

PROTECTION OF YOUNG ARTIST STYLE PAINTINGS FROM THE PERSPECTIVE OF COPYRIGHT AND TRADITIONAL CULTURAL EXPRESSION IN THE DIGITAL ERA

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Abstrak:

The purpose of this study is to analyze the legal protection of Young Artist-style paintings from the perspective of copyright and traditional cultural expressions amidst the development of the digital era. This study uses a normative legal research method with a statutory approach, a conceptual approach, and a comparative approach. The results of the study indicate that legally, Young Artist-style paintings are included in the category of creations in the field of fine arts, as regulated in Law Number 28 of 2014 concerning Copyright. However, because the work is sourced from communal Balinese cultural values, individual protection through copyright is not entirely adequate. Therefore, legal recognition is needed, namely through Traditional Cultural Expressions (EBT), to protect the moral rights and cultural identity of the Sayan Village community. In the digital context, the biggest challenge lies in the possibility of being produced/recreated by artificial intelligence along with the development of the current digital era. Effective protection efforts can be carried out through strengthening national regulations, establishing a digital cultural expression database, and implementing technologies such as Digital Rights Management (DRM) or blockchain certificates to guarantee the attribution and authenticity of works. This research confirms that protecting Young Artist style paintings is not only a legal obligation, but also a form of responsibility in preserving cultural arts heritage in the digital era.

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INTRODUCTION

The development of Balinese painting has undergone significant transformations since the early 20th century, one of which was the emergence of the Young Artist style, which developed in Penestanan, Ubud, in the 1960s under the guidance of Dutch painter Arie Smit (Sudibya, 2019). This style displays visual characteristics such as bright colors, spontaneous lines, and depictions of everyday Balinese life with a naive and expressive nuance (Arief, 2020). While deeply rooted in local tradition and culture, the Young Artist style also reflects the individual creativity of artists living in the context of the modernization of Balinese art (Kusuma, 2020). Over time, works in this style have become icons of cultural tourism and contributed to the Balinese creative economy (Wayan, 2018). However, the development of the digital era has brought new dynamics in the production of artworks, including paintings that may even be created by artificial intelligence. Digitization allows artworks to be freely produced on various online platforms without proper attribution to their creators. This situation raises legal issues related to copyright protection and the work's position as part of traditional cultural expression (TRE). In the Indonesian legal system, protection of works of art is regulated by Law Number 28 of 2014 concerning Copyright, hereinafter referred to as the 2014 Copyright Law, which recognizes the moral and economic rights of creators over their creations.



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However, works such as Young Artist-style paintings face a dilemma because they substantially contain elements of traditional culture inherited communally, while at the same time being created by individual artists with their own unique characteristics. This duality raises a conceptual issue between individual copyright and the collective rights of cultural communities.

On the other hand, the 2014 Copyright Law also protects renewable energy as part of communal intellectual property managed by the state. However, in practice, this regulation does not specifically address the position of works inspired by traditional culture in the digital era. This situation can be detrimental to artists when their works can be created or generated by artificial intelligence and then commercialized online without permission. This situation emphasizes the importance of reviewing regulations on the legal protection of paintings in the context of digital transformation.

The digital era presents new challenges to intellectual property protection systems. The process of digitization allows artworks to be uploaded, shared, and modified very quickly without legal boundaries. Furthermore, new phenomena such as Non-Fungible Tokens (NFTs) and Artificial Intelligence (AI)-Generated Art have further blurred the boundaries between human creators and digital systems (Gervais, 2022). In this context, Young Artist Style Paintings are vulnerable to digital exploitation without recognition of the moral rights of artists or the indigenous communities that inspire them (Wahyudi, 2021). The absence of a digital rights management system and database for traditional cultural expressions in Indonesia also weakens protection efforts. Other countries, such as India and Australia, have developed digital-based protection models integrated with the Traditional Knowledge Digital Library (TKDL) (Singh, 2018). Therefore, legal protection for Young Artist Style Paintings in the digital era is urgent, encompassing not only cultural but also legal and economic dimensions.

