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Problems of Intellectual Property Rights Protection for Digital Startups as An Effort to Ensure Business Continuity and Technological Innovation

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Abstract: Intellectual Property Rights (IPR) protection is a fundamental aspect in supporting business sustainability and technological innovation, especially for digital startups that rely heavily on intangible assets such as applications, software, algorithms, brands, and creative content. Digital startups require legal certainty to prevent their innovations from being easily copied or misused by others. However, in practice, IPR protection in Indonesia still faces various problems, ranging from low awareness among startups regarding the importance of IPR registration, high rates of digital product piracy, to weak law enforcement against IPR violations. Furthermore, existing regulations are often not fully harmonized, both between national laws and with international legal provisions such as the TRIPs Agreement and standards set by WIPO. This condition has serious impacts on the sustainability of startup businesses, including the loss of innovative ideas, reduced investor confidence, and decreased Indonesian technological competitiveness at the global level. To overcome these problems, more comprehensive legal efforts are needed, including reform of IPR regulations, the implementation of a digital-based registration system, an increased government role in education and outreach, and strengthened law enforcement against IPR violations. Thus, effective IPR protection not only safeguards the exclusive rights of business actors but also serves as a strategic instrument for ensuring business continuity and fostering a sustainable technological innovation ecosystem in Indonesia.

Keyword: Intellectual Property Rights, Digital Startups, Technological Innovation, Legal Certainty.

INTRODUCTION

The development of the digital economy in Indonesia has shown significant growth over the past decade, marked by the emergence of thousands of digital startups focused on technological innovation in various sectors such as finance, education, transportation, and healthcare (Purba et al., 2025). Digital startups are a key driving force in creating efficient, inclusive, and highly competitive technology-based solutions (Sypriansyah et al., 2025).

Their presence not only contributes to national economic growth but also strengthens Indonesia's position in the Southeast Asian digital economy (Syamsinar et al., 2024). This dynamic demands an adaptive legal system capable of protecting intellectual property, the primary foundation of innovation-based businesses (Aditama et al., 2025). In this realm, Intellectual Property Rights (IPR) protection is a crucial instrument for ensuring business continuity and maintaining the originality of ideas generated by startups (Pangaribuan, 2024).

Intellectual Property Rights play a fundamental role as a legal instrument protecting intangible human creations, such as software, algorithms, applications, designs, and brands (Imaniyati, 2024). In the digital business realm, a company's economic value often lies in its intellectual property, not solely in its physical assets (Febianto, 2025). IPR protection provides legal certainty over the ownership and use of a work, thereby preventing unauthorized duplication or exploitation (Pratama & Roisah, 2025). Furthermore, IPR also serves as an economic incentive for innovators, encouraging them to continue creating and producing new technologies (Riswanto et al., 2023). Strong regulations and effective legal enforcement of IPR play a significant role in creating a healthy and competitive business climate for digital industry players in Indonesia. Law No. 28 of 2014 concerning Copyright, Law No. 13 of 2016 concerning Patents, and Law No. 20 of 2016 concerning Trademarks and Geographical Indications provide a clear legal basis for the protection of various forms of intellectual property. These three laws outline the moral and economic rights of creators, inventors, and trademark holders to benefit from their work. Intellectual Property Rights (IPR) are regulated to strike a balance between the personal interests of creators and the public interest, which requires access to innovation (Desiroto & Yusuf, 2024). Each form of IPR has its own characteristics and protection mechanisms, but all are directed toward one primary goal: to provide legal guarantees for the exclusive rights inherent in intellectual property (Fitriani et al., 2022). This principle serves as a crucial foundation for digital startups that rely on the originality and uniqueness of their digital products for their business value.

Copyright, as regulated in Law No. 28 of 2014 covers protection for works born from human intellectual ability, including computer programs, digital applications, and multimedia content (Ananda & Ananda, 2025). For digital startups, copyright plays a crucial role in protecting the code structure, interface appearance, and design of digital products that serve as a business identity. Copyright is automatically granted once the work is realized in a tangible form, although registration is still recommended to strengthen proof of ownership in the event of a dispute (Nurmawati et al., 2024). Copyright protection provides clarity to technology developers regarding the limits of use of their digital works by others, while simultaneously increasing the commercial value of the resulting innovations (Habibi & Sujadmiko, 2025). This provision serves as a legal basis that encourages a sense of security in digital technology research and development activities in Indonesia.

