

Legal Analysis of Friedman's Justice Theory About Jointly Acquired Property in the form Songs Copyright in Indonesia

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ABSTRACT

This study's issue is how to apply Friedman's theory of justice to a lawsuit involving joint property in the form of song royalties, which is based on the Virgoun and Inara Rusli case. This study's goal is to analyze and assess how Friedman's theory of justice applies to a case that has never happened before in Indonesia (based on Court Ruling No. 1662/Pdt.G/2023/PA.JB). In order to conduct this research, the normative method is employed. The literature review includes primary legal materials such as the Civil Code, Law No. 16 of 2019 Marriage Law Jo. Law No. 1 of 1974, Constitutional Court's Ruling No. 69/PUU-XIII/2015, Copyright Law No. 28 of 2014, Virgoun and Inara Rusli Case Study (based on Court Ruling No. 1662/Pdt.G/2023/PA.JB). The theory of Lawrence M. Friedman states that because law is static, interference with its substance and structure happens. The external social sphere is the factor that offers input. Aspects of justice for the parties should be taken into consideration when dividing jointly acquired property. Whether or not intellectual property rights can be included in jointly acquired property does not depend on whose name the copyright is registered under. The first and most crucial thing to know is whether or not the property was acquired during a marriage.

INTRODUCTION

Royalty rights litigation is uncommon in divorce cases in Indonesia. Either because the amount is not so large, or because people focus only on tangible assets. Another example is the divorce case of Ahmad Dhani and Maia Estianty, a famous musician couple who divorced in 2007.

Both are famous musicians in Indonesia. They produced a lot of music during their marriage. But, Court Ruling Religious Court of South Jakarta No. 1514/Pdt.G/2007/PA.JS in the petition, there was no lawsuit about song's royalty right. They were just considering material assets like buildings, cars, and so forth. The next question is whether it is possible to bring an action for song royalties in a divorce case. As we can see, the definition of royalty rights is based on Article 1 paragraph (21): "Royalty is a reward for the utilization of Economic Rights of a Creation or Related Rights Product that is received by the creator or owner of related rights".

Royalties are, to put it simply, the sum of money you get in relation to your intellectual property. Song royalties are specifically the money received from a songwriter's intellectual property in the music industry. A songwriter's intellectual property, which includes lyrics, is typically transferred to the record business so that the music can be produced and released.

Jointly acquired property in a divorce dispute is subject to the civil law doctrine of justice. A Friedman theory is among the well-known ones. The justice component of the equality of rights and obligations is the main emphasis of this theory. Aspects of Friedman's theory of justice are pertinent determining considerations in the situation of jointly obtained property in the form of song royalties. In civil law, jointly obtained property becomes a significant issue, particularly in circumstances of divorce. Song royalties are one type of collectively obtained property that has grown in importance throughout the past ten years. Song royalties are monetary rights derived from original music composed by a group or a person.

This case presents an intriguing example of Virgoun and Inara Rusli's joint property claim. Inara Rusli is attempting to obtain the royalties on two thirds of Virgoun's songs in her divorce case, which is a first for Indonesia. A well-known musical couple is Virgoun and Inara Rusli. They have earned large royalties from producing a large amount of music. With any luck, our research can help resolve similar cases in the future.

The research's primary issues are:

- a. How does the Friedman theory's notion of fairness apply to the resolution of a music royalties litigation involving jointly acquired property?
- b. How does Friedman's theory's justice principle influence the court's Ruling in a jointly acquired property litigation involving song royalties?

The objective of this research are :

- a. Analyse Friedman's theory of justice and its implications in Indonesian law.

- b. Recommending the implementation of Friedman's theory to resolve disputes over song royalty rights.

After conducting research in several social media platforms and the law faculty libraries of Universitas Gadjah Mada and Universitas Atma Jaya Yogyakarta, the author has not yet come across any scholarly literature of this kind. The author locates a few theses and dissertations regarding copyrights, including:

