

Beyond Human Authorship: Rethinking Copyright Ownership of Generative Artificial Intelligence Works Through an Islamic Legal Approach

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Abstract

This study reconsiders the copyright ownership of works produced by generative artificial intelligence (AI) in Indonesia from an Islamic law perspective. The crucial question is not whether AI can be considered an author or copyright owner but how the law should deal with ownership, attribution, the use of training data, the distribution of benefits, and liability when generative AI works involve humans providing prompts, algorithmic systems, platforms, datasets, developers, and commercial actors. The research is adopts normative legal research, consisting of statutory, conceptual, and comparative legal research, where comparative legal research is used as a supporting method. The results suggest that Indonesian copyright law remains human-centered, meaning AI cannot be recognized as an author or copyright holder. However, Indonesian copyright law has failed to develop clear rules to determine what constitutes



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a genuine human creative contribution and the proper division of ownership. From an Islamic legal perspective, ownership of copyright should be predicated on lawful entitlement, valid consent, recognized benefit, protection of economic value, responsibility, and prevention of harm. The study proposes an adaptive and equitable legal framework that distinguishes between fully autonomous AI outputs without any human creative input, AI-assisted works that still involve human creative control, and AI-assisted works produced within employment, commissioning, or institutional arrangements. Principles of *milkiyyah*, *istihqaq*, *rida*, *manfaah*, *hifz al-mal*, *mas'uliyah*, *maslahah*, and *la darar wa la dirar* are the normative and operational foundations for reform of Indonesian copyright law.

KEYWORDS: Artificial intelligence; AI-Generated Works; Copyright Ownership; Islamic law; Legal Reform

Abstrak

Penelitian ini meninjau kembali kepemilikan hak cipta atas karya yang dihasilkan oleh kecerdasan buatan generatif di Indonesia melalui pendekatan hukum Islam. Permasalahan utama yang dikaji bukan pada dapat atau tidaknya AI diakui sebagai pencipta atau pemegang hak cipta, melainkan pada bagaimana hukum mengatur kepemilikan, atribusi, penggunaan data pelatihan, distribusi manfaat, dan tanggung jawab ketika karya generatif AI melibatkan prompt manusia, sistem algoritmik, platform, dataset, pengembang, dan pelaku komersial. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan perbandingan hukum sebagai pendekatan penunjang. Hasil penelitian menunjukkan bahwa hukum hak cipta Indonesia masih berpusat pada manusia sehingga AI tidak dapat diposisikan sebagai pencipta atau pemegang hak cipta. Hukum hak cipta Indonesia belum memiliki standar yang jelas mengenai kontribusi kreatif manusia dan alokasi kepemilikan atas karya berbasis AI. Berdasarkan perspektif hukum Islam, kepemilikan hak cipta harus didasarkan pada dasar hak yang sah, persetujuan yang valid, manfaat yang diakui, perlindungan nilai ekonomi, tanggung jawab, dan pencegahan kerugian. Penelitian ini menawarkan kerangka regulasi yang adaptif dan berkeadilan dengan membedakan karya yang sepenuhnya dihasilkan oleh AI tanpa kontribusi kreatif manusia, karya berbantuan AI yang tetap melibatkan pengendalian kreatif manusia, dan karya berbantuan AI yang lahir dari hubungan kerja, pesanan, atau kelembagaan. Prinsip milkiyyah, istihqaq, rida, manfaah, hifz al-mal, mas'uliyah, maslahah, dan la darar wa la dirar menjadi dasar normatif dan operasional bagi pembaruan hukum hak cipta Indonesia.

KATA KUNCI: *Hukum Islam; Karya Generatif AI; Kecerdasan buatan; Kepemilikan hak cipta; Reformasi Hukum*

Introduction

Generative artificial intelligence (AI) has transformed the creation of expressive works and challenged the copyright doctrine, which relies on human authorship, originality, and identifiable creative contribution.¹ Indonesian copyright law has not kept pace with this development because Law Number 28 of 2014 concerning copyright does not expressly regulate generative AI works, the threshold of meaningful human creative contribution, ownership allocation, training data, attribution, licensing, benefit distribution, or liability.² Therefore, the core legal issue is not merely whether AI can be recognized as an author or copyright holder but how ownership, responsibility, and economic benefit should be allocated when AI-generated works involve human instructions, technological design, corporate control, platform governance, and automated processes. These gaps require a coherent legal framework that protects human authorship, lawful ownership, and accountability in AI-driven creativity.

The existing scholarship has contributed enormously to the debate about AI and copyright. Ramli, in *AI as Object of Intellectual Property in Indonesian Law*, demonstrates that Indonesian law does not explicitly recognize AI as a creator or inventor.³ Hugenholtz and Quintais, in *Copyright and Artificial Creation*, assert that EU copyright protection remains attached to human intellectual creation and originality.⁴ In Japan's

¹ Mark Fenwick and Paulius Jurcys, "Originality and the Future of Copyright in an Age of Generative AI," *Computer Law & Security Review* 51 (November 2023): 105892, <https://doi.org/10.1016/j.clsr.2023.105892>.

² Anthi Gaidartzi and Irini Stamatoudi, "Authorship and Ownership Issues Raised by AI-Generated Works: A Comparative Analysis," *Laws* 14, no. 4 (August 2025): 57, <https://doi.org/10.3390/laws14040057>.

³ Tasya S. Ramli and Ranti F. Mayana, "Artificial Intelligence as Object of Intellectual Property in Indonesian Law," *The Journal of World Intellectual Property* 26, no. 2 (July 2023): 142–54, <https://doi.org/10.1111/jwip.12264>.

⁴ P. Bernt Hugenholtz and João Pedro Quintais, "Copyright and Artificial Creation: Does EU Copyright Law Protect AI-Assisted Output?," *IIC - International Review of*

Legal Framework for Copyright Protection of AI-Generated Works, Takeuchi explains Japan's innovation-oriented approach to AI-assisted creativity.⁵ Marhamah confirms that Indonesian copyright law is grounded in originality and human-centered ownership.⁶ Saputra and Zahara note that Islamic legal scholarship has begun to engage with AI regarding economic value, responsibility, ethics, and maqasid-based reasoning. However, a structured Islamic legal model for copyright ownership of generative AI works is still in its infancy.⁷ These studies provide a vital foundation for understanding the links between AI, authorship, and copyright protection.

The current literature still leaves conceptual and normative gaps. Most studies conclude that AI is not a legal subject and that Indonesian copyright law lacks explicit rules on AI-generated works. However, they do not sufficiently explain how ownership should be allocated among human and institutional actors. Although comparative studies offer useful lessons, they rarely produce a model tailored to Indonesian copyright law. Islamic law is also often used as a broad ethical perspective rather than an operational framework for ownership, responsibility, consent, benefit distribution, justice, and harm prevention. This gap justifies the formulation of an Islamic law-based copyright legal reform framework for generative AI in Indonesia.