Patent protection under Law No. 13 of 2016 grants exclusive rights to inventors over technological inventions that meet the elements of novelty, inventive step, and industrial applicability. Digital startups developing new technologies, such as data security systems, artificial intelligence algorithms, or blockchain-based platforms, can apply for patents to protect their inventions. These patent rights allow the holder to prohibit others from using, producing, or selling the invention without permission (Jakaria et al., 2025). Patents not only provide legal protection but also increase a company's bargaining power with investors or business partners. Thus, patents are a crucial instrument in ensuring that technological innovations produced by digital startups have economic value and a strategic position in the global market.

Trademarks and Geographical Indications, as regulated in Law No. 20 of 2016, serve to protect the identity and reputation of a product or service that differentiates it in the

market. Digital startups often build brands as a key asset to build public image and trust in the services they offer. Trademark protection ensures that a company's symbol, logo, or name is not misused or copied by other parties, potentially harming the original owner. Furthermore, trademark registration facilitates business expansion into international markets by providing legal recognition across borders through international cooperation (Habiby et al., 2023). With strong brand protection, digital startups can maintain their business integrity and strengthen relationships with consumers and investors.

Digital startups differ from conventional companies in that they operate in a realm based on innovation, technology, and rapid adaptation. They grow through the use of information technology, enabling businesses to scale without geographical boundaries. Startups are characterized by disruptive business models, rapidly evolving innovative ideas, and a reliance on data and software as key assets (Judijanto et al., 2024). These conditions make IPR highly relevant to the sustainability of digital startups, as all elements of a company's added value are born from the creativity and intellectual work of its development team. Without adequate IPR protection, the risk of losing ideas and innovations is significant, which can ultimately threaten the overall sustainability of the business.

From an economic perspective, IPR protection has a direct impact on investor confidence and market stability. Investors tend to invest in startups with strong intellectual property protection systems, as this demonstrates legal certainty over the company's assets. IPR certificates, such as copyrights or patents, serve as legal evidence that can be used as commercial instruments, including in licensing agreements, investments, or mergers (Prananda et al., 2024). Startups with IPR protection also find it easier to expand and collaborate across borders, as international regulations recognize these rights. Effective IPR protection ultimately drives more stable and sustainable digital economic growth.

The theory of legal certainty, as proposed by Hans Kelsen, emphasizes that the law must provide clarity, order, and predictability for legal subjects (Aulia et al., 2024). In the context of IPR protection, this theory requires clear regulations and consistent implementation so that business actors understand their rights and obligations. Legal certainty is a crucial factor in encouraging public and industry participation in the intellectual property protection system. Without legal certainty, startups will be reluctant to invest their time and resources in creating innovations. This principle also emphasizes that the success of an IPR system is determined not only by the existence of regulations but also by the effectiveness of their enforcement.

METHOD

This research employs normative legal research methods with a statutory and conceptual approach. The statutory approach is used to analyze various legal provisions governing the protection of Intellectual Property Rights (IPR) in the digital business ecosystem, such as Law Number 28 of 2014 concerning Copyright, Law Number 13 of 2016 concerning Patents, Law Number 30 of 2000 concerning Trade Secrets, and Law Number 6 of 2023 concerning the Stipulation of Government Regulations instead of the Job Creation Law into Law. The analysis also includes implementing regulations and international instruments such as the TRIPs Agreement and WIPO provisions relevant to digital innovation. The conceptual approach is used to examine legal ideas, theories, and principles related to IPR protection, particularly in the context of technological developments and digital startup business models. This approach helps explain the relationship between the concepts of intellectual property, technological innovation, and business sustainability, while also identifying conceptual weaknesses that cause regulatory disharmony. Data collection was conducted through a literature review of legal literature, academic journals, laws and regulations, and official documents from national and international institutions. The data

obtained was analyzed qualitatively by interpreting positive legal norms and linking them to the legal protection needs of digital businesses in Indonesia, resulting in a comprehensive understanding of the challenges and direction of IPR legal reform in the era of digital transformation.

