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Protecting Muralists Moral Rights in Tourism: A Comparative Study of Indonesia, Malaysia, and Vietnam

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Abstract: This study addresses the gap between the legal protection of the intellectual property rights of muralists in Indonesia, Malaysia, and Vietnam, and the practical protection that arises when murals are used for tourism purposes without permission, attribution, or adherence to occupational safety regulations. This study aims to analyze and compare legal regulations regarding the moral rights of muralists in relation to their use by tourists in Indonesia, Malaysia, and Vietnam, and to formulate future legal protection based on progressive regulations. This study uses normative legal research with statutory and comparative approaches, analyzing the relevant primary and secondary legal materials. This study shows that all three countries recognize and protect the ethical rights of muralists, but differ significantly in the scope of rights, enforcement mechanisms, and clarity of laws regarding the use of murals for tourism. Vietnam offers a more robust framework with more enforcement routes, Malaysia provides a clearer formal basis for moral-right enforcement, while Indonesia exhibits significant regulatory gaps regarding tourist exploitation. These findings are important because they provide a comparative basis for re-constructing a more responsive legal framework that ensures recognition, integrity, compensation, participation, and legal certainty regarding the use of murals for tourism.

Keywords: comparative law, copyright protection, moral rights, mural protection, tourism asset.

INTRODUCTION

Murals, as a form of creative expression in public spaces, are increasingly evolving and becoming important visual elements in various urban environments (Razali et al., 2023). This phenomenon has been observed in several cities in Indonesia, Malaysia, and Vietnam (Huong & Ngoc, 2024; Kamaruddin & Aziz, 2022; Riyanto et al., 2023; Sahabuddin & Hildayanti, 2024). In Indonesia, for example, in the village of Kampung Judiban in Malang, residential areas can be transformed into creative villages through the use of murals that attract attention

and strengthen local communities (Adibrata et al., 2020). In Malaysia, murals in Georgetown, Penang, have become a distinctive symbol of the city and a cultural heritage-based tourist attraction (Liang, 2017). Meanwhile, murals in Tam Thanh, Vietnam, have proven to be effective in boosting the local economy, making the fishing village a popular tourist destination (Anh, 2020). Murals play a role not only in enhancing urban aesthetics, but also in shaping visual identity, conveying social messages, and reimagining public spaces. Aside from local cultural narratives to promote regional identity (Duan, 2022; Duong, 2023), these works are also highly effective in shaping space by transforming neglected areas into visually appealing and distinctive recreational areas (Erek & Krasznahorkai, 2024). As murals play the strategic role in shaping the image of a city and its tourism sector, they need to be protected to ensure that the innate characteristics can remain authentic and not misappropriated by irresponsible parties.

A study conducted in Teluk Intan, Perak Province, indicates that murals, as elements of tourism planning, contribute to increased tourist visits and generate positive socio-cultural impacts in local communities (Razak et al., 2023). However, despite their role in shaping the visual identity of urban areas and increasing their tourist appeal, murals in public spaces also raise legal issues related to the protection of intellectual property rights, particularly moral rights. Historically, murals have often appeared from informal artistic practices in public spaces (Tionardus & Setiawan, 2023), which makes their legal position more complex than conventional artworks displayed in galleries or private collections. This complexity can also be seen from the standpoint of intellectual property rights (IP rights), particularly regarding the element of moral rights, which include the right of attribution and the right to maintain the integrity of the artwork (Liamitha et al., 2025). The study of moral rights is crucial in the context of murals, as murals have a unique legal landscape to navigate around. Unlike artworks in galleries or private collections, murals are displayed in public. However, the public visibility of murals does not automatically eliminate the muralists' moral rights, particularly the rights of attribution and integrity. For example, there is the case of AirAsia's use of the "Boys on Bicycles" mural on its commercial aircraft design. AirAsia used the "Boys on Bicycles" mural without obtaining permission from the muralist. This incident then gave rise to a legal dispute because the "Boys on Bicycles" artwork was used for commercial purposes without the consent, authorization, or license of the "Boys on Bicycles" muralist (Dzulfaroh, 2026).

In Magelang, a muralist reported that the building owner removed a mural without considering the muralists moral rights as the creator (Syahrul, 2025). This action constitutes a violation of the muralists right to the integrity of the artwork, as it was done without the muralists permission and thus compromised the integrity of the artwork in public spaces. Furthermore, this action may also violate the muralists right to register their work if the removal sever the connection between the muralists name and the mural applied to the building. In fact, Article 5 (1), Clauses (a) and (e) on Copyright Law explicitly grants the creator the right to have their work attributed to them and to have it preserved in its original form. In Malaysia, a mural painted by an muralists without permission was used as a model of a commercial aircraft without authorization (Bonauli, 2024), which violates the provisions of the Copyright Act 1987 (Act 332), particularly Article 25, which requires attribution and prohibits the defacement or use of the work without permission. In Vietnam, similar problems arise when paintings are reproduced on public murals without the original creator's permission (Chu, 2019), which violates the provisions of moral rights under Article 19 of Law No. 07/2022/QH15, which guarantees the creator's right to have their work attributed to them and to have it preserved in its original form.

Andrea et al. (2020) conducted a study on the concept of "freedom of panoramic vision", concluding that Indonesia still lacks explicit laws regulating this principle, even though there are widely documented and disseminated cases of works of art and architecture placed in public

spaces without the permission of the muralists. However, a major flaw in this study is the absence of a detailed discussion of the moral rights of muralists when their works are commercially exploited, especially in the context of tourism, which increasingly uses such works. Wijaya et al. (2022) examined the legal protection of mural art in Indonesia, concluding that murals, as a form of artistic expression, are protected under human rights principles, as long as they do not violate religious customs, laws, morality, or public decency. However, the study also revealed that murals classified as vandalism are not legally protected and may be subject to criminal penalties under Articles 160, 406, and 489 of the Indonesian Penal Code. Despite these findings, the study did not specifically address the protection of moral rights when murals are used in commercial tourism. Das (2024) examined the protection of street art and graffiti under Indian copyright law. This study emphasized the importance of legal reform to recognize the cultural and social value of street art. However, this study did not investigate how muralists' moral rights are protected when their works are incorporated into urban tourism strategies without permission or compensation. Mezzadri (2021) discussed the preservation and restoration of contemporary murals in the context of street art and urban art through preventive maintenance. This study emphasized the importance of documentation, material preservation, and respect for the integrity of the artwork. However, this study primarily focused on the technical aspects of maintenance and did not specifically investigate how moral rights—particularly the rights of attribution and integrity—are protected when murals are moved, reproduced, or used in the context of commercial tourism. Wiratraman (2025), using a multidisciplinary approach that combines normative legal analysis with socio-political contextualization, examined artistic freedom and legal restrictions in the context of democracy in Indonesia. This study concludes that, although freedom of expression is guaranteed by the constitution and international documents such as the International Covenant on Civil and Political Rights, legal practices in Indonesia are still relatively repressive regarding artworks, including critical murals, when used as a means of protest and criticism of government policies, particularly in urban areas.

Of the five studies reviewed, none fully addressed the relationship between the use of murals in tourism and the protection of moral rights in public spaces. Therefore, a research gap remains. This study adds a new dimension to the protection of moral rights of muralists in the context of the use of murals in tourism, through a comparative analysis of Indonesia, Malaysia, and Vietnam. These three countries are chosen due to their comparable traits of burgeoning creative economy and the significant role of their tourism sector, which provides a unique angle of similar challenges but different normative structures within the context of the Southeast Asia region. Previous studies have focused primarily on the legality of murals, conservation practices, or freedom of expression, without specifically addressing moral rights in the context of tourism. This study connects issues of proportion and integrity of murals with the relevant legal contexts in three selected countries.

