

Copyright: Transfer of Book Copyright to Heirs by Civil Law

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ABSTRACT

This paper explores the legal framework of book copyright transfer to heirs under civil law. Intellectual Property Rights (IPR) are rights arising from human intellectual creativity across various fields, resulting in products or works in science, literature, art, or technology. Copyright, as one form of IPR, originates from human ideas and emotional intelligence and holds significant legal value. In Indonesia, copyright can be transferred either in whole or in part through inheritance, wills, waqf, grants, written agreements, or other means recognized by law. This transfer ensures that the economic and moral rights associated with a copyrighted work continue to be managed and protected after the creator's death. The process of transferring copyright to heirs involves several steps. First, an inheritance deed must be prepared to serve as legal proof of ownership. This document may be issued by a notary or authorized officials, such as a religious court through a letter of heir determination. Supporting documents such as the creator's death certificate, will, and related legal documents must also be provided. Furthermore, the copyright transfer must be registered with the Directorate General of Intellectual Property (DJKI) to be legally recognized. Lastly, the transfer must be publicly announced in the Copyright Statute Sheet to ensure legal certainty, especially for third parties. This study emphasizes the importance of a clear legal process in copyright transfer, providing protection for heirs and upholding the value of intellectual creations in civil law.

Keywords: Book Copyright, Transition, Heirs

ABSTRAK

Tulisan ini membahas kerangka hukum terkait alih hak cipta buku kepada ahli waris dalam hukum perdata. Hak Kekayaan Intelektual (HKI) merupakan hak yang timbul dari kreativitas intelektual manusia di berbagai bidang, menghasilkan karya dalam ilmu pengetahuan, sastra, seni, maupun teknologi. Hak cipta sebagai bagian dari HKI lahir dari ide dan kecerdasan emosional manusia serta memiliki nilai hukum yang penting. Di Indonesia, hak cipta dapat dialihkan secara sebagian atau seluruhnya melalui pewarisan, wasiat, wakaf, hibah, perjanjian tertulis, atau cara lain yang diatur dalam peraturan perundang-undangan. Alih hak ini menjamin hak ekonomi dan moral atas karya tetap terlindungi setelah penciptanya meninggal dunia. Proses alih hak cipta kepada ahli waris mencakup beberapa tahap. Pertama, pembuatan akta waris sebagai bukti hukum kepemilikan hak yang dialihkan. Dokumen ini dapat dibuat oleh notaris atau pejabat berwenang, seperti pengadilan agama melalui surat penetapan ahli waris. Dokumen pendukung seperti akta kematian pencipta, wasiat, dan dokumen hukum lainnya juga harus disertakan. Selanjutnya, alih hak harus didaftarkan ke Direktorat Jenderal Kekayaan Intelektual (DJKI) agar diakui secara hukum. Terakhir, alih hak tersebut harus diumumkan dalam Berita Resmi Cipta untuk memberikan kepastian hukum kepada pihak ketiga. Studi ini menekankan pentingnya proses hukum yang jelas dalam alih hak cipta demi perlindungan ahli waris dan penghargaan terhadap hasil cipta dalam hukum perdata.

Kata kunci: Hak Cipta Buku, Peralihan, Ahli Waris



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1. Introduction

Commemorating World Book Day on April 23, 2025, the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights (Kemenkumham) invites public participation to encourage mutual awareness to protect books as a work of economic and legal value. Books are not just a medium for conveying knowledge and information, but as a form of intellectual property that has been guaranteed by the Copyright Law. "Books are the result of the author's thought, creativity, and hard work. So that its existence must be properly protected and appreciated as a form of intellectual property." The guarantee of copyright protection for books is open, meaning that copyright to books is born by itself since the work is realized in real form and can be read or enjoyed. This means that the author is not obliged to register his work to obtain legal protection. However, copyright registration is still recommended as authentic proof in the event of a dispute. In addition, in order to support the sustainability of the national book industry, DJKI is also revising the Copyright Law, one of which is related to books. In the latest draft, DJKI seeks to provide the highest protection to rights owners, tighten regulations, and provide limitations and exceptions for copyright infringement.¹

Intellectual property rights are rights that arise because of the intellectual ability possessed by a human being in various fields, which can produce all kinds of things, starting from the process to producing a product or goods that have useful value. Where the results can be in the form of works in the fields of science, art, literature and also technology as a form of human intellectual creativity expressed through thoughts and ideas. With the concept of intellectual property rights that will benefit all humans. If a person produces a work and then by law will be protected by his intellectual property rights, where one of the things that can be protected by law is in the field of copyright. Moreover, copyright is an exclusive right for the creator as the copyright holder who has special rights in regulating and can even give permission for other parties to do something about their work with the applicable legal limitations.² The creator has the right to prohibit and carry out supervision over every work of his creation that circulates among the public. To creators, especially in works in the fields of science, art, literature and technology, it is necessary to give an appreciation and give recognition as well as a guarantee of legal protection for the works that have been created and produced.³

