



A Comparative Legal Analysis of Intellectual Property as Marital Property: Perspectives from Indonesia, the United States, and Europe

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ABSTRACT

This study examines the regulation of copyright royalties as marital property in Indonesia, the United States, and Europe, aiming to provide recommendations for better legal implementation. It applies a case approach and a comparative law approach, using library research and qualitative analysis. The findings show that Indonesia, the United States, and Europe share similarities in recognizing royalties as marital property. However, European countries tend to more clearly distinguish between exclusive rights and economic rights, while the United States demonstrates considerable flexibility through its regulatory variations. Indonesia still requires clearer and more comprehensive regulations to ensure legal certainty regarding the status of royalties as marital property and their distribution after divorce.

INTRODUCTION

Marriage is a physical and spiritual bond between a man and a woman united as husband and wife with the purpose of forming a harmonious, prosperous, and lasting family in accordance with the values of the Belief in the One and Only God. Marriage not only functions as the union of two families but also gives rise to binding legal consequences. After marriage, a man and a woman are bound in various legal relationships, including as husband and wife, as parents to their children, and as legal subjects who hold rights over marital property.

In social reality, married life often encounters various challenges that may lead to disharmony or conflict between husband and wife. As a result, many couples choose divorce as a means of resolving such disputes. This phenomenon illustrates that divorce is a legal consequence that arises when a marital relationship can no longer be maintained. One of the legal consequences of divorce concerns the division of marital property. This matter is regulated under Article 37 of the Marriage Law, which stipulates that when a marriage ends due to divorce, the settlement of marital property shall be carried out in accordance with the respective laws of the parties. The term “their respective laws” refers to provisions derived from religious law, customary law, or other applicable legal regulations, as explained in the elucidation of the Marriage Law.

One of the divorce cases that attracted widespread attention from the media and the public in Indonesia was the divorce case between Ina Idola Rusli and Virgoun Putra Tambunan. The case was decided by the Pengadilan Agama Jakarta Barat through Decision Number 1622/PDT.G/2023/PA.JB dated 10 November 2023. The case originated from a lawsuit filed by Inara, as Virgoun’s wife, before the West Jakarta Religious Court. In her claim, Inara not only petitioned for divorce but also sought the division of marital property in the form of royalty income derived from songs composed by Virgoun, including “Surat Cinta Untuk Starla,” “Bukti,” and “Selamat” which were earned during the course of the marriage.

Based on the decision of the West Jakarta Religious Court, the marital property in the form of royalties from the aforementioned songs was ordered to be divided equally, with 50% allocated to Virgoun Putra Tambunan and 50% to Ina Idola Rusli. The determination of this division was grounded in the panel of judges’ consideration that royalties constitute part of economic rights derived from Copyright. Considering that Copyright, as regulated under Article 16 paragraph (1) of Law Number 28 of 2014 on Copyright, is classified as an intangible movable property, and by referring to Article 91 paragraphs (1) and (3) of the Compilation of Islamic Law, royalties may therefore be qualified as an object of marital property within a marriage.

The decision has sparked debate among academics and legal practitioners, particularly concerning the mechanism for executing the division of marital property and determining the amount of royalties to be allocated, given that royalties constitute income that continues to accrue throughout the term of copyright protection. This controversy stems from a fundamental question regarding how Copyright, which in principle is exclusive and personally

attached to its creator, can be classified as marital property. In addition, there is legal uncertainty regarding the period and the value of royalties that constitute the object of division, both during the marriage and after the dissolution of the marital relationship. The debate has intensified due to the complex economic and regulatory aspects involved, as royalties possess the characteristics of long-term income with significant and continuing economic value, thereby creating challenges in their application as an object of marital property. (Septiani, 2025).

Intellectual property has now become an important financial consideration for couples who are about to divorce. Determining the value of royalties is neither easy nor simple, as it requires careful consideration of various aspects involved in assessing intellectual property. However, to date, there are no specific regulations in Indonesia governing the status of royalties as marital property, nor are there clear limitations on rights and mechanisms for their distribution after divorce.

