

Legal Protection of Traditional Cultural Expressions in Aceh: A Comparative Legal Analysis of Islamic Law and Positive Law in Indonesia

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Abstract

This study aims to analyze the legal protection of traditional cultural expressions (TCEs) in Aceh through a comparative legal analysis of Islamic law and Indonesian copyright law. While TCEs play a crucial role in preserving cultural heritage, their legal protection remains insufficient due to regulatory inconsistencies and enforcement challenges. This research method used is normative juridical research. The primary data sources in this study include Law No. 28 of 2014 on Copyright, Law No. 11 of 2006 on Aceh Governance, and relevant Qanun in Aceh that govern the protection of cultural heritage and intellectual property. The data analysis was conducted through a comparative evaluation of Islamic law perspectives and positive law in Indonesia. The results of this study indicated that Indonesia's legal framework provides formal recognition of TCEs, yet lacks a robust enforcement mechanism. In contrast, Islamic law views TCEs as intellectual property that must be safeguarded under the principles of *hifdz al-mal* (protection of property) and *maslahah mursalah* (public welfare). Harmonizing these two legal perspectives is essential to establish a comprehensive and culturally sensitive legal framework. This study contributes to the discourse on intellectual property rights by integrating Islamic and Indonesian legal perspectives, offering a pathway for more effective legal protection of TCEs in Aceh.

Keywords: *Copyright, Islamic Law, Legal Protection, Traditional Cultural Expressions*

Introduction

Traditional Cultural Expressions (TCEs) are an essential part of Aceh's cultural identity, reflecting its deep-rooted historical heritage. However, the lack of legal protection has made Acehnese cultural expressions—such as traditional dances, music, and handicrafts—vulnerable to unauthorized use, both domestically and internationally. Many of these cultural elements have been commercially exploited without proper acknowledgment or compensation to the communities that own them, raising concerns about cultural appropriation and the potential loss of Aceh's rich heritage. Despite the existence of Law No. 28 of 2014 on Copyright and regional regulations (Qanun) in Aceh, many traditional works remain unregistered, leaving them without formal legal protection.¹ The Aceh Culture and Tourism Office has documented numerous traditional art forms, yet many artists and cultural practitioners have not registered their creations with the Ministry of Law and Human Rights, making it difficult to enforce copyright claims. This gap between legal frameworks and empirical realities highlights the need for a more integrated approach to protecting TCEs.²

From the perspective of positive law, the existing regulations provide a formal recognition of TCEs but lack robust enforcement mechanisms and community engagement. For example, the enforcement of copyright law often depends on reports from victims, which are rarely filed due to low legal awareness among communities. On the other hand, Islamic law offers a complementary framework through principles such as *haq al-ibtikar* (copyrights), *al-maslahah* (public benefit) and *'adl* (justice), which emphasize the protection of intellectual and cultural property.³ Islamic law strongly condemns the unauthorized use or misappropriation of property, including cultural heritage, and advocates for the fair distribution of rights to ensure that creators and their communities receive recognition and benefits from their heritage. However, there is a significant gap between the juridical-normative provisions of both legal systems and the empirical realities on the ground, where many TCEs remain unprotected due to a lack of awareness, registration, and enforcement.

Given Aceh's special autonomy under Law No. 11 of 2006 on Aceh Governance, which allows the integration of Islamic legal principles (Qanun),

¹ Laina Rafianti, "Resensi Buku: Sejarah Dan Politik Hukum Hak Cipta," *Jurnal Bina Mulia Hukum* 2, no. 2 (2018): 266–73.

² I Gede Ari Krisnanta Permana, Ratna Artha Windari, and Dewa Gede Sudika Mangku, "Implementasi Undang-Undang Nomor. 28 Tahun 2014 Tentang Hak Cipta Terhadap Perlindungan Karya Cipta Program Komputer (Software) Di Pertokoan Rimo Denpasar," *Jurnal Komunitas Yustisia* 1, no. 1 (2018): 55–65.

³ M H Achmad Baihaqi, *Hak Cipta Dalam Perspektif Hukum Islam* (Q Media, 2022).

there is an opportunity to explore how Islamic law can complement and strengthen the existing copyright protection mechanisms. For instance, Qanun can introduce stricter sanctions for copyright violations based on Islamic principles, such as *ta'zir* (discretionary punishments), and establish community-based mechanisms for registering and protecting TCEs. By harmonizing the principles of Islamic law, such as *haq al-ibtikar* (copyrights), *al-maslahah* (public benefit), and *‘adl* (justice), with the provisions of positive law, a more comprehensive and culturally sensitive framework for protecting TCEs in Aceh can be developed.⁴ This integrated approach would not only address the legal gaps but also align with the socio-cultural and religious values of the Acehese community, ensuring that TCEs are preserved and respected in both legal and practical terms.

To understand the existence of this research, this section describes some previous studies that have relevance or relatedness. First, research conducted by Fika Amaly Putri Rais, et al,⁵ in 2022 with the title "Legal Protection of the Copyright of Acehese Motif Handicrafts as Traditional Cultural Expressions in North Aceh Regency". The results of the study show that the legal protection of the copyright of Acehese motif handicrafts as a traditional cultural expression in North Aceh Regency has not been maximized due to the absence of implementing regulations from the Aceh Government regarding traditional cultural expressions and the apathy of the community and the government in legal protection of the copyright of Acehese motif handicrafts as a traditional cultural expression in North Aceh Regency. Second, research conducted by Yovita Arie Mangesti⁶ in 2021, with the title "Legal Protection of Copyright Grant for "Salam Namaste" as Strengthening Social Identity Based on Local Wisdom". The result is that "Salam Namaste" deserves legal protection in the form of State-owned Intellectual Property Rights as stipulated in Article 38 of Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright. Third, research conducted by Yulia in 2023, with the title "The urgency of protecting traditional medicine knowledge as the communal wealth of the Acehese people". The results of this study show the urgency of protecting traditional medicine against various intellectual property rights violations that occur, which are very detrimental to the community of communal intellectual property rights holders.

⁴ Maya Hasan Sari, "Hukum Terhadap Status Kepemilikan Kerang Oleh Warga Menurut Perspektif Wahbah Az-Zuhaili (Studi Kasus Di Pantai Salju Desa Siamporik Kecamatan Kualuh Selatan Kabupaten Labuhanbatu Utara)" (Universitas Islam Negeri Sumatera Utara, 2020).

