Mimbar Yustitia: Jurnal Hukum dan Hak Asasi Manusia
P-ISSN 2580-4561 | E-ISSN 2580-457X | DOI: 10.52166/mimbar.v7i2
Published by Faculty of Law, Universitas Islam Darul 'Ulum, Indonesia
Email: mimbaryustitia@unisda.ac.id |Available online 30 June 2025

Ensuring Legal Certainty of Copyright for AI-Generated Works in Indonesia

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Abstract: The rapid advancement of Artificial Intelligence (AI) technology has significantly transformed the creative industry, enabling machines to autonomously generate original works such as music, text, and visual art. This phenomenon has posed fundamental challenges to the copyright legal framework in Indonesia, particularly concerning authorship, ownership, and the protection of AI-generated works. This study aims to examine the extent to which Indonesia's copyright law provides legal certainty for works generated by AI, while identifying gaps and potential reforms needed to address emerging issues in the digital era. The research employs a normative legal approach through library research, analyzing relevant statutory regulations, including Law No. 28 of 2014 on Copyright, doctrinal interpretations, and comparative literature on AI and copyright. The analysis focuses on the definition of authorship, the scope of protection, and the implications of legal uncertainty regarding AI-generated works. The results reveal that Indonesia's copyright law remains anthropocentric, as it recognizes only natural persons or legal entities as authors. Consequently, the current legal framework does not explicitly accommodate the status of AI-generated works, leading to a legal vacuum and uncertainty over copyright ownership and protection. This gap may hinder innovation, reduce legal clarity for creators, developers, and users, and create potential conflicts in the creative economy. The study concludes that Indonesia's legal system is not yet prepared to address the challenges posed by AI-generated works. Regulatory reform is necessary to provide legal certainty, balance the interests of stakeholders, and align Indonesia's copyright law with global developments in digital regulation.

Keywords: Artificial Intelligence; Copyright; Legal Certainty; Authorship; Digital Regulation.

HOW TO CITE:
Sri Rokmahwati, Amiludin, "Ensuring Legal Certainty of Copyright for AI-Generated Works in Indonesia", *Mimbar Yustitia: Jurnal Hukum Dan Hak Asasi Manusia* 9, no. 1 (2025): 71–80, https://doi.org/10.52166/mimbar.v9i1.

Submitted: 25/1/2025, Reviewed:25/6/2025, Accepted: 30/6/2025

I. INTRODUCTION

The rapid development of technology in the modern era has significantly transformed human life across the globe.[1] Innovations continue to emerge and have penetrated nearly all aspects of daily activities. Initially, technological advancement was limited to devices such as smartphones, yet it has now extended far beyond communication tools. [2] One of the most disruptive breakthroughs in this technological revolution is the emergence of Artificial Intelligence (AI).[3]

AI technology has evolved rapidly and is no longer confined to computation and automation. With algorithms such as deep learning and machine learning, AI is now capable of generating original creative works including art, music, literature, and graphic design that were once considered exclusive to human creativity.[4] In Indonesia, AI-generated creations have begun to gain public attention. For example, digital artworks produced by AI have been exhibited in events such as the Indonesia AI Summit, while technology startups have introduced AI applications in music composition, journalism through natural language processing, and various creative industries.[5]

The increasing role of AI in producing creative content raises critical challenges in the field of intellectual property rights (IPR). Copyright, as one of the core components of IPR, is designed to protect intellectual creations, provide legal certainty for authors, and encourage innovation. In Indonesia, copyright is governed by Law No. 28 of 2014 on Copyright, which grants exclusive rights to authors or copyright holders.[6] However, the law explicitly defines an "author" as an individual or a legal entity, thereby excluding AI as a potential creator. This legal gap generates uncertainty in determining ownership and protection of AI-generated works.[7]

The following is data related to international and local data issues regarding the use of artificial intelligence.

Aspect	Data & Findings
AI Regulation & Policy	Around **43%** of countries worldwide believe that existing regulations are sufficient to ensure safe use of AI.

[1] Riska Aini Putri, "Pengaruh teknologi dalam perubahan pembelajaran di era digital," *Journal of Computers and Digital Business* 2, no. 3 (2023): 105–11.