This study differs from previous research by placing Islamic law as a substantive normative framework for rethinking copyright ownership of generative AI works in Indonesia. The analysis not only asks whether AI-

Intellectual Property and Competition Law 52, no. 9 (October 2021): 1190–1216, <https://doi.org/10.1007/s40319-021-01115-0>.

⁵ Seiya S. Takeuchi, "Japan's Legal Framework for Copyright Protection of AI-generated Works: A Comparative Law Analysis Exploring the Possibility of Japan's Adoption of the UK Legislative Approach," *The Journal of World Intellectual Property* 28, no. 2 (July, 2025): 323–43, <https://doi.org/10.1111/jwip.12333>.

⁶ Naeli Rizqi Marhamah, Maya Ruhtiani, and Monica Puspa Dewi, "AI Illustrative Works: Originality and Copyright in Indonesian and Swedish Law," *Jurnal Hukum In Concreto* 4, no. 2 (2025): 237–56, <https://doi.org/10.35960/inconcreto.v4i2.1925>.

⁷ Chandra Akbar Saputra and Fatimah Zahara, "Analysis of Copyright Protection of AI Works from the Perspective of the MUI Fatwa," *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*, 26, no. 1 (2026): 653–671, <https://doi.org/10.24252/al-risalah.vi.65523>.

generated works meet the criteria of authorship and ownership under Indonesian positive law but also analyzes these issues through the lens of the principles of *milkiyyah* or lawful ownership, *mas'uliyah* or responsibility, *maṣlahah* or public benefit, justice, and the protection of economic value.⁸ These principles provide a normative basis for the assessment of rightful entitlement, valid consent, lawful use of copyrighted works and training data, fair distribution of economic benefit, and responsibility for harmful or infringing outputs.⁹ Islamic law is therefore not positioned as a symbolic moral supplement but as a legal framework that can guide copyright legal reform in Indonesia.

This study aims to formulate an Islamic law-based copyright legal reform framework for generative AI works by integrating Islamic legal principles into the national copyright system. Specifically, it clarifies the threshold of meaningful human creative contribution, determines the lawful basis of copyright ownership, allocates responsibility among relevant actors, and formulates principles for training data governance, attribution, benefit distribution, and liability. It provides an Islamic legal framework that connects authorship, ownership, responsibility, justice, and economic value, and gives policy directions to renew Indonesian copyright regulation in the face of future disputes over AI-generated works.

Methods

This research employs normative legal research with statutory, conceptual, Islamic legal, and a supporting comparative approaches.¹⁰ The

⁸ Ainee Adam, "Pricing and Profiting in Copyright: Introducing an Islamic Perspective," *Queen Mary Journal of Intellectual Property* 10, no. 2 (June 2020): 152–78, <https://doi.org/10.4337/qmjip.2020.02.01>.

⁹ Sukiati Sukiati, Rahmadany Rahmadany, Muhamad Hasan Sebyar, Purnama Hidayah Harahap, and Yovenska L. Man, "Copyright as a Waqf Object in the Context of Fiqh and Positive Law," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 (May 2023): 269, <https://doi.org/10.29240/jhi.v8i1.6696>.

¹⁰ Terry Hutchinson and Nigel Duncan, "Defining and Describing What We Do: Doctrinal Legal Research," *Deakin Law Review* 17, no. 1 (October 2012): 83, <https://doi.org/10.21153/dlr2012vol17no1art70>.

statutory approach analyzes Indonesian copyright law to identify the normative gaps regarding generative AI works, while the conceptual approach constructs arguments on ownership, originality, authorship, human creative contribution, responsibility, consent, attribution, benefit distribution, and liability. The Islamic legal approach serves as the main normative framework by applying *usul al-fiqh* and *maqasid al-shariah*, including *milkiyyah*, *mas'uliyah*, *maslahah*, *hifz al-mal*, *rida*, and *la darar wa la dirar*. The comparative approach is used only as a supporting analysis to draw lessons from the European Union and Japan on human authorship, training data governance, transparency, and AI-assisted creativity.

The study uses primary and secondary legal materials, including Indonesian copyright laws, relevant regulations, selected EU and Japanese legal instruments, Islamic legal sources, and scholarly literature on AI, copyright, and Islamic legal theory. These materials were collected through a document study and analyzed normatively and prescriptively using two instruments: a comparative matrix of legal lessons and an Islamic legal framework on ownership, responsibility, consent, benefit distribution, and harm prevention. This method supports the formulation of a copyright legal reform framework through coherent doctrinal analysis grounded in national law, comparative insights, and Islamic legal principles.

Discussion

Authorship and Copyright Ownership of AI Works within the Indonesian Legal Framework

The discussion of copyright ownership of generative AI works in Indonesia must be placed within the normative structure of Indonesian copyright law. Indonesian copyright law remains human-centered because the concept of a creator refers to a person or several persons who produce a work that is distinctive and personal. This formulation indicates that AI has not been recognized as a creator, author, or copyright holder under

Indonesian copyright law.¹¹ Therefore, the central legal issue is not merely whether AI may be treated as an author but how Indonesian law should determine the legal status, authorship, ownership, attribution, and liability of works produced through generative AI. The absence of explicit regulation on AI-generated works creates a normative gap that affects legal certainty, legal protection, and copyright enforcement in Indonesia.

Law Number 28 of 2014 does not expressly regulate autonomous AI outputs, AI-assisted creative processes, the threshold of meaningful human creative contribution, the legality of training data, or the allocation of rights among users, developers, platforms, employers, commissioners, and institutions. This legal vacuum creates uncertainty when AI-generated works are registered, licensed, commercialised, transferred, or disputed.¹² Administrative rules on electronic systems and copyright recordation may support documentation, but they do not answer the substantive question of who should be recognised as the creator and who should be recognised as the copyright holder when a work is produced through generative AI. The ambiguity becomes more significant because AI-generated works may involve human prompts, automated generation, algorithmic processing, selection, editing, and commercial exploitation. Therefore, Indonesian copyright law needs a clearer standard to distinguish between fully autonomous AI outputs and AI-assisted works that still contain meaningful human creative contribution.

The legal implications of generative AI works in Indonesia should be elaborated through three interconnected dimensions, namely legal certainty, legal protection, and copyright enforcement. Legal certainty requires clear rules on the classification of AI-related works, the threshold of meaningful human creative contribution, and the determination of who may be recognized as the creator or copyright holder. Legal protection

¹¹ Ramli and Mayana, "Artificial Intelligence," 142–54.

¹² Ranti Fauza Mayana, Tisni Santika, and Win, "Legal Issues of Artificial Intelligence – Generated Works: Challenges on Indonesian Copyright Law," *LAW REFORM* 20, no. 1 (April 2024): 54–75, <https://doi.org/10.14710/lr.v20i1.61262>.

requires safeguards for human creators whose works may be used as training data, imitated, misattributed, commercially substituted, or exploited by AI systems without consent, license, transparency, or fair compensation. Copyright enforcement requires effective and proportionate remedies against infringing or harmful AI outputs, including attribution correction, takedown mechanisms, compensation, injunctions, disclosure of relevant information, and liability allocation for users, developers, platforms, employers, commissioners, and commercial actors.¹³ Without these three dimensions, the regulation of AI-generated works would remain descriptive and would not adequately respond to the practical legal consequences of generative AI within the Indonesian copyright system.