⁵ Fika Amaly Putri Rais, Yulia Yulia, and Faisal Faisal, "Perlindungan Hukum Terhadap Hak Cipta Kerajinan Tangan Motif Aceh Sebagai Ekspresi Budaya Tradisional Di Kabupaten Aceh Utara," *Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh* 10, no. 1 (2022): 46–64.

⁶ Yovita Arie Mangesti, "Perlindungan Hukum Pemberian Hak Cipta Atas 'Salam Namaste' Sebagai Penguatan Identitas Sosial Berbasis Kearifan Lokal," *Mimbar Keadilan* 14, no. 1 (2021): 17–28.

Previous studies have examined the legal protection of copyright and intellectual property in relation to traditional cultural expressions (TCEs), primarily through the lens of national regulations and policies. Many of these studies focus on the implementation of Indonesia's Copyright Law (Law No. 28 of 2014) and its effectiveness in safeguarding traditional cultural heritage at regional and national levels. Additionally, international frameworks such as the World Intellectual Property Organization (WIPO) and UNESCO guidelines have been analyzed in relation to TCE protection. While these studies provide valuable insights into the legal mechanisms available, they largely adopt a positivist legal approach without integrating religious or ethical considerations.

However, a significant research gap remains regarding the interplay between Islamic law and Indonesia's positive legal framework⁷ in the protection of TCEs. Existing literature has largely examined these legal systems separately, without offering a structured comparison that explores their compatibility and potential integration. Given that Aceh operates under a special autonomy law allowing the implementation of *Qanun* (Islamic legal regulations), a study that examines how Islamic law can complement and enhance existing copyright protection mechanisms is necessary.

This study differs from previous research in its integrative approach. While prior studies have predominantly focused on positive legal frameworks, this research expands the scope by incorporating various forms of traditional cultural expressions—such as dance, music, literature, and handicrafts—within an Islamic legal perspective. The novelty of this study lies in its comparative legal analysis, which not only examines copyright law policies but also integrates Islamic legal principles such as *haq al-Ibtikar* (copyrights), *al-maslahah* (public benefit),⁸ and *al-'adl* (justice). By bridging the gap between these two legal systems, this study offers a unique contribution to the discourse on intellectual property rights and cultural heritage protection.

This research is significant because it will make academic and practical contributions in two main aspects. First, academically, this research enriches the discourse on copyright protection from the perspective of Islamic law, which is still limited in previous studies. Second, practically, this research can be the basis for policymakers in designing more comprehensive and social justice-based regulations, so as to protect Aceh's traditional cultural expressions from unauthorized exploitation. Thus, this research has high relevance in efforts to

⁷ Zelfeni Wimra et al., "The Living Fiqh: Anatomy, Philosophical Formulation, and Scope of Study," *Juris: Jurnal Ilmiah Syariah* 22, no. 1 (2023): 185–98, <https://doi.org/10.31958/juris.v22i1.9491>.

⁸ Akmal Yandi and Dina Dahliana, "Perspective Analysis Mashlahah Mursalah towards Tradition Mamangkeh And Maasok Gombak in the Pre-Wedding Procession in West Sumatra," *Jurnal Hukum Keluarga* 1, no. 02 (2025): 39–46, <https://journal-rabiza.com/index.php/JHK/article/view/16>.

maintain the sustainability of Aceh's cultural heritage, as well as provide legal solutions that are more in line with the social and religious context of the local community.

The research approach used includes the Statute Approach, This study employs a normative juridical research methodology,⁹ which focuses on analyzing legal norms related to the protection of Traditional Cultural Expressions (TCEs) in Aceh. The research adopts a statutory approach, conceptual approach, and Islamic legal approach to provide a comprehensive examination of both Indonesian copyright law and Islamic jurisprudence. The statutory approach is applied to analyze legal instruments governing the protection of TCEs in Indonesia, including Law No. 28 of 2014 on Copyright, which regulates the recognition and protection of TCEs, and Law No. 11 of 2006 on Aceh Governance, which grants special autonomy to Aceh and allows the incorporation of Islamic legal principles (*Qanun*). Additionally, this study examines relevant regional regulations (*Qanun*) in Aceh that address cultural heritage and intellectual property protection. Meanwhile, the conceptual approach is used to explore the theoretical foundations of intellectual property protection, particularly its compatibility with Islamic legal principles. This includes analyzing classical and contemporary Islamic legal texts discussing ownership rights, protection of cultural assets, and intellectual property within an Islamic framework.

The primary data sources in this study include statutory regulations, Islamic legal doctrines, and regional laws related to cultural protection. Specifically, primary legal sources consist of the Copyright Law, Aceh's *Qanun* on cultural heritage, and classical *fiqh* texts that discuss ownership rights and intellectual property in Islamic jurisprudence. Meanwhile, secondary sources comprise academic books, peer-reviewed journal articles, and previous studies discussing copyright law, Islamic law, and the legal protection of TCEs in Indonesia. The data collection process primarily relies on library research, involving systematic reviews of legal documents and scholarly literature to ensure comprehensive legal analysis. The collected data are analyzed using a qualitative descriptive method, which involves systematic legal interpretation and comparative analysis. where the comparative method is a study aimed at comparing the values of one or more independent variables across two or more populations, samples, or different times, or a combination of all of them. By adopting this structured methodological approach, this study ensures a rigorous legal analysis that bridges the gap between Islamic jurisprudence and Indonesia's positive legal framework. This approach not only enhances the theoretical

⁹ Muhammad Zainuddin and Aisyah Dinda Karina, "Penggunaan Metode Yuridis Normatif Dalam Membuktikan Kebenaran Pada Penelitian Hukum," *Smart Law Journal* 2, no. 2 (2023): 114–23.

understanding of intellectual property rights in Islam but also provides practical legal recommendations for policymakers in Aceh and Indonesia.¹⁰

Discussion

Copyright in Positive Law and Islam: A Review of the Aspects of Justice and Maslahah

Copyright as a form of protection for intellectual works has been recognized in positive law in various countries, including Indonesia. On the other hand, from the perspective of Islamic law, the protection of copyright also has a strong foundation, in line with the principles of *al-'adl* (justice) and *maslahah* (benefit) for the people. Although these two legal systems have different normative frameworks, they agree that intellectual property rights, including copyright, must be respected and protected to prevent exploitation that harms creators and society.¹¹

Based on Law Number 28 of 2014 concerning Copyright, Article 1 Paragraph (1) explains that copyright is an exclusive right granted to creators or copyright holders to regulate the use, reproduction, and distribution of their copyrighted works. This right gives creators full control over how their work is used, both for commercial and non-commercial purposes, and allows them to profit from the work. As part of intellectual property, copyright has an important role in advancing public welfare and supporting nation building, in accordance with the mandate of the 1945 Constitution. The subject of copyright law includes parties related to copyright, especially the creator who is usually also the copyright holder. This copyright protection is not only beneficial to creators, but also contributes to the development of creativity and innovation that has a positive impact on cultural, economic, and social development in society.¹²

