

## The Hidden Cost of Creativity: How Poster Design Competitions Facilitate Economic and Moral Rights Appropriation in Indonesia

Afriansyah Tanjung<sup>1</sup>

<sup>1</sup> PJJ Hukum, Universitas Siber Muhammadiyah, Jl. HOS Cokroaminoto No.17, Yogyakarta, Indonesia, 55253.

<sup>1</sup>tanjung.afriansyah@sibermu.ac.id

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### ABSTRACT

*Design competitions have become a prominent avenue for students and emerging designers in Indonesia to gain visibility, yet the copyright terms embedded in these contests often conceal significant legal and ethical risks. This study investigates whether poster design competitions genuinely empower creators or instead function as mechanisms for the systematic appropriation of economic and moral rights. Using an empirical legal research methodology with qualitative online ethnography, the study observes competition cycles across ministries, local governments, universities, and private institutions. Competition guidelines, terms and conditions, and post-competition publications were coded to identify patterns of copyright transfer, exclusivity obligations, and moral rights waivers, and these findings were interpreted against Indonesia's 2014 Copyright Law and broader socio-legal scholarship. The analysis reveals that many competitions require participants to automatically transfer full copyright ownership merely by submitting their work without a valid written agreement rendering such transfers legally defective. Even more concerning, several competitions implicitly or explicitly demand waivers of moral rights, which are inalienable under Indonesian law. These practices compromise fair attribution, limit portfolio development, and disadvantage young designers who rely on credited works for career advancement. Rather than fostering creativity,*

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*many competitions replicate power imbalances and extract value from creators without adequate recognition or compensation. By exposing how design competitions blur the line between opportunity and exploitation, this study invites deeper reflection on the governance of creative labor in Indonesia. The findings underscore the need for clearer contractual safeguards and regulatory oversight to ensure that competitions operate ethically, legally, and in genuine support of creative development.*

**Keywords:** *Attribution, Copyright Law, Design Competitions, Economic Rights, Moral Rights.*

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## I. INTRODUCTION

Globally, design competitions have evolved significantly from their origins, where the primary focus was on aesthetic beauty.<sup>1</sup> Today, they encompass a wide range of objectives and benefits, driven by advancements in digital platforms and the internet.<sup>2</sup> These competitions are no longer just about creating beautiful designs but have become multi-disciplinary events that foster innovation, community building, and collaboration.<sup>3</sup>

In recent years, design competitions have evolved into dynamic platforms that go beyond mere artistic expression. A key trend is the multi-disciplinary approach increasingly adopted in modern competitions.<sup>4</sup> Participants are often required to integrate knowledge from various fields such as engineering, architecture, graphic design, and

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<sup>1</sup> Alexander Bowen-Rotsaert et al., "Australian space design competition: Designing a habitat to collect and process space debris", in *Proceedings of the International Astronautical Congress, IAC*, vol 2019-Octob, 2019, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85079119343&partnerID=40&md5=b38c0d885770a32d617fb133869db9da>; Sabrina Adamczyk, Angelika C Bullinger, en Kathrin M Möslein, "Innovation Contests: A Review, Classification and Outlook", *Creativity and Innovation Management* 21, no 4 (2012): 335 – 360, <https://doi.org/10.1111/caim.12003>.

<sup>2</sup> Onur Mustak Cobanlı, Alessandro Deserti, en Cabirio Cautela, "Evolution of design competitions: A scientific study on the state-of-art of design competitions", *Design Principles and Practices* 5, no 3 (2011): 391 – 405, <https://doi.org/10.18848/1833-1874/cgp/v05i03/38059>.

<sup>3</sup> Onur Mustak Cobanlı, "Integrating end-users to the design process through design competitions", in *DPPI'11 - Designing Pleasurable Products and Interfaces, Proceedings*, 2011, <https://doi.org/10.1145/2347504.2347568>.

<sup>4</sup> Rebecca Blust en David Myszka, "Merging design competition and industry sponsored projects", in *ASEE Annual Conference and Exposition, Conference Proceedings*, 2005, 10277 – 10284, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-22544459097&partnerID=40&md5=d726c740fba07821ecf984fd45fcbab66>.

environmental science.<sup>5</sup> This holistic framework promotes complex problem-solving and encourages contestants to think across traditional disciplinary boundaries, fostering innovation that is both creative and functional.<sup>6</sup>

Reflect to Indonesian experience, the trend of design competitions, particularly for posters and logos, organized by universities, government entities, and private institutions in Indonesia has become increasingly prominent in recent years. This phenomenon reflects a growing emphasis on creativity, innovation, and practical skill application among students and young professionals. Various factors contribute to the rising popularity of these design competitions.

First, the competitive environment within higher education institutions has intensified due to the increasing number of graduates and elevated quality expectations that align with global standards.<sup>7</sup> The global competition has heightened the necessity for graduates to possess both theoretical knowledge and practical skills that can be demonstrated through real-world applications, such as design competitions. This trend aligns with experiential marketing factors that are known to enhance competitiveness, especially in Indonesia's higher education sector.<sup>8</sup>

Go further, these competitions serve as platforms for students and emerging designers to showcase their creativity and gain recognition in the industry.<sup>9</sup> The integration of competition into educational practices aligns with pedagogical goals and fosters an entrepreneurial spirit among participants. Local brands, as indicated by recognize the importance of effective marketing communication strategies to distinguish

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<sup>5</sup> Ronald Baier en Tao Yong, "An interdisciplinary pedagogical teaching approach for engineering, in conjunction with architecture and construction with solar decathlon project", in *ASEE Annual Conference and Exposition, Conference Proceedings*, 2007, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85029037678&partnerID=40&md5=82fb1bb45d9950fe9ed8b0dcec1c1469>.

<sup>6</sup> Congcong Liu en Adzira Binti Husain, "The Impact of Design Competitions on the Skill Development and Employability of Chinese Graphic Design Students", *Eurasian Journal of Educational Research* 2024, no 113 (2024): 277 – 289, <https://doi.org/10.14689/ejer.2024.113.17>; Rui-Lin Lin, "Teaching achievement study of creative design competitions", *Advances in Intelligent Systems and Computing* 536 (2017): 72 – 79, [https://doi.org/10.1007/978-3-319-48490-7\\_9](https://doi.org/10.1007/978-3-319-48490-7_9).

<sup>7</sup> Prim Masrokan Mutohar en Nik Haryati, "The Effect of Experiential Marketing Factors on the Competitiveness of Islamic Higher Education in Indonesia", *Saudi Journal of Business and Management Studies*, 2020, <https://doi.org/10.36348/sjbms.2020.v05i06.003>.

<sup>8</sup> Adamczyk, Bullinger, en Möslin, "Innovation Contests: A Review, Classification and Outlook".