Hegel's theory of personality provides an important conceptual foundation for maintaining human authorship under Indonesian copyright law. Under this theory, copyright is not merely an economic asset, but also reflects the author's will, personality, and personal expression. A work is protected not only because it has market value but also because it represents the personal and intellectual expression of a legal subject. This theoretical foundation supports the view that AI cannot be recognized as a creator because AI has no consciousness, moral personality, will, or legal capacity to bear rights and obligations. Locke's theory of appropriation supports the determination of copyright ownership based on human labor, creative effort, and lawful entitlement.¹⁴ Ownership may be justified when a person contributes labor or effort that adds value to a work, provided that such appropriation does not unfairly deprive others of access, benefit, or legitimate rights. In the context of generative AI, copyright ownership should be granted only when there is a meaningful human creative

¹³ Nanda Yuniza Eviani, Maskun, and Ahmad Fachri, "Legal Challenges of AI-Induced Copyright Infringement: Evaluating Liability and Dispute Resolution Mechanisms in Digital Era," *Jambura Law Review* 6, no. 2 (July 2024): 403–48, <https://doi.org/10.33756/jlr.v6i2.24459>.

¹⁴ Mala Chatterjee, "Lockean Copyright versus Lockean Property," *Journal of Legal Analysis* 12 (January 2020): 136–82, <https://doi.org/10.1093/jla/laaa002>.

contribution and a valid legal basis, such as employment, commissioning, assignment, license, or other lawful entitlement.

The authorship of works produced by generative AI should be determined by the quality of the human creative input. Not all prompts, instructions, selection, editing, combining, and modification have the same creative value. The emphasis in the AI-assisted works literature is that the human role in the creative process, not machine intelligence, is the important element in copyright protection.¹⁵ A better standard is whether humans exercise creative control over the idea, expressive choices, structure, arrangement, editing, and final shape of the work.¹⁶ When it comes to evidence of authorship, we should be looking at a creative process that demonstrates real human involvement, not just that a person used a generative AI application. This assessment allows the law to differentiate between AI-assisted works, AI-collaborative works, AI-refined works, and works generated automatically. This standard is important for Indonesian copyright law because it provides a practical basis to distinguish fully autonomous AI outputs from AI-assisted works that still reflect human originality.

The role of generative AI in the Indonesian legal system should be assessed as a technological tool rather than a legal subject. Generative AI can be used to generate text, images, music, designs, or other digital works. Such a system has no will, no consciousness, no responsibility, and no ability to face legal consequences. Indonesian civil law distinguishes legal subjects, who can have rights and obligations, and objects or instruments that can only be used by legal subjects. Accepting the recognition of generative AI as an author is difficult because AI cannot own or transfer

¹⁵ Kateryna Milityna, "Human Creative Contribution to AI-Based Output – One Just Can('t) Get Enough," *GRUR International* 72, no. 10 (October 2023): 939–49, <https://doi.org/10.1093/grurint/ikado75>.

¹⁶ Johannes Fritz, "Understanding Authorship in Artificial Intelligence-Assisted Works," *Journal of Intellectual Property Law and Practice* 20, no. 5 (July 2025): 354–64, <https://doi.org/10.1093/jiplp/jpae119>.

rights, grant permissions, or be held liable for copyright infringement.¹⁷ Moral rights are related to the name, reputation, honor, moral responsibility, and personal relationship between the author and the work. There are no moral rights attachable to AI, as stated by Ronald Dworkin's theory of morality. Works created with generative AI can still be eligible for copyright protection if humans can demonstrate their creative contribution to shaping the final expression of the work.¹⁸ Treating AI as an author or copyright holder would instead create uncertainty over legal responsibility for users, developers, platforms, companies, and third parties. AI does not need to be recognized as a legal subject, but its position should be clarified as an assisting tool in the creative process.

Authorship and copyright ownership are separate concepts that are not necessarily the same thing. Authorship refers to who makes the creative contribution to a work, and ownership refers to who has the legal right to use, transfer, license, commercialize, and enforce the economic rights in that work. The proprietary basis of copyright can be associated with Article 499 of the Indonesian Civil Code, which states that property is every object and right that can become the object of ownership. This provision is in accordance with Article 16, paragraph (1) of Law Number 28 of 2014 concerning Copyright, which states that copyright is an intangible movable object.¹⁹ By this logic, just because someone controls the technology, owns the software, or uses a generative AI platform does not mean they are automatically the copyright owner of works generated using that system. Copyright holders can only be users, developers, companies, employers, or platforms if there is a clear basis for this, such as a creative contribution, an

¹⁷ Jane C. Ginsburg, "People Not Machines: Authorship and What It Means in the Berne Convention," *IIC - International Review of Intellectual Property and Competition Law* 49, no. 2 (February 2018): 131–35, <https://doi.org/10.1007/s40319-018-0670-x>.

¹⁸ Gazi Islam and Michelle Greenwood, "Generative Artificial Intelligence as Hypercommons: Ethics of Authorship and Ownership," *Journal of Business Ethics* 192, no. 4 (July 2024): 659–63, <https://doi.org/10.1007/s10551-024-05741-9>.

¹⁹ Chrisna Bagus Edhita Praja, Agus Budi Riswandi, and Sri Wartini, "Authorship and Ownership of AI-Generated Works in Indonesia: A Doctrinal and Comparative Review," *Jurnal Media Hukum* 32, no. 1 (May 2025): 151–70, <https://doi.org/10.18196/jmh.v32i1.25383>.

employment relationship, an agreement, a license, a transfer of rights, or another legal ground. Ownership of a digital file or an AI account does not confer copyright ownership unless there is a lawful entitlement. For works generated by generative AI, therefore, the determination of copyright ownership should be made on the basis of creative contribution, the legal relationship between the parties, and evidence of lawful acquisition of rights.

Moral rights and economic rights must be clearly explained because they have different legal consequences for works produced by generative AI. The moral rights relate to the name, attribution, integrity of the work, reputation, and the personal relationship between the author and the work. They are attached to human authors. Economic rights differ from moral rights in that they concern the commercial benefits of a work, such as use, reproduction, distribution, licensing, and other forms of economic exploitation.²⁰ The economic rights in copyright should be understood as a legal instrument which is based on Richard Posner's economic theory and which provides incentives to creators, encourages productive use of works and balances the protection of exclusive rights with the public interest.²¹ The theory can be used to explain that economic rights in a work should be granted to the party that truly made the creative contribution, has lawful entitlement, and bears responsibility for the use of that work. The assessment of moral and economic rights should take into account the human creative input, control over the final form of expression, legality of the training data, rights of third parties, and mechanisms for sharing economic benefits. Transparency in AI use, documentation of the creative process, prompts, metadata, editing history, and licensing agreements are necessary to strengthen proof of ownership and avoid copyright disputes.