[2] Arif Rahman Muttaqin dkk., "Inovasi digital untuk masyarakat yang lebih cerdas 5.0: Analisis tren teknologi informasi dan prospek masa depan," *Jurnal Inovasi Teknologi Dan Edukasi Teknik* 1, no. 12 (2021): 880–86.

[3] Rosario Girasa, "AI as a Disruptive Technology," dalam *Artificial Intelligence as a Disruptive Technology*, oleh Rosario Girasa (Springer International Publishing, 2020), https://doi.org/10.1007/978-3-030-35975-1_1.

[4] Ngurah Gede Dwi Mahadipta dan I. Made Windu Aditya, "Mendorong Inovasi: Peran Artificial Intelligence Dalam Akselerasi Industri Kreatif," *Jurnal Imagine* 4, no. 1 (2024): 1–6.

[5] Gede Surya Mahendra dkk., *Tren Teknologi AI: Pengantar, Teori, dan Contoh Penerapan Artificial Intelligence di Berbagai Bidang* (PT. Sonpedia Publishing Indonesia, 2024).

[6] Christian Anggrianto dkk., *AI & Desain: Ancaman atau Peluang?* (Penerbit Universitas Ciputra, 2024).

[7] Azkia Turrahmah, "Perlindungan hak cipta terhadap karya musik yang diciptakan menggunakan kecerdasan buatan" (B.S. thesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, 2025), https://repository.uinjkt.ac.id/dspace/handle/123456789/87178.

AI Adoption & General Use	Global AI users are projected to reach ~378 million in 2025, with an increase of ~64 million compared to the previous year. ([Netguru][2])
Public Trust & Concerns	Only about **56%** of global users trust companies to keep their data safe when AI is involved.
Challenges in AI & IPR	A Clarivate survey among IP and R&D professionals revealed the main concerns: accuracy, reliability & trustworthiness, ethics, client confidentiality, and the absence of clear regulations.
Copyright & Deepfake Policies	Countries such as Denmark have proposed amendments to give individuals copyright over their image, voice, and facial features to protect against unauthorized use (deepfakes).
International Initiatives	More than 50 countries, including EU members, have signed the *Framework Convention on Artificial Intelligence* under the Council of Europe to align AI development with human rights, democracy, and the rule of law.

Aspect	Data & Findings
Growth of AI Adoption	AI adoption in Indonesia grew by **47%** year over year.
Number of Companies Using AI	Around **28%** of businesses in Indonesia (± 18 million businesses) are already using AI in some form.
Adoption Scale by Level	• 76% of adopters use AI only for basic tasks such as operational efficiency or process automation. • About 10% have reached the transformation stage, where AI is central to business decisions, models, etc.
Startups vs. Large Companies Comparison	• 34% of startups have already created AI-driven products/services. • Only 21% of large companies have done the same.
Main Barriers	• Lack of digital talent/AI skills—57% of businesses cited this as the biggest obstacle. • Issues with data governance, regulation, and organizational readiness were also noted in the finance and manufacturing sectors: 62% of respondents not ready.
Economic Impact / Reported Benefits	Among businesses already using AI: ~59% reported revenue growth (average increase ~16%), and 64% expect cost efficiency (average savings ~29%).
MSMEs & Creative Economy	The government stated that technologies like AI can help MSMEs expand their markets and improve the competitiveness of creative products.

At the global level, Artificial Intelligence (AI) has become an integral part of the daily lives of millions of people. In 2025, the number of active AI users worldwide is projected to reach approximately 378 million. Interestingly, despite the widespread use, not all users express full trust only about 56% believe that their data

is secure when processed through AI. These figures illustrate not only the growing curiosity and reliance on AI but also the significant concerns surrounding its use.

In the field of copyright, the debates have intensified. In the United States, the Copyright Office has rejected works that are entirely generated by AI without human involvement. The European Union has introduced new regulations, while Denmark has even proposed legislation granting individuals copyright over their facial features and voices to protect against unauthorized use such as deepfakes. These developments highlight how legal systems in many countries are struggling to keep pace with the rapid acceleration of technological advancement.

In Indonesia, the situation presents a different yet equally compelling narrative. Recent research shows that AI adoption has increased by 47% over the past year. Out of a total of approximately 65 million businesses, nearly 18 million have integrated AI in some form. However, the majority remain at a basic level of utilization, focusing primarily on operational efficiency and routine process automation. Only around 10% of businesses have reached the transformative stage, where AI plays a central role in strategic decision-making, product development, or changes in business models.