Article 1 Paragraph (2) of the Copyright Law defines a creator as an individual or group that produces a distinctive and personal work, either individually or jointly. At the time the work is created, the copyright is directly granted to the creator, who is the holder of the exclusive right to use, reproduce, and distribute the work. Based on Article 31 of Law Number 28 of 2014 concerning Copyright, an author can be identified in several ways, namely being mentioned in the work, declared as the creator in the work, recorded in the work registration letter, or listed in the general register of works. The creator has exclusive rights consisting of two types of rights, namely moral rights and

¹⁰ Nurul Qamar and Farah Syah Rezah, *Metode Penelitian Hukum: Doktrinal Dan Non-Doktrinal* (CV. Social Politic Genius (SIGn), 2020).

¹¹ Taufik H Simatupang, "Hak Asasi Manusia Dan Perlindungan Kekayaan Intelektual Dalam Perspektif Negara Hukum," *Jurnal Ham* 12, no. 1 (2021): 111–22.

¹² Yandi Maryandi, "Sanksi Pelanggaran Hak Cipta Menurut Hukum Pidana Islam Dan Hukum Positif Di Indonesia," *Tabkım: Jurnal Peradaban Dan Hukum Islam* 2 (2019): 21–38.

economic rights. This exclusive right refers to the right that is reserved only for the creator, which means that no other party can use the copyrighted work without the permission of the creator. Copyright holders who are not creators only have economic rights, which include the right to use, reproduce, distribute, and sell copyrighted works for commercial purposes. On the other hand, moral rights are related to the recognition of the integrity and ownership of the creator of the copyrighted work, which cannot be transferred to another party. Thus, copyright provides protection for creators in both aspects, both economically and morally, to protect their copyrighted works from misuse and ensure respect for the resulting works.¹³

Moral rights are rights that are eternally attached to the creator, which includes the right to always be named in every work of his creation and the right to maintain the integrity of his work. This right cannot be removed or eliminated for any reason, even if the copyright has been transferred to another party. Article 5 of Law Number 28 of 2014 concerning Copyright regulates this moral right, which cannot be transferred as long as the creator is alive. However, after the creator dies, the exercise of moral rights can be transferred through a will or other reasons in accordance with the provisions of the applicable law. Thus, moral rights provide protection for the integrity of the work and recognition of the creator, even though the economic rights of the work may have been transferred.¹⁴

Economic rights are the rights owned by the creator or copyright holder to obtain economic benefits from their creations. This right includes the authority to grant permission or prohibit other parties from publishing and/or reproducing copyrighted works. Based on Law Number 28 of 2014 concerning Copyright, the period of protection of economic rights for a work lasts during the life of the creator and continues for 70 (seventy) years after the creator dies. Meanwhile, for works whose copyright is held by a legal entity, the protection of economic rights is valid for 50 (fifty) years from the time it was first announced. This provision emphasizes that economic rights provide protection for the financial benefits of copyrighted works, both for individuals and legal entities, so that they can encourage creativity and innovation in various fields. Objects in copyright, or what is referred to as a creation, include any work in the fields of science, art, and literature that is born from a person's thinking, creativity, imagination, inspiration, skill, dexterity, or expertise. Creations must be expressed in a tangible form in order to obtain legal protection. Thus, copyright does not protect ideas or ideas

¹³ Gunardi Lie and Bilqis Alifia Wathan, "Pelanggaran Hak Cipta Pembajakan Buku Berdasarkan Undang-Undang Nomor 28 Tahun 2014," *Innovative: Journal Of Social Science Research* 3, no. 6 (2023): 3902–9.

¹⁴ michael Caleb Yehuda Sembiring, "Perlindungan Hukum Terhadap Pencipta Karya Lagu Berdasarkan Undang–Undang No. 28 Tahun 2014 Tentang Hak Cipta," 2024.

that have not yet been realized in concrete form, but only protect works that already have a tangible form and can be enjoyed or used by others.¹⁵

Copyright infringement, according to the Copyright Act, constitutes an infringement of the exclusive rights of the creator and/or copyright holder. Currently, copyright infringement of books, music, software, and cinematography in digital form is increasingly rampant. Generally, creators or copyright holders upload their works in digital form to the internet to obtain economic benefits or as a means of promotion. However, if the platform on which the work is uploaded does not have an adequate protection system, irresponsible parties can easily commit copyright infringement against it.¹⁶

Criminal provisions for copyright infringement in Law Number 28 of 2014 concerning Copyright are regulated in Chapter XVII, namely Articles 112 to 120. However, the application of criminal sanctions against copyright violators can only be carried out if there is a complaint or report from the victim. In other words, a criminal act under the Copyright Law is a complaint offense, as stipulated in Article 120. This means that legal proceedings against copyright infringers cannot be carried out without an official report from the aggrieved party.¹⁷

In Islam, copyright is known as Haq Al-Ibtikar, which consists of two words, namely haq and al-ibtikar. Linguistically, haq contains the meaning of a person's specificity or ownership of something, while al-ibtikar refers to an innovation or new creation. Thus, Haq Al-Ibtikar refers to the ownership or exclusive right of a person to his work. Contemporary scholars have ijihad regarding the legal basis of copyright in Islam. One of the views expressed by Fathi Al-Duraini stated that copyright has a legal basis that is sourced from 'urf (customs that are generally accepted in society)¹⁸ and the rule of maslahah mursalah (benefits that are not explicitly mentioned in nash but contain benefits for the ummah). Thus, Islam recognizes and protects copyright based on the principles of justice, benefit, and protection of individual rights.¹⁹

¹⁵ Ghaesany Fadhila, "Perlindungan Karya Cipta Lagu Dan/Atau Musik Yang Dinyanyikan Ulang (Cover Song) Di Jejaring Media Sosial Dikaitkan Dengan Hak Ekonomi B Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," *ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan* 1, no. 2 (2018): 222–35.

¹⁶ Gan Gan Gunawan Raharja, "Penerapan Hukum Terhadap Pelanggaran Hak Cipta Di Bidang Pembajakan Film," *Jurnal Meta-Yuridis* 3, no. 2 (2020).

¹⁷ Ahmad Ifdolli, "Perlindungan Hak Cipta Dalam Undang-Undang Nomor 28 Tahun 2014 Perspektif Fatwa MUI Nomor 1 Tahun 2003 Tentang Hak Cipta" (UIN Sunan Gunung Djati Bandung, 2023).