It needs to be emphasized that, to date, no study has specifically examined the “normative bridge” between IPR protection and practical policies in the tourism sector, particularly concerning the utilization of murals as tourism assets in public spaces. Existing studies tend to position copyright protection and tourism development as separate legal and policy domains, leaving insufficient explanation of how the moral rights of muralists should be translated into concrete tourism governance, such as attribution mechanisms, authorization procedures, preservation standards, licensing arrangements, and policies governing the commercial use of murals. Accordingly, this study seeks to fill this normative gap by examining how the legal protection of muralists' moral rights can be integrated into tourism policies and practices in Indonesia, Malaysia, and Vietnam. Through this approach, the study not only compares the normative frameworks governing moral rights in the three jurisdictions but also develops a conceptual connection between IPR protection and sustainable, rights-based tourism

governance, thereby ensuring that the economic and promotional utilization of murals does not undermine the attribution, integrity, and legitimate interests of their creators.

This analysis aims to provide an overview of how legislation in each country regulate moral rights over murals in public spaces. Indonesia, Malaysia, and Vietnam were chosen as the study objects because all three are Association of Southeast Asian Nations (ASEAN) members that utilize murals as part of their creative tourism strategies in public spaces. Furthermore, all three countries have copyright laws that recognize moral rights. They also face similar challenges when using murals for tourism promotion. The differences in legal systems in Indonesia, Vietnam, and Malaysia, namely civil law in Indonesia and Vietnam and common law in Malaysia, form the basis for a comparative analysis of moral rights protection. This research makes significant contributions, both in theory and practice. This research can help us understand the moral rights of mural painters in public spaces used for tourism. Theoretically, this research adds to the literature on intellectual property law by highlighting the importance of attribution and mural integrity. Practically, the results of this study can serve as a reference for policymakers, enabling them to create appropriate regulations that balance tourism interests with the protection of muralists' creative rights.

METHOD

This study primarily utilizes a normative legal research methodology that views law as a set of norms or rules applied in society, serving as a guide for individual behavior (Tan, 2021). Accordingly, this method supports the core objective of this study, which is to assess the existing legal norms and identify normative gaps that could theoretically contribute to enforceability problems, primarily by utilizing the Black-Letter Law style of analysis descriptively (Disemadi, 2022). To further supplement the analysis of this method, this study employs the statutory and comparative approach, which in combination, can help expand the scope of analysis around key regulatory frameworks in multiple jurisdictions, namely Indonesia, Malaysia, and Vietnam. The selection of Indonesia, Malaysia, and Vietnam is further justified by the differences in their legal traditions, which provide a meaningful variable for comparative analysis. Indonesia and Vietnam are predominantly influenced by the Civil Law tradition, where statutory legislation constitutes the primary source of law, whereas Malaysia operates largely within a Common Law framework in which judicial precedent plays a more significant role alongside statutory regulation. These differences allow the study to examine how distinct legal traditions shape the recognition, interpretation, and implementation of muralists' moral rights, particularly when murals are incorporated into tourism and commercial activities. At the same time, the three countries share comparable characteristics as Southeast Asian jurisdictions with expanding creative economies and tourism sectors, making them particularly suitable for identifying both legal-system-specific differences and common regional challenges in bridging intellectual property protection with tourism policy. The constellation of these approaches enables the study to identify common denominators across multiple legal systems and key similarities, to ultimately highlight patterns of legal gaps or advantages (Negara, 2023). Additionally, this study relies on the utilization of secondary data in the form of primary and secondary legal materials. Primary legal materials utilized in this study include the relevant regulatory frameworks from the three jurisdictions. From Indonesia, this study utilizes Law Number 28 of 2014 concerning Copyright, Law Number 10 of 2009 concerning Tourism, and Law Number 5 of 2017 concerning Cultural Advancement. From Malaysia, the regulatory framework includes the Copyright Act 1987 (Act 332). Lastly, from the Vietnamese legal system, this study utilizes Law No. 07/2022/QH15, which amends and supplements several provisions of Vietnam's Intellectual Property Law. Regarding secondary legal materials, this study utilizes numerous legal research papers, mainly in the form of journal articles. The research process is conducted by systematically identifying the

relevant statutory provisions, comparing their normative scope across Indonesia, Malaysia, and Vietnam, and validating the resulting legal interpretation through consistency with the hierarchy of legal norms and support from secondary legal scholarship.

RESULTS AND DISCUSSION

Legal Protection of Muralists Moral Rights in Tourism Utilization: A Comparative Study of Indonesia, Malaysia, and Vietnam

Moral rights are a fundamental aspect of copyright law because they reflect the inherent personal relationship between the creator and the work they produce (Darwance & Supriyanto, 2024; Ernatudera et al., 2023). These rights are understood as rights that are inherently attached to the creator and inseparable from the existence of the work produced (Magdariza, 2023; Prasetyo, 2022; Putri et al., 2022). The existence of moral rights reflects legal recognition of the intrinsic relationship between intellectual works and the personality of their creators (Liamitha et al., 2025). Moral rights include the creator's right to be acknowledged as the author of the work (*right of attribution*) and the right to maintain the integrity of the work against any modification that may harm the creator's honor or reputation (*right of integrity*) (Herlambang & Dewi, 2025; Karimullah et al., 2025). In essence, moral rights confirm that copyright-protected works are not merely objects of artistic or economic value, but also manifestations of the personality and integrity of their creators (Japar et al., 2025; Nurusyifa, 2023).

This principle demonstrates the inextricable link between creator and work and states that the presence of a work in public space does not sever the relationship between the creator and the created work (Fahmi et al., 2022; Khalistia et al., 2021). Murals, as a form of street art, are often located in public spaces and are therefore accessible to various parties. This shows how important it is to protect the moral rights of muralists as creators (Dewi, 2022; Ismoyo, 2025). In the context of tourism, public interaction with artworks often takes place within the framework of acquiring knowledge about the artwork and experiencing local life (Li & Kovacs, 2022). Intellectual property law emphasizes that human creators who make a creative contribution to a work enjoy legal protection (Sudirman et al., 2025). The legal protection of copyrighted works is aimed at preventing unauthorized reproduction or use by third parties. Recognition of creators' rights is therefore a fundamental principle of intellectual property law (Lie et al., 2024).

The theory of legal protection, proposed by Philipus M. Hadjon, is used in this study as an analytical framework to examine the statutory provisions concerning the protection of the moral rights of muralists in Indonesia, Malaysia, and Vietnam. Hadjon emphasizes that legal protection aims to ensure the certainty and recognition of fundamental rights and that the law must function to prevent violations of individual rights (Ghufron et al., 2025; Herman et al., 2024; Romli et al., 2024). In line with this view, legal protection is understood as an attempt to protect legal subjects through enforceable positive law and includes sanctions for violations (Tan et al., 2025). Hadjon distinguishes two forms of legal protection: preventive protection, which aims to prevent violations by establishing legal rules before they occur, and repressive protection, which addresses violations after they have occurred through dispute resolution (Al-Fatih, 2021; Ernatudera et al., 2023; Khairunisa, 2024; Nugroho et al., 2022; Pasangka et al., 2023). This framework plays a very important role because murals in public spaces occupy a quite sensitive position, especially when commercial interests related to the tourism sector have the potential to conflict with the basic rights of the muralists as a creator.

According to Hadjon, legal protection is based on respect for human dignity. Therefore, moral rights related to the creator's identity are a fundamental element that cannot be ignored in any legal system (Rachman & Yunanto, 2023; Simatupang, 2021). This theory also emphasizes the importance of maintaining a balance between individual and public interests

(Farhan & Ananda, 2025; Pone et al., 2025; Sari et al., 2024). This notion becomes even more important when street art is used as a tourist attraction that benefits parties other than the creators. In such circumstances, legal regulations are needed that not only support the development of the tourism sector but also ensure that muralists receive proper recognition and appreciation for their work. The importance of Hadjon's theory is further demonstrated by the fact that murals used as tourist attractions often lack proper recognition of their creators. Therefore, the implementation of legal protection, both preventive and repressive, is crucial.