Copyright itself is contained in article 1 (1) of Law Number 28 of 2014 concerning Copyright, hereinafter referred to as the Copyright Law, which has a definition as "the exclusive rights of the creator that arise automatically based on declarative principles after a work is realized in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations".⁴ The definition of a Creator is any person or several people, either individually or collectively, who produce a work or creation with distinctive and individual characteristics and characters. The definition of Royalty in article 1 (21) of the Copyright Law is in the form of "compensation for the use of the Economic Rights of a Work or Related Rights Product received by the creator or owner of related rights".⁵ A book can generally be defined as a collection of paper or other materials that are bound together at one end and contain writing or drawings. This definition includes both printed books (*Hardcopy*) and digital books (*E-book*).⁶

Copyright is classified as an intangible movable thing. According to civil law, movable objects are objects that can be transferred or transferred to a person who has the right. Copyright can undergo a partial or total transfer of rights in the event of inheritance, will, waqf, grant, written agreement, or for other reasons as stipulated in the provisions of laws and regulations. An example of a copyright violation that occurred in a book is the violation of E-Book Copyright which was submitted by the Creative Works Care Association (PPKC) to the Pekanbaru Forestry Vocational School dated January 27, 2023. The resolution of this case was resolved by the Directorate General of Intellectual Property (DJKI) which successfully carried out mediation between the two disputing parties. Subsequently, the Directorate General of Intellectual Property (DJKI) of

¹ Ministry of Law Directorate General of Intellectual Property, 2024, DJKI Technical Consultation in Mataram Discusses Music Royalty Management for Creators and Heirs, accessed on June 03, 2025. <https://www.dgip.go.id/artikel/detail-artikel-berita/konsultasi-teknis-djki-di-mataram-bahas-pengelolaan-royalti-musik-untuk-pencipta-dan-ahli-waris?kategori=liputan-humas>.

² Haris Munandar, M.A., Sally Sitanggang, 2011, Getting to Know IPR - Intellectual Property Rights, Jakarta: Erlangga, page 14.

³ Shopar Hutagalung Maru, 2012, Copyright Position & Its Role in Development, Jakarta: Sinar Grafika, page 04.

⁴ Law Number 28 of 2014 concerning Copyright, Article 1 (1).

⁵ *Ibid*, Article 1 (21)

⁶ Deepublis, 2023, Book Copyright: Definition, Types of Books That Can Be Protected, accessed on June 03, 2025, <https://penerbitdeepublish.com/hak-cipta-buku/>.

the Ministry of Law and Human Rights (Kemenkumham) received a report from the Creative Works Protection Association (PPKC) regarding the discovery of illegal e-book sales on the Tokopedia and Carousell platforms. Subsequently, DJKI, through the Directorate of Investigation and Dispute Resolution, brought together the complainant, PPKC, and the defendant, the owner of the Carousell account "Debobi2802." The meeting between the two parties was conducted peacefully, with the defendant agreeing to compensate for the losses caused by the sale of illegal e-books. The agreement includes: agreeing to compensate for material losses, agreeing to create an apology video, and including a written statement promising not to repeat the illegal actions.⁷ Regarding the transfer in question, only the economic rights are concerned, while the moral rights are still absolutely attached to the creator without any time limit. One of the ways of transferring Copyright as mentioned above is through inheritance. Regulations related to inheritance in Indonesia are contained in the Civil Code (KUHPdata).⁸ However, the Civil Code itself does not explain the meaning of inheritance or inheritance law, only in article 830 it is explained that inheritance occurs due to death. This means that inheritance begins to open when a legal event occurs, namely death.⁹

Soepomo stated that inheritance law covers all rules regarding the process of passing on and transferring wealth and intangible objects (*Intangible goods*) which comes from humans in their descendants. Soepomo also said that the process had started when the parents or heirs were still alive. The death of the heir does not affect the process of passing on and inheriting property and intangible property absolutely.¹⁰ Related to Book Copyright, it is the embodiment of the exclusive rights of the creator that arises by itself in accordance with the declarative principle since the realization of a work in a tangible form without reducing restrictions according to the prevalence of laws and regulations. The birth of Book Copyright began from an idea that arose from the idea that elicit the results of creativity and technology made by humans that utilize their intellectual intelligence and emotional abilities.¹¹

In addition, as a material property, Book Copyright can basically be transferred or changed hands, including Economic Rights and Moral Rights in the creation. Thus, the Creator or Copyright Holder may transfer the Book Copyright either for all inherent rights or part of the rights it has to another person. Generally, the transfer of Copyright can be done through an Application for Registration at the Directorate General of Intellectual Property (Ditjen KI) and then an announcement is made in the Official Gazette of the Directorate General of IP. If the Transfer of Rights is carried out without registration at the Directorate General of Intellectual Property, it means that the transfer has no legal consequences for third parties. Therefore, the law provides provisions where the Creator or Copyright Holder and his executor can grant permission or transfer the work to another party through recording in a License Deed.¹² The problems that often arise today actually arise from phenomena in the wider community, where this copyright is used as an inheritance between heirs and heirs who inherit each other.