¹⁸ Muhammad Fadhlan Is, "Busthanul Arifin 's Thoughts and Role in the Law on Religious Courts and the Compilation of Islamic Law in Indonesia," *Jurnal Hukum Keluarga* 01, no. 02 (2025): 28–38, <https://journal-rabiza.com/index.php/JHK/article/view/15/9>.

¹⁹ Akbar Sarif and Ridzwan Ahmad, "Konsep Maslahat Dan Mafsadah Menurut Imam Al-Ghazali," *Tsaqafah* 13, no. 2 (2018): 353, <https://doi.org/10.21111/tsaqafah.v13i2.1183>.

De facto, copyright has become an integral part of modern human life. However, in the treasures of Islamic law, there is no *nash sharih* (explicit text) in the Qur'an or Hadith that directly discusses the concept of copyright. Therefore, scholars perform *ijtihad* by using *'urf* (customs accepted in society) as one of the legal foundations in determining copyright. In addition to *'urf*, the principle of *maslahah mursalah*²⁰ is also the legal basis for copyright. The protection of copyright reflects an effort to realize benefits by giving appreciation to the creator for his work, as well as preventing acts of tyranny in the form of theft or exploitation without permission. With this protection, the creator has the right to enjoy the results of his creation, both in terms of moral and material benefits, so that it is not only beneficial for himself, but also for society at large.²¹

Islam comprehensively regulates the protection of individual rights, including copyright, as a preventive measure against potential harm that can befall the owner. In a sharia perspective, copyright is part of a legitimate and recognized right of ownership, based on the principles of justice and benefit. The source of Islamic law in copyright protection is universal, related to the reasons why a person acquires ownership rights to a property or his work. Although the Qur'an does not explicitly mention the modern concept of copyright, as the main guideline of life, it contains principles relevant to copyright protection.²² One of the verses that supports the Islamic view of copyright is QS. Al-Baqarah verse 188:

"And do not take some of your possessions among you in a false way, and do not bring them to the judge, so that you may eat a portion of another's possessions by sin, even though you know." (QS. Al-Baqarah: 188)

Sheikh Nawawi Banten in his commentary explained, the meaning of the verse is that Allah forbids Muslims to take some other property in a way that is haram according to sharia. Among them by **taking him to the judge to take him with an oath of lying and in a state of consciousness that he committed falsehood.**²³ This paragraph contains a prohibition on obtaining property illegally, including in the context of exploitation of copyrighted works without permission. Thus, Islam recognizes copyright as a form of ownership that must be respected,

²⁰ Wahyu Abdul Jafar, "Mursalah Sebagai Alternatif Problem Solving Dalam Hukum Islam," *Jurnal Hukum* 13, no. 1 (2016): 97, <https://e-journal.metrouniv.ac.id/index.php/istinbath/article/view/544%0Ahttps://e-journal.metrouniv.ac.id/index.php/istinbath/article/download/544/476>.

²¹ Agus Suryana, "Hak Cipta Perspektif Hukum Islam," *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 3, no. 05 (2015).

²² Mohd Syaufiq Abdul Latif, Nazura Abdul Manap, and Nabeel Mahdi Althabawi, "Modernising Site-Blocking Mechanism In Protecting Copyright Owners Content Against Digital Piracy In Malaysia," *Malaysian Journal of Syariah and Law* 13, no. 1 (January 20, 2025): 1–17, <https://doi.org/10.33102/mjssl.vol13no1.763>.

²³ Muhammad Nawawi Al-Jawi, *At-Tafsirul Munir li Ma'alim Tanzil*, (Beirut: Darul Fikr), juz II, h. 44.

both from moral and economic aspects. Copyright protection in Islamic law has a different approach from the positive law applied in Indonesia. In Indonesia's positive law, every copyrighted work, regardless of its content or moral value, is considered a copyrighted property and must be protected based on Law Number 28 of 2014 concerning Copyright. This protection is given to all intellectual works, whether scientific, artistic, or literary, regardless of their conformity with certain religious or moral values.²⁴

On the other hand, in Islamic law, not all intellectual works can be categorized as property that is entitled to copyright protection. The main principle in Islamic law is that a copyrighted work must be in accordance with Islamic teachings and not contain elements that are contrary to shlaw. If a work is considered harmful, contains haram elements, or leads to evil, such as a work that promotes immoral acts,²⁵ then the work is not recognized as legal property and does not receive protection from the perspective of Islamic law. Fatwa of the Indonesian Ulema Council (MUI) Number 1 of 2003 concerning Copyright emphasizes that from the perspective of Islamic law, copyright is included in the category of *huquq maliyyah* (property rights) that receive legal protection (*mashun*), as well as property (*mal*). The protection of property ownership rights (*hifdz al-mal*) is one of the main objectives of Islamic sharia (*maqasid al-shari'ah*), considering that property is a *dharuri* (primary) need for every individual.²⁶

Thus, Islamic law recognizes copyright as a form of legal ownership and provides protection against it. This is in line with the principles of justice and respect for the individual's right to the results of his or her thoughts and creativity. Therefore, acts of copyright infringement, such as piracy or unauthorized use, can be categorized as a form of infringement of property rights that are prohibited in Islam, as they are contrary to the principles of justice and can be detrimental to the creator or copyright holder.²⁷ The legal consequences of the protection of intellectual property rights, including copyright, in Islamic law are haram for anyone who violates these rights. This is explained in the MUI Fatwa Number

²⁴ Ova Uswatun Nadia, "Ganti Rugi Pada Duplikasi Hak Cipta Dalam Perspektif Konsep Haq Al-Ibtikar (Suatu Penelitian Pada PT. Erlangga Kota Banda Aceh)" (UIN Ar-Raniry Banda Aceh, 2018).

²⁵ Fraulein Intan Suri and Henry Iwansyah, "Analysis of Relationship between Religious Knowledge, Attitude, and Behaviour of Islamic Universities Female Students towards the Halalness of Cosmetic and Wear Products," *Al'Adalah* 21, no. 2 (2024): 271–98, <https://doi.org/10.24042/adalah.v21i2.15866>.

²⁶ Rifqy Tazkiyyaturrohman, "Free Downloading Karya Musik Dan Lagu Di Kalangan Mahasiswa Universitas Islam Negeri Maulana Malik Ibrahim Malang Perspektif UU Hak Cipta Dan Fatwa MUI" (Universitas Islam Negeri Maulana Malik Ibrahim, 2013).