Law Number 28 of 2014 concerning Copyright is the main legal basis for providing protection for moral rights in Indonesia. Article 4 of the Copyright Law states that copyright is an exclusive right that includes moral rights and economic rights, both of which cannot be separated in the copyright protection system in Indonesia. Furthermore, Article 5, paragraph (1) regulates five elements of moral rights owned by the creator, namely: (a) the right to include or not include the name on copies of the work used for public interest; (b) the right to use a pseudonym or pen name; (c) the right to make adjustments to the work in accordance with prevailing norms in society; (d) the right to change the title and subtitle of the work; and (e) the right to maintain the integrity of the work from falsification, distortion, alteration or other acts that harm the honor or reputation of the creator.

These provisions are designed to prevent legal issues, as Hadjon explained. These rules are established to be adhered to before any violations occur. The goal is to maintain balance between all parties involved and prevent future negative impacts (Soelistyo, 2022). Article 5 paragraph (2) states that a creator's moral rights cannot be extinguished while they are still alive. This provision remains in effect even if the economic rights to the work have been transferred to another party. This demonstrates a strong personal connection between the creator and the work they produce. In this context of muralists, this means they retain the right to recognition as creators, even if the mural they created has been used as part of their personal property or developed into a tourist attraction.

Article 57, paragraph (1) emphasizes the existence of permanent preventive protection for creators by stating that moral rights as regulated in Article 5, paragraphs (1), (a), (b) and (e), apply indefinitely. However, in practice, this recognition is not always able to provide full protection, especially for murals created in public spaces without the owner's consent. This condition occurs because the implementation of moral rights often conflicts with property rights, which can lead to restrictions on the use of the work or even the removal of the artwork (Sutanto et al., 2023). Conflicts between the moral rights of muralists and property rights also often arise when ownership of a property is transferred or the mural on it is destroyed without prior notification to the creator (Mendelson-Shwartz & Mualam, 2022).

Article 40 (1), letter (f) of the Copyright Law expressly recognizes various forms of visual art, such as paintings, drawings, woodcuts, calligraphy, sculptures and collages, as creations that receive legal protection. This provision serves as a legal basis confirming that murals, as a form of visual art that is poured onto walls in public spaces, are also works protected by copyright. In addition, article 40 (3) explains that protection is not only given to works that have been officially published, but also to works that have been realized in a tangible form even though they have not been published. Thus, murals have received legal protection since they were first created, regardless of whether or not there was a registration process.

Article 95 of the Copyright Law regulates mandatory legal protection mechanisms by emphasizing that copyright disputes can be resolved through alternative dispute resolution, arbitration or commercial courts. Furthermore, before resorting to criminal proceedings, the parties are required to first undergo mediation. Within this framework, mediation and conciliation are initial steps that can be used before a dispute is brought to arbitration or a formal judicial process that requires a court decision (Tantimin et al., 2025). The effectiveness

of mediation plays a crucial role in ensuring that the restoration of the creator's moral rights can be carried out quickly without undue delay (Joseph, 2023).

Furthermore, Article 98(1) explains that if copyright is transferred, it does not mean that the creator loses the right to sue anyone who intentionally infringes their moral rights, as stated in Article 5(1). Therefore, the creator still has the right to take legal action, even after the economic rights have been transferred. Article 99(1) gives creators the right to file a lawsuit for damages if their copyright is infringed. This lawsuit can be filed through the Commercial Court. Furthermore, Article 99 (4), also gives creators the right to request that the publication or reproduction of infringing works be stopped. However, it is important to remember that this action can only be taken after the copyright infringement has occurred. At this stage, the creator's reputation may have been affected, while the integrity of the work in question may have been irreparably damaged.

In addition to the Copyright Law, regulations related to this matter can also be found in Law Number 10 of 2009 concerning Tourism (the Tourism Law). Article 5 (b) emphasizes that tourism activities must be conducted with respect for human rights, cultural diversity, and local knowledge. This means the tourism sector has a legal responsibility to respect the fundamental rights of muralists when their work is used or incorporated into tourist attractions. Furthermore, Article 26 of the Tourism Law stipulates a number of obligations that must be fulfilled by tourism businesses. These obligations include respecting and protecting religious norms, customs, values, and cultural traditions within the local community, while also preserving the environment and culture. In this context, this provisions implicitly indicates a responsibility to respect murals as a form of local cultural expression, including respecting the moral rights of muralists as the creators of these works.

Law Number 5 of 2017 concerning Cultural Promotion (the Cultural Promotion Law) also plays a crucial role here. Article 41 (b) explains that everyone has the right to protection in expressing their culture. Article 5 (g) also states that art is part of cultural progress that requires protection, development, and utilization. Therefore, murals, as a form of artistic expressions should not be viewed solely as a means of economic gain. This regulation reinforces the view that the moral rights of muralists must be respected at every stage of the development and utilization of their works, as stated in Hadjon's theory of legal protection. These three legal regulations collectively demonstrate that the protection of the moral rights of muralists in Indonesia has a strong normative foundation. This foundation encompasses several aspects, such as copyright, tourism, and cultural advancement. However, the existing regulations are still quite general and do not specifically address the mechanism for attribution or protection of moral rights when murals are used as tourist attractions.

The moral rights of creators in Malaysia are regulated in the Copyright Act 1987 (Act 332), with one of its important provisions being Section 25. Section 25 protects the identity and integrity of a person's creative work. No one may display a work without the permission of the original author. The original author must always be credited with the name of the creator, and the name of another person may not be removed or replaced. This is stipulated in article 25 (2), letter a of Act 332. Furthermore, this Act prohibits any act of altering, falsifying, or editing a work that could damage the creator's reputation. This is stipulated in Article 25 (2), letter b. This provision protects the creator's moral rights from harmful actions.

This regulatory framework reflects the concept of preventive legal protection as explained in Hadjon's legal protection theory. One of the distinctive characteristics of the regulations in Malaysia is the provision of Section 25 which is placed as a legal obligation. Article 25, (5), of Act 332 emphasizes that any violation or threat of violation of the provisions can be filed as a violation of the legal obligation in question. In this context, the creator does not need to prove material economic loss, but rather simply show that his rights have been

violated. This provision provides a basis for the creator to take legal action, including against the use of mural works for tourism purposes without proper attribution.

Article 25 (4) of Act 332 also emphasizes that creators still have the right to file lawsuits based on these provisions even though their copyright has been transferred. This provision is important for muralists who have transferred the economic rights to their work, because they still have the right to demand recognition as creators and to obtain protection for the integrity of the work they produce. Furthermore, Article 25 (6), provides that lawsuits concerning infringements of moral rights may be continued through the creator's legal representative after his death. This article ensures the continued protection of moral rights after the death of the creator. Article 25 (7) also gives the court the power to order the infringer to publish corrections as determined by the court. This provision constitutes an effective form of legal protection that not only combats infringements but also contributes to the restoration of the reputation of the creator who has been harmed by the infringement. Article 13 of Act 332 regulates copyright restrictions, which are of particular importance to murals in public spaces. Article 13(2)(c) stipulates that copyright does not extend to controlling the inclusion of artworks in films or radio and television broadcasts when such works are located in public spaces.

Vietnam regulates the moral rights of creators through Article 19 of Law No. 07/2022/QH15, which amends and supplements several articles of the Intellectual Property Law, representing a fundamental reform of the country's copyright protection system. Article 19 of Law No. 07/2022/QH15 regulates four forms of moral rights held by creators: the right to include their name in their work (paragraph 1); the right to use and include their real name or a pseudonym when publishing or using their work (paragraph 2); the right to publish their work or grant permission to others to publish it (paragraph 3); and the right to maintain the integrity of their work by preventing third parties from distorting, altering, or editing it in any way that could harm the creator's honor or reputation (paragraph 4). Article 19 of Law No. 07/2022/QH15 contains detailed provisions as a manifestation of Vietnam's provides a more detailed textual basis for moral-right protection. Protecting the integrity of works, as stipulated in paragraph 4, aims not only to prevent counterfeiting, but also to prohibits any form of alteration or modification that could harm the author's honor or reputation.