<sup>9</sup> G Marshall Molen, "Benefit of student participation in advanced Vehicle Technology Competitions", in *ASEE Annual Conference and Exposition, Conference Proceedings*, 2010, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85029105478&partnerID=40&md5=c0d8bc2c4d08822b14c9bec6705ecc3d>.

themselves in a crowded marketplace. Design competitions provide avenues for these brands to discover fresh talent and ideas that can enhance their visibility.<sup>10</sup>

In addition to fostering creativity and innovation, these competitions contribute to the development of a vibrant design culture in Indonesia. Case studies, such as the redesign of functional items like fish-ball selling carts, illustrate how design can significantly impact local culture and business competitiveness. As shown by Fitorio Bowo in their publication,<sup>11</sup> initiatives that simplify and enhance design have the potential to improve product appeal and competitiveness among local businesses. This relationship between design education and local industry underscores the value of engaging students in practical projects through competitions.<sup>12</sup>

Furthermore, design competitions are often supported or organized by government and private institutions aiming to promote national branding and cultural identity. These entities understand that design plays a pivotal role in shaping Indonesia's image on the global stage. Events like these not only highlight local talent but also encourage collaboration between various sectors, enhancing the overall competitiveness of Indonesian design in the international market.<sup>13</sup>

The issue of copyright transfer in design competitions, particularly within the Indonesian context, has become a critical area of concern at the intersection of intellectual property rights and the creative industries. The real-world impact on students is particularly severe. As emerging designers, students depend heavily on competition entries, coursework, and freelance projects to build their portfolios.<sup>14</sup> When their work is taken, modified, or commercialized without acknowledgment, they lose not only economic value but also professional visibility and career momentum. Studies indicate

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<sup>10</sup> Agsallita Oktiawulan Putri en Frizki Yulianti Nurnisya, "IMOKEY's Integrated Marketing Communication Strategy in Increasing Product Sales in 2022", *Symposium of Literature Culture and Communication (Sylection) 2022*, 2023, <https://doi.org/10.12928/sylection.v3i1.13995>.

<sup>11</sup> Fitorio Bowo Leksono en Hari Susanta Nugraha, "Design for the Real World: The Case Study of Fish-Ball Seller Cart", *Idealogy Journal of Arts and Social Science*, 2021, <https://doi.org/10.24191/idealogy.v6i2.297>.

<sup>12</sup> Jorge Rodriguez en Alamgir Choudhury, "Opportunities and challenges for collaboration industry-Academia via sponsored design competitions", in *Proceedings of 2014 International Conference on Interactive Collaborative Learning, ICL 2014*, 2014, 711 – 714, <https://doi.org/10.1109/ICL.2014.7017857>.

<sup>13</sup> Ismail Bustany et al., "The 2023 MLCAD FPGA Macro Placement Benchmark Design Suite and Contest Results", in *2023 ACM/IEEE 5th Workshop on Machine Learning for CAD, MLCAD 2023*, 2023, <https://doi.org/10.1109/MLCAD58807.2023.10299868>.

<sup>14</sup> Yubiao Wang et al., "The impact of virtual technology on students' creativity: A meta-analysis", *Computers & Education* 215 (Julie 2024): 105044, <https://doi.org/10.1016/j.compedu.2024.105044>.

that such practices can discourage creative risk-taking and diminish students' willingness to engage in open innovation environments.<sup>15</sup> Over time, this undermines the developmental purpose of design education, which aims to cultivate independent thinking, originality, and a strong ethical foundation.

For the design industry, widespread rights transfer and copyright misappropriation contribute to broader economic and professional harm. Unauthorized replication and commercial exploitation of design work weaken the competitive advantage of original creators and distort fair market dynamics. Reports by the World Intellectual Property Organization, highlight substantial financial losses in global creative industries caused by copyright infringement and forced rights transfers. This environment fosters mistrust, limits collaboration, and reduces incentives for innovative production. When young designers feel disempowered or exploited early in their careers, the industry faces long-term stagnation as creativity becomes overshadowed by structural inequities.<sup>16</sup>

A growing number of organizations including universities, government institutions, and private companies frequently include contractual clauses that compel participants to surrender full copyright ownership upon submission of their designs. While these competitions often serve as platforms for creativity and innovation, such practices raise serious ethical questions regarding the recognition of creative labor, the fairness of compensation, and the long-term rights of participants.

One of the most prevalent clauses found in these competition agreements is the requirement of full copyright transfer (moral and economic right). By merely submitting an entry, participants are often deemed to have transferred all rights to their work to the organizing body. This means that the organizers are free to use, reproduce, modify, or commercially exploit the designs without any further remuneration or even proper acknowledgment of the original creator. Such terms not only undermine the economic rights of the designers but also severely limit their ability to feature the work in personal

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<sup>15</sup> Liguozhang et al., "The Impact of Digital Technology Use on Teaching Quality in University Physical Education: An Interpretable Machine Learning Approach", *Applied Sciences* 15, no 14 (09 Jul 2025): 7689, <https://doi.org/10.3390/app15147689>.

<sup>16</sup> United Nations Conference on Trade and Development, "Creative Economy Outlook 2024" (New York, NY, USA, 2024).

portfolios or use it for future creative projects an issue especially detrimental for young or emerging designers seeking to build a professional presence.<sup>17</sup>

Another restrictive provision commonly included is the exclusivity clause, which prohibits participants from submitting the same design to other competitions or clients. Even after the competition concludes, participants may remain contractually bound, unable to repurpose or monetize their own creative work elsewhere. This restriction significantly narrows the scope of opportunities for designers to gain exposure or generate income from their original creations, stifling both artistic freedom and economic potential.

Moreover, some contracts go as far as requesting participants to waive their moral rights, the legal rights that ensure creators can claim authorship and protect the integrity of their work. By relinquishing these rights, designers may lose the ability to defend their work from distortion or misuse and could be prevented from being publicly associated with their own creations. This not only undermines their personal and professional reputation but also contravenes the fundamental principles of copyright law, which seeks to balance the interests of creators and users. In light of these issues, the structure of many design competitions in Indonesia appears to favor institutional interests at the expense of individual creators' rights. Without stronger legal awareness, ethical oversight, or regulatory guidance, such practices may continue to exploit creative contributions under the guise of opportunity.

This research aims to critically examine the expanding phenomenon of design competitions and to investigate how their evolving structures particularly within the Indonesian context to shape the creative, educational, and economic experiences of participants. As design competitions increasingly integrate multidisciplinary approaches, technological platforms, and institutional interests, this study seeks to analyse the extent to which these competitions contribute to skill development, innovation, and professional exposure for students and emerging designers. At the same time, the research aims to uncover the ethical, legal, and economic implications of contractual mechanisms embedded within competition guidelines, especially clauses requiring the full transfer of copyright and the enforcement of exclusivity provisions. These contractual practices, as

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<sup>17</sup> Melissa Boyle, Stacy Nazzaro, en Debra J O'Connor, "Moral Rights Protection for the Visual Arts", *Journal of Cultural Economics*, 2009, <https://doi.org/10.1007/s10824-009-9113-3>.

highlighted in the broader discussion, often limit participants' ability to retain control over their creative output, showcase their work, or pursue further opportunities, thereby undermining the developmental value that competitions are intended to provide.

Furthermore, this research intends to evaluate how these copyright practices influence the broader design ecosystem, including trust within the creative industry, incentives for innovation, and the sustainability of creative labour. By exploring real cases and institutional practices, this study seeks to reveal the power imbalances between organizers and participants and assess how such imbalances affect the protection of intellectual property rights. The research also aims to identify gaps in regulatory frameworks and educational policies that leave young designers vulnerable to exploitation. Ultimately, this study strives to formulate recommendations for more equitable competition policies and propose guidelines that safeguard creative rights while still enabling competitions to function as meaningful platforms for innovation, talent discovery, and national branding.

The present study adopts an empirical legal research methodology with a qualitative approach, designed to capture how copyright clauses in design competitions are practiced and experienced in the real world.<sup>18</sup> Rather than limiting itself to normative analysis of statutory provisions, this research treats law as it operates in social and institutional settings specifically, in the context of design competitions organized by ministries, central government bodies, local governments, and private entities in Indonesia. The focus is on understanding how contractual terms related to copyright transfer, exclusivity, and recognition of authorship are constructed, justified, and implemented in practice, and how these arrangements affect students and emerging designers participating in such competitions.