Startups, in particular, have demonstrated a faster pace of adoption compared to larger corporations. Approximately 34% of startups in Indonesia have already developed AI-driven products and services, while only 21% of larger companies have achieved the same. This trend indicates that younger entrepreneurs and smaller enterprises are often at the forefront of engaging with this technological wave.

Nevertheless, significant challenges remain. Nearly 57% of businesses report difficulties due to a shortage of digital talent with adequate AI expertise. Consequently, despite its vast potential, the speed of adoption is often constrained by the limited readiness of human resources.

The impact, however, has been notable. Among businesses that have adopted AI, approximately 59% have reported revenue growth with an average increase of 16%, while 64% have achieved cost savings of nearly 30%. Furthermore, Micro, Small, and Medium Enterprises (MSMEs) are increasingly being recognized as beneficiaries of AI, as this technology can help them expand their market reach and enhance the competitiveness of creative products not only locally but also on a global scale.

Internationally, similar debates have emerged. In the United States, the Copyright Office has rejected applications for AI-generated works that lack human authorship. The European Union and the World Intellectual Property Organization (WIPO) have also been engaged in discussions regarding the extent to which AI-generated works can be protected under existing copyright regimes. These global

developments highlight the urgency for Indonesia to reconsider its regulatory framework in addressing AI-driven creativity.[8]

Furthermore, the rise of AI-generated content, such as song covers imitating popular artists or AI-generated visual art, has sparked both enthusiasm and controversy in society. Supporters appreciate the innovative potential of AI in expanding creative possibilities, while critics argue that such practices may infringe on the moral and economic rights of original authors. This controversy underscores the importance of legal clarity in balancing innovation with copyright protection.

This study seeks to analyze the issue of legal certainty for copyright protection of AI-generated works in Indonesia, identifying gaps in the current regulatory framework, and exploring potential reforms that can provide fair and comprehensive legal protection in the digital era.

II. METHODS

This research applies a normative legal research method (doctrinal legal research) using a library-based approach. The focus of the study is on analyzing statutory provisions, legal doctrines, and relevant legal principles to address the issue of copyright legal certainty for works generated by Artificial Intelligence.[9] The approaches employed include the statutory approach, which examines Law No. 28 of 2014 on Copyright and other relevant intellectual property regulations in Indonesia; the conceptual approach, which explores the concepts of legal certainty, authorship, and the position of AI-generated works within the legal system; and the comparative approach, which considers the regulation of AI-generated works in several jurisdictions, such as the United States, the European Union, and recommendations from the World Intellectual Property Organization (WIPO).[10] The legal materials used consist of primary legal sources, including laws, regulations, and court decisions on copyright; secondary sources, including academic literature, journal articles, and scholarly opinions; and tertiary sources, such as legal dictionaries, encyclopedias, and supporting references. The data were analyzed through a descriptive-qualitative method, which interprets existing legal provisions and links them with the phenomenon of AI development, thereby providing a comprehensive understanding of the legal certainty of copyright protection for AI-generated works in Indonesia.[11]

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[8] Kavya Rallabhandi, "The Copyright Authorship Conundrum for Works Generated by Artificial Intelligence: A Proposal for Standardized International Guidelines in the Wipo Copyright Treaty," *Geo. Wash. Int'l L. Rev.* 54 (2022): 311.

[9] Tunggul Ansari Setia Negara, "Normative legal research in Indonesia: Its originis and approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (2023): 1–9.

[10] Emma Valentina Teresha Senewe, "Efektivitas pengaturan hukum hak cipta dalam melindungi karya seni tradisional daerah," *Jurnal LPPM Bidang EkoSosBudKum (Ekonomi, Sosial, Budaya, dan Hukum)* 2, no. 2 (2015): 12–23.