RESULTS AND DISCUSSION

Problems and Disharmony in Intellectual Property Protection Regulations for Digital Startups

Startups remain unaware of the importance of Intellectual Property Rights (IPR) protection, particularly among young entrepreneurs focused on product development and market strategy. Many startups remain unaware that IPR is a legal asset that provides legal protection for their ideas and innovations. This lack of awareness leads to many innovations not being officially registered, leaving them vulnerable to imitation or unauthorized use by others. This situation also highlights the weak legal culture in the technology sector, where IPR registration is often considered a mere administrative formality, rather than a strategic necessity. However, neglecting IPR registration has the potential to cause significant losses to business continuity, especially as businesses begin to grow and attract public attention.

IPR registration actually has significant economic value because it can serve as a legal basis for obtaining funding, licensing, or business partnerships. Investors tend to have more confidence in startups that have legal protection for their products and trademarks, as it demonstrates certainty of ownership of their intellectual assets. This low awareness leads many startups to fail to attract investment due to a lack of legal proof of ownership of their ideas or technologies. In the long term, this situation can hinder the growth of the digital ecosystem because innovations lack adequate protection. This phenomenon demonstrates that legal and business aspects are inseparable in building the foundation for sustainable digital startups.

IPR regulations in Indonesia face challenges in the form of overlapping laws and regulations governing the protection of digital intellectual property. Law No. 20 of 2014 concerning Copyright, Article 40 paragraph (1) letter s, for example, protects computer programs as creative works, but the limits of protection for algorithms or operating systems remain unspecified. Meanwhile, Law No. 13 of 2016, in conjunction with Law No. 65 of 2024 concerning Patents, Article 4, emphasizes that ideas and methods for computer programs cannot be patented, even though many algorithm-based digital innovations contain elements of novelty and inventive steps. Law No. 30 of 2000 concerning Trade Secrets, Article 2, also provides protection for information with economic value, but the criteria for protection for digital systems have not been clearly outlined. These three regulations often create confusion for business actors in determining the most appropriate form of legal protection for their innovations.

The limited coordination between these laws is exacerbated by the emergence of new provisions in Law No. 6 of 2023 concerning Job Creation. Article 109 of this law amends several provisions in the Intellectual Property Rights Law but does not adequately address the dynamic characteristics of the digital industry. For example, regulations regarding the acceleration of the IPR registration process still emphasize simplifying administrative procedures without addressing the technical requirements for digital asset protection. As a result, regulations that should promote efficiency actually create a lack of synchronization with previous regulations. It may create legal uncertainty for startups seeking to register digital products based on new technologies. This disharmony highlights the need for regulatory revisions to keep pace with ever-changing technological developments.

The gap between national laws and international standards is also a source of disharmony in digital IPR protection. Article 27 of the TRIPs Agreement, for example,

stipulates that patents must be available for all forms of invention in all technological fields without discrimination, including digital innovation. However, the implementation of this principle in Indonesia remains limited because some types of software-based innovations are not considered to meet the requirements of novelty or inventive step. This discrepancy makes it difficult for Indonesian digital startups to obtain equal legal recognition with global businesses. Harmonization with international regulations is crucial for national businesses to obtain globally recognized protection. This lack of synchronization also reflects the suboptimal adaptation of the national legal system to the demands of a knowledge-based economy.

Coordination between state institutions in enforcing digital IPR remains weak and not yet synergistic. The Directorate General of Intellectual Property (DJKI) serves as the primary agency for IPR registration, but oversight of violations in the digital realm also involves the Ministry of Communication and Information Technology (Kominfo) and the Financial Services Authority (OJK) for startups operating in the financial sector. The lack of system integration between institutions makes law enforcement against digital IPR violations ineffective. Each institution often operates in a sectoral manner without a clear coordination mechanism, resulting in delayed handling of reports of violations. This weak collaboration usually allows perpetrators to escape sanctions and sets a bad precedent for IPR protection in the digital era.

Law enforcement against digital IPR violations faces various obstacles, ranging from limited human resources to the lack of adequate legal instruments to prosecute technology-based violations. Many violations, such as application piracy, data theft, or digital plagiarism, are not handled seriously due to the difficulty of proving them in the cyber realm. Law enforcement officials remain limited in their technical understanding of the software structure, encryption, or algorithmic systems that are the subject of violations. This lack of comprehension leads to slow investigations and often ends without clear results. This situation gives the impression that digital IPR violations are not serious crimes, even though they have a significant impact on the sustainability of innovation-based businesses.