²⁷ Sukiati Sukiati et al., "Copyright as a Waqf Object in the Context of Fiqh and Positive Law," *Al-Istinbat : Jurnal Hukum Islam* 8, no. 1 (2023): 269–90.

1/MUNAS VII/MUI/5/2005 concerning the Protection of Intellectual Property Rights (IPR), which is listed in number 4 part 2: General Provisions, which reads:²⁸

"Any form of violation of IPR, including but not limited to using, disclosing and making, using, selling, importing, exporting, distributing, delivering, providing, announcing, reproducing, plagiarizing, counterfeiting, hijacking other people's IPR without rights is an atrocity and the law is haram."

This fatwa affirms that infringement of copyright and other intellectual property rights is a form of tyranny, which not only harms the party who owns such rights but also violates the principles of justice in Islam. Therefore, any act involving the use or distribution of copyrighted works without valid permission is considered haram in the view of Islamic law.

In the perspective of Islamic law, the concept of copyright can be associated with the principle of hifdz al-mal (protection of property) and fairness in transactions. Islam recognizes ownership of intellectual works as a right that must be respected and protected from misuse. Copyright can also be categorized as moral rights and economic rights that must be maintained based on the principle of *maslahah mursalah* for the benefit of individuals and society. Therefore, Islamic law does not contradict the concept of copyright, even supporting it as a form of respect for human creative endeavor.²⁹

Copyright Protection for Traditional Cultural Expressions in Acehese People: Regulatory Reformulation in the Digital Era

Acehnese culture is heavily influenced by Islamic teachings, but it is also rich in local wisdom that regulates the social and moral life of the community. Traditional Acehese cultural expressions such as Saman, Seudati, and Zikir Rebana dances are the main attractions in the tourism sector. Cultural festivals that feature traditional dances, music, and customs are one of the sources of regional income. Local and foreign tourists are interested in witnessing the uniqueness of Acehese culture which is thick with Islamic and traditional nuances.³⁰ In the digital era, the expression of Aceh's traditional culture is increasingly known in the international arena through various digital platforms such as social media and video-sharing sites. The people of Aceh can also take advantage of technology to market their traditional cultural products to the global

²⁸ Siti Sa'adah Munthe, "Hukum Penggunaan Aplikasi GB WhatsApp Berdasarkan Perspektif Fatwa MUI Nomor 1/MUNAS VII/MUI/5/2005 Tentang Perlindungan Hak Kekayaan Intelektual (Studi Kasus Mahasiswa Program Studi Hukum Ekonomi Syari'ah Fakultas Syari'ah Dan Hukum Universitas Islam Neg)" (Universitas Islam Negeri Sumatera Utara, 2021).

²⁹ Fitriani Fitriani, "Perlindungan Hukum Terhadap Kain Tenun Rongkong (Perspektif Fatwa Majelis Ulama Indonesia Dan Undang-Undang Merek)" (Institut Agama Islam Negeri (IAIN) Palopo, 2023).

³⁰ Sumanto Al Qutuby, Tedi Kholiludin, and Abdus Salam, "E-Book-Agama Dan Budaya Nusantara Pasca Islamisasi-2020" (Vbook Publisher, 2020).

market, increasing the marketability and economic potential of these cultural expressions. Therefore, the protection of copyright of traditional cultural expressions is very important to maintain their preservation and ensure that their economic benefits are felt by future generations.³¹

Copyright protection for traditional cultural expressions serves to preserve the cultural heritage by granting exclusive rights to cultural owners, such as communities or individuals who create and develop the culture.³² By granting copyright, traditional societies are given control over how their culture is used, presented, or distributed to the public.³³ Without copyright protection, traditional cultural expressions are vulnerable to exploitation by irresponsible outsiders, who can adapt, imitate, or even claim the culture as their own without awarding or compensating indigenous peoples. For example, traditional Acehese dances such as Saman that are used without permission in performances or inadequate commercialization can be detrimental to these cultural values. Copyright protection also recognizes that the people of Aceh have the right to manage and control the use of their culture, including regulating who can use their cultural expressions and for what purposes. It provides respect for the identity and values contained in traditional culture.³⁴

The Aceh Government has the authority to protect the copyright of NRE owned by the Aceh communal community as a whole, which is included in the objects of cultural promotion as stipulated in Article 5 of the Law on Cultural Advancement, namely: Objects of Cultural Promotion include: (a) Oral traditions; (b) Manuscripts; (c) Customs; (d) Rites; (e) Traditional knowledge; (f) Traditional technology; (g) Art; (h) Language; (i) Folk games; and (j) Traditional sports. The guarantee of legal protection provided by the Aceh Government for NRE copyright will have an effect on increasing or decreasing public interest in registering NRE owned by Aceh Province. Related to the increase or decrease in copyright registration of traditional cultural expressions, this can be known through the determination of Acehese traditional cultural expressions as intangible cultural heritage.

The Aceh Government, from 2013 to 2023, has only been able to designate 68 (sixty-eight) Acehese Traditional Cultural Expressions as Intangible

³¹ Amirul Hadi, *Aceh: Sejarah, Budaya, Dan Tradisi* (Yayasan Pustaka Obor Indonesia, 2010).

³² Aula Damayanti, "Contribution Of Islamic Law To Legal Development In Indonesia," *MILRev: Metro Islamic Law Review* 1, no. 1 (December 26, 2022): 17, <https://doi.org/10.32332/milrev.v1i1.6188>.

³³ Muhamad Hasan Sebyar, "Harmonization of Islamic Legal Institutions and Customary Law in Marriage Dispensation Cases at The Panyabungan Religious Court," *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 155, <https://doi.org/10.32332/milrev.v2i2.7809>.

³⁴ Khwarizmi Maulana Simatupang, "Tinjauan Yuridis Perlindungan Hak Cipta Dalam Ranah Digital," *Jurnal Ilmiah Kebijakan Hukum* 15, no. 1 (2021): 67.

Cultural Heritage owned by the traditional Acehese people. Therefore, an implementing regulation is needed in the region in the form of qanun to maximize legal protection of Traditional Cultural Expressions so that it can improve the promotion of Acehese culture. The development of Acehese Traditional Cultural Expressions recorded and recorded in the Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia is less than the Acehese Traditional Cultural Expressions recorded at the Aceh Provincial Culture and Tourism Office, as many as 43 (forty-three) types of Acehese NRE registered in the Directorate General of Intellectual Property of the Ministry of Law and Human Rights of the Republic of Indonesia.