No	Author	Research Title	Research Result	Novelty
1	Marina Abu Bakar, et.al (2021)	Issues on Intellectual Property as a Jointly Acquired Property: A Critical Analysis from Shariah and Law Perspectives	Third parties have legitimized the fatwa, or Islamic legal Ruling, in Kelantan. This issue has led to the research's goal of examining the idea of intellectual property in relation to collectively acquired property and analyzing it from both an Islamic and legal standpoint.	Indonesia's first case involving jointly acquired property in the form of music copyright was analyzed using Friedman's theory.
2	Irma Sylviyani Herdian (2020)	Ownership of Trademark Intellectual Property Rights as Joint Property in Divorce Cases	1. According to the Compilation of Islamic Law (KHI), each party, the husband and wife, has the right to divide joint property in the event of a divorce. 2. The Compilation of Islamic Law (KHI) and Law No. 20 of 2016 (Brands) are the main sources of data.	Primary legal sources: a. Civil Code. b. Law No. 16 of 2019 on Marriage Law Jo. Law No. 1 of 1974. c. Constitutional Court's Ruling No. 69/ PPU-XIII/2015. d. Copyright Law No. 28 of 2014. e. A case study based on Court Ruling No. 1662/Pdt.G/2023/P A.JB concerning Virgoun and Inara Rusli.
3	Muhammad Farahin Mazlan, et.al. (2022)	Status of Copyright as a Seeking Property from	Sharia science is applied to the study of copyright as a	Primary legal sources: a. Civil Code. b. Law No. 16 of 2019 on Marriage Law Jo.

		the Perspective of Sharia Legislation	shared property.	<p>Law No. 1 of 1974.</p> <p>c. Constitutional Court's Ruling No. 69/ PPU-XIII/2015.</p> <p>d. Copyright Law No. 28 of 2014.</p> <p>e. A case study based on Court Ruling No. 1662/Pdt.G/2023/P A.JB concerning Virgoun and Inara Rusli.</p>
4	Siti Nur Aisyah, et.al. (2022)	Analysis of Judges' Decisions on the Mixing of Congenital and Joint Assets from the Perspective of John Bordley Rawls	This research attempts to provide an explanation for the two judges' Rulings in the instance of the distribution of inherited assets combined with joint assets, which are thereafter examined through the lens of John Bordley Rawls theory of justice.	Indonesia's first case involving jointly acquired property in the form of music copyright was analyzed using Friedman's theory.
5	Titie Rachmiati Poetri (2020)	Settlement of the Distribution of Copyright and Trademark Rights as Joint Property in Islamic Divorce	<p>1. Even though copyright and trademark rights are only registered in the names of the husband and wife, they become joint assets if they are created during a marriage and are considered intangible assets.</p> <p>2. In the event of a divorce (under Sharia law), the copyright royalty and the right to the mark may be subject to shared joint</p>	<p>Primary legal sources:</p> <p>a. Civil Code.</p> <p>b. Law No. 16 of 2019 on Marriage Law Jo. Law No. 1 of 1974.</p> <p>c. Constitutional Court's Ruling No. 69/ PPU-XIII/2015.</p> <p>d. Copyright Law No. 28 of 2014.</p> <p>e. A case study based on Court Ruling No. 1662/Pdt.G/2023/P A.JB concerning Virgoun and Inara Rusli.</p>

			assets; in such a circumstance, the royalty will be divided equally between the parties or in line with the roles and responsibilities of the husband and wife throughout the marriage.	
6	Mira Henstin, et.al, (2016)	Division of Joint Property in the Form of Bank Savings in a Case of Joint Property Lawsuit.	In accordance with Constitutional Court's Ruling No. 64/PUU-X/2012, which addresses instances involving joint property sharing, a husband and wife may see a bank's secret and determine how to divide joint property. in the form of a bank savings account may be split either amicably or forcibly in accordance with a court ruling.	Primary legal sources: a. Civil Code. b. Law No. 16 of 2019 on Marriage Law Jo. Law No. 1 of 1974. c. Constitutional Court's Ruling No. 69/ PPU-XIII/2015. d. Copyright Law No. 28 of 2014. e. A case study based on Court Ruling No. 1662/Pdt.G/2023/P A.JB concerning Virgoun and Inara Rusli.
7	Anis Mashdurohatun ,	Transfer of Intellectual Property Rights (Studies on the Division of Joint Property (Gono-gini) Post-Divorce	based on Article 37 paragraph (1) and Article 95 of the Compilation of Islamic Law, The Gono-gini declared that in order to maintain peace, the partition of property depends on consultation between the husband and wife. A husband and wife might receive 50% of the total or 30%	Primary legal sources: a. Civil Code. b. Law No. 16 of 2019 on Marriage Law Jo. Law No. 1 of 1974. c. Constitutional Court's Ruling No. 69/ PPU-XIII/2015. d. Copyright Law No. 28 of 2014. e. A case study based on Court Ruling No. 1662/Pdt.G/2023/P A.JB concerning Virgoun and Inara Rusli.

