



The Dialectic of Natural Law and Fiqh Al-Mu'amalah in Determining Copyright as A Fair Marital Property

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Abstract

Copyright has increasingly become an economically valuable intangible asset, yet its legal status as marital property remains uncertain within Indonesia's pluralistic legal system. This study examines how the dialectical interaction between Western Natural Law and fiqh al-mu'amalah can establish a coherent normative framework for determining copyright as fair marital property. Employing normative legal research, the study applies statutory, conceptual, comparative, philosophical, and Islamic legal approaches to analyze primary, secondary, and tertiary legal materials through doctrinal interpretation and dialectical synthesis. The findings reveal that both legal traditions converge in recognizing copyright as an intangible property right while distinguishing between its moral and economic dimensions. Moral rights remain exclusively attached to the creator, whereas economic rights and royalties acquired during marriage may constitute marital property subject to equitable distribution based on each spouse's contribution. The study proposes an integrated normative framework grounded in distributive justice, *maqashid al-shari'ah*, *hifzh al-mal*, and *maslahah* to address existing legal uncertainty and strengthen coherence between intellectual property law and family law. By bridging Western legal philosophy and Islamic jurisprudence, this research contributes a theoretically grounded and practically applicable framework that supports judges, legislators, and legal practitioners in resolving copyright-related marital property disputes more consistently and equitably.

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INTRODUCTION

The rapid expansion of the global creative economy has fundamentally transformed intellectual creations into strategic economic assets that contribute significantly to national development, industrial competitiveness, and individual prosperity. Copyright, as one of the principal branches of intellectual property rights, no longer functions merely as a legal instrument for protecting authorship but has evolved into a valuable economic resource capable of generating sustainable financial returns through royalties, licensing agreements, and other commercial exploitation mechanisms. This transformation has reshaped the legal perception of creative works, positioning them not only as manifestations of individual creativity but also as transferable assets with measurable economic value. Consequently, copyright increasingly intersects with various branches of private law, including commercial law, inheritance law, taxation, bankruptcy, and family law (Peukert & Windisch, 2025). Among these intersections, disputes concerning copyright ownership and the distribution of its economic benefits within marital relationships have become particularly complex because intellectual property embodies both proprietary and personal dimensions (Sarid, 2024). Unlike conventional marital assets, copyright combines exclusive moral rights that remain inseparable from the creator with economic rights capable of producing long-term financial benefits, thereby creating unique legal challenges when marital relationships dissolve (Okediji, 2021). As creative industries continue to expand worldwide, legal systems are increasingly required to develop coherent normative frameworks capable of balancing the protection of creators' exclusive rights with broader principles of fairness governing marital property. These developments

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demonstrate that the legal status of copyright within matrimonial property regimes has evolved into an increasingly significant issue that demands comprehensive philosophical and juridical examination.

The increasing commercialization of intellectual property has also generated new legal disputes concerning the distribution of copyright-derived economic benefits within marital relationships, particularly when marriages end in divorce. In many jurisdictions, courts have been required to determine whether royalties, licensing income, and other financial proceeds generated during marriage should be classified as separate property belonging exclusively to the creator or as marital assets subject to equitable distribution (Akhtar & Manjoo, 2024). This issue has become increasingly prominent because creative works often continue to generate substantial income long after they are produced, creating legal uncertainty regarding the ownership of future economic benefits following the dissolution of marriage (Bessière, 2022; Kapelle & Baxter, 2021). Although several countries have gradually developed judicial doctrines distinguishing between moral rights and economic rights in copyright disputes, the legal treatment of these rights remains inconsistent across different legal systems (Moscato, 2021; Sganga, 2024; Xiao, 2023). Similar challenges have emerged in Indonesia, where the rapid growth of the creative economy has significantly increased the commercial value of copyrighted works while the legal framework governing marital property has not evolved at the same pace. The widely publicized dispute between Inara Rusli and Virgoun concerning the distribution of song royalties illustrates how the absence of explicit statutory regulation can create uncertainty for judges, legal practitioners, and divorcing spouses seeking equitable solutions (Leckey, 2024). Rather than representing an isolated celebrity dispute, the case reflects broader structural deficiencies in Indonesian family and intellectual property law, particularly regarding the legal status of copyright-generated economic benefits acquired during marriage. Consequently, the growing frequency of similar disputes underscores the urgent need to establish a clearer normative framework capable of reconciling creators' exclusive rights with the principles of justice governing marital property.