The urgency of legal protection for Young Artist Style Paintings lies not only in copyright ownership but also in preserving the Balinese cultural identity that underpins the artworks. From an intangible cultural heritage perspective, such artworks serve as a medium for transmitting local cultural values between generations. If not adequately protected, there is a risk of loss of cultural authenticity due to excessive commercialization and misuse in the context of globalization (Blake, 2015). Ideal legal protection should be able to ensure a balance between individual creative freedom and responsibility for preserving traditional values. In this regard, the approach between copyright and renewable energy protection is relevant for implementation in Indonesia. Such an approach allows for the granting of economic rights to creators, while still recognizing the moral rights of indigenous communities as owners of cultural knowledge (Tobin, 2018). Therefore, this research is crucial in finding a legal formulation that can adapt the principles of intellectual property protection to the dynamics of local culture in the digital era.

Another emerging challenge is the development of modern technology, particularly Artificial Intelligence (AI). AI is now capable of producing visual art that resembles human works, including paintings. This development raises new legal issues related to originality, copyright, and the protection of traditional art. If unaddressed, AI has the potential to create works that resemble Young Artist-style paintings, which are then marketed without regard for cultural values and the rights of indigenous communities. This situation is certainly detrimental, both culturally and economically. Legal protection for traditional art must be strengthened to prevent it from being easily exploited by developments in digital technology. This is where the urgency of this research becomes increasingly relevant, namely regarding the form of legal protection for the development of AI. Thus, traditional artworks are not only protected normatively but also contextually in the face of global technological dynamics (Putra, 2024).

Young Artist-style painting is a cultural heritage that originated in Banjar Pakraman Penestanan and, over time, developed to Sayan Village, Gianyar Regency, Bali Province. The unique themes, techniques, and philosophies contained in these paintings make them cultural works that reflect the lives of the Balinese people. Sayan Village consists of 2 (two) Traditional Villages, namely Sayan Pakraman Village and Penestanan Pakraman Village. In Sayan Village, there are 8 (eight) Banjars, including Banjar Ambengan, Banjar Sindu, Banjar Baung, Banjar Mas, Banjar Pande, Banjar Kutuh, Banjar Penestanan Kaja and Banjar Penestanan Kelod. The birth of Young Artist style painting art began in Banjar Penestanan Kaja and Banjar Penestanan Kelod, then along with the development of art lovers and collectors, Young Artist Style paintings are increasingly famous in the eyes of the world and exhibitions are held in various countries such as in 1964 Young Artist works have entered the Museum of Modern Art, San Francisco, California, USA. Smithsonian Institution Young Artist Touring Exhibition, USA 1964-1965. In 1970, exhibited at the National Museum Singapore in collaboration with The Institute of Southeast Asian Studies, Annual exhibition at Alpha Gallery Singapore. The first popular catalog was published by the National Gallery and Alpha Gallery Singapore in 1971 (Karja, 2019). Initially, "Young Artist" only involved a few children, but the group grew to include hundreds of children within a few years, some learning directly from Arie Smit, and many from close friends and family. It remains active in several Banjar (village) communities, including Penestanan Kelod, Penestanan Kaja, Baung, Pande, Mas, and Kutuh. Six Banjars still adhere to the Young Artist style of painting.

The Young Artist style of painting emerged in 1960, inspired by a meeting between painter Arie Smit and children in their early teens in the rice paddies of Subak Pacekan Penestanan, Sayan Village, Ubud District, Gianyar Regency. Arie Smit successfully galvanized the creativity of Penestanan children, particularly in developing the "Young Artist" style of painting. Regarding Arie Smit's teaching process, he said that he never taught the children but encouraged them to paint whatever came to mind; he only encouraged them to paint their feelings as freely as possible (Paramisuari, 2019). Young artists' style also develops and changes according to the influence of life around them. The patterns and "new styles" around the end of the 1970s were influenced by the designs of Linda Garland, who introduced new models and designs combined with Young Artist painting techniques, especially in making large paintings and paintings applied to craft objects. (Sidabutar, 2023)

The Young Artist style painting technique uses traditional techniques inherited from a painting maestro born on April 15, 1916 from Zaandam, Netherlands, named Adrianus Wilhelmus Smit or better known as Arie Smit, he passed it on directly to his students, who initially only numbered five (5) people, namely Ketut Soki, Wayan Pugur, Ketut Tagen, Nyoman Tjakra, and Nyoman Londo who came from Banjar Penestanan, Sayan Village, Ubud District, Gianyar Regency. A group of boys gathered at Arie Smit's house and borrowed painting tools from him. Later, the duck herders became painters and began to support their families by earning money from their paintings. This background laid the foundation for a group of painters who later became known as "Young Artists", a name that also became a painting style. Young Artist emerged during a period of economic hardship in Bali, after the eruption of Mount Agung. Arie Smit's guidance and the commercialization of the paintings helped transform Penestanan into a prosperous art village. This style has become popular not only within Bali but also among tourists, who purchase the paintings as souvenirs.