In other countries, the regulation of royalties as part of marital or community property demonstrates considerable diversity. In some jurisdictions, royalties are treated as joint assets that must be divided upon divorce, while in others their status depends on the time and manner in which the royalties were generated. For example, royalties received during the marriage may be subject to different legal treatment compared to royalties derived from works created before the spouses entered into marriage. These differing approaches reflect variations in culture, legal systems, and perspectives on intellectual property rights and economic contribution within marital relationships.

The recognition of royalties as marital property in the United States varies from state to state. In certain jurisdictions, royalties earned during the marriage are classified as community property and must therefore be divided proportionally between husband and wife upon divorce. However, there are also jurisdictions that take into account the timing and process through which the royalties were obtained. If the royalties originate from a work that was created prior to the marriage, they may be excluded from the category of marital property, even if the payments are received during the marriage. This variation demonstrates that the legal system in the United States possesses flexibility in regulating matters related to intellectual property rights within the context of divorce (Rizqullah, 2024).

In Spain, intellectual property rights and industrial property rights are characterized as separate property within the community property regime, as well as within other matrimonial property regimes of a similar nature, as regulated under regional legal provisions. A different matter concerns the proceeds or income derived from those rights during the marriage. In this regard, Article 1347(2) of the Código Civil provides that the fruits, income, or interest generated from either separate property or community property are to be classified as community property. This view, based on analogous or similar reasoning, represents the majority position adopted in both legal doctrine and jurisprudence (Vega, 2020).

Departing from the foregoing discussion, it is evident that the issue of the legal status of royalties as an object of marital property in divorce does not merely

concern normative aspects, but also involves complex conceptual and practical dimensions. On the one hand, royalties constitute a manifestation of economic rights arising from Copyright, which is exclusive and personal in nature. On the other hand, royalties also possess the characteristics of economic benefits obtained during the marriage and may therefore be qualified as marital property.

The lack of specific regulation, particularly within the Indonesian legal system, creates broad room for interpretation, as reflected in judicial practice, and potentially gives rise to legal uncertainty for the parties involved. Therefore, a comprehensive analysis is required regarding the conceptual basis for categorizing royalties as marital property, their temporal and substantive limitations, as well as the mechanism for their division after divorce. Such analysis should take into account comparative regulations in various countries in order to formulate normative arguments and recommendations that may contribute to the development of clearer and more equitable legal regulation.

LITERATURE REVIEW

1. Theory of Legal Certainty

Law embodies several fundamental values that guide its application, including legal certainty, utility, and justice. These three values must be considered and interpreted proportionally in order to achieve a sound and balanced legal system. Legal certainty (*rechtszekerheid*) in essence constitutes the very identity of law itself. Law without certainty would lose its meaning, as social order is closely connected to legal certainty. Legal certainty is a crucial principle for law enforcement (*rechtshandhaving, rechtsuitvoering*) and for legal acts (*rechtshandeling*). (Chandra, 2022).

According to Utrecht, as cited by Peter Mahmud Marzuki, legal certainty has two meanings. First, it provides the public with knowledge of what is permitted and what is prohibited. Second, law functions as an instrument to protect the interests of individuals and/or society from all forms of arbitrariness by those in power. (Simanjuntak, 2023). In essence, the principle of legal certainty is understood as a condition in which law has been firmly established because it possesses concrete binding force. The existence of legal certainty serves as protection for justice seekers (*justitiabelen*) against arbitrary actions, meaning that a person is able to obtain what is legitimately expected under certain circumstances. Normatively, legal certainty exists when a regulation is enacted and promulgated in a definite manner, as it regulates matters explicitly, clearly, and logically. "Explicit and logical" means that the regulation does not give rise to doubt or multiple interpretations, while "clear" means that its norms do not conflict with one another or create normative inconsistencies.

