

DAFTAR PUSTAKA

Buku

Buana, Mirza Satria. 2010. *Hubungan Tarik-Menarik Antara Asas Kepastian Hukum (Legal Certainty) dengan Asas Keadilan (Substantial Justice) dalam Putusan Mahkamah Konstitusi*. Yogyakarta: Tesis Magister Ilmu Hukum Universitas Islam Indonesia.

Carr, Stephen, Mark Francis, Leanne G. Rivlin, dan Andrew M. Stone. 1992. *Public Space*. Cambridge: Cambridge University Press.

Castells, Manuel. 2010. *The Rise of the Network Society*. Chichester: Wiley-Blackwell.

Damian, Eddy. 2022. *Hukum Hak Cipta*. Bandung: PT Alumni.

Dharmawan, Ni Ketut Supasti, I Wayan Wiryawan, Ngakan Ketut Dunia, Nyoman Dhana, Nyoman Rudana, A.A. Sang Gede Wiranthi Dharmadi, Ida Ayu Sulistiana, A.A. Sri Indrawati, dan I.B. Putra Atmadja. 2012. *Hak Kekayaan Intelektual*. Yogyakarta: Deepublish.

Djumhana, Muhammad, dan R. Djubaedillah. 1997. *Hak Milik Intelektual (Sejarah, Teori dan Prakteknya di Indonesia)*. Bandung: Citra Aditya Bakti.

Fenwick, Mark, dan Stefan Wrba. 2016. *The Shifting Meaning of Legal Certainty*. Singapore: Springer.

Fitri, Rahma, Abd Razak Musahib, Hijriani, Joko Sabtohadhi, Marina Ramadhani, Rambuh H. Indah, Pratama Angga Buana, Novita Sariyani, Eko Sutrisno, and Sardjana O. Manullang. 2022. *Hak Kekayaan Intelektual*. Padang: PT. Global Eksekutif Teknologi.

Goldstein, Paul, dan P. Bernt Hugenholtz. 2019. *International Copyright: Principles, Law, and Practice*. Edisi ke-4. New York: Oxford University Press.

International Intellectual Property Alliance. 2025. *Special 301 Report on Copyright Protection and Enforcement: Indonesia*. Washington D.C.: IIPA.

Istain, Nur. 2017. *Perlindungan Hukum Hak Cipta terhadap Buku Karya Ilmiah yang Digandakan secara Ilegal*. Magelang: Fakultas Hukum Universitas Muhammadiyah Magelang.

Maulana, Insan Budi, Rr. Aline Gratika Nugrahani, Simona Bustami, Suci Lestari, dan Rakhmita Desmayanti. 2024. *Hak Kekayaan Intelektual (Teori dan Permasalahan)*. Depok: PT Rajawali Buana Pusaka.

Manan, Bagir, dan Kuntanan Magnar. 2017. *Beberapa Masalah Hukum Tata Negara*. Bandung: PT Alumni.

Mulyani, S.R. 2021. *Metodologi Penelitian*. Bandung: Widina Bhakti Persada Bandung.

Praja, Chrisna Bagus Edhita. 2025. *Reformulasi Pembatasan Hak Cipta Karya Ilmiah atas Penggunaan Generative AI di Tingkat Perguruan Tinggi yang Adaptif dan Berkeadilan*. Yogyakarta: Universitas Islam Indonesia.

Purba, Afrillyanna, Gazalba Saleh, dan Andriana Krisnawati. 2005. *TRIPs-WTO dan Hukum HKI Indonesia: Kajian Perlindungan Hak Cipta Seni Batik Tradisional Indonesia*. Jakarta: PT Rineka Cipta.

Qomar, Nurul, dan Farah Syah Rezah. 2020. *Metode Penelitian Hukum: Doktrinal dan Non Doktrinal*. Makassar: Social Politic Genius.

Radbruch, Gustav. 1914. *Einführung in die Rechtswissenschaft*. Stuttgart: K.F. Koehler Verlag.

Renda, Andrea, Felice Simonelli, Giuseppe Mazziotti, Alberto Bolognini, dan Giacomo Luchetta. 2015. *The Implementation, Application and Effects of*

the EU Directive on Copyright in the Information Society. Brussels: Centre for European Policy Studies.

Sarosa, Samiaji. 2017. *Penelitian Kualitatif: Dasar-Dasar*. Jakarta: Indeks.

Soekanto, Soerjono. 2006. *Pengantar Penelitian Hukum*. Jakarta: UI Press.

Sudharto, Alifia Qonita. 2014. *Copyright Law and the Freedom of Panorama: The Right to Commercialise Photographs of Protected Works*. Wellington: Victoria University of Wellington.

Sunggono, Bambang. 2012. *Metodologi Penelitian Hukum*. Jakarta: RajaGrafindo Persada.

