative efforts of individuals and economic benefits, creating a cycle that supports innovation-driven economic growth. IP crimes, such as piracy and counterfeiting, directly undermine this causal relationship by eroding incentives for creators, ultimately harming the entire economic ecosystem.³⁷

Furthermore, weak IPR enforcement creates unfair competition. Law-abiding businesses that invest heavily in research, development, and marketing must compete with illegal products that are produced at very low costs. Pirated or counterfeit products are sold in the market at much cheaper prices, often at the expense of quality and safety. This situation puts genuine manufacturers at a severe disadvantage, forcing them to go out of business, lay off employees, or delay investments. This clearly undermines the principle of economic justice, where success is no longer determined by quality or innovation, but rather by the ability to illegally exploit the rights of others ³⁸. Weak enforcement of Intellectual Property Rights (IPR) creates unfair competition because it allows businesses that do not innovate to take advantage of the work of others without cost or risk. This means that companies or individuals producing counterfeit (pirated) goods or services do not have to spend on research, development, or promotion as do the creators or legitimate rights holders. As a result, they can sell their products at much lower prices, attracting consumers who do not prioritize authenticity. This hurts legitimate businesses, as they lose market share and revenue, and reduces their incentive to invest in

³⁶ Ayu Cahya Pratiwi, Nabila Riski Laili Pertiwi, and Abdul Hafidz Al Baihaqi, 'The Importance of Understanding Intellectual Property Rights from a Legal Perspective and Its Benefits for Society', *Proceedings of Islamic Economics, Business, and Philanthropy*, 2.2 (2022), 100–120 <<https://jurnalfebi.iainkediri.ac.id/index.php/proceedings/article/view/1124>>.

³⁷ Qiong Li and Jiuzheng Pei, 'Judicial Protection of Intellectual Property Rights and Manipulative Behaviors in Corporate Research and Development Expenses', *Finance Research Letters*, 65 (2024), 105611 <<https://doi.org/10.1016/j.frl.2024.105611>>.

³⁸ Tongchang Ma, 'Intellectual Property Protection in Cross-Border E-Commerce', *Advances in Economics, Management and Political Sciences*, 68.1 (2024), 47–53 <<https://doi.org/10.54254/2754-1169/68/20241345>>.

future innovation. Such an environment not only damages the market but also hinders overall economic progress by suppressing creativity and innovation ³⁹.

The final correlation is the impact of IPR enforcement on the investment climate and national economic growth. Investors, both domestic and foreign, will only be willing to invest in countries that guarantee strong legal protection of their assets, including IPR ⁴⁰. Countries with high IPR crime rates are considered to have a great investment risk. Conversely, strict enforcement of IPR laws can boost investor confidence, attract capital, and promote economic growth. In other words, IPR protection is a prerequisite for creating a fair economy, where businesses can innovate, compete, and thrive without fear of having their work stolen. Thus, IPR law enforcement is not just a legal task, but a crucial investment in building a fair and sustainable economic foundation for the nation ⁴¹.

Moreover, strong IPR Enforcement has a significant impact on the investment climate and national economic growth as it provides legal security for investors and innovators. That is, when investors are confident that their innovations, trademarks or copyrights will be protected from piracy and counterfeiting, they are more motivated to invest in a country ⁴². This protection creates a predictable and stable business environment, encouraging companies to undertake costly research and development (R&D), which is a key engine of economic growth. Conversely, weak IPR enforcement can scare away investors, as they risk losing their profits and exclusive rights to illegal activities. This will hamper capital flows, reduce innovation, and ultimately slow down overall economic growth. Law enforcement against intellectual property crime (IPR) has a direct correlation with the achievement of economic justice in a country. In Indonesia, IPR violations such as piracy, brand counterfeiting, and patent infringement often harm creators and innovators who have worked hard to produce original works. When their rights are not fairly protected, the distribution of wealth becomes unequal, as the infringing parties gain economic benefits without any real contribution. In this context, weak IPR enforcement creates structural injustice that negatively impacts entrepreneurial

³⁹ Huaiyin Zhang, Yanhong Lou, and Kui Cai, 'Research on the Dilemma and Improvement of Legal Regulation for Unfair Competition Related to Corporate Data in China', *Computer Law & Security Review*, 42 (2021), 105582 <<https://doi.org/10.1016/j.clsr.2021.105582>>.

⁴⁰ Pengfei Cheng, Mengzhen Wang, and Baekryul Choi, 'IPR Protection and Sustainable Economic Growth: Domestic R&D Level and International R&D Trade Cooperation Perspective', *Sustainability*, 16.14 (2024), 6051 <<https://doi.org/10.3390/su16146051>>.

⁴¹ Marco Túlio Dinali Viglioni and others, 'Effects of Intellectual Property Rights on Innovation and Economic Activity: A Non-Linear Perspective from Latin America', *Structural Change and Economic Dynamics*, 67 (2023), 359–71 <<https://doi.org/10.1016/j.strueco.2023.09.001>>.