In divorce cases, the theory of legal certainty functions as a foundation to ensure that the division of marital property is carried out according to objective, structured, and predictable standards. Legal certainty requires clear criteria regarding the identification of marital and separate property, the timing of acquisition, the method of proving the origin of assets, as well as the methods of valuation and distribution. In this way, the parties have clear guidance concerning the legal consequences arising from the dissolution of the marriage.

In practice, the role of legal certainty becomes crucial because divorce disputes are generally emotional in nature and may give rise to unilateral claims. Therefore, legal certainty directs the process of division so that it does not depend on the subjectivity of the parties or inconsistencies in case handling, but rather on rules and procedures that are accountable and justifiable.

2. Progressive Legal Theory

Progressive legal theory originated from the ideas of Satjipto Rahardjo, who was concerned about the manner in which law was administered in Indonesia. The progressive approach emphasizes that in examining a legal phenomenon, one should adopt a holistic, integrative, and comprehensive perspective (Richard, 2024). However, in reality, many cases within society are still resolved through a formalistic approach that focuses solely on normative provisions, resulting in a failure to reflect the genuine values of justice that live and develop within society.

According to Satjipto Rahardjo, progressive law enforcement means implementing the law not merely according to the black-and-white wording of regulations, but based on the deeper spirit and meaning of statutes or law in its broader sense. The values pursued in progressive legal theory include justice, moral and spiritual values, and substantive justice – namely, values that evolve and are nurtured within social life (Richard, 2024).

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The development of progressive legal theory has generated considerable debate in various scholarly discussions aimed at critically examining its existence and implementation within society. Criticism directed at the concept of progressive law is largely epistemological in nature, questioning whether progressive law constitutes a legal theory or merely a stream of thought within the philosophy of law. Critics also challenge the research methods used in constructing the concept of progressive law. Satjipto Rahardjo stated that progressive law is not a final concept, but one that continues to evolve in line with efforts to formulate a comprehensive framework for restructuring Indonesian law (Santiago, 2024).

Progressive law opens space for the creativity of law enforcement officials to interpret regulations more flexibly by taking into account the surrounding social context. In this way, law is understood as a dynamic and responsive process, capable of adapting to societal needs while addressing challenges that may not always be accommodated within a formal legal framework. The application of progressive law in divorce cases, particularly with regard to the division of marital property, places judges in a position not merely to adhere to normative provisions, but also to consider the social dynamics that shape modern family life. Progressive law thus guides the resolution of divorce disputes so that

decisions do not become rigid or unjustly disadvantage one of the parties. Through this approach, the division of marital property is expected not only to fulfill the principle of legal certainty, but also to provide moral and social protection that reflects a legal system responsive to societal development.

METHODOLOGY

This research employs both a case approach and a comparative law approach. The case approach is conducted by examining several cases related to the legal issue under discussion. The object of analysis in the case approach is the ratio decidendi or reasoning, namely the court's considerations in arriving at a decision. The comparative approach is carried out by comparing statutes and court decisions in one country with those of another country concerning the same legal issue, in order to provide a deeper understanding.

This normative juridical research is conducted through library research by collecting various sources, including legislation, court decisions, books, journals, papers, undergraduate theses, master's theses, doctoral dissertations, research findings, and other relevant literature. The legal materials are analyzed using qualitative analysis.

RESEARCH RESULT

1. Regulation of Copyright Royalties as Marital Property under Indonesian Laws

A copyrighted work produced through the creator's creativity, which subsequently generates royalties, essentially constitutes the creator's right to obtain economic rights or financial benefits from the work he or she has created. Such financial benefits represent income that supports the welfare of the creator. Under Government Regulation (PP) Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties, Article 1 paragraph (1) defines royalties as remuneration for the utilization of the economic rights of a work or related rights product received by the creator or the owner of related rights.

The regulation of royalty payments provides legal certainty for both users of copyrighted works and creators, while also fostering a conducive climate for the development of the creative industry. However, within the context of marital life where one or both spouses hold Copyright that generates royalties further legal issues arise regarding the recognition of royalties as marital property and their division in the event of divorce.

