

Protection of Intellectual Property Rights in the Perspective of Islamic Law

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Abstract

This article analyses the protection of intellectual property rights from the perspective of Islamic law. This article examines intellectual property rights by analyzing the concepts of wealth, rights, and ownership in Islamic law. This study employs a normative research method. The approach utilized in this research includes statutory and conceptual approaches. The data used in this study encompassed secondary data derived from primary, secondary, and tertiary legal materials. The research findings reveal that most scholars categorize intellectual property rights as a form of wealth, thereby subjecting it to similar treatment and legal consequences as other forms of wealth. Intellectual property rights constitute movable wealth, are permissible for utilization, lack a standardized market unit, and maintain their value even when exploited. Consequently, intellectual property can be transacted for profit and safeguarded by assessing its value when compensating for any loss. When acquired or discovered through means that adhere to Islamic law, intellectual property becomes a permissible right to possess. However, the ownership of these intellectual property rights under Islamic law remains constrained by Sharia principles.

Keywords: *Interfaith Counseling Intellectual Property Rights; Islamic Law; Law Protection; Ownership*



INTRODUCTION

Allah SWT created human beings for two main purposes: to worship and to be khalifah or steward of the earth. Linguistically, "khalifah" means a successor to previous creatures, in this context, succeeding previous creatures in preserving the earth. Humans are tasked with caring for themselves, others, and their environment to achieve a just, prosperous, and flourishing life. This is why Allah SWT has bestowed intellectual abilities on humans so that they can continuously think and create civilizations ([Mardliyah et al., 2018](#); [Shofiyah et al., 2023](#)).

The intellectual work of humans, which contributes to the advancement of civilization, holds economic value. Because of its economic value, such work becomes valuable to anyone who can make use of it. This economic factor creates a desire in others, apart from the creator of the work, to utilize it for their own benefit. This can lead to a potential reduction in the share of profits or benefits that the creator of the work should receive rightfully if it were used solely by them ([Mouritsen, 1998](#); [Bismuth & Tojo, 2008](#); [Mossoff, 2012](#)).

Globalization, which aims to integrate human life on Earth, has led to the flow of information that is no longer constrained by distance. This has resulted in the rapid dissemination of information about new work to people worldwide. This quick circulation of information is certainly advantageous in terms of its utilization, which can be enjoyed by a wider population in a short time. However, on the other side, the more people who know about the work, the more individuals can use it for their personal purposes. Consequently, the original creator of the work is at greater risk of losing some or even all of the profits they should have received ([Stryzowski, 2006](#); [Adams, 2008](#)).

The loss of benefits that should rightfully go to the creator of a work is a form of disincentive for the effort they put in. This can be dangerous because it can lead to a lack of motivation for innovation and the creation of new works as there is no profit to be gained. Without innovation and new creations, civilization will not progress, and it can be said that humans have failed in their role as stewards of the earth. Therefore, there is a need for a legal regulatory system to prevent this from occurring (Silva et al., 2009; Ghonim & Eweda, 2011). Regulation of the protection of human intellectual property rights should not be counterproductive to the goal of preserving the Earth.

On the international stage, the protection of intellectual property, is governed by the Trade-Related Aspects of Intellectual Property Rights Agreement, more commonly known as the TRIPS Agreement. This agreement is contained in Annex 1C of the Marrakesh Agreement, dated April 15, 1994, which is also the birth of the World Trade Organization (WTO). As a result of discussions during The Uruguay Round, TRIPS was enforced for all 164 WTO members, including Indonesia. This agreement is also a collection of pre-existing multilateral agreements, namely the Paris Agreement of 1967 on industrial property protection, the Berne Agreement of 1971 on literary and artistic protection, the Rome Agreement of 1961 on the protection of performers, producers of phonograms, and broadcasting organizations, and the Washington Agreement of 1989 on integrated circuit protection. This agreement was subsequently amended through the December 6 protocol, which came into effect on January 23, 2017 (Taubman et al., 2012).

Indonesia ratified the TRIPS Agreement through Law Number 7 of 1994, concerning the Ratification of the Agreement Establishing the World Trade Organization. Furthermore, Indonesia demonstrated its commitment to developing a regulatory system for

Intellectual Property (IP) by enacting laws that protect Intellectual Property Rights (IPR). The laws governing this matter include those related to Trademarks and Geographical Indications, Plant Varieties, Patents, Industrial Designs, Copyright, Integrated Circuit Layouts, and Trade Secrets. This set of legislations explicitly regulates the protection of IPR and sanctions for violations (Ghofur et al., 2020; Afwa & Mardianto, 2022).

In addition to the positive laws in place, human life is influenced by customary laws within communities and the religious laws of their faith. Ideally, these three legal systems should be in harmony with each other or, at the very least, should not conflict. As a country with the largest Muslim population in the world, Islamic law will inevitably have an impact on the lives of all individuals regardless of their religion, in Indonesian society. This influence can take the form of integration into Indonesian positive law to address legal gaps or provide fundamental value for the formulation of positive laws (Utama, 2018; Jamaa, 2018; Sulasman, 2018; Suntana, 2020).

When examining the Quran and Hadith, one cannot find clear regulations regarding intellectual property rights. Because the concept of IPR is relatively new, Islamic scholars Ijtihad (interpretation) became a source of law for this concept. This presents a new challenge due to the differing opinions and understandings of scholars, which cannot be avoided because of variations in their underlying principles of thought. These differences revolve around the understanding of the status of IPR as a property, leading to different views on its protection (Triana, 2018).

In the context of Islamic law in Indonesia, the existence of IPR has been recognized with the issuance of the Fatwa of the Indonesian Ulama Council (MUI) Number:1/MUNAS VII/MUI/5/2005 on the Protection of Intellectual Property Rights (IPR). This fatwa

acknowledges IPR as one of the rights equivalent to property rights. It recognizes the existence of seven types of IPR: plant variety protection rights, trade secret rights, industrial design rights, integrated circuit layout rights, patent rights, trademark rights, and copyright. Before this fatwa, the MUI issued Fatwa MUI Number 1 of 2003, which only regulated copyright ([Quraisy, 2011](#); [Zulkarnaen et al., 2020](#); [Marasabessy, 2023](#)).

A different view is expressed by Leader of Jemaah Murabitun Nusantara, Achmad Iwan Ibrahim Adjie, who essentially argues that the world and its contents, including knowledge, are creations and possessions of Allah SWT alone, and therefore the existence of IPR can be disregarded. This perspective may be rooted in Quranic verses like Al-Baqarah verse 29 and Ali Imran verse 189, which state that Allah SWT is the creator of the heavens and the earth. According to Adjie, all knowledge is a gift from Allah SWT and humans are mere recipients of this knowledge. Humans cannot possess this knowledge without permission from Allah SWT. Based on this, every work is a gift from Allah SWT, so it is not appropriate for someone to claim it as their creation, while others should be able to use it freely ([Arifin, 2003](#)).