²⁰ Christian Peukert and Margaritha Windisch, "The Economics of Copyright in the Digital Age," *Journal of Economic Surveys* 39, no. 3 (July 2025): 877–903, <https://doi.org/10.1111/joes.12632>.

²¹ Avishalom Tor, Doran Teichman and Eyal Zamir, "If You Can't Beat Them, Join Them: Richard Posner and Behavioral Law and Economics," *History of Economic Ideas* 31, no. 3 (2023): 67–75, <https://doi.org/10.19272/202306103004>.

Based on this, Indonesian copyright law must maintain the moral rights of human authors and regulate economic rights through legal, transparent, proportional, and accountable ownership mechanisms.

The comparative experience of the EU and Japan may be used as supporting analysis to strengthen Indonesian copyright reform. The EU provides useful lessons on transparency, copyright compliance, training data governance, and the regulation of AI-assisted outputs.²² Japan provides an example of balancing technological innovation with the principle that authorship in copyright law remains tied to human creativity.²³ These comparative experiences support the formulation of Indonesian copyright reform by showing the need to distinguish fully autonomous AI outputs from AI-assisted works involving meaningful human creative contribution. Copyright ownership should therefore be determined by creative contribution, legal relationship, transfer of rights, license, employment, commissioning, or another lawful basis, not by technological control, platform ownership, or the mere use of an AI application. This comparative insight reinforces the need for Indonesia to maintain human authorship while developing more precise rules on ownership, training data, transparency, and accountability.

Copyright Ownership of AI Works from an Islamic Legal Perspective

The ownership of copyright in generative AI works must be determined on the basis of lawful entitlement rather than machine production. A generative AI output can be produced by automated processes but also depends on data, human instructions, and economic exploitation, creating legal uncertainty.²⁴ AI does not have a legal personality, intent,

²² Andres Guadamuz, "The EU's Artificial Intelligence Act and Copyright," *The Journal of World Intellectual Property* 28, no. 1 (March 2025): 213–19, <https://doi.org/10.1111/jwip.12330>.

²³ Takeuchi, "Japan's Legal Framework," 323–43.

²⁴ João Pedro Quintais, "Generative AI, Copyright and the AI Act," *Computer Law & Security Review* 56 (April 2025): 106107, <https://doi.org/10.1016/j.clsr.2025.106107>.

moral judgment, or accountability; therefore, it cannot be a legal subject of accountability.²⁵ Islamic law is also in line with this, as it attaches rights and duties to human beings or legal persons who are recognized as such by the law and are held accountable. AI can be a creative tool but not an author or copyright owner, as it lacks intention, moral responsibility, and legal accountability. Rights over AI outputs can only be exercised by human users, developers, companies, or platforms if they have the necessary input, entitlement, consent, and responsibility. Hence, Islamic law shifts the attention from machine authorship to lawful human or institutional ownership.

The principle of *milkiyyah* also means the basis of ownership in the sense of a legal relationship between a responsible party and a protected interest. The co-creation of humans and AI raises the question of creative control but not all human-AI interactions are authorship.²⁶ The creation of AI regulation also underscores the importance of creating ownership rules when technological systems create new forms of legal uncertainty.²⁷ Ownership should be associated with legal contribution, creative control, contractual rights or institutional responsibility. A user who simply enters a simple prompt has a weaker claim than one who designs, selects, edits, arranges and finalizes the work. A platform should not automatically control AI outputs merely by providing infrastructure unless there is a valid and fair legal basis. Hence, *milkiyyah* determines the lawful entitlement as the foundation of copyright ownership of AI-assisted works.

The principle of *istihqaq* implies that every claim of copyright on AI-assisted works must be substantiated by a true contribution. AI-assisted authorship is focused on the human role of direction, selection,

²⁵ Cao Zhaoxun, Ramalingam Rajamanickam, and Nur Khalidah Dahlan, "Exploring The Legal Subjectivity of Artificial Intelligence in Incitement to Suicide," *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 1 (April 2024): 31–42, <https://doi.org/10.29303/ius.v12i1.1369>.

²⁶ Wei Liu and Weijie Huang, "Authorship in Human-AI Collaborative Creation: A Creative Control Theory Perspective," *Computer Law & Security Review* 57 (July 2025): 106139, <https://doi.org/10.1016/j.clsr.2025.106139>.

²⁷ Quintais, "Generative AI, Copyright and the AI Act." 106107.

arrangement, and expressive judgment in the formation of the final work.²⁸ AI-based legal relations need certainty, as unclear rules on validity and responsibility may undermine legal protection. The law must distinguish between passive prompting and genuine human creative contribution. Detailed prompting, iterative refinement, expressive selection, editing, modification, and final control may be illustrative of a genuine human role. Thus, *istihqaq* implies that copyright ownership is conditional upon legal entitlement backed by substantial creative contribution.

The principle of *rida* links copyright ownership of AI works with the legality of the input materials used in AI training. AI-generated works raise unresolved problems of originality, ownership, and liability when the sources of data and human contribution are unclear.²⁹ Intellectual property transfer also requires a valid legal basis so that ownership is not separated from legitimacy.³⁰ A wide range of generative AI systems are trained using texts, images, music, code, and other protected works. Consent, authorization, licensing, lawful exception, or fair compensation therefore become relevant before economic benefit from AI outputs can be claimed. When copyrighted works are used without permission in commercial AI training, the resulting value may depend on the unauthorized use of human creativity. If AI outputs later compete with original works, authors may lose market opportunities and licensing value. Therefore, *rida* requires transparency, consent, licensing, and compensation to become part of Indonesian copyright reform.

The principles of *manfa'ah* and *hifz al-mal* are values that support the protection of AI-assisted works only if their creation is for a lawful benefit

²⁸ Fritz, "Understanding Authorship," 354–64.

²⁹ Anthi Gaidartzi and Irini Stamatoudi, "Authorship and Ownership Issues Raised by AI-Generated Works: A Comparative Analysis," *Laws* 14, no. 4 (2025): 57.

³⁰ Ampuan Situmeang, Ninne Zahara Silviani, and David Tan, "The Solving Indonesian Intellectual Property Rights Transfer Issue," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 1 (June 2023): 59–74, <https://doi.org/10.30631/alrisalah.v23i1.1341>.

and preserves the economic value of human creativity.³¹ Such protection will not depend solely on the final output, but rather on whether human instruction, selection, editing, or modification meaningfully shapes the machine-generated expression. Digital works may thus have legal value even if intangible or partly generated by AI, as long as their benefit is fair, accountable, and based on lawful economic value.³² Protection, however, is problematic when AI-assisted outputs are created through unauthorised copying, deceptive attribution, or exploitation of protected works. In this regard, *hifz al-mal* requires copyright reform to ensure that AI innovation does not undermine authors' control over the economic value of their works. Thus, Indonesian copyright law must balance technological development with the rules of attribution, remuneration, transparency, and liability for unlawful exploitation. Indonesian copyright law should therefore protect authors not only after infringement occurs, but also before exploitation takes place, through transparency obligations, licensing schemes, attribution rules, fair remuneration, and safeguards against market substitution.