			to 70%; the husband might receive 70% of the total and 30% of the wives; they could also divide by the ratio (percentage) in the other case.	
8	Arso (2017)	Intellectual Property Rights (HAKI) as Joint Property in the Perspective of the Compilation of Islamic Law.	Particularly with regard to intellectual property rights (IPR) as joint property, the requirements for joint property distribution based on the Compilation of Islamic Law (KHI) that were put into effect through Inpres No. 1 of 1991 call for significant adjustments and modifications to the legal instruments.	Primary legal sources: a. Civil Code. b. Law No. 16 of 2019 on Marriage Law Jo. Law No. 1 of 1974. c. Constitutional Court's Ruling No. 69/ PPU-XIII/2015. d. Copyright Law No. 28 of 2014. e. A case study based on Court Ruling No. 1662/Pdt.G/2023/P A.JB concerning Virgoun and Inara Rusli.

THEORETICAL REVIEW

The Legal System from Friedman's Theory

Legal system theory by Lawrence M. Friedman is an approach in legal studies that sees law as an integral part of a larger social system. Lawrence Friedman argues that the effectiveness and success of law enforcement depends on three elements of the legal system:

1. Structure of law

The structure is the institution or particular individual that carries out the institution (the judge in this case). Judges are representatives of the institutions and authority inside them, and as such, they are a component of the legal content. For example, while talking about the structure of the Indonesian legal system, the structure of law enforcement organizations such as the police, prosecutors, and courts is covered.

2. Lawful Subsistence

The content that needs to be taken into account while applying the law. The job of the judicial system is to put the law into practice in the real world of the legal culture.

3. Culture of Law

Culture refers to values, beliefs, expectations, and the way the law is interpreted. Concepts ought to be comprehended in relation to the

evolution of legal procedures. For instance, Americans are purportedly highly apprehensive about litigation in light of legal culture.

Jointly Acquired Property in Indonesia

Because there is no discrimination in a marriage between a husband and wife, Indonesian law states that jointly acquired property in a marriage begins on the day the marriage certificate is granted, regardless of who works.

- a. The rights and status of the wife are equal to those of the husband in the home and in society, as stated in Article 31 of Law No. 1 of 1974 regarding Marriage.
- b. Everybody has the right to carry out legal actions.
- c. The wife is the housewife and her husband is the head of the household.

The husband is the head family and is in charge of providing for their material necessities, such as food, clothing, and a place to live. In the meantime, the wife's role as a housewife requires her to plan and prepare the household's necessities for the family. In this example, the husband and wife work together as a single unit in the home to generate jointly acquired property in line with their individual roles. The husband and wife's current assets, however, will be their own and will not be immediately combined. This is included in Law No. 1 of 1974 Article 35 paragraph (2).

Unless there is an agreement specifying otherwise, all property gained by the husband and wife becomes jointly acquired property from the moment of marriage, according to Article 119 of the Civil Law. Certain property or assets that the husband or wife has received free of charge (*omniet*) as a consequence of testamentary succession or gifts, on the other hand, are not included in the jointly acquired property of the husband and wife.

When a husband and wife divorce, one of the legal consequences is the division of jointly acquired property. The division of jointly acquired property is easy in the case of tangible property, as these items can be valued materially. Intellectual property rights, as intangible (*immaterial*) property, certainly require a different treatment from tangible property, where the value of intellectual property rights cannot be directly determined. As jointly acquired property, the value of intellectual property rights can be determined from the material income earned during the marriage.

According to Article 120 of the Civil Law, jointly acquired property refers to both existing and future movable and immovable assets that the spouses jointly hold. According to the article, the wife may be able to obtain both the rights to the car product and the proceeds from its sales following the divorce, up until the copyright certificate expires.