The world has not forgotten the Covid-19 pandemic, one of the most severe pandemics in human history, with more than six million deaths out of more than 600 million cases. Without vaccines, which are the result of intellectual work by scientists and researchers, the risk of death would increase significantly ([Madjid et al., 2020](#); [Gao et al., 2022](#)). Based on these data, it is known that the death ratio, which was previously 1%, would increase to 18.6%, equivalent to 123.4 million deaths. This figure would be even larger considering the increased infection rate due to the lack of vaccines. This case illustrates that if, in a scenario where vaccine creators do not want to disseminate their intellectual work, the consequences would be

counterproductive to the effort to preserve the Earth and its contents. Therefore, regulations on the protection of intellectual property that is not counterproductive to the preservation of the Earth and its contents are needed.

Reflecting on the above case, the regulation of work protection should adopt a system that accommodates the use of work by others with the permission of the owner. Therefore, licensing has emerged as a solution to this issue. Through an agreement between the original owner and someone who wishes to use a work, anyone can use the work for their benefit on Earth, and the owner of the work will no longer be disadvantaged by the use of their work by others. The consideration of the owner of the work can vary in amount or even non-existent, depending on the willingness of the parties involved. From the above discussion, it is interesting to examine the protection of ownership and regulation of IPR from the perspective of Islamic law in Indonesia, and the limitations of this protection.

METHOD

This study utilized a normative research methodology that integrates both statutory and conceptual approaches (Barnes, 2018; Meagher, 2018). The main justification for employing this methodology is its fundamental emphasis on the analysis of regulations derived from many sources within Islamic jurisprudence. This encompasses citations from the Quran, Hadith (the teachings and practices of Prophet Muhammad), and Ijtihad, which refer to scholarly interpretations and deductions made by Islamic jurists regarding intellectual property rights within the framework of Islamic law.

The primary aim of this research is to offer a thorough comprehension of the legal structure that governs intellectual property rights in the context of Islamic law, with a specific focus on

the jurisdiction of Indonesia. This involves not only clarifying the current regulations, but also outlining their inherent constraints. This study seeks to enhance the understanding of the legal foundations of intellectual property rights from an Islamic perspective by employing a normative research technique. It attempts to explore the complexities and subtleties of these regulations, ultimately providing valuable insights into this subject.

The primary utilization of a corpus of secondary data sources was undertaken in pursuit of the research objectives. The collection encompasses a diverse range of legal resources that are classified as primary, secondary, and tertiary sources. These materials consist of a diverse range of legal documents, texts, and scholarly commentaries. These resources serve as the foundation for undertaking a thorough examination of the legal framework surrounding intellectual property rights in Islamic law, with a specific focus on the Indonesian setting. Conducting a comprehensive analysis of the normative framework is crucial for obtaining a deeper understanding of the present condition of regulatory practices concerning intellectual property rights in the Islamic legal system.

RESULTS AND DISCUSSION

Concept of Property in Islamic Law

From a linguistic perspective, intellectual property is synonymous with it. In Arabic, the term property 'al-mal' means to incline or lean toward one side. This linguistic understanding is intriguing because when observing human behavior today, individuals can easily lean toward one side or another because of the presence of property. Property, in general terms, can be defined as anything that brings pleasure or is cared for, whether in material or utility forms ([Andiko, 2018](#)).

There are differences in interpreting the concept of property between the Hanafi School of Thought and the consensus of scholars (*jumhur al-ulama*). Maliki scholars argue that property is owned and protected by its owners (Al-Syathibi, 1990). Shafi'i scholars posit that property is something that has value and can be traded (Al-Suyuthi, 1990). The Hanafi School of Thought defines property as anything that humans desire and can produce when needed (A. A. Dahlan, 1997).

According to the Hanafi School of Thought, there are two elements of property: it must be controllable or manageable and must provide benefits. Consequently, something that is abstract such as knowledge is not considered a property. Additionally, something that cannot provide benefits or something that can provide benefits but is not generally regarded as beneficial by humans is not considered a property. According to this school of thought, property is purely material, whereas benefits fall under the concept of ownership (Al-Zuhaili, 1989).

In contrast to Hanafi scholars, the consensus of scholars argues that property encompasses anything of value, and compensation can be claimed by someone who damages or destroys it. The consequence of this understanding is that property is not limited to the material aspect but also includes the utility of an object. According to them, the most important element of an object is its utility or benefit, because the true value of the property is measured by the quality and quantity of the object (A. A. Dahlan, 1997; Arief, 2002; Asmuni, 2006).

The definition of property given by the consensus of scholars is supported by later generations of Hanafi scholars such as Mustafa Ahmad Al-Zarqa and Wahbah Al-Zuhaili. Unlike their predecessors, they argue that the definition of property presented by earlier scholars is not comprehensive or accommodating. This opinion is

based on Quran Chapter Al-Baqarah verse 29, which states that everything created by Allah on Earth is meant to be used by humankind. According to them, in this era, there is a possibility that the benefit of an object will contribute more to a person's wealth than the physical existence of the object itself (A. A. Dahlan, 1997). Al-Zuhaili defines property as anything that brings tranquility and can be possessed by humans with some effort, whether it is a substance or a benefit (Al-Zuhaili, 1989). From the elaboration above, something can be called a property if it meets the two criteria. First, it must be able to fulfill human needs, ultimately providing satisfaction that leads to tranquility in human life. Second, it must be owned by a human being (Djuwaini, 2008).

Considering the current reality, intellectual property generally brings benefits to owners, either directly in the form of money or indirectly through the increased valuation of a commodity. Regulations regarding intellectual property are found in various positive laws at both national and international levels. Considering the criteria proposed by Al-Zuhaili, intellectual property can be categorized as property. However, when considering the property element according to the Hanafi School, intellectual property is not considered property because intellectual property is essentially abstract and cannot be controlled (Musyafa, 2015).

With the categorization of intellectual property as property based on the consensus of scholars, several legal consequences arise. Scholars have classified these legal consequences into various categories (A. A. Dahlan, 1997). Based on permissibility in Islamic law, property is divided into *mutaqawwim*, which is permissible for use, and *ghair mutaqawwim*, which is not permissible for use. Consequently, the *ghair mutaqawwim* property cannot be the subject of transactions for Muslims. Additionally, according to the consensus of scholars, Muslims cannot be held accountable if they damage *ghair*

mutaqawwim property because it is not considered a property in Islam. Slightly different from the consensus of scholars, the Hanafi school believes that Muslims can still be held liable for damages to *ghair mutaqawwim* property owned by non-Muslims because, for non-Muslims, such property is considered *mutaqawwim* property.