Primary data are obtained through online observational studies using a modern ethnographic approach. The researcher systematically observes and documents several design competitions in Indonesia by "following" their full cycle in digital spaces: from public calls and announcements, competition guidelines, and terms and conditions, to the publication of winners and subsequent use of the submitted designs.<sup>19</sup> The unit of analysis

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<sup>18</sup> Sulistyowati Irianto, "Enriching legal studies with socio-legal research", *Advancing Rule of Law in a Global Context*, 25 February 2020, 196–209, <https://doi.org/10.1201/9780429449031-25>.

<sup>19</sup> Sulistyowati Irianto, "Memperkenalkan Kajian Sosio-Legal dan Implikasi Metodologisnya", in *Kajian Sosio-Legal*, red Adriaan; W. Bedner et al., I (Jakarta: Pustaka Larasan, 2012), 1.

includes competitions hosted by ministries and central government agencies, as well as local governments in Central Java and the Special Region of Yogyakarta (DIY), alongside competitions organized by universities and private entities.

In parallel, secondary data are gathered through online library research, which includes academic journal articles, books, policy papers, and institutional reports related to copyright law, creative industries, design competitions, and intellectual property practices.<sup>20</sup> These sources are accessed via digital libraries, research databases, and official publications of organizations such as WIPO, national copyright bodies, and Indonesian government agencies. Secondary data also encompass doctrinal materials on Indonesian copyright law and relevant regulations on Indonesian IPRs. This secondary corpus provides the normative and theoretical background against which the empirical observations are interpreted, allowing the study to contrast the “law in the books” with the “law in action” as reflected in competition practices.<sup>21</sup>

Data analysis is conducted using qualitative, interpretive, and thematic techniques. Competition documents, terms and conditions, and related online materials (such as FAQs, announcements, and post-competition publications) are coded to identify recurring patterns in copyright clauses, especially regarding full transfer of moral and economic rights, limitations on portfolio use, and exclusivity obligations. These patterns are then examined in light of empirical narratives about their impact on students and emerging designers, as previously discussed, and cross-referenced with scholarly debates on creative labor, power imbalance in contracts of adhesion, and the economic implications of rights transfer in creative industries. The goal is to produce an empirical understanding of how copyright is negotiated and, in many cases, unilaterally determined in the context of design competitions.<sup>22</sup> This research methodology adopted in this study follows a structured and systematic process designed to capture the real-world practices of copyright clauses in poster and design competitions,

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<sup>20</sup> Afriansyah Tanjung, Muhammad Rizal, and Dinda Riskanita, “Examining the Dual Nature of Divorce Trial Cases in Indonesia: Private Hearings and Public Verdicts”, *Widya Pranata Hukum : Jurnal Kajian dan Penelitian Hukum* 7, no 2 (2025): 291–310.

<sup>21</sup> Afriansyah Tanjung, “Pengantar Metode Penelitian Hukum”, in *Modul Pengantar Metode Penelitian Hukum Program Studi S1 PJJ Hukum Universitas Siber Muhammadiyah*, I (Kota Yogyakarta: Universitas Siber Muhammadiyah, 2025).

<sup>22</sup> S. Blandy and C. Hunter, “Socio-Legal Perspectives”, in *International Encyclopedia of Housing and Home* (Elsevier, 2012), 514–17, <https://doi.org/10.1016/B978-0-08-047163-1.00682-2>.



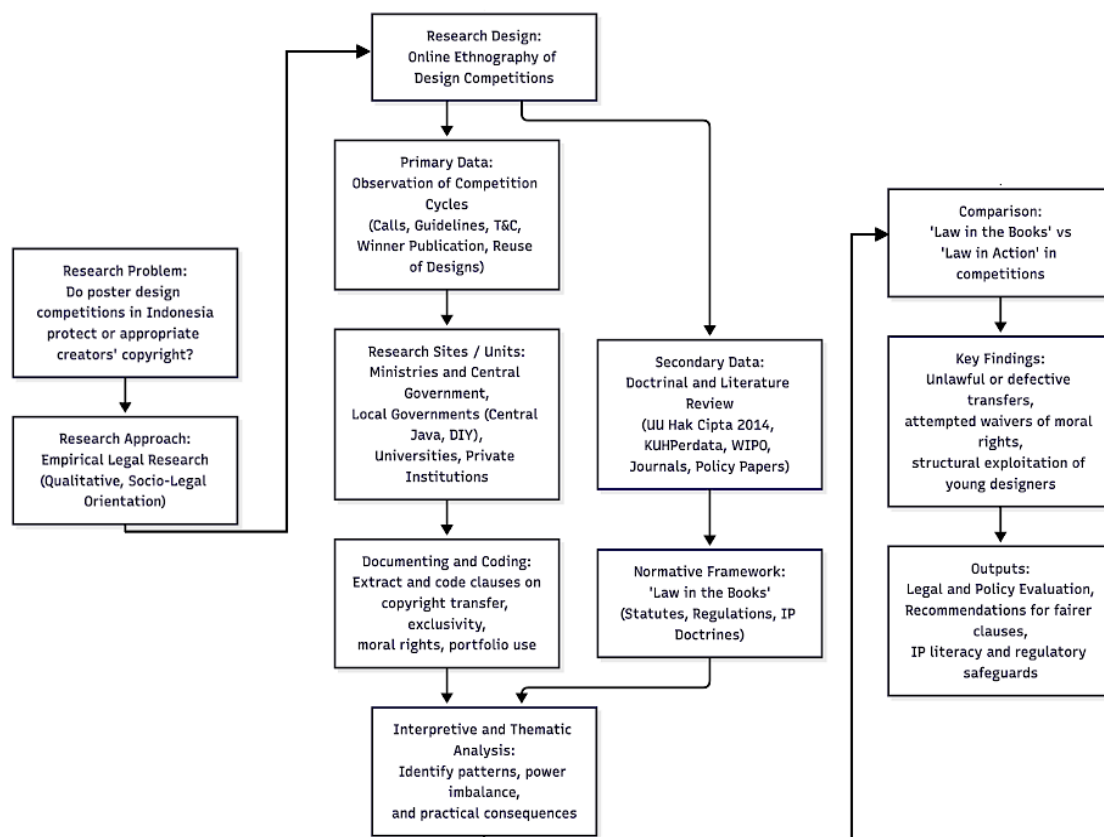


Figure 1 - The methodological flowchart above provides a structured visual roadmap of the entire qualitative research process used in this study

## II. DISCUSSION

### 1. Understanding Economic and Moral Rights in Copyright Law: Global and Indonesia Context

Copyright is a form of intellectual property that protects original works of authorship, including literary, dramatic, musical, artistic, and certain other intellectual works.<sup>23</sup> It grants the creator exclusive rights to reproduce, distribute, perform, display, and create derivative works from their original creation.<sup>24</sup> The primary purpose of copyright law is to balance the interests of creators and the public by providing creators

<sup>23</sup> Bindu Sharma, *Copyright, Pharmaceutical Medicine and Translational Clinical Research*, 2017, <https://doi.org/10.1016/B978-0-12-802103-3.00017-1>.