From the data, it can also be seen that not all regencies and cultural communities in Aceh have registered their Traditional Cultural Expressions, where the most applications for recording Traditional Cultural Expressions come from Aceh Tamiang and Aceh Besar Regencies, while South Aceh, North Aceh, East Aceh, Pidie, Gayo, Takengon, and Southwest Aceh have very few applications for registration of NRE. Therefore, this is an obstacle in providing legal protection for NRE copyright, which is caused by the absence of a special law regulating Traditional Cultural Expressions, as well as a lack of understanding from local governments about the importance of legal protection for the copyright of Traditional Cultural Expressions. An understanding of the database and recording of Traditional Cultural Expressions is very necessary in order to prevent illegal use and utilization, so as to protect the economic and moral rights of the creators.

The protection of Acehese culture in general, this has been regulated by the Qanun of Nanggroe Aceh Darussalam Province Number 12 of 2004 concerning Aceh Culture, which is guided by the Law on the Promotion of Culture (UUPK) which applies nationally. However, until now Aceh Province has not had a regional regulation that specifically regulates the legal protection of NRE copyrights. To support the promotion of culture in Aceh, in 2022 the Aceh Government has submitted a Qanun Draft on the Promotion of Aceh Culture in the Aceh Legislation Program (Prolega), but until now the draft has not been ratified. Article 1 number 21 of the UUPA explains that "Qanun is a law and regulation that is equivalent to provincial regional regulations and regulates the administration of government and the life of the people of Aceh." Qanun is formed based on the principles of the formation of laws and regulations which include clarity of objectives, appropriate institutions or forming organs, suitability between types and content materials, implementability, usefulness and effectiveness, clarity of formulation, and openness.³⁵

³⁵ Ridwan Nurdin and Muhammad Ridwansyah, "Aceh, Qanun and National Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 1 (2020): 108–31.

Without clear regulation and protection, traditional cultural expressions can often be exploited by outsiders without proper permission or respect. In the context of Aceh, this can happen when cultural elements such as music, dance, or folklore are used in commercial products, films, or media without permission from the community that owns the cultural heritage. Outsiders who use traditional culture without permission can exploit it for personal or commercial gain. For example, the use of Acehese batik motifs or traditional music in clothing or film products without providing profits or royalties to the creator community can harm the party who should receive the economic benefits. Unauthorized exploitation not only has an impact on the economic aspect, but also on respect for local wisdom contained in traditional cultural expressions. Incorrect or insensitive use can damage the meaning and context of the culture that has been passed down from generation to generation.

Protection of Traditional Cultural Expressions in Aceh: Perspectives on Islamic Law and Intellectual Property Rights

Traditional cultural expressions are intellectual heritage that reflects the identity, values, and history of a community. In Islamic law, a legal system that upholds the principle of justice and ensures the protection of individual and collective rights has relevance in resolving these problems. The approach of Islamic law in dealing with copyright infringement of traditional cultural expressions in Aceh is crucial in formulating policies that are fair, in line with sharia principles, and in line with positive legal needs. Similar provisions are also contained in the Aceh Government Law Chapter XXXI of the Culture Section Article 221 paragraph (2), which states that "The Government, the Government of Aceh, and the district/city government recognize, respect, and protect the cultural and artistic heritage of ethnic groups in Aceh in accordance with laws and regulations."³⁶ Based on the provisions of the above Article, the position of the Aceh Government Law regarding cultural protection, especially related to traditional cultural expressions, is an autonomous regulation that regulates government policies in Aceh. The regulation should be able to ensure that the utilization and protection of traditional cultural expressions remain within the applicable intellectual property rights legal framework, both at the regional and national levels. Regarding the legal protection of traditional cultural expressions, the provisions of the Copyright Law have implicitly regulated them in a separate chapter, namely 'Chapter V Traditional Cultural Expressions and Protected Works.' In the first part, it is mentioned "Traditional Cultural Expressions and Copyright for Works whose Creator is Unknown."³⁷

³⁶ Kholis Roisah, "Perlindungan Ekspresi Budaya Tradisional Dalam Sistem Hukum Kekayaan Intelektual," *Masalah-Masalah Hukum* 43, no. 3 (2014): 372–79.

³⁷ Muhammad Fajar Hendrawan and Zainal Abidin, "Kedudukan Pasal 65 Ayat (1) Undang-Undang Nomor 11 Tahun 2006 Tentang Pemerintahan Aceh Terhadap Undang-Undang

Then, in Article 38 of the Copyright Law, it is stated that:³⁸ 1) Copyright over traditional cultural expressions is held by the state. 2) The state is obliged to inventory, maintain, and maintain traditional cultural expressions. 3) The use of traditional cultural expressions must pay attention to the values that live in the society in which they are carried out. 4) Further provisions regarding Copyright held by the state over traditional cultural expressions are regulated by Government Regulations. These provisions only regulate in general. In the Copyright Law, traditional cultural expressions have not been regulated in detail, but it is only stated that the Copyright for traditional cultural expressions is held by the state, and the state is obliged to inventory, maintain, and maintain traditional cultural expressions while still paying attention to the values that live in the society in which they are carried.

As mentioned in Article 38 paragraph (5) of the Copyright Law, further provisions regarding Copyright held by the state over traditional cultural expressions are regulated by Government Regulations. This is in line with the views of Soerjono Soekanto, who stated that in discussing cultural factors, it is inseparable from the community factor. Culture is a part or subsystem of society in a legal system that includes the structure, substance, and culture itself. In the legal culture system, there are values that underlie the applicable law, namely values regarding what is considered good so that it is embraced and what is considered bad so that it is avoided.³⁹ However, based on the results of an interview with one of the Aceh Culture and Tourism Office officers, it is known that 'the basis used by the Aceh Culture and Tourism Office in carrying out Copyright protection in Aceh refers to Law Number 28 of 2014 concerning Copyright.' This means that until now there are no more specific regulations regulating the protection of Copyright law in Aceh.

The concept of the state of law requires that if the ruler establishes obligations for citizens, then the authority must have a clear legal basis in the law.⁴⁰ Philipus M. Hadjon, as quoted by Heri Gunawan, explained that the theory of legal protection is all efforts to fulfill rights and provide assistance to create a sense of security and ensure protection based on legal regulations. This protection aims to ensure that the law has an organized force in the decision-making process,

Nomor 6 Tahun 2020 Tentang Pemilukada," *Jurnal Ilmiah Mahasiswa Bidang Hukum Kenegaraan* 6, no. 4 (2022): 337–46.