Copyright

The printing press was developed in the fifteenth and sixteenth centuries, which is when copyright legislation as we know it today emerged. This is mostly because manual copying was very time-consuming and did not pose as much of a threat to writers prior to printing. The UK passed "An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in" in 1709,

which became the first copyright legislation. Access to the copy will be granted to the author or buyer within the time frame mentioned in the agreement. But at least it was obvious: the legislation, which gives writers copyright, was designed to promote education. To do this, the author is given complete ownership of their invention, which empowers them to distribute, grant licenses, and get payment for their work—all of which serve as incentives for the author to continue creating new works. Since then, copyright has advanced significantly, and while the regulations have changed, the basic goal has remained the same. Musicians may safeguard their originality, be compensated for their labor, and manage how their music is used with the aid of copyright. Additionally, it makes the work's creation possible for publication and dissemination. Copyright benefits both parties in that way. Music is enjoyed by society, and musicians are compensated for their artistic talent.

For example, copyright does not care about the "idea's" raw material; rather, it cares about what has been done with it (a specific book, a composition of music, a sculpture, etc.); it does not care what other people could have done with it.

The exclusive right to reproduce a literary, dramatic, musical, or artistic work is known as copyright. This right also extends to performing, translating, filming, or recording such a work. Copyright is based on Article 1 paragraph (1) Copyright Law. As stated in Article 1 Copyright Law: "Copyright can be obtained automatically". When? The principle of obtaining exclusive rights, as stipulated in the law, is at the same time of declaration or notice - Whether the copyright can be categorized as an object or goods, Article 499 of the Civil Law explains that according to the law, goods are every object and every right that can be the object of property rights. Article 503 of the Civil Code states that there are goods that have a body, and there are goods that have no body.

Copyright Law Article 35 paragraph (1) mentioned that "Property that is acquired during marriage become jointly acquired property." Arrangements related to the existence of Jointly acquired Property is clearly stated in Article 36 paragraph (1) "*Regarding jointly acquired property, the husband or wife may act upon the consent of both parties.*" - Economic rights in copyright and how they can be used. Pasal 8 Copyright Law explains that "Economic rights are the exclusive rights of the copyright holder to obtain economic benefits for the creation." Its utilization is by commercializing the Creation as stipulated in Article 9 Copyright Law, so that the creator can obtain the economically beneficial. The Copyright as is written Article 1 paragraph (21) Copyright Law states that A royalty is a reward received by the creator or owner of related rights for the use of the economic rights in a work or related rights product. Arrangements related to royalties are not regulated

in Copyright Law Article 80 paragraph (4) stipulates "Determination of the amount of royalties as referred to in paragraph (3) and the procedures for the payment of royalties". the amount of Royalty as referred to in paragraph (3) and the procedure for granting of royalties shall be based on a licence agreement

between The Copyright Holder or the owner of the Neighboring Right and the Licensee." Regarding the amount, it is not clearly regulated, paragraph (5) only states states "The amount of Royalty in the Licence agreement must be determined based on the prevalence of prevailing practices and fulfil the elements of fairness."

The status of copyright and its benefits in the context of matrimonial property. According to experts, copyright is an intangible movable property regulated by civil law. The birth of a creation creates a copyright. The law is very clear that "rights" are objects; if the object is acquired at the time of marriage, then the "rights" automatically become part of the jointly acquired property as regulated in Article 74. Whether or not royalties become part of the community property after marriage depends on when the copyright was created. If the copyright is acquired at the time of the marriage, then all the benefits of the existence of the copyright will become jointly acquired property, including all derivatives, unless there is a 'prenuptial agreement'. In the event of a divorce and a litigation pertaining to jointly obtained property of one party, royalties may be the subject of jointly acquired property, with the religious court having the authority to divide the royalties from the creative spouse.

METHODOLOGY

This research uses normative methods, namely literature study which consists of: First, Primary legal materials such as : Civil Code, Law No 16 of 2019 on Marriage Law Jo. Law No. 1 of 1974 , Keputusan Mahkamah Konstitusi 69/ PPU-XIII/2015, Copyright Law No. 28 of 2014, Case Study about Virgoun and Inara Rusli (based on Court Ruling No. 1662/Pdt.G/2023/PA.JB). Books and periodicals that are secondary legal materials relevant to this study.

RESULTS

According to Song and Music Copyright Royalty Management, royalties are payment made to the creator or owner of related rights for the use of their economic rights in a creation or related rights product. From the definition of royalties in the legislation shows that royalties are basically derived or sourced from copyright. However, The copyright in Article 1 copyright law is stated that copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized, in a tangible form without reducing the restrictions in accordance with the provisions of laws and regulations. The copyright based on Article 4 copyright law is an exclusive right that consists of moral rights and economic rights, where the economic rights in this case are based on Article 8 copyright law .