<sup>24</sup> John Feather, *Rights and wrongs: Old and new perspectives on copyright*, *Research Handbook on Information Policy*, 2021, <https://doi.org/10.4337/9781789903584.00036>.

with exclusive rights while allowing for certain exceptions and limitations to promote access and innovation.<sup>25</sup>

Copyright law plays a significant role in determining the ownership and protection of designs submitted to design competitions.<sup>26</sup> The implications of copyright law in this context can be complex, involving various aspects of intellectual property rights, dual protection mechanisms, and the specific legal frameworks governing different regions.<sup>27</sup> Copyright law was provided copyright protection is automatically, once a design is created and fixed in a tangible medium, such as architectural plans or drawings.<sup>28</sup> This means that designers do not need to register their designs to receive copyright protection, which can simplify the process of asserting ownership. In some jurisdictions, designs can receive dual protection under both copyright and design law.<sup>29</sup> For example, EU law allows for dual protection, which can provide broader coverage for designers. However, this dual protection can also lead to complexities and potential conflicts between the two legal frameworks.<sup>30</sup>

In Indonesia context, Intellectual Property Rights (IPR) encompass a range of protections for creators, balancing economic rights, which facilitate financial gain from creative works, and moral rights, which preserve the integrity and personal connection of creators to their work. In both global and Indonesian contexts, these two categories of rights have distinct implications for authors and their creations, that is economic rights and moral rights.<sup>31</sup>

In poster design competitions, copyright concerns cannot be reduced solely to questions of ownership or financial gain. Instead, they comprise a complex interplay between economic rights which govern how the poster may be reproduced, distributed,

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<sup>25</sup> Roza Iosifovna Sitdikova et al., "Exceptions to copyright for scientific and educational purposes", *International Journal of Higher Education* 9, no 8 (2020): 67 – 71, <https://doi.org/10.5430/ijhe.v9n8p67>.

<sup>26</sup> Anirban Mazumder, *Copyright, access and information society, Copyright Law in the Digital World: Challenges and Opportunities*, 2017, [https://doi.org/10.1007/978-981-10-3984-3\\_8](https://doi.org/10.1007/978-981-10-3984-3_8).

<sup>27</sup> Ronald R Butters, *Language And Copyright, The Oxford Handbook of Language and Law*, 2012, <https://doi.org/10.1093/oxfordhb/9780199572120.013.0034>.

<sup>28</sup> Sharma, *Copyright*.

<sup>29</sup> Phebe Mann, "Who owns the copyright of architectural works and designs?", in *COBRA 2010 - Construction, Building and Real Estate Research Conference of the Royal Institution of Chartered Surveyors*, 2010, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84860447122&partnerID=40&md5=249d74a6568eb3fa5e79811bb63e42fe>.

<sup>30</sup> Sitdikova et al., "Exceptions to copyright for scientific and educational purposes".

<sup>31</sup> Hulman Panjaitan et al., "Music Copyright Protection In the Digital Era: Legal Framework and Strategies for Enforcement", *Jurnal Hukum Unissula* 40, no 2 (2024): 235 – 257, <https://doi.org/10.26532/jh.v40i2.40525>.

commercialized, or adapted and moral rights, which protect the designer's personal connection to the work through attribution and integrity.<sup>32</sup> These two dimensions are inseparable in the context of poster design because posters function simultaneously as creative works, communication media, and economic assets. In many competitions, especially those hosted by governmental and private institutions, the terms and conditions compel participants to surrender not only their economic rights but also their moral rights, often without clear disclosure or fair compensation. This double relinquishment creates a structural vulnerability for young designers, whose careers depend on both income potential and recognition.

Economic rights grant authors the exclusive ability to exploit their works for financial gain. This includes rights to reproduce, distribute, and publicly perform or display their work, as defined in various legal frameworks. Economic rights are fundamental for creators to derive income from their intellectual endeavours, thereby incentivizing creativity and innovation.<sup>33</sup> In Indonesia, the 2014 Copyright Law emphasizes the importance of these economic rights, allowing creators to control the use and dissemination of their works. However, this focus on economic exploitation can lead to conflicts, particularly when economic interests overshadow the creator's moral claims to their work.<sup>34</sup>

Economic rights take on heightened significance in poster design competitions because posters are meant to be reproduced, circulated, and publicly displayed across various media. When organizers require participants to surrender these rights, they gain full control to reproduce the winning design for promotional banners, social media campaigns, institutional publications, or even commercial merchandise all without compensating the designer. A poster that could generate substantial economic and reputational value for the institution becomes entirely detached from the creator's ability to profit, control its use, or limit its circulation. This loss of control is especially harmful

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<sup>32</sup> Cherg G Ding en NA-TING LIU, "Productivity Changes of Asian Economies by Taking Into Account Software Piracy", *Economic Inquiry*, 2009, <https://doi.org/10.1111/j.1465-7295.2007.00117.x>.

<sup>33</sup> Samuel Dharma Putra Nainggolan, Ni Made Yordha Astiti, en Diajeng Woro Andini, "Copyright Dan Right to Copy (Pemahaman Dasar Hak Cipta Dan Hak Yang Terkait Dengan Hak Cipta Dalam Bidang Hak Kekayaan Intelektual)", *Hukum Dan Dinamika Masyarakat*, 2022, <https://doi.org/10.56444/hdm.v20i2.3551>.

<sup>34</sup> Billy Handiwyanto en Wisnu Aryo Dewanto, "Perlindungan Hukum Terhadap Hak Pencipta Software Yang Nomor Serialnya Dikomersialkan Tanpa Hak Di Cyber Space Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta", *Dih Jurnal Ilmu Hukum*, 2020, <https://doi.org/10.30996/dih.v16i1.2899>.

for emerging designers, whose creative work may circulate widely without attribution, making it difficult for them to track third-party uses or rely on the poster as a credible portfolio piece.

The issue becomes more problematic when winning designs are commercialized through merchandise, fundraising materials, or licensing agreements. If economic rights have been transferred, organizers legally convert the designer's work into a revenue-generating asset while the designer receives no royalties or acknowledgment. This dynamic reflects a structural imbalance:<sup>35</sup> organizers obtain monetizable rights simply through participation rules, while designers often students seeking exposure lose both potential income and creative autonomy. Thus, economic rights are not abstract principles but essential protections that determine who ultimately benefits from poster designs and who maintains authority over their creative output.<sup>36</sup>

Moreover, moral rights play a crucial role in poster design competitions because they govern the personal and reputational relationship between the creator and the work. While economic rights determine how a poster may be reproduced or commercialized, moral rights such as the right of attribution, the right to protect the integrity of the work,<sup>37</sup> and, in some jurisdictions, the right to retract ensure that the creator maintains an enduring connection to their artistic expression. This is particularly important for posters, which are public-facing creative outputs used to convey messages, branding, or institutional values. Yet, many poster design competitions, especially those organized by government agencies, universities, and private companies, require participants to waive moral rights either explicitly or implicitly. Such practices have serious consequences for designers, especially emerging creatives who depend on public recognition and the preservation of their creative integrity to build their professional portfolios.<sup>38</sup>

One of the most significant moral rights in this context is the right of attribution, which guarantees that the designer is identified whenever the poster is used, displayed, or

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<sup>35</sup> Jung-Yong Lee en Chang-Hyun Jin, "The Role of Ethical Marketing Issues in Consumer-Brand Relationship", *Sustainability*, 2019, <https://doi.org/10.3390/su11236536>.

<sup>36</sup> Yaojen Liu, "'Creative commons' public licensing for the competitive markets of the publishing, printing, and packaging industries", *Lecture Notes in Electrical Engineering* 369 (2016): 355 – 364, [https://doi.org/10.1007/978-981-10-0072-0\\_46](https://doi.org/10.1007/978-981-10-0072-0_46).