Table 1 Directorate General of Intellectual Property (DJKI) Ministry of Law of the Republic of Indonesia "Copyright registration application data received in 2024"

Types of Creations	Sum
Book	27.397
Poster	17.428
Video Recording Works	14.709
Computer program	12.953
Writing (Article)	11.805

⁷ Directorate General of Intellectual Property, Ministry of Law and Human Rights of the Republic of Indonesia, DJKI Successfully Mediates Electronic Book Copyright Dispute, Accessed on July 29, 2025, <https://www.dgip.go.id/artikel/detail-artikel-berita/djki-berhasil-mediasi-sengketa-hak-cipta-buku-elektronik?category=public-relations-coverage>.

⁸ Belinda, 2020, Thesis: The Position of Copyright Inheritance by Heirs Who Change Nationality Who Died Without Heirs, Yogyakarta: Faculty of Law, Atma Jaya University, Yogyakarta, page 3. <https://e-journal.uajy.ac.id/24308/1/1705126541.pdf>.

⁹ Civil Code, Article 830.

¹⁰ Soepomo, 1966, Chapters on Customary Law, Jakarta: University, pages 72-73.

¹¹ Saidin, OK., 2019, Legal Aspects of Intellectual Property *Rights*, Jakarta: Rajawali Press.

¹² Syarifin, Pipin and Dedah Jaubaedah, 2004, Intellectual Property Rights Regulation in Indonesia, Bandung: Pustaka Bani Quraisy.

Viewed from the Table. The growth in these types of copyright sectors reflects the existence of the world of literacy. In the midst of digital developments that are accelerating.

Based on the background mentioned above, the following problems can be formulated:

1. How Is Copyright Included In Inherited Property To Heirs?
2. What is the procedure for the transfer of the copyright of a book to the heirs?

2. Method

The research method used in this study is the normative legal research method, which focuses on the study of legal documents, legal theory, and legislation. According to Peter Mahmud Marzuki, legal research is a process of discovering legal rules, legal principles, and legal doctrines to answer legal issues. The research focuses on positive legal norms, namely Law No. 28 of 2014 concerning copyright, civil law, and other related regulations. It examines the legal provisions regarding the transfer of copyright to heirs. The normative legal research method, using a legislative approach, analyzes the content and provisions of copyright law and civil law. The conceptual approach uses theories such as the theory of ownership, the theory of inheritance, and the theory of intellectual property rights. This research focuses on secondary data, and the data collection tools are regulatory documents, books, legal journals discussing copyright, inheritance, and transfer of rights, and the doctrines or opinions of legal experts.

3. Result and Discussion

The provisions of the Copyright Law stipulated in Article 16 Paragraph (1) are as follows: Copyright as immovable property. Furthermore, copyright is a property right that can be owned and can also be the subject of ownership or property rights. Therefore, the conditions of ownership apply to copyright, such as the methods of transfer and assignment of rights, meaning that copyright can be inherited directly by the copyright owner (heir) to blood relatives or other persons designated in their will. Thus, the relevant legal theory, namely the Theory of Intellectual Property Rights Protection, states that rights are always related to two aspects, namely the aspect of ownership (owner) and something owned (something owned). Legal terminology combines and unites them into the term "right." An explanation of intellectual property rights can begin with the concept of rights according to the law. The theories that form the basis of intellectual property rights protection include: the Natural Rights Theory, the Labor Theory, the Social Exchange Theory, and the Functional Theory.

3.1. Book Copyright Included in the Inheritance Property to the Heirs

Inheritance regulated in the western civil law system, which is based on the civil code hereinafter referred to as the Civil Code, includes all assets accompanied by all the rights and obligations of the heirs in the field of material law and can be valued in the form of money. However, there are exceptions to some of these provisions, that the rights and obligations of property in the field of material law turn out to be things that cannot be transferred to their heirs, namely the following:¹³

- 1) Employment relationships, where the work to be done is personal;
- 2) The right to collect the proceeds (usufruct);
- 3) Cooperation alliance in trade.