One example of a divorce case in Indonesia that attracted public attention involved Ina Idola Rusli as the Plaintiff and Virgoun Teguh Putra as the Defendant. The case drew significant attention because it involved two well-known public figures. The Plaintiff not only sought child custody and the division of movable and tangible property, but also claimed rights to royalties from several songs that were composed and registered during the course of their marriage. The panel of judges at the West Jakarta Religious Court, through Decision Number 662/Pdt.G/2023/PA.JB, partially granted the claims submitted by Inara, including her entitlement to royalty income. In this case, the panel of judges determined that the net royalty income received by the

Defendant constituted marital property. The economic benefits derived by the Defendant from the Copyright took the form of royalties, and Copyright itself is classified as intangible movable property under Article 16 paragraph (1) of the Copyright Law. Therefore, pursuant to Article 91 paragraphs (1) and (3) of the Compilation of Islamic Law, such royalties may be categorized as an object of marital property.

After affirming that royalties may be classified as marital property within a marriage, the judges ruled that one-half ($\frac{1}{2}$) of the royalties belonged to the Plaintiff and the remaining one-half ($\frac{1}{2}$) belonged to the Defendant. The Court further ordered the Defendant (in the principal claim) to divide and deliver one-half of the royalties to the Plaintiff (in the principal claim) as her lawful share. The panel's consideration in making this division referred to Article 37 of Law Number 1 of 1974 in conjunction with Article 97 of the Compilation of Islamic Law, which provides that marital property shall be divided equally between the former husband and former wife unless otherwise stipulated in a prenuptial agreement.

The designation of royalties as marital property in the *a quo* decision has given rise to differing interpretations among academics and practitioners regarding the temporal limits for calculating royalty income as marital property and dividing it between the parties in accordance with the court's ruling. The panel of judges merely determined that one-half ($\frac{1}{2}$) of the royalty income received by the former husband should be allocated to each party. However, the panel did not specify or calculate the exact amount of royalties to be divided by the former husband. Moreover, in its legal reasoning, the panel did not clearly classify whether the royalties considered as marital property were limited to those received during the marriage or whether they also encompassed potential future royalty income that continues to accrue after the divorce. This uncertainty stems from the intersection between the nature of Copyright as a continuing and long-term exclusive right and the principle of marital law which, normatively, terminates the joint proprietary relationship upon divorce.

Copyright is not explicitly mentioned in the Marriage Law or in the Compilation of Islamic Law as marital property. Nevertheless, Article 35 of the Marriage Law provides that property acquired during the marriage constitutes marital property. Furthermore, Article 91 of the Compilation of Islamic Law stipulates that marital property may consist of tangible assets—including movable and immovable property as well as intangible assets, including rights and obligations. Article 16 paragraph (1) of the Copyright Law states that Copyright is an intangible asset. Although neither the Copyright Law nor the Compilation of Islamic Law explicitly regulates the status of Copyright as marital property within a household, by recognizing property in the form of rights, Copyright may be categorized as marital property. If Copyright is registered after the marriage has taken place, it acquires the status of marital property, and consequently the economic rights derived from it in the form of royalties become joint property of the husband and wife. In the event of divorce, the royalties obtained must therefore be divided between the parties.

Fatwa of the Indonesian Council of Ulama Number 1 of 2003 concerning Copyright states that Copyright is regarded as one of the *huquq maliyyah* (proprietary rights) that receives legal protection (*mashun*) similar to *mal* (property/wealth). Copyright may serve as the object of a contract (*al-ma'qud 'alaih*), whether in the form of a *mu'awadhah* contract (exchange or commercial transaction) or a *tabarru'at* contract (non-commercial transaction), and it may also be endowed (*waqf*) and inherited.

Economic rights arising from Copyright that are acquired during a marriage have direct implications for the division of marital property in the event of divorce or other legal occurrences. This demonstrates consistency between positive law and religious fatwas in recognizing intellectual assets as part of family property that must be managed and divided fairly. Furthermore, the harmonization between state law and Islamic law strengthens legal certainty and provides more comprehensive guidance for courts in resolving disputes over marital property involving Copyright and royalties as sources of economic benefit. The determination of royalties as an object of marital property division may be based on the time at which the Copyright arises. If the Copyright comes into existence during the marriage, the royalty income obtained during the marriage may constitute marital property. Moreover, if the Copyright arises during the marriage but the royalty income is received after the divorce, such royalty income may still be claimed as an object of marital property division (Poetri, 2020).