Despite the growing economic significance of copyright in contemporary family relationships, the Indonesian legal framework has yet to provide comprehensive legal guidance regarding its status within the matrimonial property regime (Rahmawati et al., 2025). Law Number 28 of 2014 on Copyright recognizes copyright as an intangible movable asset with transferable economic rights, while Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, generally defines assets acquired during marriage as marital property without specifically addressing intellectual property rights. Likewise, the Compilation of Islamic Law (Kompilasi Hukum Islam) acknowledges jointly acquired marital assets but does not explicitly regulate the legal consequences arising from copyright ownership or royalty distribution following divorce. This regulatory fragmentation creates uncertainty concerning whether copyright itself, future royalties, or only the economic benefits generated during marriage should be included in the division of marital assets (Peukert & Windisch, 2025). As a result, judges are frequently required to rely on broad legal interpretation and judicial discretion when resolving disputes involving copyrighted works, increasing the possibility of inconsistent judicial outcomes in similar cases (Baldacci, 2022; Katz & Zamir, 2025; Krishnakumar, 2022). Such uncertainty not only affects legal protection for creators and their spouses but also weakens the predictability and coherence of Indonesia's intellectual property and family law systems (Aragon, 2022; Roesli & Pratiwi, 2026). From a broader policy perspective, the absence of a clear normative framework may discourage legal certainty within the creative economy, where intellectual assets increasingly constitute a substantial proportion of family wealth (Akramov et al., 2024). Therefore, addressing this normative ambiguity has become an urgent legal and academic priority to ensure that the regulation of copyright in marital property disputes reflects both legal certainty and substantive justice (Bigwood & Dietrich, 2021).

The regulatory uncertainty surrounding copyright as marital property also reflects a deeper theoretical problem concerning the philosophical foundation of ownership, justice, and legal recognition of intellectual assets within family relationships (Irianto, 2024). Conventional legal approaches often emphasize statutory interpretation and formal legal classification, yet they provide limited guidance for resolving conflicts involving intangible property that simultaneously embodies personal identity and economic value. Copyright differs fundamentally from ordinary marital assets because it combines moral rights that remain inseparable from the creator's personality with

economic rights capable of generating continuous financial benefits throughout and beyond the duration of marriage. Consequently, resolving disputes over copyright requires more than textual interpretation of positive law; it demands a normative framework capable of balancing individual autonomy, distributive justice, and equitable recognition of contributions made by both spouses during the marital partnership. From this perspective, Western Natural Law offers a philosophical foundation for understanding property rights through concepts of human dignity, labor, personality, and justice, whereas *fiqh al-mu'amalah* provides an ethical and jurisprudential framework grounded in *maqashid al-shari'ah*, *hifzh al-mal*, *maslahah*, and proportional fairness in economic relations. Although these traditions originate from different intellectual and legal backgrounds, both ultimately seek to protect legitimate rights while preventing injustice and ensuring that legal outcomes serve the broader public good (Beyrer et al., 2024; Donley et al., 2022). Their shared commitment to justice suggests that they are not competing paradigms but complementary perspectives capable of addressing legal questions that remain unresolved within positive law alone (Cheong, 2025; Torres, 2022). Accordingly, developing an integrative dialogue between these two traditions represents an important theoretical pathway for constructing a more coherent and equitable framework for determining the legal status of copyright within Indonesia's matrimonial property system (Riswandi et al., 2026).

Recent scholarship has increasingly recognized copyright as an economic asset whose legal implications extend beyond the domain of intellectual property into broader areas of private law, including family law and property distribution. Comparative studies have demonstrated that many jurisdictions distinguish between the creator's inalienable moral rights and the transferable economic benefits generated by copyrighted works, thereby allowing royalties earned during marriage to be considered within matrimonial property arrangements under specific legal conditions (Nutz et al., 2022; Torok, 2023). Other studies have examined the legal nature of intellectual property in divorce proceedings, emphasizing valuation methods, ownership structures, and judicial approaches to equitable distribution in civil law and common law systems (Elgin, 2025). Within the Indonesian context, researchers have largely focused on the juridical status of copyright under positive law, the protection of creators' economic rights, and the legal consequences of copyright commercialization in the creative economy (Sugianto et al., 2025). Parallel developments have emerged within Islamic legal scholarship, where contemporary studies increasingly acknowledge copyright as *al-mal* based on the principles of *al-'urf*, *maqashid al-shari'ah*, and *maslahah*, thereby recognizing its legitimacy as an object of legal protection and economic transaction (Lestari et al., 2025). Collectively, these studies have significantly enriched scholarly understanding by demonstrating that copyright possesses both proprietary and economic characteristics capable of generating legal consequences beyond conventional intellectual property protection. Nevertheless, the dominant emphasis of previous research remains confined within separate disciplinary perspectives, with legal philosophy, positive law, comparative law, and Islamic jurisprudence generally examined as independent analytical frameworks rather than as interconnected foundations for resolving complex family law disputes. Consequently, although the existing literature provides valuable insights into copyright protection and marital property regulation, it has yet to produce a comprehensive normative framework capable of integrating these complementary perspectives into a unified theory of equitable copyright distribution within marital relationships.