A. Pitlo, stated that what is meant by inheritance law is a set of regulations

The law that regulates the law regarding property due to the death of a person is about the transfer of property left by the deceased person and the consequences of the transfer to the people who receive it, either because of the relationship between them alone, or because of the relationship with a third party.¹⁴ In the provisions of inheritance law, the function and implementation of the principle is that if the heir dies, automatically at that time the rights and obligations shift to the heirs. The takeover of his rights and obligations from the deceased heirs by the heirs is called *saisine*.¹⁵

When a person dies, especially regarding his inheritance in the form of an inheritance, it becomes open so that from then on there is a transfer of the heir's property. Copyright as part of the heir's property includes one of the assets that is the object of inheritance. Inheritance is part of the process of transferring assets because the death of a person causes their property to change hands to their heirs. In relation to the inheritance of intellectual property rights, especially copyrights, are not specifically regulated in the Civil Code. However, as it is generally understood that inheritance is the property of the heir, both in the form of movable and immovable objects, tangible objects and intangible objects. Copyright is an intangible movable

¹³ Zainuddin Ali, 2008, The Implementation of Inheritance Law in Indonesia, Jakarta: Sinar Grafika, page 83.

¹⁴ Gatot Supramono, 2010, Copyright and Its Legal Aspects, Rineka Cipta, page 31.

¹⁵ Subekti, 1992, Principles of Civil Law, Jakarta: Intermasa, Cet. 24, page 96.

object that becomes the object of the creator's property and at the same time becomes the creator's property. The meaning is that if the creator dies, copyright is also an inheritance or the creator's property that can be given or transferred to the heirs. Thus, his inheritance also refers to the articles on inheritance contained in the Civil Code.¹⁶

Article 499 of the Civil Code states: "According to the understanding of the law, what is called material is every property and every right that can be controlled by property rights".¹⁷ By definition, the regulation of intellectual property rights is implicitly found in the legal system of the object that refers to the article. Copyright is one of the types of intellectual property rights and is in line with the various objects as discussed above, including as disembodied moving objects.

The provisions of the Copyright Law stipulated in Article 16 Paragraph (1) are as follows: Copyright as immovable property. Furthermore, copyright is a property right that can be owned and can also be the subject of ownership or property rights. Therefore, the conditions of ownership apply to copyright, such as the methods of transfer and assignment of rights, meaning that copyright can be inherited directly by the copyright owner (heir) to blood relatives or other persons designated in their will. Thus, the relevant legal theory, namely the Theory of Intellectual Property Rights Protection, states that rights are always related to two aspects, namely the aspect of ownership (owner) and something owned (something owned). Legal terminology combines and unites them into the term "right." An explanation of intellectual property rights can begin with the concept of rights according to the law.¹⁸ The theories that form the basis of intellectual property rights protection include:¹⁹ the Natural Rights Theory, the Labor Theory, the Social Exchange Theory, and the Functional Theory. The regulation of the position of heirs in the inheritance of copyright is that heirs have the right to decide their stance in the inheritance of copyright, namely by:²⁰

- 1) Receiving the full inheritance
- 2) Receiving a conditional inheritance
- 3) Rejecting the inheritance

The affirmation to determine the attitude of the inheritance recipient is also explained in Article 5 of the Copyright Law, this moral right cannot be transferred for any reason and reason while the creator is still alive, but nevertheless the exercise of the right can still be transferred based on a will or other reasons based on the provisions of laws and regulations if the creator has died. The heirs are entitled to the full value of the creation. The position of the heirs to obtain inheritance in this case is to inherit copyright based on the provisions of the law. If the heirs leave only one heir, then the inheritance of the copyright belongs entirely to the heirs themselves. Meanwhile, if the heirs are more than one person, the distribution of inheritance is not a problem because copyright can be owned together with the left heirs.

For example, in book inheritance, the copyright of an author is automatically inherited to his heirs since the author's death, as long as the book he created is still sold, so that the heirs will get royalties according to the same calculation. Meanwhile, if the heirs are more than one person, it means that the royalty will be divided based on the portion of each heir that is equally large. Furthermore, after the process of transferring copyright through inheritance, only then can the position of the copyright that has belonged to the heirs cannot be confiscated, but the rights are obtained by unlawful means.²¹

Books are one of the protected works in accordance with Article 40 of the Copyright Law. A book is an intellectual work of the creator or copyright holder who has exclusive rights including two rights, namely:²²

- 1) Economic Rights

The right for the creator/rights holder to benefit economically from his work. Economic rights have a time limit for protection. The economic rights of a copyright will remain in the hands of the creator or copyright holder as long as the creator or copyright holder has not transferred all economic rights of the

¹⁶ Muchtar A. H. Labetubun and Sabri Fataruba, 2016, Transfer of Copyright to Heirs According to Civil Law, SASI: Scientific Journal of the Faculty of Law, Pattimura University Ambon, Vol 22 (2), page 7. <https://media.neliti.com/media/publications/315935-peralihan-hak-cipta-kepada-ahli-waris-me-753a394a.pdf>.