After the dissolution of the marriage, it is highly possible that royalties will continue to be received by the spouse who is the Creator and Copyright Holder, as long as the economic rights remain in force in accordance with the duration stipulated under the Copyright Law. As provided in Article 58 paragraph (1) of the Copyright Law, the term of economic rights lasts for the lifetime of the Creator and continues for 70 years after the Creator's death. Therefore, a former spouse may claim royalties obtained after the divorce, provided that such entitlement has been determined in a court decision that has obtained permanent legal force.

The court decision has become a legitimate legal basis for a former spouse to claim the division of royalties to which he or she is entitled, even though no statutory provision expressly regulates the matter in written legislation. In principle, royalties are regarded as derivative rights of a *sui generis* nature, since their existence depends upon Copyright and they are therefore subject to the specific provisions of the Copyright Law. One relevant principle of property law that may be applied is that royalties may be transferred, provided that such transfer is carried out by a party who has the legal authority to perform the juridical act. Accordingly, the integration between civil property law and copyright regulation reinforces the recognition of royalties as assets possessing economic value that may be transferred and assigned by law, including through a court decision.

2. Regulation of Copyright Royalties as Marital Property in the United States and Europe

The status of royalties as marital property varies significantly across countries. In some countries, royalties are considered part of marital property and must be divided upon divorce. In other countries, the determination of royalty status depends on how and when the income was earned. For example, royalties generated during the marriage may be treated differently from royalties derived from works created before the marriage. These differing approaches reflect variations in cultural backgrounds, legal systems, and perspectives on intellectual property rights and the economic contributions of spouses within a marriage. (Rizqullah and Fuad, 2024).

In the United States, the treatment of royalties as part of marital property is not uniform, as it depends on the law of each individual state. There are two main regimes for dividing marital property: community property and equitable distribution. In states that apply the community property system, such as California and Texas, royalties earned during the marriage are classified as marital property and are divided equally in the event of a divorce. Conversely, in states that follow the equitable distribution system, such as New York, courts determine the division of property based on principles of fairness, which may not necessarily mean an equal split but rather a division deemed just according to the contributions of each party during the marriage. (Rizqullah and Fuad, 2024).

This difference in approach reflects the flexibility of the United States legal system in handling disputes related to intellectual property rights. One notable case in California involved the divorce of Frederick L. WORTH, author of *Trivia Encyclopedia* and *The Complete Super Trivia Encyclopedia, Volume II*, and his wife, Susan M. WORTH. They officially divorced in 1982 and agreed to divide the royalties from these books equally. In 1984, Frederick L. WORTH filed a lawsuit in Federal Court against the producer of the game *Trivial Pursuit*, alleging copyright infringement over certain questions that were allegedly copied from his work. Subsequently, Susan M. WORTH petitioned the court for a claim to half of the royalties derived from this litigation, and the court granted her request. The principle applied was that Copyright is considered Community Property, meaning that all property, including copyrights and any income arising from them, belongs jointly to both spouses as long as the work was registered or published during the marriage (Findlaw, n.d.). The court established a key point: income from copyright infringement litigation is treated as "income generated by work done during marriage," entitling Susan to one-half of the proceeds as a consequence of community property.

In another case in the United States in 2015, the Massachusetts Probate and Family Court ruled that future royalties from a wife's successful novel must be fairly divided between the parties. The division initially applied only to royalties earned during the marriage, as the trial court considered future royalties to be too speculative. However, the husband appealed the decision. The appellate court granted the husband's request, ruling that he was entitled to future royalties even though the exact amounts and payments to be received by the wife could not yet be determined, because the right to receive those royalties and other

payments had been contractually established at the time of the divorce (Turco Legal, 2017).