<sup>37</sup> Marion Fourcade en Kieran Healy, "Moral Views of Market Society", *Annual Review of Sociology*, 2007, <https://doi.org/10.1146/annurev.soc.33.040406.131642>.

<sup>38</sup> Heidi Härkönen, "Fashion and Authors' Moral Rights", *GRUR International* 73, no 5 (2024): 406 – 420, <https://doi.org/10.1093/grurint/ikae050>.

distributed. In many competitions, this right is undermined when organizers publish or utilize winning posters without naming the creator, or when the design is reused in extended campaigns without proper acknowledgment. Commercial products or promotional materials produced from the winning design often omit the designer's name entirely, and adaptations circulated by third parties may provide no attribution.<sup>39</sup> For young designers, losing this recognition is particularly damaging, as attribution is essential for building visibility, showcasing conceptual and stylistic capabilities, and gaining credibility in the design industry. Over time, the absence of proper credit weakens the designer's creative identity and reduces opportunities for employment, collaboration, and commissions.<sup>40</sup>

For students and emerging designers, moral rights are not abstract legal protections but fundamental assets for career development. Posters are public works that showcase conceptual thinking, visual communication skills, creativity, and technical execution. They serve as valuable portfolio pieces, attract potential clients or employers, and help build a recognizable design identity.<sup>41</sup> When competition rules require participants to waive their moral rights, designers lose the ability to maintain authorship records, to publicly claim the work as their own, to object when the work is misrepresented, and to control the narrative surrounding their creative contributions. This loss directly undermines the professional growth of young designers, who rely heavily on visible, credited work to establish themselves in the competitive creative industries.<sup>42</sup> Below is a flowchart illustrating the Combined Analysis: The Interplay of Economic and Moral Rights in Poster Design Competitions,

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<sup>39</sup> Xiyin Tang, "The artist as brand: Toward a trademark conception of moral rights", *Yale Law Journal* 122, no 1 (2012): 218 – 257, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84867682876&partnerID=40&md5=adb960287cd1b5818b86f1428dd98d2a>.

<sup>40</sup> Sukron Mahmud en Kholis Roisah, "The Concept of IPR Ownership in the Context of the Copyright Legal System and Indonesian Society's Cosmology", *International Journal of Social Science and Human Research*, 2023, <https://doi.org/10.47191/ijsshr/v6-i8-12>.

<sup>41</sup> Anthoula Papadopoulou, *The digitization of contents in digital libraries: Moral right and limits, E-Publishing and Digital Libraries: Legal and Organizational Issues*, 2010, <https://doi.org/10.4018/978-1-60960-031-0.ch010>.

<sup>42</sup> Jessica Lewis, "With Love and Kisses: Nothing Lasts Forever: An Examination of the Social and Artistic Antiquation of Moral Rights", *International Journal of Cultural Property* 23, no 3 (2016): 267 – 294, <https://doi.org/10.1017/S0940739116000151>.

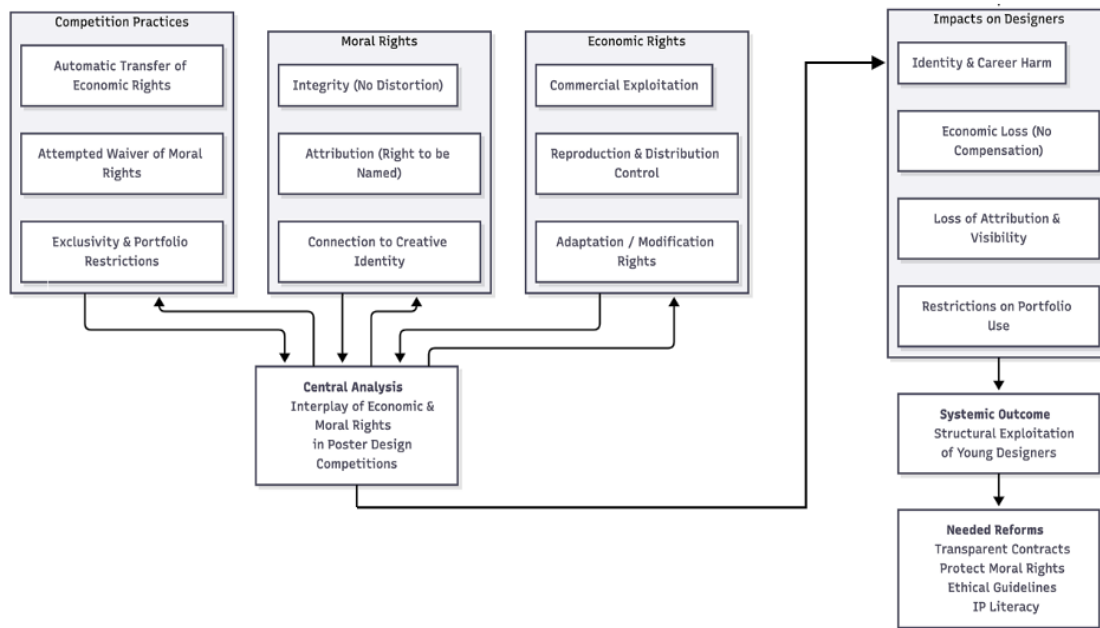


Figure 2 - This flowchart shows how both rights overlap (economic and moral rights), reinforce each other, and create compounded impacts on designers.

Treating economic and moral rights separately obscures the full scope of harm caused by unfair competition terms. In practice, the two rights reinforce and magnify each other such as economic rights determine who benefits from the work and moral rights determine who is acknowledged and associated with the work. When both are taken, organizers acquire total control over the poster's value, meaning, and identity, while the designer is left without any form of benefit financial, professional, or reputational. Understanding the interaction between these rights is therefore essential for assessing whether a design competition respects intellectual property principles, promotes ethical creative engagement, and supports the long-term development of emerging designers.

Globally,<sup>43</sup> there is considerable variation in how economic and moral rights are treated. In the United States, the emphasis is predominantly on economic rights, with moral rights receiving far less emphasis compared to jurisdictions such as France and Germany where moral rights are robustly protected.<sup>44</sup> This disparity raises questions

<sup>43</sup> Laura Moscati, "Origins, Evolution and Comparison of Moral Rights between Civil and Common Law Systems 1", *European Business Law Review* 32, no 1 (2021): 25 – 52, <https://doi.org/10.54648/eulr2021002>.

<sup>44</sup> Nico Sunarko Putra et al., "The Freedom of Expression in Social Media Based on Creator's Moral Right: A Comparative Study", 2021, <https://doi.org/10.4108/eai.18-11-2020.2311770>.

about the adequacy of protections afforded to creators in different legal landscapes. the Visual Arts Rights Act of 1990, which was meant to bolster moral rights in the U.S. but has faced criticism for its inefficacy and the transactional burdens it imposes on artists.<sup>45</sup> In contrast, countries influenced by the Berne Convention, including Indonesia, afford moral rights substantial legal weight alongside economic rights. The protection of moral rights is a critical aspect of cultural policy, as it ensures that creators’ legacies are maintained and respected, which can promote a healthier arts ecosystem that nurtures ongoing creativity.<sup>46</sup>

Within the Indonesian framework, the Copyright Law of 2014 establishes a clear distinction between economic and moral rights. Article 5 of the Act articulates the dual nature of copyright, ensuring that creators retain moral rights unless explicitly waived, while economic rights can be transferred or licensed.<sup>47</sup> This dual protection is intended to safeguard the creator's relationship with their work, providing a holistic approach to intellectual property that respects both their economic interests and personal integrity.<sup>48</sup> However, challenges remain in enforcing these rights equally. Many creators, especially in artistic sectors, continue to face exploitation, where economic rights are emphasized at the expense of their moral rights.<sup>49</sup> Issues such as copyright infringement and lack of awareness among creators about their rights can further complicate this scenario.<sup>50</sup>

**Tabel 1 - Key Differences Between Economic Rights and Moral Rights in Intellectual Property Law**

Aspect	Economic Rights	Moral Rights	Indonesian Legal Perspective
Purpose	To enable the creator to gain financial rewards	To protect the personal and	Recognized as rights to benefit economically from works.