[11] Mandy Stanley, "Qualitative descriptive: A very good place to start," dalam *Qualitative research methodologies for occupational science and occupational therapy* (Routledge, 2023),

III. ANALYSIS AND DISCUSSION

The development of information and communication technology has introduced a wide range of innovations, among which Artificial Intelligence (AI) has emerged as one of the most transformative.[12] AI, a branch of computer science, is designed to create systems or machines capable of performing tasks that typically require human intelligence.[13] It simulates cognitive functions such as language comprehension, problem-solving, learning from experience, and autonomous decision-making. John McCarthy, a pioneer in the field, famously defined AI as "the science and engineering of making intelligent machines, particularly intelligent computer programs." In this sense, AI is no longer merely a supporting tool but has evolved into a creator of independent outputs, generating creative works such as text, images, music, and video without direct human involvement.[14]

AI can be categorized based on both capability and functionality. In terms of capability, it is commonly divided into three categories. Narrow AI performs specific tasks, for example virtual assistants such as Siri, Google Assistant, or generative AI such as ChatGPT and DALL·E. General AI aspires to replicate human intelligence across multiple domains but remains under development.[15] Super AI is a theoretical stage in which machines surpass human intelligence entirely. Functionally, AI can also be classified into Reactive Machines that respond to stimuli without memory, Limited Memory systems that utilize past data such as self-driving cars, Theory of Mind AI that aims to recognize human emotions and intentions, and Self-Aware AI which remains a speculative concept. Of these types, Narrow AI and generative models are the most relevant to copyright issues because they are capable of producing works that appear original and creative.[16]

The legal challenge arises because AI-generated works are not the product of human intention, expression, or consciousness. Copyright law traditionally requires originality and human creativity as essential conditions for protection. Human-created works embody intellectual effort, emotion, and individual expression, reflecting the identity of the author. By contrast, AI outputs are generated through algorithms trained on datasets and prompted instructions without personal intention,

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https://www.taylorfrancis.com/chapters/edit/10.4324/9781003456216-4/qualitative-descriptive-mandy-stanley.

[12] Beenish Qureshi Hashmi, "Artificial intelligence and its role in information and communication technologies (ICT): Application areas of artificial intelligence," dalam *AI and its convergence with communication technologies* (IGI Global, 2023), https://www.igi-global.com/chapter/artificial-intelligence-and-its-role-in-information-and-communication-technologies-ict/328929.

[13] Johan Egbert Korteling dkk., "Human-versus artificial intelligence," *Frontiers in artificial intelligence* 4 (2021): 622364.

[14] Marcelina Sutanto, "Perlindungan Hukum Atas Ciptaan Yang Dihasilkan Oleh Kecerdasan Buatan" (PhD Thesis, Universitas Hasanuddin, 2021), https://repository.unhas.ac.id/id/eprint/6128/.

[15] Mahendra dkk., *Tren Teknologi AI*.

[16] Agus Wibowo, "Pengantar AI, Big Data dan Ilmu Data," *Penerbit Yayasan Prima Agus Teknik*, 2025, https://penerbit.stekom.ac.id/index.php/yayasanpat/article/view/599.

will, or accountability. Article 1 paragraph 2 of Indonesian Copyright Law (Law No. 28 of 2014) defines an author as one or more persons who, individually or jointly, produce a creation that is distinctive and personal. Under this definition, AI cannot qualify as an author because it is not a legal subject and lacks personal responsibility.[17]

This doctrinal position highlights a significant legal vacuum. While AI-generated works may appear original and creative in a technical sense, they do not meet the subjective requirements of authorship under Indonesian law. Consequently, questions emerge about ownership and protection. Should rights be granted to the AI system itself, to its developer, or to the user who provides the prompts? At present, Indonesian law provides no clear answer. Law No. 28 of 2014 grants exclusive copyright to authors and recognizes protected works across fields of science, art, and literature, including software programs. However, it assumes that the author is a natural or legal person with legal consciousness and responsibility, thereby excluding AI-generated works from protection.[18]

Comparative legal perspectives show diverging approaches internationally. The United States Copyright Office explicitly rejects copyright claims for works created without human authorship. In contrast, the United Kingdom's Copyright, Designs and Patents Act 1988 attributes authorship of computer-generated works to the person who made the necessary arrangements. Meanwhile, the European Union and the World Intellectual Property Organization continue to debate the extent to which AI creations can be protected, but the dominant view still emphasizes the indispensability of human authorship. These international developments reveal the absence of consensus and highlight the need for Indonesia to formulate its own stance.[19]

The absence of copyright protection for AI-generated works carries profound economic implications. If Indonesia were to adopt a strict position similar to that of the United States Copyright Office—which categorically denies protection for works lacking human authorship—AI creations would lose their status as legally recognized economic assets. This would undermine incentives for both domestic and foreign investors to allocate capital in AI-driven creative industries, as outputs could not be securely commercialized or licensed. As a result, Indonesia risks weakening its competitiveness in the global digital economy.