Article 20 of Law No. 07/2022/QH15 stipulates that whenever we someone else's work, for example, by copying, distributing, or publicly displaying it, we must obtain permission from the copyright owner and pay royalties. However, this rule does not apply if the use of the work falls within an exception clearly stipulated in the law. This provision complements the protection of moral rights as established in Article 19, as unauthorized use of murals for commercial tourism purposes can constitute a violation of economic and moral rights. For muralists in Vietnam, Article 2 of Article 19 is of crucial importance, as it safeguards their name recognition should their work be used for any purpose whatsoever, including tourism. Article 25 of Law No. 07/2022/QH15 establishes limitations and exceptions to copyright under certain circumstances regarding the use of murals in tourism. Article 25(1)(h) provides that photographing or capturing images of artworks, architecture or applied art displayed in public spaces, for the purpose of displaying them without commercial intent, does not constitute copyright infringement. This provision provides tourists with a legal basis to photograph murals in public spaces, but strictly limits this to non-commercial use.

However, when murals are used for commercial purposes in the tourism sector, for example in official tourist brochures or paid promotional material, the exceptions in Article 25 do not apply and the obligation to obtain permission and to credit the author is fully binding. Paragraph (2) of Article 25 also states that these exceptions must not conflict with the normal use of the work and must not disproportionately harm the legitimate interests of the author or copyright holder. This provision lays a clearer normative basis for establishing permissible limits regarding the unauthorized use of murals in tourism and emphasizes that tourism

interests do not automatically justify the disregard of muralists' moral rights. As stated in Article 19 of Law No. 07/2022/QH15, in the event of a violation of moral rights, including copyright infringement, the copyright holder may request appropriate measures from the competent authorities in accordance with Article 198 of the same law. In Vietnam, the public has several options for obtaining intellectual property rights protection. One way is to file a civil lawsuit, as stipulated in Section 202 of Law No. 07/2022/QH15. Furthermore, there are criminal liability provisions under Section 212, as well as administrative sanctions stipulated in Section 214. The Vietnamese legal system provides multiple formal enforcement routes to protect intellectual property rights, as outlined in Sections 19 and 25 of Law No. 07/2022/QH15. Under this approach, the moral rights of creators are recognized and protected, although their economic rights may be limited for the public interest. This principle aligns with Hadjon's thinking, which states that legal protection must be provided comprehensively and consistently in every form of use of a work, although this does not necessarily mean easier enforcement for individual muralists. although practical access to these routes remains a separate issue.

Table 1. Comparative Regulation of the Moral Rights Protection of Muralists in Indonesia, Malaysia, and Vietnam

Aspect	Indonesia (Law No. 28 of 2014)	Malaysia (Copyright Act 1987 / Act 332)	Vietnam (Law No. 07/2022/QH15)
Legal Basis of Moral Rights	Article 4 in conjunction with Article 5(1)	Section 25(2)	Article 19
Right of Attribution	Article 5(1)(a) and (b): the right to include the creator's real name or pseudonym in every public use of the work	Section 25(2)(a): prohibition against presenting the work without identifying the creator	Article 19(2): the right to use the creator's real name or pseudonym and to be acknowledged whenever the work is published or used
Right of Integrity	Article 5(1)(e): the right to preserve the work from distortion, mutilation, or modification that harms the creator's honor or reputation	Section 25(2)(b): prohibition against modification that substantially alters the work and harms the creator's honor or reputation	Article 19(4): prohibition against distortion, modification, or editing in any form that harms the creator's honor or reputation
Nature and Duration	Non-transferable during the creator's lifetime (Article 5(2)); the rights of attribution and integrity under Article 5(1)(a), (b), and (e) apply indefinitely (Article 57(1))	Remains vested in the creator even when economic rights have been transferred to another party (Section 25(4)); continues after the creator's death and may be enforced by the personal representative (Section 25(6))	Remains attached to the creator; must be respected in every use of the work, including copyright exceptions, provided that such use does not prejudice the creator's legitimate interests (Articles 19 and 25(2))
Enforcement Mechanism	Claim for damages before the Commercial Court; mediation is mandatory before filing criminal charges (Articles 95, 98, and 99)	Statutory duty: enforceable without proof of economic loss (Section 25(5)); the court may order the publication of a corrective statement (Section 25(7))	Enforcement through competent authorities (Article 198), with civil remedies (Article 202), criminal liability (Article 212), and administrative sanctions (Article 214)

Source: Author's analysis based on primary legal materials.

The main difference between the three countries lies in the way moral rights are enforced. In Indonesia, if a dispute arises, mediation must first be undertaken before criminal proceedings can be pursued (Praja et al., 2021). Therefore, muralists who believe their rights have been violated must first seek an amicable resolution before filing a lawsuit. Meanwhile, Malaysia

has a different approach to enforcing moral rights. They based it on legal obligations. This means that creators do not need to prove economic loss to claim moral rights infringement. In the Malaysian legal system, legal recognition is considered the primary evidence of copyright ownership. Therefore, the named person is considered the rights holder of the work (R et al., 2025). In essence, copyright protection is only granted to works that are already tangible. Therefore, their existence can be legally recognized and proven (Nainggolan et al., 2022).

As previously explained, Vietnam protects moral rights through three legal enforcement mechanisms: civil, criminal, and administrative sanctions. Furthermore, injured parties can pursue various legal remedies. For example, they can request a halt to the infringing activity, demand a public apology, or file a claim for damages for moral rights violations (Sihite et al., 2024). These three mechanisms demonstrate the wide range of legal protection instruments available to address intellectual property rights violations. Differences in this legal enforcement mechanisms also affect the level of access muralists have to legal remedies if their copyright is infringed. In Malaysia, the system appears to be more accessible to creators, as they do not proof of economic loss. Meanwhile, Indonesia and Vietnam have somewhat more complicated procedures. However, Vietnam still offers a broader range of legal enforcement mechanisms, although this does not necessarily mean easier enforcement for individual muralists.

Despite differences in their application, these three countries share the common view that moral rights are inherent in the creator and cannot be revoked. Each legal system emphasizes that moral rights remain with the creator even if the economic rights to the work in question have been transferred to another party. Thus, moral rights are understood as personal and non-transferable. For muralists, this principle is crucial because it ensures that their identity as creators remains protected, even if their work is used for tourism promotion. This view aligns with Hadjon's theory, which emphasizes that for human dignity is the primary foundation of legal protection (Annas et al., 2026). Therefore, a shared understanding of moral rights is crucial for achieving consistent protection across these three countries.

All three countries view murals as works of art that fall within the scope of copyright protection. In Indonesia, visual art, including paintings and drawings, is expressly recognized as legally protected. This protection applies automatically from the moment the work is created and installed, so no prior registration is required to obtain these rights (Ernatudera et al., 2023). Malaysia also protects artworks, including those in public spaces (Hasbullah et al., 2025). Vietnam recognizes protection for artworks exhibited in public spaces (Cai et al., 2024). Murals are often considered merely urban decorations for everyone to enjoy. However, according to law, copyright (including moral rights) are granted directly to the creator upon completion of the mural (Dewi, 2022). Therefore, there is an agreement that copyright protection is granted automatically without the need for a formal registration process. This is crucial, especially if the murals are intended as a tourist attraction, as the protection exists from the moment the mural is created.

The differences arise in the scope of the moral rights recognized by each country. Indonesia recognizes five elements of moral rights, including the right to change the title and subtitle of a work, and the right to adapt the work to social norms — elements not explicitly stipulated in the laws of Malaysia or Vietnam. Malaysia limits moral rights to two essential elements: the prohibition of exhibition of a work without attribution and the prohibition of distortion or alteration that attacks the honor of the muralists. Vietnam, by contrast, includes the right to name a work and the right to publish it as two separate elements of moral rights, which are also not recognized in the Indonesian and Malaysian systems.