The principles of *mas'uliyah*, *al-ghurm bi al-ghunm*, and *al-kharaj bi al-daman* imply that responsibility must be tied to control, benefit, and risk in works of AI-generated content.³³ Copyright ownership must be inseparable from accountability for infringement, misattribution, unlawful exploitation, or foreseeable harm. Responsibility should attach to the party that designs, controls, distributes, or profits from AI outputs, based on the role it has played.³⁴ Developers can be held responsible when the design of

³¹ Miftakhul Huda and Hisam Ahyani, "Normative Justice and Implementation Related to Sharia Economic Law Disputes in Realizing Legal Certainty and Justice in Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (June 2024): 103–19, <https://doi.org/10.30631/alrisalah.v24i1.1467>.

³² Adam, "Pricing and Profiting," 152–78.

³³ Hafiz Gaffar and Saleh Albarashdi, "Copyright Protection for AI-Generated Works: Exploring Originality and Ownership in a Digital Landscape," *Asian Journal of International Law* 15, no. 1 (January 2025): 23–46, <https://doi.org/10.1017/S2044251323000735>.

³⁴ Maria Kalyvaki, Kyle Nash, and Heather McIntosh, "AI, Copyright, and Business: Navigating Global Legal Challenges in the Era of Generative Content and Digital Replicas,"

the system or the governance of the datasets creates foreseeable risks of infringement. Users and companies may also be responsible when they knowingly sell, distribute, or monetize infringing outputs. Platforms should bear a corresponding burden when they gain commercial advantage from subscriptions, output distribution, or paid AI services. Thus, every economic benefit arising from AI-generated works should be accompanied by a commensurate legal responsibility.

The principle of *la darar wa la dirar* sets a threshold for harm prevention in AI copyright ownership. Legal issues could arise in scenarios where AI content copies, replaces, or is commercially exploited with respect to existing protected works.³⁵ Legal certainty in AI-based transformation also needs to protect rights and prevent harm to affected parties. AI outputs can cause harm through misattribution, market substitution, style imitation, and unauthorized use of protected materials. Copyright protection for AI-assisted works should thus be granted after evaluating possible harm to human creators. *La darar wa la dirar* thus demands AI copyright regulation to prevent harm prior to ownership recognition.

The principle of *maslahah* justifies the use of generative AI only where technological benefits are aligned with justice, lawful interests, and the protection of human creators.³⁶ AI can improve productivity, access to creative tools, education, business and cultural production. But benefits are problematic where they are built on unlawful data use, unfair contracts, or excessive platform control.³⁷ As a result, *maslahah* calls for copyright reform to balance innovation, protection of creators, and social justice.

International Review of Law, Computers & Technology, November 2025, 1–15, <https://doi.org/10.1080/13600869.2025.2590795>.

³⁵ Christophe Geiger, “Elaborating a Human Rights-Friendly Copyright Framework for Generative AI,” *IIC - International Review of Intellectual Property and Competition Law* 55, no. 7 (August 2024): 1129–65, <https://doi.org/10.1007/s40319-024-01481-5>.

³⁶ Nirogini Thambaiya, Kanchana Kariyawasam, and Chamila Talagala, “Copyright Law in the Age of AI: Analysing the AI-Generated Works and Copyright Challenges in Australia,” *International Review of Law, Computers & Technology* 39, no. 3 (September 2025): 448–73, <https://doi.org/10.1080/13600869.2025.2486893>.

³⁷ Eviani, Maskun, and Fachri, “Legal Challenges,”

Maslahah offers the larger normative direction for adaptive and fair AI copyright regulation.

In the Indonesian copyright law, an ownership framework for generative AI works needs to be developed by differentiating autonomous machine outputs from AI-assisted works involving meaningful human contribution as a matter of Islamic legal principles. AI cannot own rights, perform duties, or be legally responsible and therefore must be outside the author and copyright holder category. Ownership should be seen as legal subjectivity, creative control, lawful entitlement, consent, benefit, and accountability. Copyright protection should not be granted to fully autonomous outputs. However, works assisted by AI can be protected if the human or legal person can demonstrate substantial creative input and legal ownership. Islamic law prescribes a model of reform that offers a framework for AI innovation that guarantees justice, welfare, and the protection of human creators.

Copyright Legal Reform for Generative AI Works in Indonesia within an Islamic Law Approach

The premise must be that copyright reform cannot be reduced to a technical adjustment of authorship rules when building an adaptive and equitable copyright legal framework for generative AI works. The use of generative AI presents a more complex legal issue, as the creation of works involves human prompts, training data, algorithmic processes, platform terms, contractual arrangements, and commercial exploitation.³⁸ Indonesian copyright law is still grounded in human creativity, but generative AI challenges the traditional relationship among the creator, the tool, and the final work.³⁹ The proposed copyright legal reform framework

³⁸ Quintais, "Generative AI," 106107.

³⁹ Francesca Mazzi, "Authorship in Artificial Intelligence-generated Works: Exploring Originality in Text Prompts and Artificial Intelligence Outputs through Philosophical Foundations of Copyright and Collage Protection," *The Journal of World Intellectual Property* 27, no. 3 (November 2024): 410–27, <https://doi.org/10.1111/jwip.12310>.

positions AI as a technological instrument, not as an author or rights holder. Humans and legal persons are still the main concern, because only they can have rights, make legal decisions, form agreements, and be subject to legal consequences. This does not exclude AI innovation but precludes technological capability as a premise for unjust ownership. In this context, the Islamic legal approach provides a normative basis for regulating rights allocation based on lawful entitlement, justice, accountability, benefit, and harm prevention.

The framework should begin with a clear rule that copyright protection for AI-assisted works depends on accountable human or legal-entity involvement. AI may generate expressive outputs, but it cannot possess intention, moral judgment, legal personality, or legal responsibility. The human-centred foundation of copyright should therefore be preserved while its application is adapted to technologically mediated creativity. A user who merely submits a generic prompt should not automatically receive copyright ownership over the whole output. A user, employer, commissioner, developer, or company may obtain rights only when the work reflects meaningful direction, selection, editing, arrangement, transformation, or final creative control. This legal reform approach avoids the conceptual error of treating machine autonomy as equivalent to legal authorship. It also preserves the doctrinal foundation of copyright while recognising that human creativity may now be assisted by algorithmic systems.