In essence, all properties are considered *halal* or permissible (Qardhawi, 2000). Property becomes *haram* or forbidden for two reasons: it is inherently forbidden, or external factors make it forbidden, such as acquiring it through forbidden means or using it for forbidden purposes (Fawaid, 2016). Intellectual property is essentially a product of human thought, so it is not inherently forbidden, as long as no external factors influence it. Therefore, intellectual property falls under the category of *ghair mutaqawwim* property and can be used by humans, and compensation can be claimed for any damage.

Based on its type, property is divided into *al-'aqaar* or movable property, and *al-manquul* or immovable property. There are some differences between scholars in this regard. Hanafi scholars believe that an immovable property is a property that cannot be moved, while the consensus of scholars believes that an immovable property is a property that cannot be moved without altering its form. Conversely, according to Hanafi scholars, movable property includes all properties that can be moved, whether its form changes, while scholars believe that movable property is a property that can be moved without altering its form (A. A. Dahlan, 1997).

The legal consequences of this division by property type entail several aspects. First, the concept of *shuf'ah* arises (Fitriyah, 2019; Pahrussadi et al., 2022). Second, according to the Hanafi School, only immovable property can be endowed, while according to the consensus of scholars, all types of property can be endowed (Paksi et al., 2018; Permana & Rukmanda, 2021). Third, a guardian responsible

for a non-discerning child can only sell movable property for daily needs without the need for a judge's permission, but immovable property cannot be sold except in emergencies with the judge's consent (Jati, 2021; Lestari & Khisni, 2022). Additionally, according to Imam Abu Hanifah and Imam Abu Yusuf, *ghasab* (taking something that belongs to someone else without permission) can only occur with movable property, but scholars believe that it can occur with both types of property (Rusdan, 2017; Jamhir & Alhamra, 2019).

Intellectual property, given its abstract nature, cannot change form upon transfer. Therefore, intellectual property is categorized as movable property, both according to the Hanafi school and the consensus of scholars. The legal consequence is that, according to the Hanafi School, intellectual property cannot be endowed, but according to the consensus of scholars, it can. Moreover, intellectual property can be subject to a *ghasab* and transacted by a guardian.

Based on its utilization, property is divided into *al-isti'smali* or consumable property and *al-istihlaki* or non-consumable property. The legal consequences of this difference pertain to contractual issues. Consumable property is subject to mutual assistance contracts, while non-consumable property can be transacted for compensation. As an abstract entity, intellectual property, essentially knowledge, is not consumed when utilized. Therefore, it falls under the category of *al-istihlaki* property and can be transacted for compensation (Rizal, 2015; Ramadani, 2018).

Based on the presence or absence of similar properties in the market, property is divided into *al-misli* or property with a similar type available in the market and *al-qimi* or property without a similar type in the market. This division has three legal consequences. First, usury (*riba*) only applies to the *al-misli* property and the *al-qimi* property cannot generate usury. Second, a partner can only take their share of the *al-qimi* property when all partners are present, whereas a

partner can take a share of the *al-misli* property at any time. Third, if *the property of al-qimi* is damaged, it must be compensated based on its value, whereas *the al-misli* property must be replaced with a similar property (Asmuni, 2007; Miharja, 2016). Intellectual property, as a product of human thought, does not have a clear unit of measurement, because of its abstract nature. Therefore, intellectual property falls under the category of *al-qimi* property. As a result, usury cannot arise from intellectual property and a partner can only take their share when all partners are present. In case of damage, compensation is calculated based on the value of intellectual property.

Based on the status of the property, it is divided into *al-mahjur*, *al-mubah*, and *al-mamluk*. *Al-mahjur* property is prohibited by Sharia law for individual ownership, either because it is endowed with property (*waqf*) or intended for public use. *Al-mubah* property is property that is not owned by anyone and can be utilized by anyone without causing harm. *Al-mamluk* property is owned by one or more individuals (Oktiadi, 2022). *Al-mamluk* property is categorized into two primary types: private property and communal or joint property. In the case of private property, the owner has the freedom to use their assets in both words and deeds as long as their legal actions do not diminish or eliminate the rights of others. However, if the property is immovable, its usage must consider the welfare of its neighbors. When multiple individuals jointly own a property, the legal actions of each owner must not harm the interests of others. Therefore, the parties involved cannot damage, deplete, alter the form of, or engage in any other actions without the agreement of co-owners (Nawawi, 2018; Risky, 2020).

The legal consequence of this division is that, when property is owned by the state, its utilization must be directed towards the common good, with regulations governing its usage (Kuran, 2001;

Andriansyah & Anto, 2016; Aravik et al., 2021). Those who utilize such property cannot damage it, nor can they claim it to be a private property. This principle extends to property owned by organizations, where its usage should serve the interests of the organization's members without harming those outside the organization. Intellectual property is the product of human thought. Therefore, based on its status, intellectual property is essentially *al-mal al-mamluk*, which can be either private or communal depending on the number of individuals involved in its creation. However, the status of this property can change when it is endowed or designated for the common good by the governing authority. Consequently, legal consequences can change according to the status of the property.

In Islamic jurisprudence, property is subdivided on the basis of its amenability to division. Properties are categorized into two primary groups: divisible and indivisible. The divisible property refers to assets that, when divided into multiple parts, do not lose their functionality or value. Conversely, if the utility or value of an asset diminishes or is lost when divided, it falls under the category of an indivisible property. Islamic jurisprudence scholars have elucidated the three legal consequences of this division of property. First, the execution of a judge's ruling can only be carried out on divisible property. For an indivisible property, the judge cannot compel its division; instead, unanimous consent from all parties involved is required. Second, if indivisible property is intended in part for donations (*hibah*) or endowments (*waqf*), this is permissible. However, in the case of a divisible property, it must first be divided before any such donation or endowment is executed. Third, if an individual maintains a co-owned asset without consent from their partner or court, compensation claims can only be pursued when the asset is indivisible. If the asset is divisible, such maintenance is considered an act of charity and not subject to compensation claims

(Bin Awae & Limsiroratana, 2017; Zaman et al., 2020; Nafchi et al., 2021).

Property is also classified in Islamic jurisprudence based on its development, either through human effort or naturally. Assets were categorized as *al-asl* (original) or *al-thamr* (derivative). The classification of properties into these two categories has several legal implications. First, what can be allocated to those entitled to receive from a waqf property is the produce or yield of an asset, provided the asset itself is indivisible. Second, assets intended for the public good permit anyone to obtain from their yield, but the assets themselves, if divisible, must not be shared. Third, in a transaction involving a benefit as its object, the beneficiary has rights over the yield (Khosyi'ah, 2017; Kenedi, 2019).