Royalties are a part of these commercial rights. In this instance, the judges state that the royalties are an object of jointly acquired property of the marriage because royalties are a portion of the economic rights derived from copyright, while copyright is in accordance with the provisions of Article 16 paragraph (1) of the Copyright Law declared as intangible movable objects. This is in

accordance with the provisions of Article 91 paragraphs (1) and paragraph (3) compilation of Islamic law (KHI).

The song "Surat Cinta untuk Starla, Bukti, dan Selamat Tinggal" is jointly acquired property because of Inara's role as the source of inspiration; thus, Inara wins the lawsuit pertaining to jointly acquired property. Virgoun also admits it himself. Thus, Inara is considered to be involved in the composing process and is entitled to get royalty rights for the songs. Not only that, Inara had a right to claim the status of the jointly acquired property without a time limit, and it could be passed down as inheritance for her descendants.

Inara Rusli's royalty rights claim is considered as a positive step, providing insight that royalty rights are assets that can be managed as part of jointly acquired property in a divorce. It may also open the door to similar practices in Indonesia and provide the public with an understanding of the importance of royalty rights as a valuable asset. The author suggests that songwriters pay more attention to the license contracts and royalty rights, while authorities such as the LMKN are also expected to ensure a fair distribution of royalties to spouses and families, especially in divorce situations.

DISCUSSION

The Friedman Theory's Notion of Fairness Apply to the Resolution of a Music Royalties Litigation Involving Jointly Acquired Property

According to Lawrence M. Friedman's theory of legal systems, the creation of a legal system is made up of three parts: legal content, legal structure, and legal culture. The rules and regulations controlling property in marriage, specifically Law No. 1 for 1974 chapter V Article 29 and Law No. 28 of 2014 Article 16 paragraph (1), constitute the legal instrument in dispute. The legal structure is the component of the District Court or Religious Court that handles divorce cases ranging from prosecutors, judges and lawyers, up to the District Court or Religious Court. Legal culture is how people behave and responses about jointly acquired property cases in divorce lawsuits.

Lawrence M. Friedman states that disruptions of the structure and substance in law occur because they are static. The factor that provides input is the external social world. The legal system is not insular and isolated, but is highly dependent on external inputs. Sustainable social forces, overhauling the legal order, reforming it, sorting out which parts of the law to apply and which not, and which parts to be changed. This is what is called legal culture. Friedman defines it, *It is the element of social attitude and value. The phrase "social forces" is itself an abstraction; in any event have needs and make demands; these sometimes do and sometimes do not invoke legal process, depending on the culture.*

Legal culture refers to the beliefs, principles, attitudes, viewpoints, and actions of a community toward the administration of justice. This has to do with people's knowledge, comprehension, and acceptance of the laws that govern them. As a component of the legal system, legal culture necessitates that the law be viewed as a social reality that exists in society as well as a set of written regulations. This indicates that non-legal elements like people's beliefs, attitudes, and opinions on the laws passed have a significant impact on the law.

Friedman's Theory's Justice Principle Influence the Court's Ruling In A Jointly Acquired Property Litigation Involving Song Royalties

According to Friedman, the concept of justice is the idea of how to bring people together and what things they should get, ethically reviewed, no more and no less. The legal system is used to distribute what is right and proper, or perhaps most convenient, among people and groups.

Nur Izzah's research (2022) on legal protection of women mentioned that there is still gender inequality. This is because the role of judges in using the authority they have because of their position (*ex-officio*) does not work to realize justice in examining and adjudicating cases of contested divorce with the imposition of maintenance obligations.

The analytical knife that the author uses in this research uses Friedman's Legal System Theory where the legal structure (in this case is the Judges) cannot be passive towards legal developments. Judges must upgrade themselves to the new legal discoveries. In Court Ruling No. 1662/Pdt.G/2023/PA.JB is a lawsuit of divorce as well as a lawsuit for jointly acquired property against copyrighted songs which is the first case in Indonesia.

In legal culture, the discussion is focused on efforts to shape public legal awareness, shaping public understanding to fulfill a sense of justice, not discriminating, responsive or not. So reorganize the regulatory materials against the law, and provide legal services to the community.