Usman, Ahmadi. 2012. *Hukum Hak atas Kekayaan Intelektual: Perlindungan dan Dimensi Hukumnya di Indonesia*. Bandung: PT Alumni.

Yulia. 2021. *Hukum Hak Kekayaan Intelektual*. Lhokseumawe: CV. Sefa Bumi Persada.

Jurnal

Andrea, Danetta Leoni, Rika Ratna Permata, and Tasya Safiranita. 2020. "Freedom of Panorama Terkait Pelindungan Karya Cipta di Ruang Publik Berdasarkan

Hukum Hak Cipta dan Hukum Teknologi Informasi dan Komunikasi." *Jurnal Ilmu Hukum Kyadiren* 2 (1). <https://doi.org/10.46924/jihk.v2i1.133>.

Atmadja, Hendra Tanu. 2003. "Konsep Hak Ekonomi dan Hak Moral Pencipta Menurut Sistem Civil Law dan Common Law." *Jurnal Hukum IUS QUIA IUSTUM* 10 (23). <https://doi.org/10.20885/iustum.vol10.iss23.art8>.

Bertoni, Alessandro, and Maria Lillà Montagnani. 2015. "Public Architectural Art and Its Spirits of Instability." *Queen Mary Journal of Intellectual Property* 5 (3). <https://doi.org/10.4337/qmjip.2015.03.0>.

Bezatliliu, Erjona. 2024. "Digital Copyrights: Addressing Challenges in the Internet Age." *IJNRD – International Journal of Novel Research and Development* 9 (3). <https://www.ijnrd.org/papers/IJNRD2403663.pdf>.

Blessyah, Glorya Heavennina, Florencia Lavina Setiawan, Nathalie Priscilla, and Moody Rizqy Syailendra Putra. 2024. "Analisis Kasus Sengketa Tugu Selamat Datang oleh Mal Grand Indonesia Ditinjau dari Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta." *QISTINA: Jurnal Multidisiplin Indonesia* 3 (2). <https://rayyanjurnal.com/index.php/qistina>.

Candra, Andi, Warmiyana Zairi Absi, and Sudarna. 2023. "Hak Atas Kekayaan Intelektual (HAKI)." *Disiplin: Majalah Civitas Akademika Sekolah Tinggi*

Dreier, Thomas. 2010. "Limitations: The Centerpiece of Copyright in Distress - An Introduction." *Journal of Intellectual Property, Information Technology and Electronic Commerce Law (JIPITEC)* 1 (1). <https://nbn-resolving.de/urn:nbn:de:0009-29-26046>.

Dulong de Rosnay, Mélanie, and Pierre-Carl Langlais. 2017. "Public Artworks and the Freedom of Panorama Controversy: A Case of Wikimedia Influence." *Internet Policy Review* 6 (1). <https://doi.org/10.14763/2017.1.447>.

Geiger, Christophe. 2010. "Promoting Creativity through Copyright Limitations: Reflections on the Concept of Exclusivity in Copyright Law." *Vanderbilt Journal of Entertainment and Technology Law* 12 (3). <https://doi.org/10.2139/ssrn.1357703>.

Geiger, Christophe, Daniel Gervais, and Martin Senftleben. 2014. "The Three-Step Test Revisited: How to Use the Test's Flexibility in National Copyright Law." *American University International Law Review* 29 (3). <https://doi.org/10.4337/9781782544807.00014>.

Habibi, Muhammad, Nabilah Febriana, and Nur Kholan Karima. 2025. "Tinjauan Yuridis tentang Doktrin Fair Use dalam Undang-Undang Hak Cipta Indonesia dan Implikasinya terhadap Pengembangan Software." *Rewang Rencang: Jurnal Hukum Lex Generalis* 6 (4). <https://doi.org/10.56370/jhlg.v6i4.860>.

Hermawan, Usman, and Atang. 2014. "Kesadaran Hukum Masyarakat dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum di Indonesia." *Jurnal Wawasan Hukum* 30 (1). <https://doi.org/10.25072/jwy.v30i1.74>.

Herlambang, Steaven, and Gusti Ayu Arya Prima Dewi. 2025. "Pengaturan Perlindungan Hukum Terhadap Hak Moral Bagi Pencipta Ditinjau Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta." *Jurnal Media Akademik* 3 (11). <https://doi.org/10.62281>.

Hu, Han. 2024. "Exploring User-Generated Content and Copyright in the Digital Age." *ISCCAC*. <https://www.isccac.org/d/file/articles/2024-11-26/472040857590821bf2db19be24aa0059.pdf>.

Indri Nitami, Lambok. 2023. "Perkembangan Media Sosial terhadap Perubahan Sosial Masyarakat di Indonesia Tahun 2000-Sekarang." *Kalamanca: Jurnal Pendidikan Sejarah* 11 (2). <https://doi.org/10.69744/kamaca.v11i2.214>.