Property in Islamic jurisprudence is further distinguished based on ownership into private and communal. Private property allows owners to use it as long as it does not harm others. The communal property is for all the benefits. Property ownership can change, transitioning from private to communal, or vice versa. When an individual adequately manages and cares for a communal asset, it becomes a private property. Conversely, private property can become communal either because of personal intent or Sharia regulation (A. A. Dahlan, 1997).

Islamic scholars classify communal property into three types: property designated for general welfare, property designated for exploitation of the common good, and property whose benefits are intended for the welfare of many. The division of property into private and communal categories has three legal ramifications. First, individuals cannot own communal property. Second, the yield from communal properties can be used for communal purposes. Third, communal properties cannot be used as collateral for an individual's debt (A. A. Dahlan, 1997).

Concept of Rights in Islamic Law

To gain a deeper understanding of the position of Intellectual Property Rights (IPR) in Islamic law, it is essential to first comprehend the notion of rights. Etymologically, the Arabic word for rights, *al-haqq*, means ownership, determination, and certainty. Scholars have expressed various definitions of rights, and some contemporary scholars have argued that rights are laws established in accordance with Islamic law (A. A. Dahlan, 1997). Al-Khafif defined rights as benefits acquired in accordance with Sharia (Al-Khafif, 1952). Al-Zarqa expresses that rights are specific powers granted by Sharia. Ibn Nujaim, more succinctly, defines rights as protected specificities. Furthermore, Al-Zuhaili supports the views of Al-Zarqa and Ibn Nujaim because this definition encompasses various types of rights, making it more comprehensive (A. A. Dahlan, 1997; Islam, 1999).

For something to be considered a right, two elements must be fulfilled: the holder and the object of the right. Regarding rights holders, rights are divided into three categories: the rights of Allah, the rights of humans, and the combined rights of both Allah and humans. Concerning the object of rights, property is distinguished into *haqq mali* or property-related rights, *haqq ghair mali* or non-property-related rights, *haqq asy-syakhsi* or personal rights, *haqq al-'aini* or material rights, *haqq mujarrad* or purely specific rights, and *haqq ghair mujarrad* or non-purely specific rights. Furthermore, in terms of judicial authority over these rights, property is divided into *haqq diyani* (religious rights) and *haqq qadai* (judicial rights). Legal consequences arise from an individual's ownership of rights. (A. A. Dahlan, 1997).

Regarding the enforcement and prosecution of rights, right-holders must act in accordance with Sharia law when exercising their rights. Concerning the rights of Allah, humans are obligated to fulfill

their duties, as stipulated by the provisions. If these rights pertain to property, authorities and judges have the right to compel individuals to pay. If they are unrelated to property, the authorities' obligation is limited to urging individuals to fulfill their duties, which, if not met, may result in trials and punishments. The enforcement of human rights involves taking and paying compensation to the rights holder based on the principles of justice. Furthermore, Islamic law encourages right holders to show generosity, especially toward those in distress, as mentioned in the Quran Chapter Al-Baqarah verse 280 (A. A. Dahlan, 1997).

Regarding the preservation of rights, everyone has the right to safeguard and protect their rights from potential infringements by others, whether they are criminal or civil rights. Islamic jurisprudence states that Sharia Law has established this principle. Consequently, if someone's property is stolen, they have the right to initiate criminal and civil proceedings. Criminal prosecution involves amputation of the thief's hand, whereas civil prosecution seeks either the return of the stolen item if it still exists, or compensation according to its original value if the item is lost (A. A. Dahlan, 1997).

Regarding the transfer of rights, a rights holder may transfer their ownership to another party, provided it complies with Sharia law, whether it is a property or non-property right. According to scholars, what is crucial in the transfer of a right is the manner and procedure stipulated by Sharia.

Concerning the use of rights, individuals must use their rights in accordance with Islamic law. Consequently, a person may not use their rights if it results, intentionally or unintentionally, in harm or detriment to others or the general public. This harmful use of rights is referred to as *ta'assufi isti'mal al-haqq*, and is prohibited by Sharia. If someone uses something that is not a property, it is called *a ta'adi*.

Additionally, the misuse of rights for wasteful purposes by right holders is forbidden (A. A. Dahlan, 1997).

The prohibition of *ta'assuf fi isti'mal al-haqq* can be seen in several Quranic sources such as Al-Baqarah verses 231 and 233 and An-Nisa' verse 12. There are two reasons for this prohibition. First, not every individual is allowed to use their rights arbitrarily, as the use of rights in Islam is constrained to prevent harm to others or the general public. Second, the use of personal rights is not only for personal gain, but also for the common good, as one person's wealth is part of the wealth of all humanity, and others have rights over an individual's wealth. Therefore, scholars have established Islamic jurisprudential rules related to *ta'assuf fi isti'mal al-haqq* (A. A. Dahlan, 1997).

The first rule pertains to the intention to cause harm. If using one's right results in harm to another party, the act is considered arbitrary and prohibited. Judges can impose *ta'zir* punishment for such actions. The second rule concerns the performance of actions that are not sanctioned by Sharia. Engaging in actions that are not sanctioned by Sharia and are contrary to the principles of benefit is prohibited and must be prevented. If such actions persist, they are considered to be harmful (*haram*). The third rule relates to the emergence of greater harm when the right to achieve a benefit is used. An action should be prevented if, in the course of performing it, harm arises, whether to the rights of others or the public, equal to or greater than the intended benefit. This aligns with the hadith of Prophet Muhammad: "Do not cause harm or return harm" (A. A. Dahlan, 1997).

The fourth rule concerns the improper use of a right that harms others. If someone uses their rights improperly, causing harm to others, this action must be prevented. Examples include actions that deviate from customary practice. The fifth rule concerns the careless

use of the right. Individuals are expected to exercise caution while using their rights. Therefore, if someone fails to do so, resulting in harm, this action is considered haram, and the person is liable for the damage (A. A. Dahlan, 1997). Therefore, all actions involving the use of a right that causes harm to others are prohibited by Sharia because of *ta'assuf fi isti'mal al-haqq*. However, there are exceptions in two situations that are not considered *ta'assuf fi isti'mal al-haqq*. First, when using their rights, it is customary for harm to occur. Second, careful use of their rights still leads to harm to others (Yusdani, 2002; Khair et al., 2019).