Cases of digital IPR violations involving startups in Indonesia demonstrate the weakness of the current protection system. Several cases have seen local digital applications copied by foreign parties with minor modifications, then sold on the global market without the consent of their creators. Another example occurs when an Indonesian startup's brand name is used by another party for commercial purposes abroad, even though its registration in Indonesia has not been completed. This phenomenon demonstrates the significant legal gaps in the IPR registration and oversight system. Without strong legal protection, startups will continue to be vulnerable to exploitation by parties with greater resources. This situation highlights the need for consistency between regulation and law enforcement to provide real protection for local innovators.

Rapid technological developments pose significant challenges for the national legal system, which tends to be static. The emergence of new technologies such as artificial intelligence (AI), blockchain, and Non-Fungible Tokens (NFTs) presents forms of intellectual property that are not yet fully accommodated by existing IPR regulations. Many innovations cannot be categorized clearly as copyrights, patents, or trade secrets due to their hybrid and complex nature. Legislative delays leave startups without clear legal guidelines for protecting these technological developments. This lack of clarity creates uncertainty in transactions, licensing, and cross-sector collaborations involving new technologies.

The disparity between technological development and legal reform has created a significant regulatory gap. Technology advances exponentially, while the legislative process takes considerable time to navigate political and administrative stages. Digital startups operating with innovation-based business models often find that existing laws are unable to

provide certainty regarding their products or services. This delay has the potential to hinder the development of new technologies, as businesses worry about the risk of violations due to unclear regulations. This condition shows the urgency for reformulation of the legal system to be more responsive to disruptive and rapidly evolving technological changes.

Impact and Legal Efforts in Ensuring Business Continuity and Technological Innovation

Weak protection of Intellectual Property Rights (IPR) has resulted in many ideas and innovations from digital startups languishing without adequate legal protection. Many app developers, designers, and innovators lose the rights to their work because they lack the time or ability to officially register their IPR. Piracy of digital products, such as software and apps, often occurs easily due to technological advances that are not accompanied by a strong oversight system. The impact is not only material losses but also the loss of the spirit of innovation among startups that feel their hard work is not valued. This phenomenon demonstrates that legal protection of IPR is a crucial part of the sustainability of the national innovation ecosystem.

The losses resulting from weak IPR protection also impact the declining investment value of the digital startup sector. Investors tend to be cautious about investing in companies that lack strong legal protection for their products or ideas. IPR ownership is often a key indicator in assessing a startup's economic value because it demonstrates the authenticity and commercial potential of legally protected products. When entrepreneurs fail to prove legal ownership of their innovations, investor confidence plummets. As a result, many local startups struggle to secure sufficient funding to develop their products for broader commercialization.

Increasingly fierce global competition demands stronger IPR protection to ensure national technology is competitive in the international market. Developed countries have made IPR a strategic tool for maintaining the competitiveness of their digital industries, while Indonesia still struggles with piracy and plagiarism. When local innovations are unprotected, foreign actors can easily copy and commercialize them without benefiting their creators. This situation discourages local innovators from developing new technologies for fear of their ideas being stolen without fair compensation. The long-term impact is a weakening of Indonesia's position in the global technological competition.

Legal action is a strategic step that must be taken to strengthen IPR protection in the digital era. Regulatory reform is needed to ensure existing laws can keep pace with the rapid development of technological innovation. Many articles in the IPR Law, such as Law No. 28 of 2014 concerning Copyright and Law No. 13 of 2016 concerning Patents, need to be adapted to the increasingly complex characteristics of the digital industry. These reforms include reformulating the definition of digital intellectual property, expanding the scope of protection for algorithms and databases, and adjusting registration procedures to make them more efficient. These legal updates are expected to provide legal certainty for startups that have previously been in a regulatory gray area.

Harmonization between national law and international standards, such as the TRIPs Agreement and the provisions of the World Intellectual Property Organization (WIPO), is also essential to achieving equality in IPR protection. International standards provide more comprehensive guidance on digital copyright, cross-border licensing, and recognition of creators' economic rights. Integrating these principles into national law will strengthen Indonesia's global position and open up opportunities for startups to obtain international protection for their work. This harmonization can also prevent duplication of policies or legal loopholes that are often exploited by irresponsible parties. Strengthening Indonesia's legal

position in the field of IPR will create fairness and increase global trust in the national innovation ecosystem.