Based on this description, this research aims to address two main questions. First, how is the legal protection for Young Artist Style Paintings regulated in the digital era from a copyright and renewable energy perspective? Second, what is the urgency and appropriate form of legal protection

for these artworks in the face of the challenges of digital technology development? Using a normative legal approach, this research seeks to examine the relationship between the concepts of individual copyright and communal cultural rights as stipulated in Indonesian positive law and international conventions such as the WIPO Copyright Treaty and the UNESCO Convention 2003. It is hoped that the results of this research will contribute scientifically to strengthening the legal system for cultural protection in Indonesia. Furthermore, the findings are also expected to serve as recommendations for the government and the arts community in formulating equitable cultural preservation policies. Thus, protection for Young Artist Style Paintings not only guarantees the economic rights of artists but also ensures the sustainability of traditional cultural values amidst the rapid flow of digitalization.

METHODS

This research uses a normative legal research method, namely research that focuses on the study of legal principles, norms, and applicable laws and regulations to analyze legal protection for Young Artist Style Paintings from the perspective of copyright and traditional cultural expressions (Soekanto, 2014). This approach was chosen because the problems studied are more conceptual and normative, rather than empirical, so the analysis is carried out on existing legal materials (Marzuki, 2017). The types of approaches used include a statute approach, which examines Law Number 28 of 2014 concerning Copyright and its various implementing regulations, and a conceptual approach to understand the relationship between individual copyright and communal rights to traditional cultural expressions. The data sources used are primary legal materials, such as national laws and regulations (Irianto, 2011). The technique of collecting legal materials is carried out through library research by accessing relevant national and international journals (Putra, 2022). All legal materials are analyzed using a descriptive-analytical method, namely by describing applicable legal provisions and analyzing them in the context of traditional art protection practices in the digital era.

RESULT AND DISCUSSION

Legal Protection for Young Artist-Style Paintings in the Digital Era from a Copyright and Renewable Energy Perspective? Young Artist-style paintings are a form of artistic expression that developed in Bali and possess unique visual characteristics, namely the use of bright colors, simple compositions, and themes of local life steeped in Balinese cultural symbols. Within the framework of Indonesian intellectual property law, such paintings are essentially categorized as protected works under Article 40 paragraph (1) letter d of Law Number 28 of 2014 concerning Copyright. However, this protection remains controversial when the works contain elements of traditional culture that are passed down from generation to generation and are communal in nature. Young Artist works are essentially a blend of the artist's individual expression and the collective cultural values of the Sayan Village community, thus creating an overlap between individual copyright and the communal rights of the Sayan Village community. In the context of copyright law, recognition of the creator is personal and confers exclusive moral and economic rights. In contrast, in the context of traditional cultural expressions (TRCs), inherent rights are collective and recognized as common property managed by the state for the benefit of indigenous communities. This disharmony raises complex legal issues, particularly when works are published on digital platforms.

Digitalization makes these artworks easily accessible and reproduced without adequate controls, thus creating the risk of copyright infringement and cultural exploitation. The 2014 Copyright Law (UUHC) does protect TRCs in Article 38, but it has not provided an effective implementation mechanism for artworks transformed through digital technology. Therefore, the



legal protection provisions for works such as Young Artist remain partial and do not comprehensively address the relationship between individual copyright and collective rights. This legal gap creates legal vulnerabilities for artists and the indigenous communities that inspire these works. In practice, legal protection only applies to specific artistic expressions, while the underlying cultural substance does not receive equal protection (Tobing, 2020). This situation demonstrates the need for an integrative and contextual legal approach to ensure effective protection for Young Artist-style paintings in the digital era. These efforts must take into account the principles of customary law, modern copyright law, and the state's obligations to protect cultural heritage as stipulated in international conventions. In other words, ideal legal protection must be able to accommodate economic, moral, and cultural dimensions in a balanced manner.