<sup>45</sup> William M Landes, “What Has the Visual Arts Rights Act of 1990 Accomplished?”, *SSRN Electronic Journal*, 2001, <https://doi.org/10.2139/ssrn.270985>.

<sup>46</sup> Putra et al., “The Freedom of Expression in Social Media Based on Creator’s Moral Right: A Comparative Study”; Boyle, Nazzaro, en O’Connor, “Moral Rights Protection for the Visual Arts”.

<sup>47</sup> Handiwiyanto en Dewanto, “Perlindungan Hukum Terhadap Hak Pencipta Software Yang Nomor Serialnya Dikomersialkan Tanpa Hak Di Cyber Space Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta”.

<sup>48</sup> Handiwiyanto en Dewanto.

<sup>49</sup> Maria R U D Tambunan, Bernat Panjaitan, en Nimrot Siahaan, “Legal Protection of Copyright Based on Law Number 28 of 2014 Concerning Copyright”, *Journal of Social Research*, 2023, <https://doi.org/10.55324/josr.v2i4.807>.

<sup>50</sup> Yohana Puspitasari Wardoyo et al., “Problematic on Copyright Execution as Fiduciary Collateral When Debtor Defaults”, *Kne Social Sciences*, 2024, <https://doi.org/10.18502/kss.v8i21.14820>.

Aspect	Economic Rights	Moral Rights	Indonesian Legal Perspective
	through commercial use of the work. <sup>51</sup>	reputational interests of the creator. <sup>52</sup>	
Transferability	Transferable – can be sold, licensed, or assigned to others. <sup>53</sup>	Inalienable – generally cannot be transferred or waived. <sup>54</sup>	Economic rights are transferable (Pasal 16 UUHC 2014); moral rights cannot be transferred (Pasal 5).
Legal Foundation	Based on economic incentives to promote innovation and growth. <sup>55</sup>	Based on moral and personal connection between the creator and the work. <sup>56</sup>	Economic basis acknowledged; moral rights rooted in respect for creators' identity.
Scope	Includes reproduction, distribution, public performance, display, and derivations.	Includes right of attribution and right to integrity. <sup>57</sup>	Economic rights include exclusive rights to use and authorize use; moral rights include right to be named and to object to distortion.
Legal Systems	Prominent in common law countries (e.g., UK, US).	Emphasized in civil law/droit d'auteur countries (e.g., France, Germany).	Indonesia follows civil law tradition, heavily influenced by droit d'auteur.
Duration	Limited in time (e.g., life of author + 50/70 years).	Often extends beyond economic rights; sometimes perpetual. <sup>58</sup>	Economic rights: lifetime of author + 70 years (Pasal 58). Moral rights: perpetual (Pasal 6).

<sup>51</sup> Ranti Fauza Mayana et al., "Economic & Moral Right for Artificial Intelligence Generated Works: Perspective from Indonesia Copyright Law", in *AIBC 2024 - 2024 5th International Artificial Intelligence and Blockchain Conference*, 2025, 39 – 43, <https://doi.org/10.1145/3702359.3702365>.

<sup>52</sup> Mayana et al.

<sup>53</sup> J J Baloyi, "Demystifying the role of copyright as a tool for economic development in Africa: Tackling the harsh effects of the transferability principle in copyright law", *Potchefstroom Electronic Law Journal* 17, no 1 (2014): 86 – 165, <https://doi.org/10.17159/1727-3781/2014/v17i1a2209>.

<sup>54</sup> Brian Angelo Lee, "Making sense of 'Moral Rights' in intellectual property", *Temple Law Review* 84, no 1 (2011): 71 – 117, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84855373439&partnerID=40&md5=9d01df40ec4852894400001242ef616e>.

<sup>55</sup> Ananya Pandey en Achyutananda Mishra, "Conflict and Coexistence of Human Rights: An Exploratory Study with Reference to Intellectual Property Rights", *Journal of Human Rights and Social Work*, 2025, <https://doi.org/10.1007/s41134-024-00361-9>.

<sup>56</sup> Hugh Laddie, *Patents – what's invention got to do with it?*, *Intellectual Property in the New Millennium: Essays in Honour of William R. Cornish*, 2004, <https://doi.org/10.1017/CBO9780511735042.008>.

<sup>57</sup> Yulia, Zinatul Ashiqin Zainol, en F Fatahillah, "Protection of Performers' Rights in Indonesian Copyright Law: Copyrighted Works Uploaded to YouTube", *Sriwijaya Law Review* 7, no 2 (2023): 300 – 317, <https://doi.org/10.28946/slrev.Vol7.Iss2.1092.pp300-317>.

<sup>58</sup> Lee, "Making sense of 'Moral Rights' in intellectual property".



Aspect	Economic Rights	Moral Rights	Indonesian Legal Perspective
Example Rights	Right to publish, license, adapt, or sell the work. <sup>59</sup>	Right to be named as the author; right to prevent distortion of the work.	Clearly codified in UU Hak Cipta 2014, reflecting international standards.

Additionally, the societal cosmology in Indonesia often interacts with formal IPR protections, creating complexities in ownership and recognition of creative works that may differ from Western legal conceptions.<sup>60</sup> This is compounded by globalization, which pressures local creators to adapt to international standards while retaining their unique cultural identities.<sup>61</sup>

### 1. The Legal Considerations Should Designers be aware of regarding Copyright Ownership when Participating in Design Competitions

When participating in design competitions, it is essential for designers both professionals and students to understand the legal implications surrounding copyright ownership to safeguard their intellectual property (IP) and prevent potential disputes. In many legal systems, including Indonesia, copyright protection for original designs arises automatically upon creation, without the need for registration.<sup>62</sup> According to Law No. 28 of 2014 on Copyright, once a work is fixed in a tangible form, the creator is entitled to economic and moral rights. However, despite the automatic nature of protection, formal registration of copyright with the Ministry of Law can provide stronger legal certainty, especially in cases of infringement or commercial exploitation.<sup>63</sup>

<sup>59</sup> Olena Baklanova, Mariana Petrova, en Viktor Koval, "Institutional transmission in economic development", *Ikonomicheski Izsledvania* 29, no 1 (2020): 68 – 91, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85087303709&partnerID=40&md5=6428c24aa28adf84271d9f22ec9ec7f6>.

<sup>60</sup> Mahmud en Roisah, "The Concept of IPR Ownership in the Context of the Copyright Legal System and Indonesian Society's Cosmology".

<sup>61</sup> Kasmawati Kasmawati en I Gede AB Wiranata, "Urgency of Protection of Intellectual Property Rights in the Era of Economic Globalization", *International Journal of Social Science and Human Research*, 2023, <https://doi.org/10.47191/ijsshr/v6-i1-14>.