³⁸ Anak Agung Sinta Paramisuari and Sagung Putri M E Purwani, "Perlindungan Hukum Ekspresi Budaya Tradisional Dalam Bingkai Rezim Hak Cipta," *Kertha Semaya: Jurnal Ilmu Hukum* 7, no. 1 (2019): 1–16.

³⁹ Supriyadi and Siti Suriyati, "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation during Covid-19 Pandemic at the Kudus Religious Court," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 1 (2022): 136–61, <https://doi.org/10.19105/AL-LHKAM.V17I1.6060>.

⁴⁰ Ahmad Zaini, "Negara Hukum, Demokrasi, Dan Ham," *Al Qisthas Jurnal Hukum Dan Politik* 11, no. 1 (2020): 13–48.

both in the political and economic realms. Based on these provisions, coupled with the current era of regional autonomy, the Aceh Regional Government has an important role in managing the potential for traditional cultural expression in its region. It is hoped that the management can have a positive impact on improving the welfare of the local community.⁴¹ In addition, this effort also aims to strengthen proof of ownership in the event of cultural claims by foreign or private parties who seek to obtain economic benefits from the use and utilization of traditional cultural expressions, either directly or in the form of derivatives.⁴²

In addition, there is apathy from the community and the government. There is a suspicion that so far, the attitude of people who develop traditional cultural expressions tends to be indifferent or indifferent to the abuse of traditional cultural expressions of their ancestors. This can be seen from the results of an interview with one of the traditional Acehese craftsmen who stated, 'I don't know what copyright is, as long as it doesn't interfere with my business, just let it be, the police take care of it. Although there are no regional regulations regulating copyright and protection for traditional cultural expressions in Aceh, in research conducted in the field, researchers see preventive protection efforts carried out by the Aceh Culture and Tourism Office. This can be seen from the documentation of a number of cultures spread across the Aceh region. Although these activities have not been carried out thoroughly and have not been well coordinated between related parties, the results have not been optimal and measurable. In addition, one of the efforts to protect epistemological laws that the government seeks to provide scientific understanding to the public about Acehese cultural expression is to hold a cultural event or festival called Aceh Cultural Week (PKA).

In Islam, counterfeiting can be equated with gasab. Gasab is the arbitrary or forcible control of other people's property without rights, which is not intended in the sense of robbing or stealing, be it in the form of taking property material or taking benefits from an object. The jurists agree that the act of the law is haram and the person who does it is sinful. Whoever commits gasab in the form of property, he is obliged to return the property to his owner and is obliged (to pay compensation) to patch up the lack of goods that are gasabed, such as cloth used, or goods that are reduced even though they are not used. Islamic sharia prohibits taking property in an unscrupulous way and without the will of the person who owns it. This is based on the words of Allah Q.S al-Baqarah 188:

⁴¹ Khamami Zada, "Politik Pemberlakuan Syari` At Islam Di Aceh Dan Kelantan (1993-2014)," *Ihkam: Jurnal Hukum Dan Pranata Sosial* 10, no. 01 (2015): 43–70, <https://doi.org/https://doi.org/10.19105/al-lhkam.v10i1.588>.

⁴² nurizka Firda, "Perlindungan Hukum Terhadap Para Pihak Dalam Perjanjian Jual Beli Melalui Media Elektronik" (Universitas Islam Sultan Agung Semarang, 2024).

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْءِلُّوْا بِهَآ إِلَى الْحُكْمِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ ء

Meaning: Do not eat the wealth among yourselves in an unrighteous way, and you shall not bring the wealth to the judges with the intention that you may eat some of the other man's wealth by sin, even though you know it.

From the above postulation, it is clear that gasab is prohibited by religion. Islam prohibits tyranny in any form. And the one who is angry is obliged to repent to Allah and return what he has wronged to his owner and apologize to him. The Indonesian Ulema Council (MUI) has stipulated Fatwa Number 1 of 2003 concerning Copyright and Fatwa Number 1/MUNAS VII/MUI/15/2005 concerning IPR as conveyed by the Chairman of the MUI Fatwa Commission stating that any form of infringement of copyright is a tyranny whose law is haram. In its point of consideration, the MUI views that the practice of copyright infringement has reached a troubling stage. Many parties are harmed, especially copyright holders, the state and society. Not only state laws are overturned, the illegal practice is also considered to violate sharia provisions. Surah an-Nisa verse 29 expressly prohibits the invalidity of eating other people's property (without rights).⁴³

It means "O you who believe! Do not eat one another's wealth in a false way, except in the way of business that happens consensually between you. And do not kill yourselves; Indeed, Allah is the Most Merciful to you."

Therefore, Wahbah al-Zuhaili also emphasized that the act of piracy is a violation or crime against the author's rights. The perpetrator will be seen as having committed disobedience that causes sin. The provisions that have been outlined by Allah SWT and His Messenger, as well as the jurists, then boil down to the rules of fiqh. There are at least three guidelines, first, the danger (detrimental) must be eliminated. Second, avoiding masfadat from taking precedence over bringing benefits, and third, everything that arises from something haram, is haram. After paying attention to all these aspects, the Fatwa Commission determined that copyright is included in the scope of huquq maliyyah (property rights) which must receive legal protection as well as property. "Copyright that must be legally protected is copyright that does not contradict Islamic law. That way, like property, copyright can be used as an object of contract (al ma'qud 'alaih). This contract includes mu'awadhah (exchange, commercial) and

⁴³ Santik Nuril Hasanah, "Pengaruh Kesadaran Hukum Dan Pengetahuan Fatwa MUI No. 1/Munas VII/MUI/15/2005 Tentang Hak Kekayaan Intelektual Terhadap Keputusan Mendownload E-Book Pada Situs Internet Di Kalangan Mahasiswa Syariah IAIN Ponorogo" (IAIN Ponorogo, 2023).

tabarru'at (non-commercial) contracts, which can also be waqf and inherited. That's how Islam protects copyright and intellectual property rights.⁴⁴

Sanctions for copyright infringement according to Islamic Criminal Law are the same as Jarimah Penimah, namely cutting off the hands of the violator, but because Indonesia is a Pancasila-based country, the sanctions follow the law that has been stated in the Criminal Code. Jumhur is of the opinion that sariqah (theft) that is not in the hirz (a place that is preserved) is also included in the punishment of ta'zir.⁴⁵ Then it is also strengthened for other reasons, including:

- a. The punishment for copyright infringement has not been determined by the Shari'i in the nash al-Qur'an and Hadith;
- b. The right holder may forgive the perpetrator so that he is free from various court demands;
- c. The punishment of ta'zir needs to consider the form of copyright crime committed and the personal condition of the perpetrator himself.
- d. Ta'zir, as a form of punishment based on the consideration of the ruler/judge in a place, can be in the form of, jild (dera), habs (prison), and other punishments, both lighter and heavier, adjusted to the needs and benefits in the society at that time.