An analysis of the laws and regulations shows that the relationship between the copyright regime and the protection regime for traditional cultural expressions in Indonesia still experiences normative disharmony (Nuraini, 2021). In the copyright legal system, protection is granted to works that have elements of originality and a clear creator, whereas in the EBT protection system, originality is not measured by the individual but rather by communal values and cultural heritage (WIPO, 2018). Young Artist's painting poses a dilemma because aesthetically it is the work of an individual, but its visual substance contains traditional cultural elements such as traditional clothing motifs, religious rituals, and the landscape of Balinese life. In this context, it is not easy to determine who is entitled to legal recognition and economic benefits from the work. Article 38, paragraph (3) of the 2014 Copyright Law stipulates that the state acts as the rights holder for EBT whose creator is unknown, but in practice, state management has not been effective because there is no national database that records culture-based works. As a result, many works originating from local culture are exploited by foreign parties or other parties without permission, including through digital media such as NFT (Non-Fungible Token) (UNESCO, 2021). When traditional works of art are traded digitally, legal questions arise regarding who holds moral and economic rights within the context of Indonesian positive law. In international practice, the World Intellectual Property Organization (WIPO) has proposed a *sui generis* protection model that combines copyright principles with recognition of collective cultural rights. Indonesia can adopt a similar approach to ensure works like Young Artists' do not lose their authenticity amidst the currents of digital globalization.

Furthermore, synchronization is needed between the Ministry of Law and Human Rights and the Ministry of Education and Culture in establishing guidelines for the protection of cultural expressions transformed into digital media. Thus, disharmony between copyright and renewable energy can be minimized through a complementary, rather than contradictory, legal framework. Integrated legal protection will ensure the sustainability of cultural values while providing appropriate recognition to their creators.

In the digital era, the legal protection system for culturally based artworks such as Young Artists' Paintings must be directed at strengthening digital registration, verification, and attribution mechanisms. One strategic step that can be taken is the establishment of a Digital Traditional Cultural Expressions Registry that integrates data on traditional and contemporary artworks based on local culture. The registry serves as legal evidence to identify the origins of the work, the creator, and the indigenous communities involved. Furthermore, the digital protection system can also utilize blockchain technology to guarantee the authenticity and ownership of works in cyberspace. With this technology, every digital transaction of artworks can be recorded transparently and irreversibly, thereby strengthening legal protection for artists. The government also needs to reformulate the implementing regulations of the 2014 Copyright Law to accommodate the new reality of digital art and its derivative forms (UNESCO, 2020). Synchronization between copyright



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protection and traditional cultural protection must be explicitly regulated in government regulations or ministerial regulations. Furthermore, strengthening the legal capacity of artists and cultural communities is necessary so that they can independently understand digital protection mechanisms. With an adaptive and technology-based legal system, modern traditional artworks such as Young Artists can be protected without sacrificing their underlying cultural values.

The Urgency and Form of Legal Protection for Young Artist Style Paintings in the Face of the Digital Era? Legal protection for Young Artist Style Paintings is quite important because it encompasses three main dimensions: cultural preservation, respect for copyright, and strengthening the local creative economy (Nugroho, 2022). This work is not merely a product of fine art, but rather a representation of Balinese cultural identity with spiritual and symbolic value. When the work is published digitally, its value shifts from cultural heritage to digital commodity, vulnerable to unauthorized exploitation. In a legal context, this has implications for blurring the boundaries between private and communal ownership of cultural works. The urgency of legal protection is also related to the state's responsibility, as stipulated in Article 32 of the 1945 Constitution, to advance Indonesian national culture among global civilizations. The state must ensure that every traditional work of art that undergoes modernization does not lose the identity and moral rights of its creator. Strong legal protection also serves as a means to safeguard the dignity of indigenous communities and prevent them from becoming victims of cultural appropriation by foreign parties. In the context of digital globalization, works such as Young Artist can easily be reproduced, modified, and even traded internationally without proper licensing mechanisms. Therefore, the urgency of legal protection is not only normative but also strategic for the continued existence of national culture.