Every time something that someone else buys or uses something that they have made or created, a writer, singer, inventor, etc., may get royalties. Law No. 28 for 2014 (Copyright) and its related laws, including Government Regulation (PP) No. 56 for 2021 about the administration of royalties on music or songs, govern this kind of payment. Article 20 of the Copyright Law lists additional rights related to copyright and specifies that these are exclusive rights granted by phonographs, performers, broadcasting organizations, and producers.

One of the composer's intellectual property rights is the copyright to songs or music. According to Article 1 Paragraph (2) of the Copyright Law, the composer may own the copyright jointly or separately. This clause about jointly might be read to refer to either individuals who are married or individuals who are no

Article 35 paragraph (1) of the Marriage Law contains provisions pertaining to joint property. It states that jointly acquired property is defined as property acquired during a marriage, and royalties derived from copyrights may be classified as jointly acquired property provided certain requirements are met. First, royalties earned during a marriage can be claimed as jointly acquired property as the copyright is still in effect during the marriage. Second, the royalties might be asked for as a component of the split of jointly acquired property because the copyright was acquired during the marriage but new royalties exist after the divorce.

In Indonesia, the *Lembaga Manajemen Kolektif Nasional* (LMKN) is authorized to collect, and distribute royalties from various sectors, including music concerts, commercial karaoke, restaurants, radio, and others. Copyright is considered a material right, and Article 16 paragraph (1) Copyright Law states

that copyright is an intangible movable property. Intellectual Property Rights can be owned individually or jointly by several people, including those in a marriage status. A Marriage Agreement or Postnuptial Agreement becomes important in this context, where property generated during the marriage is considered as jointly acquired property. Music, as an intangible creation, has inherent economic rights and moral rights. These economic rights give copyright an economic value, and protection of a song or music copyright lasts for the life of the creator and seventy years thereafter.

The author brings up the case of Inara Rusli, who sought royalty rights from her ex-husband Virgoun, in the context of a divorce. The rules governing jointly acquired property can be used to determine how the economic value of the royalties is divided if it is established that the music was composed during the marriage. Examples from well-known celebrity divorces, like that of Paul Simonon and John Lennon, demonstrate how royalties can be managed for the inheritors and included in jointly acquired property.

CONCLUSIONS AND RECOMMENDATIONS

1. Chapter V, Article 29 of Marriage Law No. 1 for 1974 specifies that it must be made before or on the day of marriage and that it takes effect on that day. A prenuptial agreement cannot be changed unilaterally or without the parties' approval. It also cannot contravene any laws, religious beliefs, or social norms.
2. Legal protection for jointly acquired property following the divorce decision outlined in Constitutional Court's Ruling No. 69/PUU-XIII/2015. Making a marriage agreement between the husband and wife is one way to get a divorce. In order for the marriage contract to be legally binding on persons other than the husband and wife, it must also be recorded. Furthermore, jointly acquired property is legally protected by a marriage agreement.
3. Aspects of justice for the parties must be taken into consideration when dividing jointly acquired property. Whether or not intellectual property rights can be included in jointly acquired property is unrelated to whose name the copyright is registered. Finding out if the property was acquired during the marriage is the most crucial thing to do first. Furthermore, how will copyright and trademark earnings be divided between the divorcing husband and wife if it is later established that copyright exists?
4. As of right now, utilizing a notary to draft a Prenuptial Agreement is crucial when dividing jointly acquired property in a divorce because it is a legitimate document whose legitimacy is established by the relevant laws and regulations.
5. Regarding intellectual property rights in marital property, particularly with regard to jurisdiction over future revenue, there are no controlling laws. Therefore, in order to determine the status of married couples, it is required to amend the law regarding intellectual property rights.

FURTHER STUDY

No rose without thorn, perhaps this is the best proverb to describe this research. This topic is new nowadays but will be out of date in five or ten years. For this reason, readers can further refine it by conducting a combination technique with qualitative methods using respondents.