This difference in scope directly implies the extent to which muralists can retain control over their works when they are used for tourist purposes. The broader the recognized elements, the broader the protection of muralists' status against unilateral actions by third parties.

Although all three countries recognize all moral rights as part of their copyright systems, they differ in the extent to which they protect moral rights.

A striking difference between the three countries is the presence or absence of explicit provisions regarding the use of artworks in public spaces for tourist purposes. In Vietnam, it is explicitly stated that photographing or filming artworks in public spaces for non-commercial purposes does not constitute an infringement, while the obligation to credit the muralists remains in force for commercial use. In Malaysia, it is stated that reproducing artworks in public spaces does not constitute a permanent infringement of the economic rights of the space, while the obligation to credit the muralists remains in force to prevent the exclusion of moral rights. Indonesia, on the other hand, currently has no specific legislation regarding the use of murals in public spaces for tourist purposes and is therefore dependent on the protection of intellectual property in the public sector. The lack of a clear regulatory framework has the potential to create legal uncertainty for tourism companies that utilize murals as tourist attractions. To date, there remains uncertainty regarding whether the use of images taken from the internet without prior permission for tourism promotion purposes can be considered copyright infringement, especially if the promotion is conducted by a public institution for non-commercial purposes. This issue often sparks debate due to the conflict between the public interest in promoting the tourism sector and the rights of creators, which must still be respected and protected (Suwita et al., 2025).

As a form of urban art, murals provide a medium for people to convey ideas and express themselves (A et al., 2022). From Hadjon's theoretical perspective, preventative legal protection must be prioritized before copyright infringement occurs. This effort can be realized through the existence of clear regulations, structured licensing procedures, and mechanisms that govern the use of artworks in public spaces while still guaranteeing the authenticity and provenance of the works. Furthermore, regulations that strictly limit the use of artworks within the framework of preventative protection are also crucial. The absence of provisions governing this in Indonesia indicates a legal vacuum that requires serious attention and adequate regulatory measures.

Based on a comparative analysis of the three legal systems, Vietnam appears to provide the comparatively most developed normative framework out of the three jurisdictions. This conclusion is based on the detailed provisions on moral rights stipulated in Article 19 (1) to (4), of Law No. 07/2022/QH15, which cover ownership rights, attribution rights, publication rights, and protection rights. Furthermore, Articles 25(1)(h) and 25(2) explicitly distinguish between commercial and non-commercial use through clear exception provisions. This protection is also supported by the existence of three law enforcement mechanisms: civil legal remedies (Article 202), criminal liability (Article 212), and administrative sanctions (Article 214).

Malaysia demonstrates the strength of its legal system through a firm enforcement mechanism, especially in terms of the ease of proving economic losses actually experienced by creators, as regulated in Article 25(5) of Law Number 332. In contrast, Indonesia offers the broadest protection of moral rights under Article 5(1) of its Copyright Law but remains incomplete in defining restrictions on the use of mural paintings for tourism purposes and requiring prior mediation under Article 95, which can prolong the process of recovering rights. In conclusion, while all three countries recognize and protect the moral rights of muralists, Vietnam offers a comparatively clearer normative balance between rights recognition, exceptions, and formal enforcement routes.

Legal Implications of the Identified Legal Gaps

The previously identified gaps have highlighted how the existing regulatory frameworks within the domain of IP Law are technically capable of providing protections to murals, due to

the foundational recognition of moral rights as one of the crucial legal doors for protection (Žárská, 2022). However this capability is structurally limited as it is reliant on surface-level recognition. While the copyright regime, as highlighted previously, can technically cover mural as one of the forms of creation, the overall legal mechanisms required to protect it are ultimately affected by the surrounding regulatory frameworks around tourism and cultural protection. For instance, a mural may be legally protected as a copyrighted work, but when its image is used as part of destination branding or tourism promotion, the applicable tourism framework may not clearly identify how tourism actors must respect the muralist's copyright-based moral rights. These gaps present practical gaps that ultimately limit the enforceability of copyright protection around murals, which could potentially disenfranchise muralists and demotivate them from further contributing to the creative industry, and more specifically, the tourism sector.

While varying degree of gaps have been identified, they broadly appear in similar structural form across all three jurisdictions. The first among these is the lack of recognition on murals as a crucial asset for tourism. This gap exists in all the three countries, which leaves muralists vulnerable to misappropriation when their creative outputs are utilized for tourism branding and promotion. Attribution gap also affects the protection of murals through the copyright regime. In the case of Indonesia and Malaysia, the recognition exists the legal norms do not include how such attribution can be enforced on creations that are displayed on public space as tourism materials. While Vietnam has a more comprehensive set of legal norms for attribution, unattributed reproduction remains an issue largely unaddressed. This particular gap diminishes the existing surface-level recognition for attribution, due to the lack of technical enforceability, which could leave muralists potentially excluded from credit even when their works serve as crucial materials for tourism development.

The issue of technical enforceability therefore requires the recognition of moral rights to be translated into specific and verifiable operational standards for tourism actors. Under the legal standards proposed in this study, whenever a mural is reproduced in an official tourism brochure, website, social-media advertisement, destination map, or other digital promotional material, the muralist's real name or recognized pseudonym should be displayed in a clearly visible and reasonably proximate position to the reproduced image, accompanied, where applicable, by the title of the mural, its location, and an indication that its use has been authorized. In tourism promotional videos, attribution should not merely appear in general end credits; rather, the muralist's name should be displayed on screen when the mural is substantially featured, while longer-form videos should additionally include the attribution in the closing credits, video description, or other accessible metadata so that the connection between the mural and its creator is not lost when the content is redistributed across digital platforms. Moreover, tourism authorities and commercial operators should be prohibited from cropping, digitally altering, removing signatures, or otherwise modifying a mural in promotional content without the muralist's prior consent where such modification affects attribution or integrity, and compliance with these requirements should be documented through licensing records or standardized attribution clauses. Such technical requirements would transform moral rights from an abstract statutory entitlement into an auditable obligation for tourism stakeholders, thereby addressing the current gap in which attribution is legally recognized but lacks sufficiently concrete mechanisms of implementation and enforcement.

Another crucial gap identified is the lack of established mechanism to balance private property rights and IP rights of muralists, particularly in the case of Indonesia. While Malaysia and Vietnam can base the protection through the prohibition against distortion, issues like redevelopment or building conversion can nevertheless trump IP rights that are supposed to be embedded within the recognition of murals as an IP through the protection of moral rights. The lack of clear lines established between the domain of private property rights and IP rights is

still one of the most crucial legal problems in street art, as it could potentially limit murals from receiving protection (Augusto Rodrigues, 2020). These issues point to the more structural legal gap surrounding technicality, which as highlighted previously, exists in varying degrees in all three jurisdictions. Despite the rights being technically recognized, the lack of enforceable norms can render the recognition itself ineffective. In a fundamental understanding of IP rights for a protected work, the recognition itself should naturally come with enforceable norms to safeguard, which if not present, questions the very existence of such recognition in the first place.

These issues persist in all three jurisdictions with varying degree, which highlights that it is indeed a structural normative problem. Two concrete examples of the enforcement gap previously discussed include documentation and benefit-sharing. To date, the existing legal norms in the three jurisdictions still do not provide sufficient clarity regarding how these very practical and technical elements of the IP Law domain are to be enforced. Therefore, muralists are positioned very disadvantageously relative to their passion and output, regardless of their contribution to tourism development and how their works are often associated with the tourism locations or areas they represent. The documentation gap, in particular, makes it difficult for muralists to prove their authorship, particularly when unauthorized use or even alteration of their works emerge and threatens their moral rights over their murals. Not to mention, the lack of benefit-sharing mechanism already creates a vacuum of incentivization for an otherwise potentially impactful tourism resource, to only be reliant on personal passion of muralists to continue to generate works and support their tourism sector.