The ideal form of legal protection for Young Artist Style Paintings in the digital era is a hybrid, combining individual protection through the copyright regime and collective protection through the New and Renewable Energy (NRE) mechanism (Girsang, 2023). Individual protection can be granted to artists for their creative expression, while collective protection is granted to cultural communities as sources of inspiration for their works. This model aligns with the World Intellectual Property Organization (WIPO)'s recommendations for creating a *sui generis* system for traditional cultural expression. In the Indonesian context, this model can be realized through the revision or formulation of implementing regulations that explicitly regulate the protection of cultural works in digital format. Protection can include digital registration of works, recording of communities that own cultural values, and a communal licensing system.

Furthermore, the government can establish a special institution that functions as a cultural rights management agency to manage the economic rights of cultural works used commercially (Sitorus, 2023). Thus, the economic proceeds from digital use can be shared proportionally between artists and communities. This system not only protects legal interests but also strengthens social solidarity in cultural preservation (UNCTAD, 2022).

Strategies to strengthen legal protection for works of art, such as Young Artist-style paintings, in the digital era require a multi-level approach encompassing regulation, technology, and legal education (KEMENDIKBUDRISTEK, 2023). From a regulatory perspective, the government needs to establish implementing legal instruments for the Copyright Law that accommodate the specific needs of digital cultural works. From a technological perspective, a blockchain registry system should be developed to enable tracking and certification of the originality of works. From an educational perspective, it is crucial to improve legal and digital literacy for artists and indigenous communities to understand their rights and obligations in the digital space. Collaboration between government institutions, universities, and digital platforms should also be strengthened to encourage research and innovation in technology-based cultural protection.



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Furthermore, Indonesia needs to actively participate in international cooperation under WIPO and UNESCO to develop global standards for the protection of digital cultural expressions. Thus, the protection of Young Artist-style paintings can serve as a model for the protection of other traditional cultures transforming in the digital era.

CONCLUSION

Legal protection for Young artists' Balinese paintings from the perspective of copyright and traditional cultural expressions (EBT) in the digital era demonstrates the need for harmonization between national law and local cultural norms. Based on Law Number 28 of 2014 concerning Copyright, paintings are included as objects of copyright protection as creations in the field of fine arts. However, Young Artist-style paintings have special characteristics because they are sourced from the cultural values, symbolism, and collective expressions of the Balinese people, thus also being included in the category of Traditional Cultural Expressions, which are communal in nature. Therefore, a purely individualistic protection approach, as in the conventional copyright regime, is not fully adequate to protect the moral and economic rights of the indigenous communities that are the source of inspiration for these works. In the context of the digital era, legal protection needs to be extended to the realm of digitalization and online distribution to prevent exploitation, unauthorized reproduction, or commercialization without recognition of cultural origin. Normatively, a hybrid system is needed between individual (copyright) and communal (traditional cultural rights) protection through national digital policies and the participation of institutions such as WIPO, UNESCO, and the Directorate General of Intellectual Property (DJKI). Thus, legal protection for Young Artist-style paintings must be integrative—maintaining the authenticity of Balinese culture while providing space for innovation and fairness for artists in the era of digital globalization.

The urgency of legal protection for Young Artist-style paintings in the digital age lies in the increasing potential for copyright infringement and the erosion of cultural values due to the digitization and globalization of art media. Digital transformation facilitates the reproduction, modification, and distribution of works without jurisdictional boundaries, posing a threat to the authenticity, attribution, and economic value of these works. Therefore, appropriate legal protection must be adaptive and technology-based. Legal protection can be achieved through three main mechanisms: first, strengthening national legal instruments through explicit recognition of Traditional Cultural Expressions in regulations under the Copyright Law; second, developing a national database of digital cultural expressions that records and tracks traditional artworks such as Young Artist-style paintings for verification and rights claims; and third, cross-institutional collaboration between the government, indigenous communities, cultural notaries, and digital platforms to ensure digital attribution and licensing (for example, through Digital Rights Management or blockchain-based certificates). This protection is not merely a legal issue but also a matter of the sustainability of Balinese cultural heritage amidst the development of the global creative industry. Therefore, the urgency of legal protection for Young Artist style paintings is an integral part of national efforts to maintain cultural sovereignty, strengthen the creative economy system, and ensure justice for creators and cultural communities in the open digital era.

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