The copyright legal reform framework must also include a separate rule on the legality of training data. Generative AI outputs cannot be assessed only from the final work because their economic and expressive value may be derived from the large-scale processing of prior copyrighted materials.⁴⁰ The principle of *rida* requires consent, legal authorization, or some other lawful basis before protected works are used for commercial

⁴⁰ Andres Guadamuz, "A Scanner Darkly: Copyright Liability and Exceptions in Artificial Intelligence Inputs and Outputs," *GRUR International* 73, no. 2 (February 2024): 111–27, <https://doi.org/10.1093/grurint/ikad140>.

technological gains.⁴¹ This requirement is fundamental because a system that protects AI outputs while turning a blind eye to unlawful training practices may legitimize unjust enrichment. Indonesian copyright law should therefore regulate training-data transparency, licensing mechanisms, opt-out systems, fair remuneration, record-keeping, and narrowly tailored statutory limitations. Input legality becomes a necessary condition for equitable output regulation because the value of AI-generated works may depend on prior human creativity.

The legal reform framework should also preserve the economic value of human creativity by means of *manfaah* and *hifz al-mal*. Works of art assisted by AI, which produce beneficial, legitimate, and socially acceptable benefits, can have legal and economic value.⁴² Islamic law does not discount the protection of intangible value but requires that it be achieved through lawful means.⁴³ This distinction is important because digital works, AI-assisted illustrations, code, promotional materials, research texts, and creative designs may be valuable assets. Economic value alone cannot justify copyright protection when the value is derived from deception, unlawful copying, or exploitative extraction of the works of others. Protection should therefore be granted only when the output contains lawful benefit, meaningful human involvement, and fair treatment of prior rights. This is the economic justice basis for AI copyright reform.

The framework should distribute liability according to control, benefit and risk. The principle of *mas'uliyah* calls for responsibility to be linked to parties able to control, deploy, commercialise or benefit from AI systems.⁴⁴

⁴¹ Yang Lin and Taorui Guan, "From Safe Harbours to AI Harbours: Reimagining DMCA Immunity for the Generative AI Era," *Journal of Intellectual Property Law & Practice* 20, no. 9 (September 2025): 605–16, <https://doi.org/10.1093/jiplp/jpaf043>.

⁴² Adil S. Al-Busaidi, Raghu Raman, Laurie Hughes, et al., "Redefining Boundaries in Innovation and Knowledge Domains: Investigating the Impact of Generative Artificial Intelligence on Copyright and Intellectual Property Rights," *Journal of Innovation & Knowledge* 9, no. 4 (October 2024): 100630, <https://doi.org/10.1016/j.jik.2024.100630>.

⁴³ Islam and Greenwood, "Generative Artificial Intelligence," 659–63.

⁴⁴ Tarmidzi, Anindya Aryu Inayati, and Asro, "Reconstructing the Concept of Copyright as Al-Ḥuqūq Al-Māliyah in Islamic Law," *Invest Journal of Sharia & Economic Law* 5, no. 2 (December 2025): 227–51, <https://doi.org/10.21154/invest.v5i2.11552>.

This principle is reinforced by *al-ghurm bi al-ghunm* and *al-kharaj bi al-daman*, linking entitlement to benefit with the assumption of legal burden.⁴⁵ Developers, platforms, deployers, companies and commercial users should not rely on machine autonomy to escape liability. Responsibility should be proportionate to the role of each actor in model design, data governance, output distribution, commercial exploitation and risk prevention. Developers may be responsible when system architecture or data practices create foreseeable infringement risks. Commercial users may be responsible when they knowingly monetise outputs that imitate or violate protected works. Liability, therefore, becomes an integral part of ownership, not merely a remedial issue after infringement occurs.

The framework must incorporate *la darar wa la dirar* as a harm avoidance mechanism. AI copyright regulation should not only define ownership of an output, but also determine whether that ownership should be recognized if it would cause harm to human creators, markets, consumers, or the public interest.⁴⁶ Harm may be caused through market substitution, false attribution, style imitation, unauthorized data extraction, reputational damage, or concentration of economic value in dominant platforms.⁴⁷ This principle requires that the legal system assess harm before rights over AI-assisted works are conferred, enforced, or transferred. Where outputs substantially imitate protected works or harm licensing markets, ownership claims should be limited. Where platform practices obscure data sources or authorship claims, greater disclosure and remedial duties should be imposed. *La darar wa la dirar* thus turns the copyright legal reform framework into both a preventive and corrective legal system.

⁴⁵ Nina Nurani, Apriwandi Apriwandi, and Hafied Noor Bagja, "Intellectual Property Rights Law Reform Based on Maqāṣid Al-Sharī'ah as a Model for Green Business-Based Creative Industry Protection to Support Sustainable Development," *De Jure: Jurnal Hukum Dan Syar'iah* 18, no. 1 (February 2026): 1–32, <https://doi.org/10.18860/j-fsh.v18i1.40840>.

⁴⁶ Ghaly, "What Makes Work 'Good'," 429–53.

⁴⁷ Wahyudi and Ija Suntana, "Comparison of Legal Maxims in Common Law and Islamic Law," *Jurnal Hukum Dan Peradilan* 14, no. 2 (July 2025): 425–458, <https://doi.org/10.25216/jhp.14.2.2025.425-458>.

The principles of *maslahah*, *rida*, and *la darar wa la dirar* are also reinforced in the adaptive nature of this framework. Generative AI can be a boon for creativity, education, business innovation, accessibility, and cultural development, but its use must still be rooted in legitimate rights, consent, fairness, and the prevention of harm.⁴⁸ Platform terms, standards of prompt engineering, licensing policies, dataset rules, and user community practices are best understood as mechanisms of modern contractual governance.⁴⁹ These mechanisms can help regulate the use of AI in the creative process but should not be used to justify unfair contracts, unilateral transfers of rights, non-transparent data practices, or the unauthorized use of copyrighted works. The principle of *rida* requires that consent to digital agreements be given clearly, knowingly, and validly, particularly when it concerns the transfer of rights to works, data, or economic benefits. The principle of *la darar wa la dirar* prevents platform governance from harming human creators, for example by removing attribution, hiding data sources, or concentrating economic benefits only on large platforms. The principle of *maslahah* allows for the use of beneficial technology, but the legal boundaries of its use are justice, consent, accountability, and the prevention of harm. That way, copyright law can keep up with technological change without getting out of control.

The proposed legal reform framework should be translated into a statutory model based on three categories of AI-related works. The first category is a fully autonomous AI output, which should not be granted ordinary copyright protection because it does not contain identifiable human originality and accountability.⁵⁰ The second category is an AI-

⁴⁸ Arminsyah Arminsyah, "Maqasid Al-Shariah in Contemporary Legal Systems: An Analysis of Digital Rights and Privacy Protection," *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 2 (July 2025): 289–308, <https://doi.org/10.32505/qadha.v12i2.11178>.

⁴⁹ Azhar Azhar, "Islamic Law Reform in Indonesia from the Perspective of Maqāṣid Al-Sharī'ah: Kerinci's Intellectual Views," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 2024): 750, <https://doi.org/10.22373/sjhk.v8i2.15051>.