Comparatively, the study has highlighted how the Vietnamese legal system offers a more robust regulatory model. While this finding be considered an advantage, it should not be treated as a sweeping claim, as the same gaps identified in the other two jurisdictions are nevertheless still present in Vietnam. Therefore, the Vietnamese model should not be seen as a completely regulatory model. Instead, it should be seen as a legal system requiring lesser friction for future legal developments, primarily due to the fact it covers more fundamental legal grounds regarding the normative issues previously highlighted, such as attribution and IP rights integrity. Not to mention, the practical implications for those normative issues are also similar in nature, rendering previously highlighted advantages significantly limited in effect, particularly when the core issues around the protection of murals and the conflict between IP Law, tourism policies, and private property rights remain insufficiently mediated by enforceable technical norms.

In response to the gaps present in all three countries, it is important for all three jurisdictions to move away from surface-level recognition to a deeply structural integration of mural protection, as a way to further accelerate the growth of their tourism sector and incentivize the creativity of muralists. More importantly, this shows the need for a comprehensive legal reform to ensure that the recognition of muralists' output can signify a deep appreciation of cultural development as a deeply embedded value of the tourism sector (Martínez-Carazo et al., 2021), by ensuring the protection of murals through the copyright regime, while also integrating such protection into the broader framework of tourism and the policy for tourism development.

Restoring the Protection of the Moral Rights of Muralists in Tourism Through Progressive Legislation

Satjipto Rahardjo's progressive legal theory is based on the idea of the right of a person to live for his own happiness and well-being (Situmorang et al., 2025). From this perspective, the law should not be interpreted rigidly and textually but should be able to respond to the changing needs of society (Sukananda, 2018). Progressive legislation also emphasizes the need for laws to adapt to ensure material justice, based on the principle that the law is a means, not

an end in itself (Situmorang et al., 2025). In efforts to protect the moral rights of mural artists, this principle plays a crucial role. The existence of law is not enough if it only functions to set rules in a normative manner. The law must also be established in the form of real and effective protection so that the rights of mural artists as human beings are still respected and get the necessary protection.

Based on the results of the comparative analysis, the three countries have established normative frameworks governing the protection of the moral rights of muralists through their respective legal instruments. However, the current provisions are still unable to fully address the various challenges that arise with the increasing use of murals in the tourism sector. Differences in the scope of rights protection, legal enforcement mechanisms, and clarity regarding the limits of permissible use indicate that each legal system has advantages and limitations that can complement each other. This situation opens up opportunities to formulate more effective regulations in the future by adopting the strengths of each legal system. Future regulatory development must not only strengthen existing provisions but also address the gaps that have not yet been addressed in the applicable legal regulations. In addition, public spaces that have long been a forum for the birth and development of various forms of critical art in urban areas are now facing increasing threats (Murray, 2026).

According to Hadjon's theory of legal protection, the law not only plays a role after a violation occurs, but must also be present preventively to prevent violations from occurring in the first place. Once a violation has occurred, the law then functions repressively to provide protection and enforce the necessary rights (Hadiyani et al., 2025; Herman et al., 2024). This framework serves as the basis for the development of an ideal regulatory framework for the moral rights of muralists in the future. From a progressive legal perspective, strengthening regulations should not be limited to the enactment of laws, but should also ensure that the law effectively protects the dignity of the creators (Laili & Fadhila, 2021). Progressive legal theory states that laws exist to serve the public, not to serve self-interest (Situmorang et al., 2025). Therefore, all regulatory formulations must aim to effectively protect muralists as owners of intellectual property rights.

The first issue to be addressed is the clear assertion that murals, as visual artworks integrated into public space, automatically enjoy copyright protection as soon as they are completed. In fact, all three countries have accepted this principle, but its application to murals in public spaces is often overlooked because murals are still regarded as simple urban decorations accessible to the public. However, murals possess significant historical, aesthetic, cultural, educational, tourist, and commercial value; their existence therefore extends far beyond their decorative function (Fahmi et al., 2023; Riswanti et al., 2026; Wang & Wu, 2023). This evaluation has a very important role as a basis for drafting regulations so that tour operators do not view murals as public assets that can be freely utilized or exploited without restrictions.

The law must clearly state that murals are legally protected works. This is better than simply implying that murals fall under the general category of visual art. With a clear statement, the legal standing of muralists will also be stronger, especially if their works are used without permission for tourism promotion. Clarity in this regulations will make the legal protection proposed by Hadjon more effective. In a progressive legal framework, this statement is an important step forward. It affirms that public spaces are not entirely free from individual rights, particularly copyright rights for works of art.

The law needs to adapt to developments that show that murals not only have economic value, but also play a role as part of a community's social identity. Therefore, their existence and protection should not be ignored simply because they are in public spaces. Furthermore, regulations need to be developed that explicitly require attribution when murals are used for tourism, promotion, publication, or other commercial purposes. Removing the creator's

identity from a documented work constitutes a violation of moral rights, as the creator has the right to be recognized as the creator of the work and receive appropriate recognition (Natalia et al., 2026; Pranata & Putra, 2025). Attribution obligations need to be clearly formulated, for example, by requiring the inclusion of muralists name in all tourism promotional materials featuring murals or similar artworks.

For example, if a travel agent markets a tour package that features a mural as a visual element in a brochures, websites, or social media, the name of muralists must be clearly and precisely stated on each image, whether below the image, in the caption, or in the upload description. If the mural is used in a promotional video, the name of muralists must also be displayed in text within the video or included in the video description. Furthermore, when a mural is designated as an official filming location at a tourist destination, the location manager must provide an information board displaying the name of muralists and the title of the work, if available, so that visitors can identify the muralists. Provisions governing this matter are actually recognized in Indonesia (Section 5(1)(a) of the Copyright Law), Malaysia (Section 25(2)(a) of Act 332), and Vietnam (Section 19(2) of Law No. 07/2022/QH15). However, these three countries do not yet have specific regulations on how this attribution obligation applies to tourism. Going forward, regulations need to be supplemented with clearer technical provisions on the form of attribution, specifically regarding where it should be included and how it should be implemented. In the case of a mural in a tourist area, for instance, the organization using the artwork (e.g., a company incorporating the mural into digital promotional material) could be required to include the muralists name at the beginning or end of the text, in a clearly legible font and standard format ("Work by (Name of the artist/muralists)"), without concealing it in a hard-to-reach location. Furthermore, any party reusing the mural for the benefit of a third party is required to maintain the existing attribution so that the muralists name remains attached to the work in all forms of use. Without clear technical provisions, the obligation to include attribution has the potential to become a rule that is easily ignored. In a progressive legislation approach, acknowledging the creator's name is not seen merely as a formality, but as an inseparable part of respect for human dignity. This view aligns with the principle that the law must guarantee the protection of human dignity, happiness, well-being, and self-respect (Siregar, 2024), so that contextual attribution is understood as an important element in the protection of moral rights.

Future regulations must clearly distinguish between the use of murals in public spaces for commercial and non-commercial purposes. Murals are not merely aesthetic; they also promote cultural identity and stimulate economic growth in the region (Erdmann-Goldoni, 2024). Vietnam has already addressed this issue with Section 25(1)(h) of Law No. 07/2022/QH15, which permits the use of murals in public spaces for non-commercial purposes without prior permission, while the name of the muralists must be credited if they are used for commercial purposes. Malaysia also provides similar exceptions under Section 13(2)(c) and (d) of Law 332, but these provisions relate only to economic rights. Meanwhile, such restrictions are not specifically regulated in Indonesian regulations.