The regulation of royalties in the United States covers several important aspects, including the accompanying tax consequences. Royalties are generally classified as a form of income and are therefore subject to federal income tax. The Internal Revenue Service (IRS) provides guidelines governing the reporting and payment of taxes on income derived from royalties. In addition to federal taxes, some states may also impose state income taxes on royalties. Beyond taxation, contractual arrangements play a critical role in the management and division of royalties. Agreements between the creator or rights holder and the licensee typically include detailed provisions regarding revenue-sharing mechanisms, payment schedules, and other relevant terms (Rizqullah and Fuad, 2024). In the event of a dispute, courts will review the terms of these agreements to determine the rights and obligations of each party proportionally.

Civil law jurisdictions in Europe demonstrate varied approaches to intellectual property within marital property regimes, although comprehensive rules specifically addressing royalties in the context of divorce remain limited in the available literature. In Spain, intellectual property rights and industrial property rights are, in principle, classified as personal property, whether under the community property regime or other marital property systems with similar characteristics, in accordance with applicable regional laws. However, a different treatment applies to the economic benefits or income derived from such rights during the marriage. Referring to Article 1347(2) of the Spanish Civil Code (Código Civil), it is affirmed that profits, income, or interest generated from personal property or marital property are still classified as marital property. This view, based on similar reasoning, is dominant in both legal doctrine and judicial practice in Spain (Vega, 2020).

Under the legal framework in the Republic of Moldova, a clear distinction exists between exclusive rights to intellectual property and the economic benefits derived from it within marital property regimes. Intellectual property rights, including copyrights and related rights, remain classified as the personal property of the creator, even if created during the marriage. Therefore, ownership of these rights does not automatically convert into marital property solely because they were acquired within a marital relationship. This approach emphasizes the personal and exclusive nature of intellectual property as part of the creator's legal identity.

However, income or royalties derived from the use of intellectual property during the marriage are classified as marital property. In other words, the economic benefits generated during the marriage are subject to the principles of marital property division in the event of a divorce. Such division is generally carried out proportionally or equally, unless otherwise specified in a prenuptial agreement. This regulatory model demonstrates that Moldovan law seeks to balance the protection of the creator's personal rights with the principle of fairness in distributing economic benefits within the family. Intellectual property rights of spouses in Moldova indicate that the Moldovan legal system is developing a framework to determine whether income from intellectual activity

constitutes jointly acquired or personal property (Bodul, 2024). This shows that civil law jurisdictions outside Indonesia also grapple with similar classification questions.

3. Comparative Regulation of Copyright Royalties as Marital Property in Indonesia, the United States, and Europe

The comparison of the regulation of royalties as marital property in Indonesia, the United States, and Europe reveals fundamental differences in normative approaches and judicial practice. These differences relate not only to the legal systems adopted but also to how each jurisdiction understands the relationship between intellectual property as a personal right and royalties as an economic benefit.

In Indonesia, the regulation of royalties as marital property is not explicitly set out in a single specific provision. The determination of royalty status is largely based on a systematic interpretation of the Marriage Law, the Compilation of Islamic Law, and the Copyright Law. Through this approach, royalties earned during the marriage tend to be classified as marital property. The Indonesian approach treats Copyright as an intangible asset that may have economic value. However, debates arise when determining whether the Copyright itself or only its economic benefits can constitute marital property.

Another issue that arises in Indonesia concerns royalties that continue to accrue after a divorce. The absence of explicit regulation requires judges to rely on legal construction and principles of justice to determine the timeframe and mechanism for post-divorce royalty distribution. In judicial practice, Decision Number 1622/PDT.G/2023/PA.JB dated November 10, 2023, has become a precedent in Indonesian law, as it was the first divorce case to demand the designation of royalties as marital property and their division. Consequently, the ruling has sparked considerable debate and controversy.