⁵⁰ Xinhang He and Pingji Shan, "China's Regulations on the Attribution of AI-Generated Content: An Exploration Based on the Open-Ended Approach," *Journal of*

assisted work which may receive copyright protection when a meaningful human creative contribution, lawful entitlement and responsibility are proven.⁵¹ The third category is an institutionally produced AI-assisted work, where ownership may arise from employment, commissioning or valid contractual arrangements. This categorisation prevents overprotection and underprotection. It does not grant rights to machine-generated outputs without human authorship, but still protects works shaped by genuine human creativity. It also provides legal certainty for companies, universities, creative industries, platforms and public institutions which use AI within organised production structures.

The operational structure of the proposed copyright legal reform framework should consist of five legal pillars. The authorship pillar requires meaningful human creative contribution as the threshold for protection.⁵² The ownership pillar requires lawful entitlement by contribution, agreement, employment, commissioning, or organizational responsibility.⁵³ The training-data pillar requires consent, transparency, opt-out, lawful exception, record-keeping, or fair remuneration when protected works are used in AI development. The liability pillar allocates responsibility according to control, benefit, knowledge, and risk in the AI value chain. The remedial pillar provides attribution correction, compensation, takedown, injunction, disclosure orders, and platform accountability. These pillars convert Islamic legal principles into operational rules that can guide legislative drafting, judicial reasoning, platform governance and contractual practice.

The proposed Islamic law-based copyright legal reform framework positions Islamic law as a prescriptive legal approach to generative AI copyright reform. It does not merely add moral vocabulary to copyright law,

Intellectual Property Law and Practice 20, no. 5 (July 2025): 318–23, <https://doi.org/10.1093/jiplp/jpae109>.

⁵¹ Fritz, “Understanding Authorship,” 356–64.

⁵² Guadamuz, “A Scanner Darkly,” 111–27.

⁵³ Yang Lin and Taorui Guan, “From Safe Harbours to AI Harbours,” 605–16.

but supplies a structured framework for deciding who may own, exploit, and be responsible for AI-assisted works.⁵⁴ The proposed model integrates *milkiyyah*, *istihqaq*, *rida*, *manfaah*, *hifz al-mal*, *mas'uliyah*, *la darar wa la dirar*, and *maslahah*, into one coherent legal architecture.⁵⁵ This architecture keeps the human bedrock of copyright, while acknowledging the practical reality of AI-assisted production. It also stops the law from favoring platforms, developers, or commercial actors simply because they control the technological infrastructure. Human users and legal entities can acquire rights only where their claims are based on contribution, lawful entitlement, consent, and accountability. Therefore, AI is not an author or owner, as it has no rights and no obligations or liabilities. Hence, the Islamic legal approach offers an innovative and equitable copyright regime, rewarding innovation while ensuring justice for human creators.

Table 1. *Islamic Law-Based Copyright Legal Reform for Generative AI Works in Indonesia*

Legal element	Islamic legal basis	Problem in generative AI works	Proposed Copyright legal reform	Legal function
Authorship	<i>Mas'uliyah</i>	AI produces expressive outputs but lacks legal personality and responsibility.	Maintain human or legal-entity authorship as the entry point for copyright protection.	Prevents AI from being treated as a rights holder.
Ownership	<i>Milkiyyah and istihqaq</i>	Ownership may be claimed by users, developers, companies, or platforms without clear contribution.	Requires contribution-based and legally justified entitlement.	Links ownership to lawful creative, contractual, or institutional role.

⁵⁴ Mohammed Ghaly, "What Makes Work 'Good' in the Age of Artificial Intelligence (AI)? Islamic Perspectives on AI-Mediated Work Ethics," *The Journal of Ethics* 28, no. 3 (2024): 429–53.

⁵⁵ Nurani, Apriwandi, and Bagja, "Intellectual Property Rights Law Reform," 1–32.

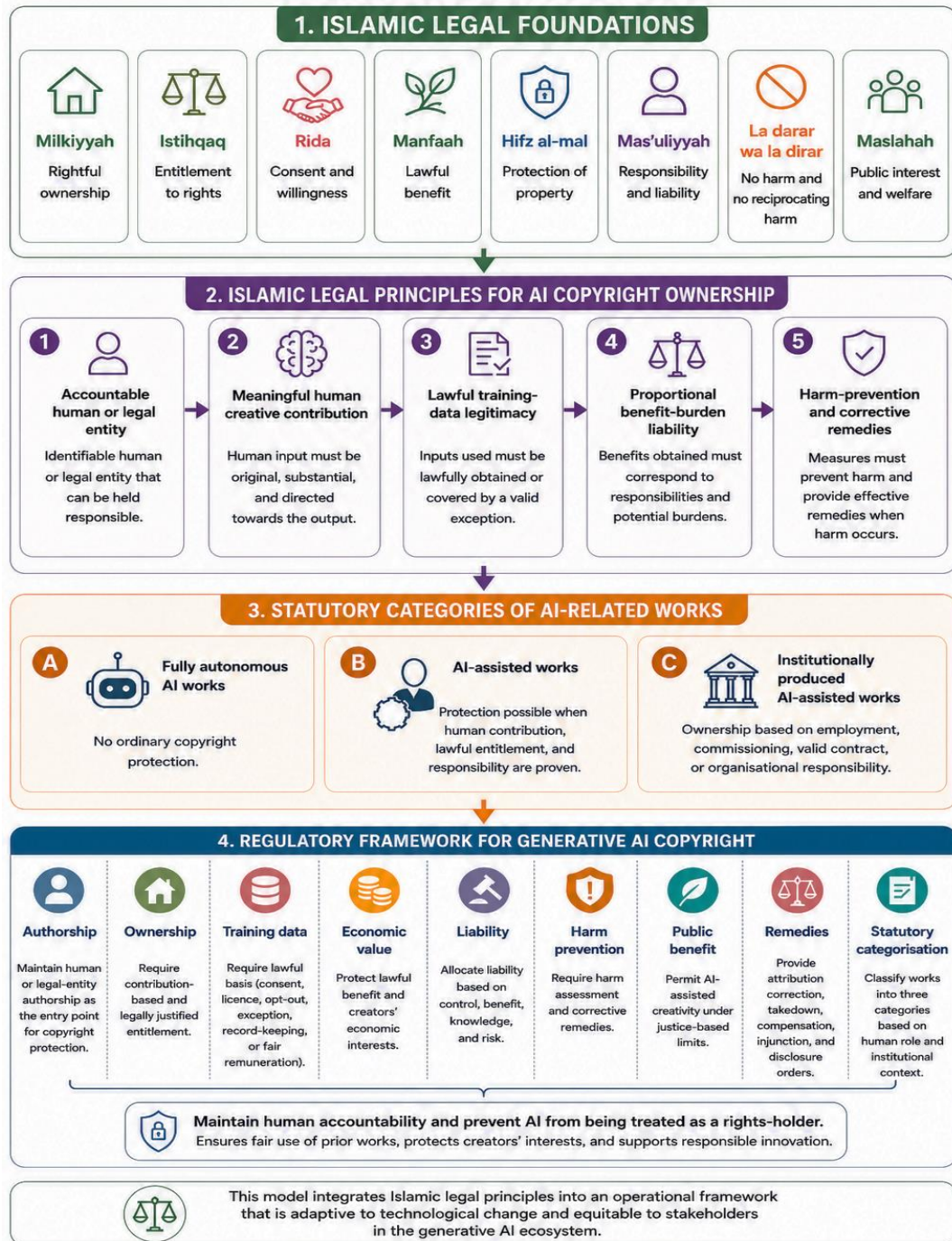
Legal element	Islamic legal basis	Problem in generative AI works	Proposed Copyright legal reform	Legal function
Training data	<i>Rida</i>	Copyrighted works can be used for AI training without clear consent, license, transparency, or fair compensation.	Require a lawful basis for training data use, such as consent, license, opt-out, statutory exception, record-keeping, or fair remuneration.	Ensures that works generated by generative AI are not commercially exploited through unlawful or unfair use of prior copyrighted works.
Economic value	<i>Manfaah and hifz al-mal</i>	AI may extract, replace, or appropriate the economic value of human works.	Protect lawful benefit and creators' economic interests.	Balances innovation with creator protection.
Liability	<i>Mas'uliyah, al-ghurm bi al-ghunm, and al-kharaj bi al-daman</i>	Actors may benefit from AI while avoiding responsibility.	Allocate liability based on control, benefit, knowledge, and risk.	Makes responsibility proportional to role and gain.
Harm prevention	<i>La darar wa la dirar</i>	AI outputs may imitate, misattribute, substitute, or devalue protected works.	Require harm assessment and corrective remedies.	Prevents recognition of harmful ownership claims.
Public benefit	<i>Maslahah</i>	AI may support innovation but also create injustice.	Permits AI-assisted creativity under justice-based limits.	Makes regulation adaptive but not exploitative.