In terms of mahall (object) punishment, copyright infringement can be applied in three forms of punishment, namely: a) Badaniyyah (body); b) Nafsiyyah (soul); and c) Maaliyah (property). Infringement of copyright in the fields of science, art and literature, creation and technological innovation (intellectual property) is in principle a criminal act as well as infringement of other people's property rights in general. Infringement of copyright certainly causes a lot of losses, not only to copyright holders (authors, publishers, music/song creators, record and film production companies, and others) who hinder the spirit of creation and ideas, but also to the country that is harmed, because it does not receive income tax on the profits obtained from the pirates.

Piracy of intellectual property can ultimately damage the social, economic and legal order in our country and hinder nation building because the passion for creativity has decreased. Therefore, it is very important for the state to make a guarantee of IPR protection with IPR law. In Indonesia, copyright has been protected by laws and regulations, since 1982 and the regulations on copyright

⁴⁴ Intan Auliya Ridyana, "Pembajakan Film via Bigo Live Perspektif Hukum Pidana Islam," *Al-Jinayah: Jurnal Hukum Pidana Islam* 3, no. 2 (2017): 349–69.

⁴⁵ Ali Imran Sinaga, Mohd Nizam Sahad, and Mohammad Amir Wan Harun, "SUMBANGAN HUKUMAN TAKZIR 'UMAR BIN AL-KHATTAB DALAM QANUN ACEH DI INDONESIA," *Malaysian Journal of Syariah and Law* 12, no. 2 (August 31, 2024): 471–89, <https://doi.org/10.33102/mjssl.vol12no2.545>.

have undergone several changes until the last one is Law Number 28 of 2014 concerning Copyright.

But there are still many violations that occur blatantly. This means that the Copyright Law has not been fully complied with. The community has not been deterred even by being threatened with heavy sanctions. In Law Number 28 of 2014 concerning Copyright, copyright holders have the right to submit compensation to the Commercial Court for infringement of their Copyright, as written in Article 99 paragraph (1): "The creator, copyright holder, or owner of Related Rights has the right to file a lawsuit for compensation to the Commercial Court for infringement of Copyright or Related Rights products" Copyright holders also have the right to request compensation to copyright infringers through the Commercial Court.

As stated in Article 99 paragraph (2) of Law Number 28 of 2014 concerning Copyright: "A lawsuit for compensation as referred to in paragraph (1) can be in the form of a request to surrender all or part of the income obtained from the organization of lectures, scientific meetings, performances, or exhibitions of works that are the result of infringement of Copyright or Related Rights products" Copyright infringement in cyberspace has many types. Such as quoting part or all of the work of others and then putting it into your own work without providing information from the creator of the work.

One form of copyright infringement is software piracy. In addition, there is also the illegal reproduction and dissemination of music on the internet. Nowadays, many songs are shared without permission or license from the creator, thus violating copyright. Infringement of copyright can be legally processed as a criminal offense, as stipulated in Article 120 of Law Number 28 of 2014 concerning Copyright. This law stipulates that copyright infringement can be subject to criminal sanctions or fines, as stated in Articles 112 to 115. In order to protect copyright holders, the legal provisions have expressly regulated criminal sanctions and fines for copyright infringers.

According to the author, Law Number 28 of 2014 has comprehensively regulated various aspects of copyright protection, ranging from procedures for registering a work, the validity period of copyright, institutions that supervise copyright, to provisions regarding minimum and maximum sanctions for violators. It is hoped that the enactment of this law can reduce the number of copyright infringements in Aceh, both in cyberspace and outside the digital world. In addition, it is also hoped that the enactment of Law Number 28 of 2014 can increase the effectiveness and efficiency of copyright protection in Indonesia compared to the previous law.

Although, according to the author, the enactment of Law Number 28 of 2014 concerning Copyright does not necessarily prevent the people of Aceh from committing violations in the field of copyright, especially those carried out

through the internet, a digital space that can be freely accessed by anyone and anywhere. In fact, the threat of a maximum fine of Rp4 billion stated in Article 113 of Law Number 28 of 2014 is not enough to cause a deterrent effect for copyright violators. One form of copyright infringement that is still rampant in cyberspace is the case of reuploaders on YouTube content. In this case, a YouTuber re-uploads a video or image that is going viral to earn more profit from the original creator without permission from the relevant party. This action makes the reuploader violate copyright and potentially receive sanctions from both YouTube and law enforcement. Therefore, in dealing with copyright infringement, more effective law enforcement efforts are needed to reduce the number of violations. Although copyright law enforcement in Aceh has been equipped with adequate legal tools, namely Law Number 28 of 2014 concerning Copyright, concrete steps are still needed to increase the effectiveness of the implementation of the rule.

Thus, it can be understood that until now, copyright law enforcement still faces various obstacles that are quite heavy. One of the main causes is the lack of coordination among law enforcers responsible for the implementation and strategy of copyright law enforcement. Apart from this, the community has an important role in minimizing the number of copyright infringements, especially in Aceh, by not committing infringements as stipulated in Law Number 28 of 2014. This form of compliance includes the prohibition of announcing, disseminating, or trading other people's copyrighted works without the owner's permission, either through the internet or other media.

Conclusion

The protection of the copyright of traditional cultural expressions in Aceh is a necessity to preserve cultural heritage from irresponsible exploitation and commercialization. From the perspective of Islamic law, this protection aligns with the principles of *maslahah mursalah* (public welfare) and *al-'adl* (justice), which emphasize safeguarding collective property rights and preventing harm to the community, including in matters of cultural inheritance. Islamic law serves as a moral and ethical foundation, ensuring that the protection of traditional cultural expressions is not only legal-formal but also imbued with spiritual and social values. Meanwhile, in the context of positive law, existing regulations have recognized traditional cultural expressions as part of copyright. However, their implementation faces challenges, such as a lack of legal awareness and suboptimal protection mechanisms. The Aceh Government has the authority to protect traditional cultural expressions as a basis for promoting Acehese culture, in accordance with Article 221 number 3 of the UUPA, which mandates that "The Government and the district/city government recognize, respect, and protect the cultural and artistic heritage of ethnic groups in Aceh in accordance with laws and regulations." This authority can only be effectively implemented if regulated

through *qanun*. This study is limited to legal analysis without empirical data or international legal perspectives, highlighting the need for future research to explore policy implementation and global legal frameworks.

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