In contrast to Indonesia, the legal system in the United States shows variation depending on state law. In states that follow the community property system, royalties earned during the marriage are automatically classified as marital property and divided equally upon divorce. Conversely, in states that apply equitable distribution, the division of royalties is determined based on principles of fairness. Judges consider various factors, such as each spouse's contributions, the duration of the marriage, and potential future income, before deciding the proportion of the division.

Jurisprudence in the United States also demonstrates a development in recognizing future royalties as part of marital property, provided that the rights were established or agreed upon during the marriage. This offers relatively stronger legal certainty compared to systems that rely solely on general interpretation.

In Europe, approaches observed in countries such as Spain and Republic of Moldova tend to draw a clear distinction between intellectual property rights and the economic benefits derived from them. Copyright, as a personal right, remains classified as the creator's personal property. However, economic benefits in the form of royalties earned during the marriage are considered marital property. This approach reflects a conceptual separation between corpus (the right itself)

and fructus (the income it generates), thereby protecting personal rights without disregarding the principle of fairness within the family.

Overall, when comparing implementation, Indonesia shares similarities with Europe in recognizing royalties as marital property as long as they are earned during the marriage. However, European systems generally enforce a clearer separation between the exclusive right and its economic benefits. The United States, on the other hand, demonstrates high flexibility through variations in state systems and evolving court precedents. This flexibility allows adjustments to the characteristics of each case but may also create inconsistencies across jurisdictions.

This comparison illustrates that regulating royalties as marital property requires a balance between protecting the personal rights of the creator and upholding the principles of distributive justice in family law. The experiences of the United States and Europe can serve as a reference for Indonesia in formulating more explicit and comprehensive regulations.

CONCLUSIONS AND RECOMMENDATIONS

Practices in various jurisdictions indicate that royalties derived from copyrights are increasingly recognized as part of marital property with significant economic value, especially when the works are created during the marital relationship. Countries such as the United States and those in Europe treat royalties as an economic element tied to a spouse's creative contribution, so that rights to the royalties can be attributed to both parties.

This comparison shows that, both in foreign legal systems and in Indonesia, there is a tendency to treat royalties as economic assets arising from efforts and contributions during the marriage, making them appropriate to be included as marital property when the relationship ends. However, the differences between countries lie in the clarity of regulation: some countries have explicitly established rules, whereas Indonesia tends to regulate royalties through interpretation of the concept of marital property within family law.

Therefore, harmonizing understanding and strengthening regulations regarding the status of royalties in marriage is an important step to provide legal certainty, particularly for couples who rely on income from intellectual works and creative processes. More explicit and comprehensive statutory provisions are needed regarding the status of copyrights and royalties as marital property, alongside stronger integration between family law and intellectual property law, to prevent inconsistent interpretations especially concerning royalties that are ongoing and may continue to arise in the future.

ADVANCED RESEARCH

This study has several limitations that should be acknowledged. First, the analysis primarily relies on normative legal research focusing on statutory regulations, doctrinal interpretation, and selected judicial decisions in Indonesia, the United States, and certain European jurisdictions. As a result, the study may not fully capture the practical complexities that arise in the enforcement and execution of court decisions concerning royalty division after divorce. Second, the comparative analysis is limited to selected jurisdictions and does not

comprehensively represent the diversity of approaches adopted in other legal systems, particularly in countries with mixed or hybrid matrimonial property regimes. Third, the valuation mechanism of royalties, especially future royalties that continue to accrue after divorce has not been examined through empirical financial assessment models, which may affect the practical implementation of equitable distribution.

Future research is therefore recommended in several directions. Empirical socio-legal studies examining how courts calculate, supervise, and enforce royalty distribution orders would provide deeper practical insights. Further interdisciplinary research combining legal analysis with financial valuation methods is also necessary to develop clearer standards for assessing present and future royalty income in divorce proceedings. In addition, broader comparative studies involving more jurisdictions, including countries in Asia and other civil law traditions, would enrich the discourse on how intellectual property income is treated within matrimonial property law. Such research would contribute to the development of a more coherent and predictable regulatory framework, particularly in Indonesia, where explicit statutory regulation on post-divorce royalty distribution remains limited

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