Digitizing the IPR registration system is a realistic solution to overcome the bureaucratic obstacles and administrative delays frequently experienced by startups. An online system allows for a faster, more transparent, and more efficient registration process, eliminating the need for lengthy manual procedures. This innovation also minimizes the potential for administrative errors and expedites the verification of digital work ownership documents. Digitizing IPR registration also makes it easier for small startups with limited resources to access legal services. Implementation of this system requires increased technical capacity within the Directorate General of Intellectual Property to accommodate the surge in IPR applications in the digital sector.

The government plays a crucial role in building an effective IPR protection ecosystem. The government serves not only as a regulator but also as a facilitator, ensuring that all business actors have equal access to legal protection. Coordination between the Directorate General of Intellectual Property (DJIP), the Ministry of Communication and Information Technology (Kominfo), and law enforcement officials must be strengthened to ensure that any digital IPR violations can be dealt with swiftly and appropriately. Technology-based monitoring, such as a digital tracking system, can be implemented to monitor the circulation of digital content that potentially infringes copyright. The government's consistency in enforcing the law will foster public trust that IPR is truly protected as a legitimate right with high economic value.

The role of startups is equally crucial in creating a legal culture that respects IPR. Many digital businesses still overlook the importance of documenting and recording their intellectual assets. Proactively registering copyrights, trademarks, or patents must be part of a business strategy, not simply a legal obligation. This awareness can be strengthened through training, seminars, and outreach facilitated by the government and educational institutions. The higher the level of business awareness of the importance of IPR, the stronger the digital economy's resilience to piracy and infringement.

Law enforcement agencies have a significant responsibility to ensure the effective implementation of IPR protection. Police, prosecutors, and courts need to be provided with specialized training on digital technology to understand the increasingly complex characteristics of IPR violations. Handling digital IPR cases requires cyber forensic analysis skills and an understanding of the technical aspects of software that are not always easily proven through conventional means. Increasing the capacity of law enforcement officers will expedite the resolution process of IPR disputes and provide a deterrent effect for perpetrators. Strict legal justice will also enhance Indonesia's image as a country that respects the intellectual work of its citizens.

Building an innovation ecosystem that respects IPR requires synergy between the government, the private sector, academia, and the public. An environment that respects copyright and encourages collaboration will foster more innovation that benefits national technological progress. Early education on digital ethics and respect for the work of others needs to be integrated into both formal and non-formal education systems. The academic world can act as a research driver and innovation hub, supporting the registration of intellectual property rights (IPR) for student and faculty research. When all elements work toward a unified vision, IPR protection is no longer merely a legal obligation but a national culture that underpins the sustainability of Indonesia's creative economy.

CONCLUSION

Intellectual Property Rights (IPR) protection plays a strategic role in ensuring business continuity and driving technological innovation in digital startups. The complexity of the digital ecosystem demands strong legal certainty to protect ideas, works, and innovations from piracy and copyright infringement, which are increasingly prevalent in the digital era. The fundamental problem lies in the regulatory disharmony between laws and regulations governing various types of IPR, such as copyright, patents, and trade secrets. The lack of synchronization between Law Number 28 of 2014 concerning Copyright, Law Number 13 of 2016 concerning Patents, Law Number 30 of 2000 concerning Trade Secrets, and the derivative provisions of Law Number 6 of 2023 concerning Job Creation demonstrates the weak integration of the national IPR legal system. This situation is exacerbated by weak law enforcement and a lack of awareness among startups of the strategic value of IPR as a valuable business asset that directly impacts business sustainability. Increasing the effectiveness of IPR protection requires systematic and measurable legal measures through regulatory reforms that adapt to developments in digital technology. Harmonization of national laws with international standards such as the TRIPs Agreement and the provisions of the World Intellectual Property Organization (WIPO) needs to be accelerated to create legal certainty in line with global trends. The government, along with relevant institutions such as the Directorate General of Intellectual Property Rights (DJIP), the Ministry of Communication and Information Technology (Kominfo), and the Financial Services Authority (OJK), must strengthen coordination in the registration, supervision, and enforcement of digital IPR to prevent overlapping authority. Digital startups are also required to increase legal awareness through education and assistance in managing their intellectual assets. Strengthening the digital IPR registration system and implementing legal technology (legal tech) will expedite the protection process, reduce the risk of violations, and build a healthy and competitive innovation ecosystem at the national and international levels.

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