In response to *ta'assuf fi isti'mal al-haqq*, scholars have unanimously agreed on several legal actions that can be taken. First, all forms of harm are eliminated. Second, compensation for harm caused. Third, the action was canceled. Fourth, prohibiting the use of a person's rights. Fifth, imposing *ta'zir* punishments. Sixth, compelling the perpetrator to perform an action. The termination of a right occurs according to the provisions established by the Sharia. Termination of rights varies for each type of right owned by an individual. When an individual's rights terminate, they can no longer benefit from the rights they possess (A. A. Dahlan, 1997).

Concept of Ownership in Islamic Law

In Arabic, *al-milk* refers to ownership. Ownership signifies an individual's relationship with their property, recognized by Sharia, granting them specific authority over it, allowing them to take legal actions concerning it, except where Sharia prohibits it. According to Al-Khafif (1952), ownership is a specificity that excludes others from utilizing a particular thing. Furthermore, Al-Zuhaili defined it as a privilege over something that permits anyone other than the owner to use it, except when Sharia prohibits it (Al-Zuhaili, 1989).

Several opinions expressed by scholars share a common essence. Essentially, ownership is an individual's exclusivity over an object, enabling them to take legal actions as desired as long as Sharia does not prevent them from taking legal actions concerning that object. Based on this definition, Sharia grants two privileges to the owner of a property: it prevents others from using the property without the owner's permission and grants the owner the right to use it (Mas'adi, 2002).

There are four Sharia-sanctioned ways to legally own property: First, through *ihraz al-mubahat*, which means taking control of property that does not belong to anyone else or a legal entity, known as *mubah* in Islam. Second, there is an agreement or transaction with another person or a legal entity. Third, inheritance and compensation include both inheritance and indemnity. Fourth, through *tawallud min mamluk*, which is the product of property that an individual already possesses, whether it comes naturally or as a result of their effort (A. A. Dahlan, 1997; Yusdani, 2002).

If someone obtains property through these four means, they are considered the owners of the property acquired through their efforts. Scholars unanimously agree that Islam respects an individual's freedom to own and develop its property, as long as it aligns with Sharia. However, from a broader perspective, the true and ultimate owners of all properties are Allah SWT. Consequently, an individual possesses a figurative sense. Therefore, the owner of the property, which is entrusted by Allah SWT, is obliged to use it not only for their benefit but also for the benefit of others.

Humans are social beings, whose existence is inseparable from society. This principle also applies to Islam. Therefore, in every individual's property, there is a portion that belongs to others and must be paid, such as zakat (obligatory almsgiving) and maintenance payments. Prophet Muhammad SAW stated that "In every wealth,

there are the rights of others, apart from Zakat." Furthermore, according to Al-Zarqa, an individual's freedom to act regarding their private property is limited by the common good. He believes that people are free to seek and develop wealth as much as they can, as long as it is in line with Sharia and does not harm the interests of others either personally or collectively (Firda et al., 2022). Based on the above, it can be determined that there are several limitations to personal property ownership under Islamic law. First, owning property should not harm others. Second, some of this property can be used to benefit the public or government. Furthermore, when using a property, others should ideally enjoy its benefits.

Islamic jurists divide property ownership into three forms: property that can be owned and controlled by an individual, property that cannot be considered personal property as it is designated for public purposes, and property that can be owned if Sharia permits. From an object perspective, ownership is divided into three types: *milk al-'ain* or ownership of tangible objects, *milk al-manfa'ah*, ownership of the benefits of an object, and *milk ad-dain* or ownership of another person's debt. Furthermore, from a natural perspective, property ownership is divided into *al-milk at-tamm*, complete ownership, and *al-milk an-naqis*, or incomplete ownership (Yusuf et al., 2021; Aslami & Sudiarti, 2022).

Complete ownership occurs when both the material and benefits of an asset are entirely owned by an individual, placing all the rights associated with the asset under their control. The characteristics of complete ownership include absolute or perfect possession of both the material and benefits; without a time limit, no one can revoke it, and it is not preceded by anything owned previously. Additionally, if ownership rights are held by several individuals, each individual is considered free to use the property as if it were their own. This form of ownership ends when the owner

passes away, transferring their rights to their heirs, or if the property is damaged or lost (A. A. Dahlan, 1997).

Incomplete ownership occurs when an individual controls only the material of the property, whereas others control its benefits (N. H. M. Dahlan et al., 2020). This type of ownership is based on five factors: *iarah*, *ijarah*, *waqf*, *wasiah*, and *ibahah*. This form of ownership can be time-bound, restricted to a particular place, and limited in nature. Additionally, the person benefiting from the property is obliged to compensate for any losses due to their negligence, bear the maintenance costs, and return the property if the owner requests it, unless the recipient suffers harm from the return. The recipient also has the right to demand property from the owner if it is entrusted by the owner for someone else to use. According to Hanafi scholars, this type of property cannot be inherited because it does not fall within the definition of property; however, the majority of scholars argue that it can be inherited. Ownership of this property will end if either the owner or beneficiary dies, the property is damaged or lost, or the ownership period expires (A. A. Dahlan, 1997).

CONCLUSION

Within the context of Islamic jurisprudence, intellectual property is predominantly categorized as a form of property. This categorization has profound implications for the treatment and legal consequences associated with intellectual property, aligning them closely with tangible property. Fundamentally, intellectual property shares several key characteristics with tangible property, accentuating its status as movable property, its permissibility for use, the absence of a standardized market unit, and its resilience in retaining its inherent value, even when actively utilized. Consequently, intellectual property is recognized as an asset that can

be transacted for the pursuit of profit, and its compensation for losses is duly calculated within the framework of Islamic law.

The acquisition or discovery of intellectual property through lawful means bestows upon the individual a permissible right to ownership. This ownership carries with it a profound degree of autonomy, affording the intellectual property owner the freedom to act as they see a fit concerning their intellectual assets. This freedom of action encompasses both the prerogative to take affirmative measures regarding intellectual property, and the option to refrain from such actions. However, it is imperative to underscore that ownership of intellectual property within the framework of Islamic law is not absolute, but subject to the constraints imposed by Sharia.

Crucially, the protection of the freedom to act with respect to intellectual property must be harmonized with the fundamental Islamic principle that actions must not lead to harm to others, whether at the individual or collective level. Consequently, monopolistic practices that result in harm to the common good are categorized as haram or forbidden within Islamic jurisprudence. This underscores the need for a balanced approach to intellectual property rights, where ownership and the exercise of rights must not infringe on the well-being and equitable interests of society as a whole. In essence, Islamic law recognizes the sanctity of intellectual property rights but also underscores the importance of using these rights responsibly and in accordance with the overarching principles of justice and societal welfare.

Author Contributions

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Writing - original draft: E.T.R.R. & R.S.A.F.; Writing - review & editing: E.T.R.R. & R.S.A.F. All authors have read and agreed to the published version of the manuscript.