¹⁷ *Op. cit.*, Civil Code, Article 499.

¹⁸ Candra Irawan, 2011, Politik Hukum Hak Kekayaan Intelektual Indonesia (The Politics of Intellectual Property Rights Law in Indonesia), Bandung: Mandar Maju, page. 47.

¹⁹ *Ibid*, Candra Irawan, pages 49-51.

²⁰ *Ibid*, Muchtar A. H. Labetubun and Sabri Fataruba, p. 10.

²¹ Abdulkadir Muhammad, 2011, Indonesian Civil Law, Bandung: Citra Aditya Bakti, page 197.

²² Sip Law Farm, 2022, Related Rights to Copyright, accessed June 03, 2025.

creator or copyright holder. Economic rights that have been transferred by the creator or copyright holder, in whole or in part, cannot be transferred a second time from the same creator or copyright holder.

2) Moral Rights

An inseparable right between the creator and his copyrighted work forever. Where it can be interpreted as the personal aspect of the creator and the integrity of the work, such as the right to be recognized as the creator and prevent harmful changes to the work. Moral rights are the rights that are eternally attached to the Creator to:²³ a. Continue to include or not include his name on the copy in connection with the public use of his Creation; b. Use his alias name or disguise; c. Change the title and subtitles of the Creation; d. Change his Creation in accordance with propriety in society; and e. Maintain his rights in the event of distortion of the Creation, mutilation of the Creation, modification of the Creation, or anything that is detrimental to its honor or reputation.

Exclusive Rights is defined as a right that is only owned by the Creator, Copyright Holder or Copyright Owner who has full freedom in himself to exercise his Copyright, while anyone or other party outside the consent of the Creator, Copyright Holder or Copyright owner concerned is prohibited from exercising the Copyright in question freely.²⁴ It is also contained in Article 18 of the Copyright Law if the period of the creation of books etc., namely "Creations of books, and all other written works, songs, music with or without text transferred in the agreement of sale and termination and transfer indefinitely, the Copyright transfers back to the Creator when the agreement reaches a period of 25 (twenty-five) years."²⁵

3.2. Procedure for the Transfer of Book Copyright to Heirs

The Copyright Law states that copyright can be transferred or transferred, either in whole or in part. Regarding copyright for rights holders or creators, it can provide a transfer of all or part of their copyright to another person by the process of inheritance, will, grant or in other ways in accordance with laws and regulations.²⁶ In other words, it can be concluded if, the proof of copyright is the rights that are automatically owned as well as the ownership of objects and property rights so that in copyright there are conditions in its ownership and also its transfer.

Copyright transfer procedure, the following are the general steps in the copyright transfer procedure to heirs:²⁷ If the author of a book passes away, the economic rights to the book (such as sales royalties, translation licenses, and film adaptations) will be transferred to the heirs, such as children or spouse, after they prove their status as heirs and (if necessary) register the transfer with the DJKI.

1. Prepare a deed of inheritance: heirs need to prepare a deed of inheritance, which serves as legal proof of ownership of the transferred copyright. This document can be prepared by a notary or authorized official, such as a court, for example, a letter of appointment of heirs from a religious court.
2. Include supporting documents: documents that must be included include the creator's death certificate, will, and other related documents.
3. Registration with the DJKI: heirs as copyright owners are required to register the transfer of rights with the Directorate General of Intellectual Property (DJKI).
4. Announcement in the State Gazette of Copyright: every transfer of copyright must be announced in the State Gazette of Copyright for legal certainty for third parties.

The inheritance or transfer of book copyright can be done in an unwritten way and can also be done in writing which should be made in the form of an authentic deed (made by a notary). If it is done in an unwritten way, it can cause complications, so the heirs unite their preconceptions and raise and stipulate by writing which establishes one of them to be the legal representative of all the heirs. The granting of book copyright through grants should be carried out openly and in writing with the aim that the wide audience can

²³ Bp Lawyers, 2024, Copyright Transfer by Inheritance, Is It Okay or Not?, accessed on June 04, 2025. <https://bplawyers.co.id/2024/07/19/pengalihan-hak-cipta-dengan-cara-diwariskan-boleh-atau-tidak/#:~:text=Berdasarkan%20ketentuan%20Pasal%2016%20Undang,seluruh%20maupun%20sebagian%20karena%20pewarisan.>

²⁴ *Op. Cit.*, Law Number 28 of 2014 concerning Copyright, Article 40.

²⁵ *ibid*, Article 18.

²⁶ *ibid*, Article 3.