<sup>62</sup> Teddy Mantoro en Yoga Prihastomo, "Intellectual Property Rights information system with location aware capability", in *Proceedings of 2012 IEEE Conference on Control, Systems and Industrial Informatics, ICCSII 2012*, 2012, 41 – 45, <https://doi.org/10.1109/CCSII.2012.6470470>.

<sup>63</sup> Teddy Mantoro, Yoga Prihastomo, en Media A Ayu, "Intellectual property right dissemination service based on mobile user location in indonesia", *Internetworking Indonesia Journal* 5, no 1 (2013): 21 – 29, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84883787942&partnerID=40&md5=a3f6a8efc45881dae79bd46e65d190>.

Registration is particularly beneficial in contexts involving digital formats. As digital design tools like Building Information Modelling (BIM) become increasingly prevalent, the risk of unauthorized duplication or modification rises. In jurisdictions such as the United States and the European Union, registration offers a more enforceable legal standing in disputes over ownership or unauthorized use. Similarly, in Indonesia, registration is not mandatory but is strongly recommended for evidentiary purposes under Article 1 point 4 and Article 64 of the Copyright Law.<sup>64</sup>

Understanding the legal position of the Copyright Holder becomes even more important when viewed alongside the scope of economic rights explicitly granted under Article 8 of the Indonesian Copyright Law. This article affirms that the Creator or the legitimate Copyright Holder possesses exclusive economic rights over a wide range of exploitative activities involving their work. These rights include the authority to publish the work, reproduce it in any form, translate it, adapt or transform it such as through modifications, rearrangements, or derivative creations and distribute the work or its copies to the public. Additionally, the Copyright Holder retains exclusive control over the performance, announcement, communication, and rental of the work. These provisions collectively demonstrate that economic rights encompass virtually every possible form of commercial or public utilization of a creative work. Importantly, Article 8(2) stipulates that any person who wishes to exercise these economic rights must first obtain formal permission from the Creator or the Copyright Holder, underscoring the legal requirement of consent in all forms of exploitation. Article 8(3) further reinforces this protection by prohibiting any unauthorized reproduction or commercial use of the work. In practical terms, this means that no institution, company, client, or collaborator may reproduce, publish, adapt, distribute, or commercialize a designer's work including commissioned works, competition submissions, or digital outputs without explicit consent from the rightful Copyright Holder.

When connected to the earlier discussion on contractual clarity, these provisions highlight why written agreements are indispensable in creative collaborations. Because copyright ownership may rest with the Creator, the commissioning party, or a subsequent

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<sup>64</sup> Sitti Fatimah Maddusila et al., "Copyright Restrictions in Social Media Markets: A Legal Enforcement Challenge", *International Journal of Criminal Justice Sciences* 19, no 2 (2024): 27 – 43, <https://doi.org/10.5281/zenodo.19203>.

transferee depending on contractual arrangements, the scope of allowed uses must be negotiated and formalized in writing. For commissioned works in Indonesia, this becomes particularly relevant, as Article 8 interacts with the default rule that economic rights in commissioned works belong to the commissioning party unless otherwise agreed.<sup>65</sup> Clear contracts are therefore essential to determine whether the designer retains any economic rights or whether all rights including publication, reproduction, adaptation, distribution, and communication transfer to the client or institution. For digital outputs such as BIM files, illustrations, or complex digital assets, contracts must specify permitted uses to avoid legal ambiguity or unauthorized exploitation. In this way, Article 8 not only outlines the breadth of economic rights but also reinforces the necessity of explicit, written agreements to ensure both legal certainty and the protection of creators in professional practice.<sup>66</sup>

Equally important is the need for education and awareness. Designers should take the initiative to understand copyright law, including both economic and moral rights, the implications of waiving those rights, and the ethical responsibilities involved in design competitions. The Directorate General of Intellectual Property (DGIP) in Indonesia regularly conducts seminars and offers educational resources, but integration of IP literacy into design school curricula remains limited and should be expanded.<sup>67</sup> Below table is a digest of key legal considerations for designers particularly students and young professionals participating in design competitions in Indonesia, based on Indonesian copyright law and best practices:<sup>68</sup>

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<sup>65</sup> Syafrinaldi Syafrinaldi et al., “Artificial Intelligence, Innovation, and Copyright: Comparing Intellectual Property Law in Indonesia and South Korea”, *Lex Scientia Law Review* 8, no 2 (2024): 1143 – 1180, <https://doi.org/10.15294/lsr.v8i2.1227>.

<sup>66</sup> Tasya Safiranita Ramli et al., “Cybersecurity: practices and implementation of song or music copyright royalties on digital platforms in Indonesia”, *International Journal of Intellectual Property Management* 15, no 4 (2025): 390 – 403, <https://doi.org/10.1504/IJIPM.2025.147796>.

<sup>67</sup> Deslaely Putranti et al., “Proposing Digital Copyright Infringements Enforcement through Internet Court in Indonesia: Fostering the Existing E-Court System”, red M. Setiyo et al., *E3S Web of Conferences* 622 (04 April 2025): 03006, <https://doi.org/10.1051/e3sconf/202562203006>.

<sup>68</sup> Archi Rafferti Kriswandani et al., “Integration in Copyright Regulation Enforcement - A Study from Indonesia”, *BiLD Law Journal* 7, no 1 (2022): 278 – 287, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85140095972&partnerID=40&md5=41dcd70d663c3df888e9a9a5fe5169f1>.

**Tabel 2 - Legal Considerations for Designers in Design Competitions  
(with Indonesian Context)**

Aspect	Key Points	Indonesian Legal Reference / Context
Automatic Copyright	Copyright arises automatically upon creation of an original work.	Law No. 28/2014, Article 1 and Article 40. Protection exists once fixed in a tangible form.
Registration	Not mandatory but highly recommended for legal certainty, especially in case of infringement or commercial use.	Article 64 allows for registration at Ministry of Law; Article 1(4) defines benefits of registration.
Digital Design Risks	Increased risks due to digital tools like BIM; registration helps prevent unauthorized use or duplication.	Protection applies to digital works under Article 40 (1) (e.g., drawings, diagrams, designs).
Written Agreements	Contracts must clearly define IP ownership and rights in collaborative or commissioned works.	Article 8: Economic rights in commissioned works belong to the ordering party unless otherwise agreed in writing.
Digital Clauses in Contracts	Contracts should include specific clauses for handling digital IP like BIM models and illustrations.	Not explicitly regulated, but covered under general principles of agreement and protection under <i>UU Hak Cipta</i> .
Legal Advice	Legal counsel can help avoid rights waivers, unfair clauses, and misinterpretation of competition terms.	Legal awareness among creators is still low; institutions should promote legal literacy.
Technological Protection	Blockchain and digital fingerprinting can enhance IP protection and traceability in the digital space.	Still emerging in Indonesia, but increasingly adopted by start-ups and IP service providers.
Education and Awareness	Designers need to understand the scope of their economic and moral rights, including risks of waivers and unethical clauses.	DGIP ( <i>Ditjen KI</i> at Ministry of Law) provides training; however, IP education is not yet integrated into most design programs.
Fair Use and Overprotection	Overprotecting IP can hinder creativity and collaboration. A balanced approach is needed to protect creators while allowing room for innovation.	Articles 43–44 regulate exceptions (fair use), but they are underused and poorly understood in practice.