⁴² Pedro Cunha Neves and others, 'The Link between Intellectual Property Rights, Innovation, and Growth: A Meta-Analysis', *Economic Modelling*, 97 (2021), 196–209 <<https://doi.org/10.1016/j.econmod.2021.01.019>>.

spirit and inclusive economic development.

If analyzed using John Rawls' theory of justice, economic justice must pay attention to two main principles: equal freedom for all, and social and economic inequality must be regulated in such a way as to benefit the most disadvantaged parties (difference principle). In the context of IPR crimes, injustice occurs when small businesses, local artists, or innovators without large capital backing become victims of piracy or counterfeiting, and the state fails to protect them. As a result, inequality widens, as economic benefits flow to those who take advantage of the legal vacuum and weak supervision ⁴³. The relationship between intellectual property (IP) crime enforcement and economic justice can be analyzed through the lens of John Rawls' theory of justice, specifically the *difference principle* and equality of opportunity. Although Rawls did not directly address IPR, his principles can be applied to evaluate whether the existing IPR system, including its enforcement, results in a fair distribution of benefits. According to Rawls, social and economic inequalities can be justified only if they provide the greatest benefit to the most disadvantaged members of society. Therefore, strong IPR enforcement should not only benefit creators or large companies, but also provide substantial benefits to society at large, especially to those who are marginalized ⁴⁴.

The application of Rawls' theory shows that the enforcement of IP crimes can be a dilemma of justice. On the one hand, strict enforcement aims to protect the exclusive rights of creators, which will hopefully encourage innovation and creativity. This is in line with Rawls' principle that talent and ability should be rewarded. However, on the other hand, excessive enforcement may limit people's access, especially in developing countries, to IP products such as medicines, software, or educational materials. This can create significant inequalities, where a large section of society is unable to enjoy the benefits of such works. IP crimes, such as piracy, often arise as a response to the economic inability to access original products that are costly⁴⁵. Therefore, from Rawls' perspective, enforcement of IP crimes must be balanced. The goal is not only to punish infringers, but also to ensure that the IP system as a whole is fair and provides benefits to all. This means the government needs to find ways to provide adequate IPR protection while ensuring wider public access, for example through compulsory licensing or more affordable prices for essential products. Thus, IP law enforcement becomes an instrument to achieve distributive justice, not just a tool to protect individual rights. On the other hand, strengthening IPR law

⁴³ John Rawls, *Teori Keadilan* (Yogyakarta: Pustaka Pelajar, 2019).

⁴⁴ Kemi Anthony Emina, 'John Rawls Concept of Person and Society: A Critique', *Pinisi*, 1.3 (2021), 77.

⁴⁵ the President and Fellows of Havard College, *A Theory Of Justice by John Rawls (Revision Edition)*, ed. by President and Fellows of Havard College, *Harvard University Press Cambridge*, Revision E (United States of America: Harvard University Press, 1971), I.

enforcement is not just a formal legal effort, but also a means to realize Rawls' principle of distributive justice. The state must create a legal system that not only punishes violators, but also empowers vulnerable groups in the creative economy ecosystem. By protecting intellectual property rights fairly and thoroughly, the state can ensure that economic output is distributed more equitably and that every individual has an equal opportunity to thrive through innovation and creativity.

4. Conclusion

Law enforcement against intellectual property crime (IPR) in Indonesia still faces various serious challenges, both in terms of institutions, regulations, and public awareness. Although there is a relatively adequate legal framework, its implementation in the field has not been effective in reducing the number of violations. This is exacerbated by the lack of capacity of law enforcement officials, weak coordination between agencies, and a lack of technical understanding of IPR. On the other hand, low public and business awareness of the importance of IPR protection creates a culture of permissiveness towards infringement, especially in the digital and e-commerce context. This condition has a direct impact on the achievement of economic justice. IPR crimes create inequality in the distribution of economic benefits, harm creators and legitimate business actors, and provide illegal profits for infringers. Weak law enforcement also creates unfair business competition, reduces the motivation to innovate, and damages the investment climate. Therefore, there is a very strong correlation between the effectiveness of IPR law enforcement and the creation of a fair, inclusive and sustainable economic system. To realize economic justice through IPR protection, strategic and integrated steps are needed, such as: Harmonization of Regulations with the revision and harmonization of laws and regulations to be more adaptive to the development of digital technology and cybercrime. Regulations must provide a strong legal basis for handling cases of IPR infringement in the *online* realm. In addition, Public Education and Campaigns: through The government, together with the private sector and non-governmental organizations, should vigorously conduct public education campaigns to raise public awareness about the importance of respecting original works and the negative impact of IPR crimes. These campaigns should target various segments of society, including MSME players and consumers.

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