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The data presented in this study are available upon request from the corresponding author.

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Conflicts of Interest

The authors declare no conflicts of interest.

REFERENCES

- Adams, S. (2008). Globalization and income inequality: Implications for intellectual property rights. *Journal of Policy Modeling*, 30(5), 725–735. <https://doi.org/10.1016/j.jpolmod.2007.10.005>
- Afwa, U., & Mardianto, A. (2022). Protection of traditional knowledge in the advance of technological era of intellectual property rights in Indonesia. *AIP Conference Proceedings*, 2573(1), 030002. <https://doi.org/10.1063/5.0104160>

- Al-Khafif, 'Ali. (1952). *Ahkam al-mu'amalat al-shari'ah*. Dar al-Fikri al-'Arabi.
- Al-Suyuthi. (1990). *Al-Asybah wan al-nadha'ir*. Darul Kitab al-Ilmiah.
- Al-Syathibi. (1990). *Al-Muwafaqat fi ushul as-sharia*. Darul Ma'rifah.
- Al-Zuhaili, W. (1989). *Al-Fiqh al-Islami wa adillatuhu*. Dar Al-Fikr Al-Mouaser.
- Andiko, T. (2018). Konsep harta dan pengelolaannya dalam Al-Qur'an [The concept of property and its management in the Qur'an]. *Al-Intaj : Jurnal Ekonomi Dan Perbankan Syariah*, 2(1), 57-70. <https://doi.org/10.29300/aj.v2i1.1110>
- Andriansyah, Y., & Anto, M. B. H. (2016). Government spending in Indonesia 2005-2013 from Islamic economic perspective. *International Journal of Economics and Financial Issues*, 6(3S), 1-5. <https://www.econjournals.com/index.php/ijefi/article/view/2571>
- Aravik, H., Hamzani, A. I., & Khasanah, N. (2021). The role of the state in the Islamic economic system: A review of Abbas Mirakhor's thought. *Islamic Banking: Jurnal Pemikiran Dan Pengembangan Perbankan Syariah*, 7(1), 1-22. <https://doi.org/10.36908/isbank.v7i1.271>
- Arief, A. S. (2002). Konsep al-mal dalam perspektif hukum Islam (Studi terhadap ijihad fuqaha') [The concept of al-mal in the perspective of Islamic law (Study of scholars ijihad)]. *Al-Mawarid: Jurnal Hukum Islam*, 9. 48-57. <https://journal.uui.ac.id/JHI/article/view/2606>
- Arifin, M. Z. (2003, November 25). *Mengkaji hak kekayaan intelektual dari kacamata hukum Islam [Examining intellectual property rights from the perspective of Islamic law] [HTML]*. hukumonline.com. <https://www.hukumonline.com/berita/a/mengkaji-hak-kekayaan-intelektual-dari-kacamata-hukum-islam-hol9234/>
- Aslami, N., & Sudiarti, S. (2022). Konsep kepemilikan dan distribusi dalam ekonomi Islam [The concept of ownership and

- distribution in Islamic economics]. *Jurnal Ekonomi Dan Bisnis (EK Dan BI)*, 5(1), 81–88. <https://doi.org/10.37600/ekbi.v5i1.452>
- Asmuni. (2006). Perlindungan terhadap harta (Perspektif al-maqashid al-syariah) [Protection of assets (Al-maqashid al-syariah perspective)]. *Millah: Journal of Religious Studies*, 5(2), 293–306. <https://doi.org/10.20885/millah.vol5.iss2.art10>
- Asmuni. (2007). Teori ganti rugi (dhaman) perspektif hukum Islam [The theory of compensation (dhaman) from the perspective of Islamic law]. *Millah: Journal of Religious Studies*, 6(2), 97–120. <https://doi.org/10.20885/millah.vol6.iss2.art7>
- Barnes, J. (2018). Contextualism: ‘The modern approach to statutory interpretation.’ *University of New South Wales Law Journal*, 41(4), 1083–1113. <http://classic.austlii.edu.au/au/journals/UNSWLawJl/2018/37.html>
- Bin Awae, I., & Limsiroratana, S. (2017). Inheritance management method for set of indivisible item based on Islamic law. *Proceedings of the 2017 International Conference on Data Mining, Communications and Information Technology*, 1–6. <https://doi.org/10.1145/3089871.3089881>
- Bismuth, A., & Tojo, Y. (2008). Creating value from intellectual assets. *Journal of Intellectual Capital*, 9(2), 228–245. <https://doi.org/10.1108/14691930810870319>
- Dahlan, A. A. (Ed.). (1997). *Ensiklopedi hukum Islam [Islamic law encyclopedia]*. PT Ichtiar Baru van Hoeve.
- Dahlan, N. H. M., Noor, F. M., & Shuib, M. S. (2020). Is Malaysian Islamic home financing bay’ bithaman al-ajil (‘BBA’) compatible with Islamic law? A critical examination on the issue of ‘beneficial ownership’. *Mediterranean Journal of Social Sciences*, 8(2), 27–36. <https://doi.org/10.5901/mjss.2017.v8n2p27>

- Djuwaini, D. (2008). *Pengantar fiqh muamalah [Introduction to fiqh muamalah]*. Pustaka Pelajar.
- Fawaid, M. W. (2016). Pengaruh harta halal dan haram pada umat [The influence of halal and haram property on the people]. *Masharif Al-Syariah*, 1(2), 65–71. <https://journal.um-surabaya.ac.id/index.php/Mas/article/view/765>
- Firda, A., Kurniati, K., & Budiarti, B. (2022). Ganti rugi pengadaan tanah untuk kepentingan umum perspektif siyasah syar'iyah [Compensation for land acquisition for the public interest from a siyasah syar'iyah perspective]. *Siyasatuna: Jurnal Ilmiah Mahasiswa Siyasah Syar'iyah*, 3(1), 121–132. <https://journal3.uin-alauddin.ac.id/index.php/siyasatuna/article/view/23609>
- Fitriyah, F. (2019). Hak syuf'ah dalam akad musyarakah mutanaqishah [Syuf'ah rights in the musyarakah mutanaqishah contract]. *At-Ta'hdzib: Jurnal Studi Islam dan Muamalah*, 7(2), 157–178. <http://ejournal.kopertais4.or.id/mataraman/index.php/tahdzib/article/view/3761>
- Gao, P., Liu, J., & Liu, M. (2022). Effect of covid-19 vaccines on reducing the risk of long covid in the real world: A systematic review and meta-analysis. *International Journal of Environmental Research and Public Health*, 19(19) 12422. <https://doi.org/10.3390/ijerph191912422>
- Ghofur, A., Shabir, M., & Rokhmadi. (2020). Politics of law of the protection of plant variety (Pvt) and its implications for food security in Indonesia: A maqashid al-shari'ah perspective. *International Journal of Scientific and Technology Research*, 9(2), 4805–4814. <http://www.ijstr.org/final-print/feb2020/Politics-Of-Law-Of-The-Protection-Of-Plant-Variety-pvt-And-Its-Implications-For-Food-Security-In-Indonesia-A-Maqashid-Al-shariah-Perspective.pdf>