Jain, Meetali. 1998. "Global Trade and the New Millennium: Defining the Scope of Intellectual Property Protection of Plant Genetic Resources and Traditional Knowledge in India." *Hastings International and Comparative Law Review* 22 (1).
https://repository.uclawsf.edu/hastings_international_comparative_law_review.

Julyano, Mario, and Aditya Yuli Sulistyawan. 2019. "Pemahaman terhadap Asas Kepastian Hukum melalui Konstruksi Penalaran Positivisme Hukum." *Jurnal Mengenai Dasar-Dasar Pemikiran Hukum: Filsafat dan Ilmu Hukum (Crepido)* 1 (1). <https://doi.org/10.14710/crepido.1.1.13-22>.

LaFrance, Mary. 2020. "Public Art, Public Space, and the Panorama Right." *Wake Forest Law Review* 55 (3). https://www.wakeforestlawreview.com/wp-content/uploads/2024/05/w05_LaFrance.pdf.

Newell, Bryce Clayton. 2011. "Freedom of Panorama: A Comparative Look at International Restrictions on Public Photography." *Creighton Law Review* 44 (2).
https://Freedom_of_Panorama_A_Comparative_Look_at_International_Restrictions_on_Public_Photography.

Nazwa Salsabila Sofyan, and Rahma Andhara Salsabila. 2024. "Perlindungan Hak Cipta dalam Sengketa: Analisis Kasus Sketsa Tugu Selamat Datang Mall Grand Indonesia (Studi Kasus: Putusan Mahkamah Agung Nomor 35/Pdt.Sus-Hak Cipta/2020)." *Jurnal Rechten: Riset Hukum dan Hak Asasi Manusia* 6 (2). <https://doi.org/10.52005/rechten.v6i2.169>.

Oda, Barron. 2018. "Mobile Devices, Public Spaces, and Freedom of Panorama: Reconciling the Copyright Act with Technological Advances and Social Norms Regarding Content Creation and Online Sharing." *Scitech Lawyer* 14 (2). <https://www.proquest.com/docview/2043221330>.

Parasian, Mulya Natanael, Eko Raharjo, Rinaldi Amrullah, Tri Andrisman, and Mamanda Syahputra Ginting. 2026. "Pertanggungjawaban Hukum atas Pelanggaran Hak Cipta pada Dokumentasi Ruang Terbuka Publik." *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4 (1). <https://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZayn>.

Pock, Max A. 1962. "Gustav Radbruch's Legal Philosophy." *St. Louis University Law Journal* 7 (1). <https://heinonline.org/HOL/P?h=hein.journals>.

Sofyan, Salsabila Nazwa, and Rahma Andhara Salsabila. 2024. "Perlindungan Hak Cipta dalam Sengketa: Analisis Kasus Sketsa Tugu Selamat Datang Mall Grand Indonesia (Studi Kasus: Putusan Mahkamah Agung Nomor

35/Pdt.Sus-Hak Cipta/2020)." *Jurnal Rechten: Riset Hukum dan Hak Asasi Manusia* 6 (2). <https://doi.org/10.52005/rechten.v6i2.169>.

Shtefan, Anna. 2020. "Freedom of Panorama in the EU: Main Features and Hidden Sides." *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.5255566>.

Sudjana. 2018. "Implikasi Doktrin 'Fair Use' terhadap Pengembangan Ilmu Pengetahuan oleh Akademisi (Dosen) atau Peneliti dalam Perspektif Hukum Hak Cipta." *Jurnal Ilmu Hukum* 4 (2). <https://doi.org/10.25123/vej.v4i2.2993>.

Sulasno, and Inge Dwisvimiar. 2021. "Penerapan Kepentingan yang Wajar (Fair Use) Mengenai Materi Hak Cipta di Internet." *Jurnal Humani (Hukum dan Masyarakat Madani) Universitas Semarang* 11 (2). <https://doi.org/10.26623/humani.v11i2.4355>.

Skripsi

Natalia, Cynthia Louren. 2026. "Penerapan Doktrin Freedom of Panorama sebagai Pembatasan Hak Cipta dalam Ruang Publik Menurut Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta." Lampung.

Internet

Ajebi, Amarullahi. 2023. "Kronologis Sengketa Hak Cipta Sketsa Tugu Selamat Datang yang Dipakai oleh Mall Grand Indonesia." PDB Law Firm. January 3, 2023. <https://pdb-lawfirm.id/kronologis-sengketa-hak-cipta-sketsa-tugu-selamat-datang-yang-dipakai-oleh-mall-grand-indonesia>.