Murals serve as a means of communication between muralists and the public, but the presence of murals in public spaces does not mean that they can be used for any purpose (Nurcahyawati & Alfisyahrin, 2021; Wijaya et al., 2022). Clear regulations are essential to distinguish between tourists simply preserving murals for personal memories and tourism businesses using murals for commercial purposes. For example, tourists may use murals for personal collection or non-profit activities without permission from the muralist, as long as the muralists name remains visible and the original work remains unchanged. However, if a mural is used for promotions, advertising, or activities that benefit another party, such as a travel agent, company, or other organization, written permission from the muralists is required.

As an illustration, tourists generally do not need to ask permission if they upload photos of murals to their personal social media accounts. However, the provisions applicable to tourism companies are different. If the mural images is to be used in travel brochures or digital promotional materials, the company in question is required to include the name of the muralists and first obtain official permission. This type of regulation plays a crucial role in ensuring fair legal certainty for all parties involved, including muralists, tourists, and tourism sector actors. Without this distinction, commercial interests in the tourism sector have the potential to violate the moral rights of muralists without a clear legal basis.

Future regulations should prohibit the removal or destruction of murals without prior notice to the muralists. As previously stated, Indonesia recognizes murals as visual artworks that are automatically protected from the moment they are physically created, under Section 40(1)(f) and 40(3) of the Copyright Law. However, these provisions do not specifically regulate the mechanisms for protecting the integrity of murals in public spaces when they are threatened with removal or destruction. If a mural has existed for a long time and has become part of the identity of a place, the safety of the muralists must be respected in any attempt at removal; this relates to the creator (Glotov, 2022; Oktavian & Hamid, 2025).

The right to the integrity of an artwork is regulated by Section 5(1)(e) of the Copyright Law, Section 25(2)(b) of Act 332 and Section 19(4) of Law No. 07/2022/QH15. However, none of these provisions establishes procedures for the removal of artworks in the context of tourism development or the renovation of public spaces. Future regulations should therefore require that, in addition to the right to document the work, the muralists be notified prior to removal. Murals, as part of cultural heritage, possess a symbolic value that must be preserved and cannot be considered merely physical objects that can be removed at any time (Astuti et al., 2023; Pranajaya, 2021; Syahrul et al., 2024). Before, for example, a mural is removed as part of a renovation project in a tourist area, the competent authorities must first notify the muralists, then document the work by means of photographs or video recordings and even consider transferring or reproducing the work in other media to ensure its public accessibility. This method allows murals to remain a vital part of the region's cultural identity even after the artwork has been removed. This step serves as a preventative form of legal protection that prioritizes respect for the dignity of the muralists.

Furthermore, a more effective mechanism to protect the moral rights of muralists needs to be developed by adopting the advantages of the Malaysian system, particularly through the application of a legal liability concept that does not require creators to prove actual economic losses. Comparative results indicate that in Indonesia, mediation must be pursued before legal action can be taken. Vietnam, on the other hand, provides three dispute resolution pathways, although the existence of evidence and the evidentiary process remain crucial. The forms of liability for moral rights violations can vary, ranging from compensation and administrative sanctions to criminal sanctions, depending on the seriousness of the violation (Losung et al., 2021; Mendelson-Shwartz et al., 2023; Natalia et al., 2026). Therefore, future regulations should emphasize that violation of moral rights, such as failing to include the name of muralists in tourism promotional materials, can be sufficient grounds for initiating legal proceedings without first having to prove measurable economic loss. This simplification is important because the damage caused by moral rights violations is often non-economic and damages the muralists honor and reputation, which is difficult to quantify in financial terms. Restrictions on freedom of artistic expression must remain proportionate and must not undermine the essence of constitutionally guaranteed rights. Similarly, moral rights protection mechanisms must remain proportionate to the interests of muralists (Abdillah & Octavianingsih, 2025; Dewi, 2022).

Protecting the moral rights of mural muralists requires provisions for a uniform and indefinite protection period, as long as the work remains distinctive. Comparative analysis

shows that in Indonesia, the right of attribution and artistic integrity is unlimited under Article 57(1) of the Copyright Law, while in Malaysia, moral rights persist after the artist's death under Article 25(6) of Act 332, and in Vietnam, respect for moral rights is required for any use of the work, even in cases of copyright exceptions. Overall, these provisions demonstrate an effort to ensure that moral rights protection is not limited by time, given that murals, as tourist icons, can survive for decades. These murals, which are often reproduced repeatedly in various media long after their creation, require artist/muralists attribution and prohibit any form of distortion while the work is still in use (Castellano & Raposo, 2024; Riswanti et al., 2026).

This reproduction process occurs when murals are first documented in photographic form, then published and reused on various media, such as t-shirts, promotional materials, and digital platforms, allowing them to be downloaded and used commercially by third parties. However, in practice, this reuse is generally not accompanied by a clear compensation mechanism for the muralists. As a result, even though their works continue to be used commercially, the muralists often receive no financial compensation for this use (Mansfield et al., 2024). Therefore, inalienable moral rights, as recognized by these three countries, must be linked to a mechanism that guarantees heirs the ability to enforce these rights.

The issue of murals created without the owner's permission should also be addressed in future regulations. A comparative analysis shows that none of the three states in question explicitly regulates the application of moral rights to murals created without the permission of property owners, although this situation is a significant source of tension between copyright and the patrimonial rights of muralists. When a mural is painted on an abandoned or even demolished building, it violates the owner's rights, to the detriment of the muralists moral rights, since it can transform a work of art from a useless object into a valuable one. On the other hand, when a mural is painted without permission on a well-preserved building, the muralists cannot reasonably claim full protection for the work created from the outset against the patrimonial rights of third parties (Glotov, 2022). Therefore, it is essential to establish a standard that differentiates the protection of moral rights according to the conditions and methods of mural creation, rather than granting general protection without considering the context of its creation. This distinction is important to prevent the protection of moral rights from becoming, from the outset, a pretext for harmful actions against third parties. The balance between the rights of creators and the rights of owners is established within the limits of reconciling individual and collective interests, as proposed by Hadjon's theory.

Muralists whose murals are used for tourism purposes should have the right to participate in the development of policy regarding their work. The constitutional guarantee of freedom of expression for muralists, particularly in the field of murals, must not be restricted by policies unilaterally imposed by tourism authorities without prior consultation with the muralists (Abdillah & Octavianingsih, 2025). The involvement of muralists in developing mural tourism policies is crucial. This ensures that their interests are considered from the outset of planning, rather than simply included in regulations that are rarely implemented. Murals are used to convey aspirations and social messages, thus possessing aesthetic value and broader meaning. Therefore, muralists have the right to be involved in the management of murals in public spaces. Their involvement can take the form of discussion or consultations with the muralist community before an area is designated as a mural tourism destination. This participation also respect human dignity, as Hodgson's stated. Without the active involvement of muralists, mural tourism will focus solely on the economic value of the artwork, neglecting the personal and cultural aspects. This way, muralists can play a role in the management of their artwork and ensure that their interests are not neglected.

Regulations regarding the use of murals for commercial purposes need to be formulated with simpler procedures so that tour operators can carry out their activities more easily. Conversely, complicated licensing mechanisms can be a barrier, as the requirement to obtain

permits and provide attribution is often considered cumbersome. The presence of works in public spaces does not mean the creator's exclusive rights are lost. In fact, public spaces allow the public to interact directly with the artwork without reducing or disrupting the legal protection inherent in the work (Dore & Turan, 2024; Natalia et al., 2026). One step that can be implemented is simplifying the licensing system by providing a mural database that is publicly accessible to tour operators. This database can simplify the process of obtaining permits and fulfilling attribution obligations. This database can contain information on the muralists identity, a description of the artwork, and the muralists terms of use, so that companies can clearly understand the boundaries of permitted use. In addition to facilitating access to information, the existence of such a database can also minimize the risk of misunderstandings or non-compliance arising not from bad faith, but from a lack of information regarding the identity of the muralist. Official documentation of murals in a database also emphasizes the importance of documentation as an effort to maintain the sustainability and preservation of these works in the long-term (Wang & Wu, 2023).