²⁷ ILS LAW FIRM, Procedure for Inheriting Copyright to Heirs, accessed on July 29, 2025, <https://www.ilslawfirm.co.id/prosedur-mewariskan-hak-cipta-ke-ahliwaris/#:~:text=Conclusion,in accordance with applicable legal provisions.>

know about it and there is a handle for grant recipients.²⁸

The provisions of the Regulation in terms of inheritance in the Civil Code consist of 2 ways, namely:

- 1) Article 832 of the Civil Code: The "*Ab Intestato*" Inheritance System is that *ab intestato* (without a will) inheritance occurs if a person dies without leaving a valid will. In this case, the distribution of heritage assets will be carried out based on the applicable law, especially the provisions in the Civil Code. According to the rule of law, those who are entitled to inheritance are only blood relatives, either legally or out of wedlock, and the husband and wife who live the longest. The blood relationship as heirs is divided into four groups, namely the first, second, third, and fourth heirs. Regarding this group of heirs, it will be further explained in the discussion on how to divide the rights of heirs according to the *Ab Intestato* method contained in the Civil Code, namely: a. Group one: The heirs of this group are their children and descendants, as well as a surviving husband or wife. Second Group: The heirs of this group are the elders and siblings. Third Group: The heirs of this group are the grandparents, both on the father's and mother's sides. Then the Fourth Class: The heirs of this group are relatives in the side line (uncle, aunt, cousin) up to the sixth degree.
- 2) Article 875 of the Civil Code: Inheritance system according to a will (*testament*).²⁹ "A will or testament is a deed that contains a person's statement about what he wants, happened after his death that can be revoked by him". *Erfstelling* or appointment of inheritance, Article 954 of the Civil Code determines that, a will of appointment is a will in which the person who bequeaths to one or more gives the property that he will leave behind if he dies, either in whole or in part, such as half, third. Will Grant or *Legaat*, in Article 975 of the Civil Code, stipulates that a will grant is a special determination of a will where the bequeath to one or more gives some of his goods of a certain type.³⁰

The legal basis used in the implementation of Inheritance in Book Copyright based on inheritance is the Inheritance Law based on the Civil Code which regulates the position of a person's property after he or she dies by transferring the property to the rightful owner. Therefore, the transfer of Book Copyright that occurs as a result of this inheritance is able to transfer the whole related to Exclusive Rights where the Exclusive Rights consist of Moral Rights and Economic Rights of the Creator. However, for the Moral Rights that have been received by the heirs, of course, they can only manage as they should by not changing the characteristics of the Creator.

The provisions contained in Article 16 paragraph (2) of the Copyright Law where it is stated that copyright can be transferred and can be owned by the creator either in part or in whole, because:³¹

- 1) Inheritance;
- 2) Grant;
- 3) Waqf;
- 4) Testament;
- 5) Written agreement; or
- 6) Other reasons that are justified in accordance with the provisions of laws and regulations.

It is stated in Article 5 of the Copyright Law that states:³²

- 1) Moral rights are rights that are eternally attached to the Creator.
- 2) Moral rights as referred to in paragraph (1) cannot be transferred as long as the Creator is still alive, but the exercise of these rights can be transferred by will or other causes in accordance with the provisions of laws and regulations after the Creator dies.
- 3) In the event of a transfer of the exercise of moral rights as intended in paragraph (2), the recipient may release or reject the exercise of his rights on the condition that the release or refusal of the exercise of these rights is stated in writing.

Economic Rights are the exclusive right of the Creator or Copyright Holder to obtain economic

²⁸ Eddhie Paptono and Noor Hidayah Hanum, Juridical Aspects of the Legal Position of Heirs in Copyright Inheritance, Accessed on June 03, 2025, <https://download.garuda.kemdikbud.go.id/article.php?article=1156586&val=5333&title=ASPEK%20YURIDIS%20POSITION%20HUKUM%20AHLI%20HEIRS%20IN%20INHERITANCE%20RIGHTS%20CIPTA>.

²⁹ *Op. Cit.*, Civil Code Article 832.

³⁰ Advocacy (03), 2011, Inheritance Process through *Ab Intestato* and *Ad Testamento* (Testament), Retrieved June 03, 2025, <https://advokasi03.blogspot.com/2011/12/proses-pewarisan-melalui-ab-intestato.html?m>.

³¹ *Op. cit.*, Law Number 28 of 2014 concerning Copyright, Article 16 (2).