Legal element	Islamic legal basis	Problem in generative AI works	Proposed Copyright legal reform	Legal function
Remedies	Justice and harm removal	Conventional remedies may be inadequate for AI-scale infringement.	Provide attribution correction, takedown, compensation, injunction, and disclosure orders.	Makes enforcement responsive to AI-specific harm.
Statutory categorization	Combined Islamic legal assessment based on <i>mas'uliyah</i> , <i>milkiyyah</i> , <i>istihqaq</i> , <i>rida</i> , <i>manfaah</i> , <i>hifz al-mal</i> , <i>la darar wa la dirar</i> , and <i>maslahah</i>	Current copyright law does not clearly distinguish between fully autonomous AI works, AI-assisted works, and institutionally produced AI-assisted works.	Classify AI-related works into three categories: fully autonomous AI works, AI-assisted works with meaningful human contribution, and institutionally produced AI-assisted works based on employment, commission, or a valid contract.	Provides legal clarity on protection, ownership, and liability.

Source: *Author's analysis*

Table 1 shows that generative AI copyright should not be treated merely as a question of authorship but as an integrated issue involving ownership, input legality, economic protection, liability, harm prevention, public benefit, remedies, and statutory categorization. The proposed Islamic law-based legal reform framework therefore offers a structured model for assessing whether a copyright claim is lawful, consent-based, beneficial, accountable, and non-harmful. The following figure translates this legal reform framework into an operational model. It shows how Islamic legal principles can guide the classification of autonomous AI outputs, AI-assisted works, and institutionally produced AI-assisted works within an adaptive and equitable Indonesian copyright framework.

Figure 1. Model of the Islamic Law-Based Copyright Legal Reform Framework for Generative AI Works in Indonesia



The figure explains that copyright protection for works created by generative AI could be established based on Islamic legal principles, which are *milkiyyah*, *istihqaq*, *rida*, *manfaah*, *hifz al-mal*, *mas'uliyah*, *la darar*

wa la dirar, and *maslahah*. These principles provide a normative basis for evaluating lawful ownership, consent, benefit, protection of property, responsibility, prevention of harm, and the public interest. Copyright should be tied to substantive human creative contribution, permissible use of training data, equitable distribution of benefits and burdens, and strong remedies for harms. Given these requirements, generative AI works can be categorized into three types, namely, fully AI-generated works, AI-assisted works, and institutionally generated AI-assisted works. Therefore, works generated by AI should not be afforded ordinary copyright protection because they do not possess human authorship. AI-assisted works may be protected if human creativity, lawful ownership, and accountability can be established. Where ownership can be attributed to employment, commissioning, or a valid contract, institutionally produced AI-assisted works may also qualify for protection.

Generative AI should not be considered an author or rights holder but solely as an assistive device. Rights, duties, advantages, and responsibilities must remain with persons, legal entities, and institutions that have made major contributions and have lawful claims. The framework covers authorship, ownership, training data, economic value, liability, prevention of harm, public benefit, remedies, and legal classification. Ownership must be based on creative contribution, agreement, employment, commission, or other lawful basis. It also requires the use of training data to be lawful and the protection of economic value, without allowing the unfair appropriation of human works. Therefore, the model can guide Indonesian copyright reform to support innovation, protect human creativity, avoid unjust enrichment, and ensure legal certainty and justice in the generative AI ecosystem.

Conclusion

The copyright ownership of generative AI works in Indonesia requires copyright legal reform beyond the conventional human authorship doctrine,

while still maintaining that AI cannot be recognized as an author or copyright holder. Through a prescriptive legal method, this study proposes an adaptive and equitable ownership framework based on accountable human or legal-entity involvement. The framework integrates Islamic legal principles by linking *milkiyyah* and *istihqaq* with lawful entitlement, *rida* with consent and training-data legitimacy, *manfaah* and *hifz al-mal* with lawful economic value, and *mas'uliyah*, *maslahah*, and *la darar wa la dirar* with responsibility, public benefit, and harm prevention. Accordingly, generative AI works should be classified into fully autonomous AI outputs, AI-assisted works, and institutionally produced AI-assisted works, each carrying different consequences for protection, ownership, attribution, and liability. It provides more precise standards for meaningful human contribution, contribution-based ownership, lawful training-data use, equitable benefit sharing, and calibrated liability, while safeguarding human creativity and aligning Indonesian copyright reform with Islamic legal principles of justice, accountability, and public benefit.

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DECLARATION OF USE OF ARTIFICIAL INTELLIGENCE (AI)

During the preparation of this manuscript, the authors used generative artificial intelligence (AI) tools to support brainstorming, improve language quality, and clarify the writing. AI tools were not used to generate research findings, analyze data, interpret results, or produce scientific conclusions from this study. All output generated with the assistance of AI was critically evaluated, substantially revised if necessary, and verified by the authors. The authors are solely responsible for the content, originality, and academic integrity of this manuscript.

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