- Ghonim, M. N., & Eweda, N. M. (2011). Architectural copyright potentialities and limitations with a special reference to Egypt. *Journal of Engineering and Applied Science*, 58(3), 181-196. <https://jeasonline.org/paper/999/download>
- Islam, M. W. (1999). Al-mal: The concept of property in Islamic legal thought. *Arab Law Quarterly*, 14(4), 361-368. <https://www.jstor.org/stable/3382152>
- Jamaa, L. (2018). Fatwas of the Indonesian council of ulama and its contributions to the development of contemporary Islamic law in Indonesia. *Indonesian Journal of Islam and Muslim Societies*, 8(1), 29-56. <https://doi.org/10.18326/ijims.v8i1.29-56>
- Jamhir, J., & Alhamra, M. (2019). Tindak pidana penggelapan dalam hukum positif ditinjau menurut hukum Islam [The crime of embezzlement in positive law is reviewed according to Islamic law]. *Legitimasi: Jurnal Hukum Pidana dan Politik Hukum*, 8(1), 81-102. <https://doi.org/10.22373/legitimasi.v8i1.6441>
- Jati, Z. A. (2021). Peralihan hak atas tanah yang dimiliki anak oleh orang yang bertindak sebagai wali [Transfer of rights to land owned by a child by a person acting as guardian]. *Jurnal Ilmu Hukum: ALETHEA*, 4(2), 115-130. <https://doi.org/10.24246/alethea.vol4.no2.p115-130>
- Kenedi, J. (2019). Penyelesaian sengketa harta bersama dengan harta bawaan ketika terjadi perceraian [Settlement of joint property disputes with inherited assets when a divorce occurs]. *Manhaj: Jurnal Penelitian Dan Pengabdian Masyarakat*, 7(1), 92-106. <https://doi.org/10.29300/mjppm.v3i1.2345>
- Khair, S. K. M., Dahlan, N. H. M., & Wahab, H. (2019). Konsep liabiliti dan pemberian pampasan ganti rugi dalam kemalangan jalan raya menurut perundangan Islam [The concept of liability and compensation in the event of road accidents according to Islamic law]. *UUM Journal of Legal Studies*, 10(2), 45-77. <https://e->

journal.uum.edu.my/index.php/uumjls/article/view/uumjls.10.2.2019.9128

- Khosyi'ah, S. (2017). Keadilan distributif atas pembagian harta bersama dalam perkawinan bagi keluarga muslim di Indonesia [Distributive justice for the distribution of joint assets in marriage for Muslim families in Indonesia]. *Al-Manahij: Jurnal Kajian Hukum Islam*, 11(1), 35–48. <https://doi.org/10.24090/mnh.v11i1.1266>
- Kuran, T. (2001). The provision of public goods under Islamic law: Origins, impact, and limitations of the waqf system. *Law & Society Review*, 35(4), 841–898. <https://doi.org/10.2307/3185418>
- Lestari, D. I., & Khisni, A. (2022). Tinjauan yuridis permohonan perwalian dalam pengurusan izin jual harta anak di bawah umur di Pengadilan Negeri Jepara [Juridical review of guardianship applications in processing permits to sell assets of minors at the Jepara District Court]. *Prosiding Konstelasi Ilmiah Mahasiswa Unissula (KIMU) Klaster Hukum*, 7, 11–27. <https://jurnal.unissula.ac.id/index.php/kimuh/article/view/20448>
- Madjid, M., Safavi-Naeini, P., Solomon, S. D., & Vardeny, O. (2020). Potential effects of coronaviruses on the cardiovascular system: A review. *JAMA Cardiology*, 5(7), 831–840. <https://doi.org/10.1001/jamacardio.2020.1286>
- Marasabessy, F. (2023). Analisis fatwa MUI tentang perlindungan hak kekayaan intelektual [Analysis of the fatwa of the Indonesian Ulema Council regarding the protection of intellectual property rights]. *I-BEST: Islamic Banking & Economic Law Studies*, 2(1), 33–50. <https://doi.org/10.36769/ibest.v2i1.329>
- Mardiyah, W., Sunardi, S., & Agung, L. (2018). Peran manusia sebagai khalifah Allah di muka bumi: Perspektif ekologis dalam ajaran Islam [The role of humans as God's vicegerents on earth: An ecological perspective in Islamic teachings]. *Jurnal*

- Penelitian*, 12(2), 355–378.
<https://doi.org/10.21043/jp.v12i2.3523>
- Mas'adi, G. A. (2002). *Fiqh muamalah konstektual [Contextual muamalah fiqh]*. PT Raja Grafindo Persada.
- Meagher, D. (2018). The 'modern approach' to statutory interpretation and the principle of legality: An issue of coherence? *Federal Law Review*, 46(3), 397–425.
<https://doi.org/10.22145/flr.46.3.3>
- Miharja, J. (2016). Konsep ganti rugi perspektif hukum Islam [The concept of compensation from an Islamic legal perspective]. *Muamalat: Jurnal Kajian Hukum Ekonomi Syariah*, 8(2), 133–155.
<https://doi.org/10.20414/mu.v8i2.1997>
- Mossoff, A. (2012). Saving locke from Marx: The labor theory of value in intellectual property theory. *Social Philosophy and Policy*, 29(2), 283–317.
<https://doi.org/10.1017/S0265052511000288>
- Mouritsen, J. (1998). Driving growth: Cconomic value added versus intellectual capital. *Management Accounting Research*, 9(4), 461–482. <https://doi.org/10.1006/mare.1998.0090>
- Musyafa, M. (2015). Kekayaan intelektual dalam perspektif ekonomi Islam [Intellectual property in the perspective of Islamic economics]. *Al-Iqtishad: Journal of Islamic Economics*, 5(1), 39–50.
<https://doi.org/10.15408/aiq.v5i1.2108>
- Nafchi, M. K., Nasiran, D., Mahdavi, S. M. H., & Abbasian, R. (2021). The right of shofeh over transferable property and non-transferable property indivisible. *Journal of Islamic Jurisprudence and Law*, 13(2), 131–168.
<https://doi.org/10.30495/jijl.2021.17271>
- Nawawi, K. (2018). Harta bersama menurut hukum Islam dan perundang-undangan di Indonesia [Joint property according to Islamic law and Indonesian legislation]. *Mizan: Journal of Islamic Law*, 1(1), 1–16. <https://doi.org/10.32507/mizan.v1i1.104>