³² *ibid*, Article 5.

benefits for the Work.³³ The copyright of a book owned by the author, who after the death of the creator, belongs to his heirs or belongs to the beneficiary of the will, and the copyright cannot be confiscated, unless the right is acquired unlawfully. This provision applies to copyrights that have been declared as well as copyrights that have not been or have not been announced.³⁴ Procedure for Inheriting Copyright The following are the general steps in the process of inheriting copyright to the heirs:³⁵ Creating an Inheritance Deed: The heirs need to create an inheritance deed as authentic proof of inherited copyright ownership. This inheritance deed can be made through a notary or an authorized official/agency such as the Court, for example a Letter of Determination of Heirs from a Religious Court. Attaching Supporting Documents: The documents that need to be attached include the creator's death certificate, inheritance certificate, and other relevant documents. Registration at DJKI: Heirs as copyright owners are required to register the transfer of copyright to the Directorate General of Intellectual Property (DJKI) by attaching documents about the transfer of rights. Announcement in the Official Copyright Gazette: Any copyright transfer must be announced in the official copyright gazette to provide legal certainty to third parties.

The transfer of the copyright of the book through inheritance can be done if the Creator after the creator of the book dies, leaves behind the property and has an heir. If the inheritance is in the form of Book Copyright, then the Copyright can be inherited to the heirs because the Copyright has economic rights to the work. If the transfer of the copyright of the book has been completely handed over to another party, for example to the heirs and then there is a person who intentionally or unintentionally with the consent of the Creator has violated the moral rights of the Creator, then the Creator and his heirs can make a claim against that party. If a book creator has passed away and left the book copyright, the book copyright will belong to the heirs or beneficiaries of the will. The copyright of this book may be seized if it is obtained unlawfully if it violates the law and this provision applies to copyrights that have been declared or that have not been announced. However, if the Creator of the book does not leave the heirs by himself, all his property becomes the property of the state. This is in accordance with the provisions contained in the Civil Code and the Copyright Law.³⁶

4. Conclusion

When someone dies, particularly with regard to their estate in the form of inheritance, it becomes open, and from that point on, there is a transfer of the deceased's assets. Copyright, as part of the deceased's estate, is one of the assets that is subject to inheritance. Inheritance is part of the process of asset transfer because the death of an individual causes their assets to pass to their heirs. Regarding the inheritance of intellectual property rights, particularly copyright, there are no specific provisions in the Civil Code. Inherited assets are the deceased's assets, whether movable or immovable, tangible or intangible. Copyright is an intangible movable asset that is the subject of the creator's ownership rights and simultaneously constitutes the creator's wealth. Economic Rights are the exclusive rights of the Creator or Copyright Holder to derive economic benefits from the Work. The copyright of a book owned by the creator, after the creator's death, becomes the property of the heirs or the beneficiary of the will, and such copyright cannot be seized, unless it was obtained unlawfully. This provision applies to both published and unpublished copyrights.

The procedure for transferring the copyright of books to heirs, in the copyright law it is stated that copyright can be transferred or transferred, either in whole or in part. Copyright transfer procedure: the following are the general steps in the copyright transfer procedure to heirs: First, prepare a deed of inheritance: heirs need to prepare a deed of inheritance, which serves as legal proof of ownership of the transferred copyright. This document can be prepared by a notary or authorized official, such as a court, for example, a letter of appointment of heirs from a religious court. Second, include supporting documents: documents that must be included include the creator's death certificate, will, and other related documents. Third, registration with the DJKI: the heirs, as the owners of the copyright, are required to register the transfer of rights with the Directorate General of Intellectual Property (DJKI). Fourth, announcement in the State Gazette of Copyright: every transfer of copyright must be announced in the State Gazette of Copyright

³³ *ibid*, Article 8.

³⁴ A lot. Nurachmad, 2012, All about Indonesian IPR, Jogjakarta: Buku Biru, page 31.

³⁵ ILS Law, 2025, Procedure for Bequeathing Copyright to Heirs, Accessed on June 03, 2025. <https://www.ilslawfirm.co.id/prosedur-mewariskan-hak-cipta-ke-ahli-waris/>

³⁶ Okta Zeruya SPN, 2022, Copyright Inheritance Mechanism, accessed June 03, 2025, <https://rewangrencang.com/mekanisme-pewarisan-hak-cipta/>

for the sake of legal certainty for third parties.