Asrul. 2025. "Fenomena Konten di Ruang Publik, DJKI Tegaskan Pentingnya Kesadaran Hak Cipta." Sulselsatu. September 11, 2025. <https://www.sulselsatu.com/2025/11/09/hukum/fenomena-konten-di-ruang-publik-djki-tegaskan-pentingnya-kesadaran-hak-cipta>.

Brittner, Alexander. 2024. "Photos from Public Spaces-Important BGH Ruling on Freedom of Panorama." Bolex. December 19, 2024. <https://bolex.de/photos-from-public-spaces-important-bgh-ruling-on-freedom-of-panorama>.

Binus University. 2016. "Keseimbangan Kepentingan dalam Hak Cipta." Binus University Business Law. July 30, 2016. <https://business-law.binus.ac.id/2016/07/30/keseimbangan-kepentingan-dalam-hak-cipta/>.

Claimistry Team. 2024. "Understanding the Incidental Use Defense in Intellectual Property Law." Claimistry. June 15, 2024. <https://claimistry.com/incidental-use-defense>.

CMS Law. 2016. "Freedom of Panorama: EU Consultation Opens." CMS Law. April 6, 2016. <https://cms.law/en/gbr/legal-updates/Freedom-of-panorama-EU-consultation-opens>.

Creative Commons Indonesia. 2020. "Apa itu Freedom of Panorama?" Creative Commons Indonesia. February 6, 2020. <https://id.creativecommons.net/2020/02/06/apa-itu-freedom-of-panorama/>.

Direktorat Jenderal Kekayaan Intelektual. 2025. "Pengenalan Hak Cipta." Direktorat Jenderal Kekayaan Intelektual. February 15, 2025. <https://dgip.go.id/menu-utama/hak-cipta/pengenalan>.

European Digital Rights (EDRi). 2016. "Swedish Supreme Court Rules against Freedom of Panorama." European Digital Rights (EDRi). April 6, 2016. <https://edri.org/our-work/swedish-supreme-court-rules-against-freedom-of-panorama>.

Fatmawati, Nurul. 2021. "Pengaruh Positif dan Negatif Media Sosial terhadap Masyarakat." Direktorat Jenderal Kekayaan Negara. November 2, 2021. <https://www.djkn.kemenkeu.go.id/kpknl-semarang/baca-artikel/14366/Pengaruh-Positif-dan-Negatif-Media-Sosial-Terhadap-Masyarakat>.

Grokipedia. 2026. "Freedom of Panorama." Grokipedia. January 2, 2026.

https://grokipedia.com/page/Freedom_of_panorama.

Nugroho, Irhan Hisyam Dwi. 2024. "Apa Itu Data Sekunder? Definisi, Jenis, Dan

Contoh." Dibimbing. April 29, 2024. <https://dibimbing.id/blog/detail/data-sekunder-pengertian-cara-memperoleh-contoh>.

Schneiders & Behrendt. 2024. "Photos from Public Spaces – Important BGH Ruling

on Freedom of Panorama." Bolex. December 19, 2024.

<https://bolex.de/photos-from-public-spaces-important-bgh-ruling-on-freedom-of-panorama>.

Sentraki UIR. 2025. "Perbedaan antara Hak Cipta dan Hak Kekayaan Industri."

Sentraki UIR. July 5, 2025. <https://sentraki.uir.ac.id/perbedaan-antara-hak-cipta-dan-hak-kekayaan-industri/>.

Telkom University. 2025. "Rise of the Creator Economy: Teknologi di Balik

Konten Digital." Telkom University. April 30, 2025. <https://bis-sby.telkomuniversity.ac.id/rise-of-the-creator-economy-teknologi-di-balik-konten-digital/>.

The Study of Public & Publicness. 2024. "The Study of Public & Publicness." The

Chinese University of Hong Kong. July 15, 2024.

<https://www.arts.cuhk.edu.hk/cumt/links-and-useful-resources/the-study-of-public-publicness>.

World Intellectual Property Organization (WIPO). 2025. "Limitations and Exceptions." World Intellectual Property Organization. March 13, 2025. <https://www.wipo.int/en/web/copyright/limitations/index>.

Yao, Catherine S. 2025. "Copyright Risks in the Digital Age: Persistent Challenges and Emerging Complexities." McLane Middleton. June 18, 2025. <https://www.mclane.com/insights/copyright-risks-in-the-digital-age-persistent-challenges-and-emerging-complexities>.

Lain-lain

DPRD Kabupaten Balangan. 2025. *Naskah Akademik Rancangan Peraturan Daerah tentang Perlindungan Kekayaan Intelektual Kabupaten Balangan*. Paringin: DPRD Kabupaten Balangan.

Supreme Court of Sweden. 2016. *Bildupphovsrätt i Sverige (BUS) v. Wikimedia Sverige (Case No. Ö 849-15)*. Stockholm: Supreme Court of Sweden.