- Oktiadi, S. (2022). The implications of the concept of ownership in Islam on the development of Islamic economics. *Jurnal Ilmiah Multidisiplin*, 1(2), 61–69. <https://doi.org/10.5900/jim.v1i2.66>
- Pahrussadi, N., Fathonih, F. A., & Athoillah, A. (2022). Taflis dan syuf'ah dalam prespektif Alqur'an [Taflis and syuf'ah in the perspective of the Qur'an]. *Jurnal Ilmiah AT SAR Kuningan*, 2(1), 68–84. <https://jurnal.unisa.ac.id/index.php/atsar/article/view/348>
- Paksi, G. M., Manzilati, A., & Ekawaty, M. (2018). Kajian hukum dan implementasi wakaf harta bergerak di Indonesia: Wakaf uang dan saham [Legal review and implementation of movable property waqf in Indonesia: Cash and stock waqf]. *ISLAMICONOMIC: Jurnal Ekonomi Islam*, 9(2), 173–190. <https://doi.org/10.32678/ije.v9i2.94>
- Permana, Y., & Rukmanda, M. R. (2021). Wakaf: Tinjauan fiqh, dasar hukum, dan implementasinya di Indonesia [Waqf: Review of fiqh, legal basis, and implementation in Indonesia]. *Al-Kharaj: Jurnal Ekonomi, Keuangan & Bisnis Syariah*, 3(2), 154–168. <https://journal.laaroiba.ac.id/index.php/alkharaj/article/view/307>
- Qardhawi, Y. (2000). *Al-Halal wa al-haram fi al-Islam*. Maktabah Wahbah.
- Quraisy, M. (2011). Hak kekayaan intelektual (HAKI) dalam perspektif hukum Islam [Intellectual property rights (IPR) in the perspective of Islamic law]. *Muqtasid: Jurnal Ekonomi Dan Perbankan Syariah*, 2(1), 39–56. <https://doi.org/10.18326/muqtasid.v2i1.39-56>
- Ramadani, L. A. (2018). Implementasi harta dalam akad (harta sebagai hak milik juga sebagai objek bisnis [Implementation of assets in the contract (Property as rights and business objects)]. *Iqtishaduna*, 9(2), 99–109. <https://doi.org/10.20414/iqtishaduna.v9i2.690>

- Risky, B. (2020). Konsep pembagian harta bersama menurut hukum Islam dan Undang-Undang Perkawinan [The concept of dividing joint assets according to Islamic law and the Marriage Law]. *Lentera: Indonesian Journal of Multidisciplinary Islamic Studies*, 2(1), 63–74. <https://doi.org/10.32505/lentera.v2i1.2115>
- Rizal, R. (2015). Eksistensi harta dalam Islam (Suatu kajian analisis teoritis) [Existence of wealth in Islam (A theoretical analysis study)]. *Jurnal Penelitian*, 9(1). <https://doi.org/10.21043/jupe.v9i1.853>
- Rusdan, R. (2017). Konsep harta (al-maal) dalam perspektif ekonomi Islam (Studi kedudukan dan konsekuensi hukum atas klasifikasi harta) [The concept of assets (al-maal) in an Islamic economic perspective (Study of the position and legal consequences of asset classification)]. *El-Hikam*, 10(2), 365–403. <http://ejournal.kopertais4.or.id/sasambo/index.php/elhikam/article/view/3091>
- Shofiyah, N., Sumedi, S., Hidayat, T., & Istianah, I. (2023). Tujuan penciptaan manusia dalam kajian Al-Quran [The purpose of human creation in the study of the Koran]. *ZAD Al-Mufassirin*, 5(1), 1–17. <https://doi.org/10.55759/zam.v5i1.54>
- Silva, A., Henriques, E., & Carvalho, A. (2009). Creativity enhancement in a product development course through entrepreneurship learning and intellectual property awareness. *European Journal of Engineering Education*, 34(1), 63–75. <https://doi.org/10.1080/03043790802710201>
- Stryszowski, P. K. (2006). Intellectual property rights, globalization and growth. *Global Economy Journal*, 6(4), Article 4. <https://doi.org/10.2202/1524-5861.1224>
- Sulasman, H. (2018). The Islamic law in Indonesia in historical perspective. *Islamic Quarterly*, 62(2), 247–269.
- Suntana, I. (2020). From internalization to formalization; Islamic law development in Indonesia. *Islamic Quarterly*, 64(1), 115–126.

- Taubman, A., Wager, H., & Watal, J. (2012). *A handbook on the WTO TRIPS Agreement*. WTO. <https://doi.org/10.30875/f6287588-en>
- Triana, N. (2018). Menggagas hak kekayaan intelektual perspektif hukum Islam ke dalam hukum nasional [Initiating intellectual property rights from the perspective of Islamic law into national law]. *Al-Manahij: Jurnal Kajian Hukum Islam*, 12(2), 177-192. <https://doi.org/10.24090/mnh.v12i2.1747>
- Utama, S. M. (2018). Eksistensi hukum Islam dalam peraturan perundang-undangan di Indonesia [The existence of Islamic law in the laws and regulations in Indonesia]. *Jurnal Wawasan Yuridika*, 2(1), 58-66. <https://doi.org/10.25072/jwy.v2i1.166>
- Yusdani, Y. (2002). Sumber hak milik dalam perspektif hukum Islam [Sources of property rights in the perspective of Islamic law]. *Al-Mawarid: Jurnal Hukum Islam*, 9, 58-69. <https://journal.uui.ac.id/JHI/article/view/2607>
- Yusuf, D., Sa'dan, S., & Jihad, A. A. (2021). Sell and buy transfer of motorcycle with advantages of a muamalah fiqh perspective (Case study in Ingin Jaya Districts Aceh Besar District). *Dusturiyah: Jurnal Hukum Islam, Perundang-Undangan Dan Pranata Sosial*, 11(1), 01-11. <https://doi.org/10.22373/dusturiyah.v11i1.8314>
- Zaman, I., Ullah, D. S., & Afaq, D. A. (2020). Waqf of intellectual property: A critical review of contemporary literature. *Journal of Religious Studies*, 3(2), 17-41. <https://doi.org/10.33195/uochjrs-v3i21822020>
- Zulkarnaen, W., Sasangka, I., Sukirman, D., Yuniati, & Rahadian, F. (2020). Harmonization of sharia rules in effort copyright protection in Indonesia. *Journal of Advanced Research in Dynamical and Control Systems*, 12(2), 2612-2616. <https://doi.org/10.5373/JARDCS/V12I2/S20201311>