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REFERENCES

- Andreas Rahmatian, Copyright and Creativity, United Kingdom : Edward Elgar Publishing Limited, 2011.
- Anis Mashdurohatun. (2020). Transfer of Intellectual Property Rights (Studies on the Division of Joint Property (Gono-gini) Post-Divorce. *Advances in Economics, Business and Management Research*.
<https://doi.org/10.2991/aebmr.k.200226.014>
- Arso. (2017). Hak Atas Kekayaan Intelektual (HAKI) Sebagai Harta Bersama Perspektif Kompilasi Hukum Islam. *Al-Daulah: Jurnal Hukum dan Perundangan Islam*. <https://doi.org/10.15642/ad.2017.7.1.28-56>
- Evi Djuniarti. (2017). Hukum Harta Bersama Ditinjau Dari Perspektif Undang-Undang Perkawinan Dan KUH Perdata. *Jurnal Penelitian Hukum De Jure*.
<http://dx.doi.org/10.30641/dejure.2017.V17.445-461>
- Farida Sekti Pahlevi. (2022). Pemberantasan Korupsi Di Indonesia: Perpektif Legal System Lawrence M. Friedman, *Jurnal El-Dusturie*. DOI : [10.21154/eldusturie.v1i1.4097](https://doi.org/10.21154/eldusturie.v1i1.4097)
- Friedman, Lawrence, *The Legal System: A Social Science Perspective*, Cetakan Kelima, Bandung: Nusa Media, 2013.
- Hayleigh Boshier , Copyright in the Music Industry: A Practical Guide to Exploiting and Enforcing Rights, United Kingdom; Edward Elgar Publishing , 2021.
- Irma Sylviyani Herdian. (2020). Kepemilikan Hak Kekayaan Intelektual Merek Sebagai Harta Bersama Dalam Kasus Perceraian. *Jurnal Aktualita*. DOI: <https://doi.org/10.29313/aktualita.v0i0.6038>
- Kelvin Adytia Pratama, Tuntutan Hak Royalti Lagu Ciptaan dalam Gugatan Cerai, Bisakah Dilaksanakan?
<https://www.hukumonline.com/berita/a/tuntutan-hak-royalti-lagu-ciptaan-dalam-gugatan-cerai--bisakah-dilaksanakan-1t64e86694a7fd1?page=3>
- Lea C. Noelke and Andrea (Andi) St. Leger ,Intellectual Property Issues In Divorce, Jim LaRue Publisher.

- Marina Abu Bakar, et.al. (2021). Issues on Intellectual Property as a Jointly Acquired Property: A Critical Analysis from Shariah and Law Perspectives. *Linguistics and Culture Review*. <https://doi.org/10.21744/lingcure.v5nS4.1922>
- Mira Henstin, et.al. (2016). Pembagian Harta Bersama Berbentuk Tabungan Bank Dalam Perkara Gugatan Harta Bersama. *Journal Ilmu Hukum*. <https://ojs.unud.ac.id/index.php/kerthasemaya/article/view/41960>
- Muhammad Farahin Mazlan, et.al (2022). Status Hak Cipta Sebagai Harta Sepencarian Menurut Perspektif Perundangan Syariah. *Dewan Bahasa dan Pustaka*. DOI: [https://doi.org/10.37052/kanun.34\(1\)no2](https://doi.org/10.37052/kanun.34(1)no2)
- Nur Izzah. (2022). Perlindungan Hukum Terhadap Perempuan Tentang Harta Bersama. *Sosains*. <https://dx.doi.org/10.36418/sosains.v2i6.408>
- Pasca Puja Estryana. (2022). Peranan Notaris Dalam Pembuatan Akta Pembagian Harta Bersama Akibat Perceraian. *Locus Delicti*. DOI: <https://doi.org/10.23887/jld.v3i2.1610>
- Safira Maharani Putri Utami dan Siti Nurul Intan Sari Dalimunthe. (2023). Penerapan Teori Keadilan Terhadap Pembagian Harta Bersama Pasca Perceraian. *USM Law Review*. DOI: <http://dx.doi.org/10.26623/julr.v6i1.6899>
- Siti Nur Aisyah. (2022). Analisis Putusan Hakim tentang Percampuran Harta Bawaan dan Harta Bersama Perspektif John Bordley Rawls. *Intelektualita: Keislaman, Sosial, dan Sains*. DOI: [10.19109/intelektualita.v11i1.10267](https://doi.org/10.19109/intelektualita.v11i1.10267)
- Smart Podcast with Selvia Ananda Tria Vista as a informan from PDB law firm, September 29, 2023 <https://www.youtube.com/watch?v=R1miVZk9ZaY>
- Titie Rachmiati Poetri. (2020). Penyelesaian Pembagian Hak Cipta Dan Hak Atas Merek Sebagai Harta Bersama Dalam Perceraian Islam. *Lex Renaissance*. <https://doi.org/10.20885/JLR.vol5.iss2.art6>