Reference

- A lot. Nurachmad, 2012, All about Indonesian IPR, Jogjakarta: Buku Biru, page 31.
- Abdulkadir Muhammad, 2011, Indonesian Civil Law, Bandung: Citra Aditya Bakti, page 197.
- Advocacy (03), 2011, Inheritance Process through *Ab Intestato* and *Ad Testamento* (Testament), Retrieved June 03, 2025, <https://advokasi03.blogspot.com/2011/12/proses-pewarisan-melalui-ab-intestato.html?m>.
- Belinda, 2020, Thesis: The Position of Copyright Inheritance by Heirs Who Change Nationality Who Died Without Heirs, Yogyakarta: Faculty of Law, Atma Jaya University, Yogyakarta, page 3. <https://ejournal.uajy.ac.id/24308/1/1705126541.pdf>.
- Bp Lawyers, 2024, Copyright Transfer by Inheritance, Is It Okay or Not?, accessed on June 04, 2025. <https://bplawyers.co.id/2024/07/19/pengalihan-hak-cipta-dengan-cara-diwariskan-boleh-atauno/#:~:text=Based on%20provisions%20Articles%2016%20Laws,all%20or%20part%20because%20inheritance>.
- Candra Irawan, 2011, Politik Hukum Hak Kekayaan Intelektual Indonesia (The Politics of Intellectual Property Rights Law in Indonesia), Bandung: Mandar Maju.
- Deepublis, 2023, Book Copyright: Definition, Types of Books That Can Be Protected, accessed on June 03, 2025, <https://penerbitdeepublish.com/hak-cipta-buku/>.
- Directorate General of Intellectual Property, Ministry of Law and Human Rights of the Republic of Indonesia, DJKI Successfully Mediates Electronic Book Copyright Dispute, Accessed on July 29, 2025, <https://www.dgip.go.id/artikel/detail-artikel-berita/djki-berhasil-mediasi-sengketa-hak-cipta-buku-elektronik?category=public-relations-coverage>.
- Gatot Supramono, 2010, Copyright and Its Legal Aspects, Rineka Cipta, page 31.
- Haris Munandar, M.A., Sally Sitanggang, 2011, Getting to Know IPR - Intellectual Property Rights, Jakarta: Erlangga, page 14.
- ILS LAW FIRM, Procedure for Inheriting Copyright to Heirs, accessed on July 29, 2025, <https://www.ilslawfirm.co.id/prosedur-mewariskan-hak-cipta-ke-ahliwaris/#:~:text=Conclusion,in accordance with applicable legal provisions>.
- ILS Law, 2025, Procedure for Bequeathing Copyright to Heirs, Accessed on June 03, 2025. <https://www.ilslawfirm.co.id/prosedur-mewariskan-hak-cipta-ke-ahli-waris/>
- Law Number 28 of 2014 concerning Copyright.
- Ministry of Law Directorate General of Intellectual Property, 2024, DJKI Technical Consultation in Mataram Discusses Music Royalty Management for Creators and Heirs, accessed on June 03, 2025. <https://www.dgip.go.id/artikel/detail-artikel-berita/konsultasi-teknis-djki-di-mataram-bahas-pengelolaan-royalti-musik-untuk-pencipta-dan-ahli-waris?kategori=liputan-humas>
- Ministry of Law Directorate General of Intellectual Property, 2025, Dominance of Books in Copyright Registration at DJKI, Evidence of National Literacy, accessed on June 03, 2025, <https://www.dgip.go.id/artikel/detail-artikel-berita/dominasi-buku-dalam-pencatatan-hak-cipta-di-djki-bukti-geliat-literasi-nasional?kategori=pengumuman>.
- Muchtar A. H. Labetubun and Sabri Fataruba, 2016, Transfer of Copyright to Heirs According to Civil Law, SASI: Scientific Journal of the Faculty of Law, Pattimura University Ambon, Vol 22 (2), page 7. <https://media.neliti.com/media/publications/315935-peralihan-hak-cipta-kepada-ahli-waris-me-753a394a.pdf>.
- Okta Zeruya SPN, 2022, Copyright Inheritance Mechanism, accessed on June 03, 2025, <https://rewangrencang.com/mekanisme-pewarisan-hak-cipta/>.
- Peter Mahmud Marzuki, 2007, Legal Research, Jakarta: Kencana Prenada Media Group.
- Saidin, OK., 2019, Legal Aspects of Intellectual Property Rights, Jakarta: Rajawali Press.
- Shopar Hutagalung Maru, 2012, Copyright Position & Its Role in Development, Jakarta: Sinar Grafika, page 4.
- Sip Law Firm, 2022, Related Rights to Copyright, accessed June 03, 2025.
- Soepomo, 1966, Chapters on Customary Law, Jakarta: University, pages 72-73.
- Soerjono Soekanto and Sri Mamudji, 2001, Normative Law Research : A Brief Review, Jakarta: Raja Grafindo Persada, page 6.
- Subekti, 1992, Principles of Civil Law, Jakarta: Intermasa, Cet. 24, page 96.
- Syarifin, Pipin and Dedah Jaubaedah, 2004, Intellectual Property Rights Regulation in Indonesia, Bandung: Pustaka Bani Quraisy.

Zainuddin Ali, 2008, *The Implementation of Inheritance Law in Indonesia*, Jakarta: Sinar Grafika, page 83.