Finally, while protecting IP is crucial, designers and legal systems must also be cautious not to overprotect, as this can stifle creativity and hinder collaborative innovation. Striking a balance between protection and openness is essential. Indonesia's Copyright Law attempts to reflect this by allowing for fair use exceptions (Articles 43–44), but these provisions are still underutilized and not well understood in practice. In

conclusion, designers entering competitions in Indonesia must be both legally vigilant and technologically aware.<sup>69</sup> Through a combination of legal literacy, robust contractual arrangements, digital protection tools, and ethical understanding, they can protect their creative contributions while navigating the dynamic space between innovation and intellectual property rights.<sup>70</sup>

## 2. Unlawful Copyright Transfer Clauses in Design Competitions and Legal Implication

Design competitions often serve as platforms for creativity, innovation, and professional exposure, particularly for students and young designers. However, some organizers include problematic clauses in their contracts or competition brochures specifically those that require participants to automatically transfer full copyright ownership to the organizer merely by submitting their work. When such a clause is imposed as a condition of participation and not supported by a proper agreement, it may contravene Indonesian Intellectual Property Rights (IPR) law, particularly Law No. 28 of 2014 on Copyright (*UU Hak Cipta*).<sup>71</sup>

According to Article 16 paragraph (2) of the Indonesian Copyright Law, the transfer of economic rights must be done through a written agreement. If a competition organizer inserts a clause within the competition rules or brochures stating that "by submitting, all rights are transferred," without allowing the participant to negotiate, review, or give explicit consent, such a clause does not meet the standard of a legally binding agreement. The lack of a formal, signed contract renders the copyright transfer potentially invalid or unenforceable, and may be challenged under the principles of *perikatan (obligation)* found in Book III of the Indonesian Civil Code (*KUHPerdata*). This situation reflects a lack of informed consent, which is critical in determining the validity of legal agreements.<sup>72</sup>

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<sup>69</sup> Panjaitan et al., "Music Copyright Protection In the Digital Era: Legal Framework and Strategies for Enforcement".

<sup>70</sup> Ranti Fauza Mayana Tanwir en Daniel Hendrawan, "Alternative resolution of intellectual property disputes as part of investment in the creative industry sector under Indonesian law", *Humanities and Social Sciences Reviews* 7, no 5 (2019): 93 – 97, <https://doi.org/10.18510/hssr.2019.7512>.

<sup>71</sup> Muhammad Hawin, "Protection of Performers' Rights under Indonesian Copyright Law and International Conventions", *KLRI Journal of Law and Legistaltion* 8, no 1 (2018), <http://www.bobborst>.

<sup>72</sup> Mazumder, *Copyright, access and information society*.

Even if the organizer successfully obtains the economic rights through a questionable clause, moral rights remain protected and cannot be transferred under any circumstances. As outlined in Article 5 paragraph (2) of the Copyright Law, moral rights include the right to be acknowledged as the creator and the right to object to distortion, mutilation, or modification of the work that may harm the creator's reputation. If the competition terms attempt to waive or extinguish these rights, such clauses are void by law. Organizers who ignore these provisions violate not only legal obligations but also ethical standards of fair attribution and artistic integrity.<sup>73</sup>

When a competition organizer uses, publishes, or commercially exploits submitted designs without a valid copyright transfer agreement, such actions may constitute copyright infringement. Under Article 113 of the Copyright Law, this infringement may lead to both civil liabilities including compensation to the original creator and criminal sanctions. In academic, governmental, or public sector competitions, such practices further raise ethical concerns, as they exploit the creative contributions of participants without fair compensation or recognition. These clauses undermine the principles of fair use, transparency, and creative dignity particularly harmful when participants are students or young professionals with limited bargaining power.<sup>74</sup> Below is a flowchart capturing the key points on unlawful copyright transfer clauses in design competitions and their legal implications in poster design competition,

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<sup>73</sup> Tambunan, Panjaitan, en Siahaan, "Legal Protection of Copyright Based on Law Number 28 of 2014 Concerning Copyright".

<sup>74</sup> Ma'mun Murod et al., "Blockchain Based Intellectual Property Management Enhancing Security and Transparency in Digital Entrepreneurship", *Aptisi Transactions on Technopreneurship (ATT)* 7, no 1 (07 Maart 2025), <https://doi.org/10.34306/att.v7i1.521>.

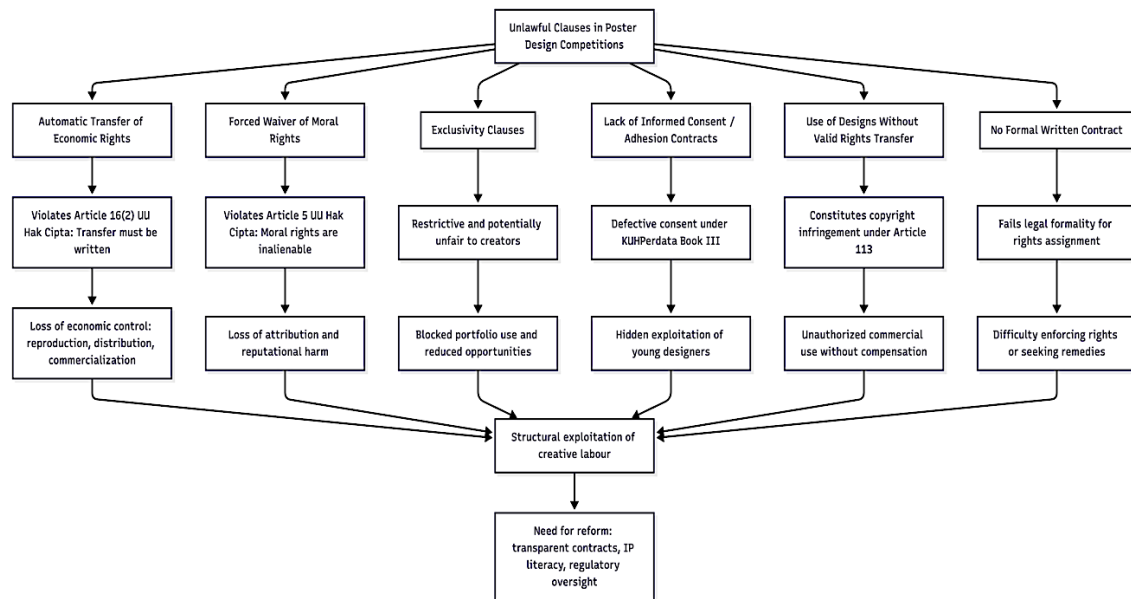


Figure 3 – flowchat to show the chain from clauses, legal status, impact on designers, on the key points on unlawful copyright transfer clauses in design competitions and their legal implications in poster design competitions

### III. CONCLUSION

This study finds that many Indonesian poster design competitions employ copyright clauses that are legally invalid and ethically unfair, particularly those requiring automatic transfer of economic rights and implied waivers of moral rights. Such practices do not meet the statutory standards for a valid copyright agreement and effectively enable organizers to appropriate creative works without proper consent, compensation, or attribution. As a result, these competitions undermine the professional development of young designers and distort the principles of fair creative engagement. Strengthening transparency, contractual clarity, and regulatory oversight is essential to ensure that design competitions genuinely protect rather than exploit creative rights.

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### **Law and Regulation**

Kitab Undang-Undang Hukum Perdata

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Peraturan Pemerintah Republik Indonesia Nomor 16 Tahun 2020 Tentang Pencatatan Ciptaan Dan Produk Hak Terkait (Lembaran Negara Republik Indonesia Tahun 2020 Nomor 62, Tambahan Lembaran Negara Republik Indonesia Nomor 6475).