[17] Clianta Manuella Kondoahi dkk., "Regulasi Hukum Terhadap Perlindungan Karya Cipta Lagu Yang Dihasilkan Oleh Teknologi Artificial Intelligence," *Lex Administratum* 12, no. 5 (2024), https://ejournal.unsrat.ac.id/index.php/administratum/article/view/58014.

[18] Elfian Fauzy, *Rekonseptualisasi Perlindungan Hukum Atas Hak Cipta Terhadap Artificial Intelligence Di Indonesia*, UNIVERSITAS ISLAM INDONESIA, 2023, https://dspace.uii.ac.id/handle/123456789/44491.

[19] Muhammad Citra Ramadhan dkk., "Buku Ajar Hak Kekayaan Intelektual," Universitas Medan Area, 2023, https://repositori.uma.ac.id/jspui/handle/123456789/19863.

Moreover, without legal safeguards, AI-generated works would be vulnerable to unrestricted copying, exploitation, and commercialization by third parties. Such conditions would erode the market value of digital content, diminish incentives for small and medium-sized enterprises (SMEs) and startups to innovate, and ultimately concentrate economic advantages in large corporations with the resources to absorb competitive pressures. This distortion could exacerbate inequality within the creative sector and reduce opportunities for inclusive economic growth.tuop

On a broader scale, the absence of protection may also hinder Indonesia's ability to capture high-value opportunities in the global creative economy. Jurisdictions such as the United Kingdom—which attributes authorship of computer-generated works to the person making the necessary arrangements—or the European Union, which continues to debate more flexible frameworks, may become more attractive destinations for international investment. In contrast, Indonesia risks lagging behind in the development of AI-intensive industries such as music, film, design, and digital content creation. Therefore, the lack of legal recognition for AI-generated works is not merely a normative gap but an economic risk, potentially constraining the growth of Indonesia's creative economy, discouraging investment, and limiting the contribution of digital innovation to national GDP.

The absence of explicit provisions in Indonesian copyright law creates legal uncertainty for users and developers of AI technologies. Without recognition of AI-generated works, there is no legal basis to claim copyright ownership, leading to risks of unprotected use, disputes over attribution, and potential exploitation. This regulatory gap threatens not only the protection of creators but also the balance between innovation and rights enforcement in the digital economy. Therefore, regulatory reform is essential to ensure legal certainty. Possible approaches include expanding the definition of author to cover individuals or entities who operate or develop AI, introducing a licensing framework for AI-generated works, or establishing sui generis rights specifically tailored to AI creativity.

In conclusion, AI has fundamentally disrupted the traditional framework of copyright law which presupposes a conscious human author. Indonesian copyright law, as currently drafted, is inadequate to address this emerging phenomenon. To remain relevant and responsive in the digital era, Indonesia must reform its copyright system to recognize and regulate AI-generated works. Such reforms would provide legal certainty, prevent ownership disputes, and protect the interests of all stakeholders including human creators, AI developers, and end-users, while fostering innovation in the creative industries.

VI. CONCLUSION

Legal certainty regarding works generated by Artificial Intelligence (AI) within Indonesia's copyright system remains insufficient. Law No. 28 of 2014 on Copyright only recognizes natural persons and legal entities as authors, thereby excluding works produced entirely by AI from legal protection. This limitation creates a legal vacuum

that results in uncertainty over ownership, protection, and the exploitation of AI-generated works. In the absence of clear regulation, the risk of disputes, copyright infringement, and inequitable treatment among developers, users, and creative industry stakeholders becomes increasingly significant.

It is necessary to reform Law No. 28 of 2014 on Copyright to make it more responsive to the realities of digital technological development, particularly Artificial Intelligence. The definition of "author" should be broadened to include developers, programmers, or operators of AI, thereby providing a clear legal status for AI-generated works. Furthermore, the establishment of a special protection regime or *sui generis rights* for AI-based creations should be considered. Such reforms would not only provide legal certainty but also strike a balance between copyright protection, technological innovation, and public interest within the AI-driven creative ecosystem.

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