In addition to permits, comprehensive regulations should also include legal information and awareness-raising for all parties involved in the tourism sector. Many moral rights violations are not intended to harm muralists. Instead, they often stem from a limited understanding that murals in public spaces are protected by copyright, including the moral rights of their creators. For example, copyright infringement often occurs during the documentation process in open public spaces. The public often fails to realize that simply placing artwork in an easily accessible location does not automatically make it available for unlimited use (Dewi, 2022; Natalia et al., 2026). Systematic education programs are essential for tour operators, professional photographers, and destination managers. These programs should explain attribution obligations and prohibitions on distortion. This will improve preventive protection in everyday practice. This education is crucial and inseparable from clearly written legal regulations. Regulations that are not understood by those affected by them will not provide effective protection.

The three countries could establish a joint education program within ASEAN. This program should focus on intellectual property and the creative economy. This would strengthen preventative protections. This would reduce reliance on lengthy and resource intensive legal processes. Furthermore, there needs to be clear regulations regarding the right of mural muralists. They are entitled to adequate compensation if their work is used for commercial purposes, especially in the tourism sector. For example, they could receive a share of the revenue generated. This could be in the form of a certain percentage of the profits earned when their murals are used for promotions, tourism programs, or other commercial products. Intellectual property rights theory emphasizes the importance of protecting creators' rights while ensuring fair compensation through legal regulation when a work is used for commercial purposes (Disemadi et al., 2026). Therefore, a transparent and easily implemented benefit sharing mechanism is needed so that muralists can understand their rights and access them fairly and without facing excessive bureaucratic obstacles. The results of the comparison shows that although the three countries generally have mechanisms to prevent violations of intellectual property rights, there are no regulations that explicitly accommodate the rights of muralists rights to receive compensation when their work is used as a tourist attraction that provides economic benefits for third parties.

Although murals as tourist attractions directly contribute to an increase in visitor numbers and revenue for local businesses, muralists often do not receive a share of the economic benefits generated by their work (Martyka et al., 2025; Pranajaya, 2021; Wang & Wu, 2023). The balance between individual and public interests, as emphasized by Hadjon's theory, requires that the law ensure that the proceeds from artwork do not accrue solely to third parties other than the creators. Such compensation provisions could take the form of regional participation

when murals are used in commercial promotional materials, or exchange mechanisms between muralists and destination managers before the work is integrated into a tourism program. These provisions not only protect the muralists economic interests but also promote recognition of their contribution to the visual identity of the tourist area. With clear rules, the muralists right to compensation would transform from a non-binding moral expectation into a legally binding obligation.

Ideally, the formulation of murals should consider the unique nature of murals. Unlike other artworks that can be moved or reproduced exactly, murals are works of art that are inseparable from their support. They are painted directly onto building walls; therefore, their fate largely depends on the decisions of the owners, unlike paintings on canvas that the muralists can keep or sell separately (Martyka et al., 2025; Wang & Wu, 2023). This characteristic complicates the right to preserve the integrity of murals, as threats to this integrity include not only distorted copies but also the physical destruction of the work itself. A comparative analysis shows that the right to preserve integrity is regulated by Article 5(1)(e) of the Copyright Law, Article 25(2)(b) of Act 332, and Article 19(4) of Law No. 07/2022/QH15. However, none of these provisions specifies how this right is exercised when the physical medium falls under the control of a third party. A clear distinction needs to be made between acts that damage a mural, such as covering part of a work with another image without consent, and acts that do not cause damage, such as covering an entire wall for renovations after prior notification. This distinction helps building owners understand the precise limits of their authority over the building where the mural is located. With this clarity, preventative protection for muralists can be achieved without violating the ownership rights of the building in question.

Going forward, regulations need to establish mural documentation as a key element in an organized protection system. Systematic documentation of murals in public spaces will facilitate the identification of muralists if their works are used without proper attribution, while also proving the work's existence before unauthorized removal or alteration. The value of murals extends beyond aesthetics to historical, cultural, and educational values, which can be diminished when the work is damaged by natural factors or human activity (Wang & Wu, 2023). Adequate documentation plays a crucial role, both as evidence in legal proceedings and as a means of preserving murals as a valuable visual cultural heritage of long-term value. Such documentation can include official documents, the identity of the muralists, the location of the work, the date of creation, and a description of the content. All of this information is then stored by the relevant authorities. If the mural is later used as a public attraction, this documentation system will help ensure proper attribution and ensure that the muralists receives notification of the use of their work. Without an adequate documentation system, the implementation and enforcement of moral rights will continue to face challenges due to a lack of reliable evidence.

Ultimately, the development of a legal framework regarding the moral rights of muralists in the tourism sector needs to be based on the recognition that murals do not merely function as decorative elements in urban spaces, but are also a form of creative expression that contains social messages, cultural values, and the identity of a community. As visual works capable of conveying local criticism, aspirations, and narratives, murals are equivalent to other works of art; therefore, muralists deserve the same legal protection (Abdillah & Octavianingsih, 2025). Three countries have established standards for the protection of moral rights. However, these principles must be strengthened through more specific and accessible provisions and mechanisms for muralists.

The regulatory recommendations presented here—including confirming automatic protection, enforcing attribution, distinguishing between commercial and non-commercial use, establishing a procedure for prior notice of removal, facilitating law enforcement, ensuring continued protection, regulating unauthorized murals, guaranteeing participation rights,

developing automatic licensing procedures, public awareness campaigns, guaranteeing fair compensation, recognizing the integrity of murals, and systematic documentation—should be considered as a coherent and integrated system, rather than as a collection of separate rules. Such a comprehensive and coherent protection system will guarantee the safe use of murals.

CONCLUSION

The principal contribution of this article lies in the proposed normative bridge, which seeks to integrate the intellectual property rights regime with the broader framework of tourism policy and cultural development. Rather than treating the protection of muralists' moral rights as an isolated copyright issue, this approach positions attribution, integrity, authorization, and related protective mechanisms as integral components of tourism governance and cultural policy, thereby addressing the existing disconnect between formal legal recognition and practical implementation. This comparative law study shows that Indonesia, Malaysia, and Vietnam provide formal grounds to recognize the moral rights of creators through the copyright regime, including attribution and preservation of artistic integrity, which can technically extend to muralists. However, the enforceability of such acknowledgement and its subsequent IP rights protection is limited in effect, particularly when connected to the context of tourism. Comparatively, Vietnam is noted as having the most advanced regulations out of the three countries, where the concept moral rights is robustly formulated, followed by the distinction between the use non-commercial use and commercial use of artworks displayed in public spaces and multiple enforcement routes. Malaysia demonstrates its own characteristics by placing respect for the rights of creators as a legal obligation, but with less developed legal norms around public-space artwork. Indonesia, on the other hand, recognizes a broader range of moral-right elements, but with a less developed set of legal norms. More importantly, all three countries lack a normative bridge between IP rights and tourism, particularly within the context of murals, which directly contributes to the lack of enforceable IP-based legal norms around protection, attribution, tourism-based misappropriation, documentation, and benefit-sharing.

These crucial gaps show that all three countries are structurally ill-equipped to ensure the protection of murals through the copyright regime, despite the baseline recognition provided by the relevant legal norms. Therefore, this study recommends Indonesia, Malaysia, and Vietnam to recognize murals as a distinct form of protected public artworks, requiring attribution, licensing, prior notice before removal, documentation, muralist participation, simplified enforcement, and fair compensation when murals are commercially used for tourism purposes. The findings of this study contributes to the growing body of literature around IP-based tourism, with practical insights in the form of recommendation potentially serving as consideration for policymakers. Future research can dive into the empirical angle of this topic, particularly by gathering the perspectives of muralists to highlight how a protection, or the lack thereof, would ultimately affect their outputs and contributions to the tourism sector.

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