Despite these important contributions, several conceptual and methodological limitations remain insufficiently addressed in the existing literature. First, most studies examine copyright disputes primarily from the perspective of positive law, focusing on statutory interpretation and judicial practice while paying relatively little attention to the philosophical foundations that justify why copyright-generated economic benefits should be treated as marital property (Bowrey et al., 2024; Della Lucia et al., 2024). Second, research grounded in Islamic jurisprudence has predominantly concentrated on establishing the legitimacy of copyright as *al-mal* or as an object of economic transactions, without systematically integrating these findings with broader theories of distributive justice and contemporary legal philosophy (Dagan & Dorfman, 2023; Güney, 2024; Yilmaz, 2024). Third, comparative legal studies generally describe differences among jurisdictions but rarely develop an integrative normative model capable of reconciling creators' exclusive rights with the equitable interests of spouses who have contributed, directly or indirectly, to the creation

of copyrighted works during marriage (Ehiemua, 2023). Consequently, the current body of knowledge remains fragmented across disciplinary boundaries, leaving an unresolved theoretical gap between legal philosophy, intellectual property law, family law, and Islamic legal epistemology. This fragmentation is particularly problematic in jurisdictions such as Indonesia, where positive law coexists with Islamic family law and where disputes involving intellectual property increasingly require legal reasoning that extends beyond textual interpretation alone. Accordingly, there is still no comprehensive framework that synthesizes the principles of Western Natural Law and *fiqh al-mu'amalah* to explain how copyright can simultaneously preserve the creator's exclusive moral rights while ensuring a fair distribution of the economic benefits generated during marriage (Nadiaturrahmi, 2025). Addressing this gap is essential not only for strengthening theoretical discourse on copyright and matrimonial property but also for providing a coherent normative foundation that can guide future legal reform and judicial decision-making in Indonesia and other pluralistic legal systems.

Against this background, this study aims to examine how the dialectic of Western Natural Law and the epistemology of *fiqh al-mu'amalah* can provide an integrated normative foundation for determining copyright as equitable marital property within the Indonesian legal system. Specifically, the study analyzes how the philosophical principles of Natural Law contribute to the recognition of copyright as a legitimate property right while simultaneously exploring how the principles of *fiqh al-mu'amalah* reconstruct the legal status of copyright in accordance with *maqashid al-shari'ah*, *maslahah*, and proportional justice. Unlike previous studies that have examined these perspectives separately, this research develops an integrative analytical framework that bridges legal philosophy, intellectual property law, family law, and Islamic legal thought into a coherent normative model for resolving copyright disputes arising from marital relationships. The originality of this study therefore lies not merely in discussing copyright as marital property but in proposing a dialectical synthesis between two major legal traditions that have rarely been systematically integrated within contemporary legal scholarship. Theoretically, the findings are expected to enrich interdisciplinary discourse by demonstrating that Western legal philosophy and Islamic jurisprudence are complementary rather than contradictory in constructing principles of justice for intangible marital assets. Practically, the proposed framework offers normative guidance for legislators, judges, legal practitioners, and policymakers in addressing the legal uncertainty surrounding copyright-derived economic benefits within matrimonial property disputes. Furthermore, the study provides a conceptual basis for future legal reform by supporting the development of more coherent statutory provisions and judicial standards governing copyright in family law. Ultimately, by integrating philosophical reasoning with contemporary legal analysis, this research seeks to contribute to the establishment of a more equitable, legally certain, and socially responsive framework for copyright regulation within pluralistic legal systems.

The significance of this study extends beyond resolving a specific legal controversy concerning copyright disputes in divorce proceedings. As intellectual property increasingly becomes a dominant source of economic value in the digital and creative economy, legal systems are confronted with the challenge of developing regulatory frameworks that are both legally certain and substantively just. Indonesia's pluralistic legal system, which simultaneously accommodates civil law traditions, statutory regulations, and Islamic family law, provides a distinctive context for examining how different legal philosophies may converge in addressing emerging legal issues. In this respect, the proposed integrative framework demonstrates that the protection of creators' exclusive rights and the equitable recognition of marital contributions are not mutually exclusive objectives but complementary principles capable of strengthening legal certainty and social justice. The study therefore contributes to contemporary debates on the evolution of intellectual property law by illustrating how interdisciplinary legal reasoning can overcome the limitations of fragmented doctrinal approaches. Moreover, the findings are expected to stimulate further comparative research on the interaction between intellectual property rights, family law, and legal philosophy across jurisdictions that recognize multiple legal traditions. By offering a coherent normative synthesis grounded in both Western Natural Law and *fiqh al-mu'amalah*, this research aspires to support future legislative reform, promote greater consistency in judicial decision-making, and enrich the broader discourse on equitable regulation of intangible assets within modern family law. Ultimately, the study underscores that achieving justice in copyright-related matrimonial disputes requires not

only statutory interpretation but also a principled legal framework capable of accommodating the evolving realities of contemporary creative societies.

METHOD

Research Design

This study employed normative legal research using a qualitative doctrinal approach to examine the legal status of copyright as equitable marital property through the dialectical relationship between Western Natural Law and fiqh al-mu'amalah. Normative legal research was selected because the primary objective of this study was not to investigate empirical social behavior but to construct a coherent legal framework capable of addressing the normative ambiguity surrounding copyright ownership and the distribution of copyright-derived economic benefits within matrimonial property disputes. The study integrates statutory interpretation with philosophical, conceptual, comparative, and Islamic legal analyses to evaluate the consistency, compatibility, and normative implications of existing legal doctrines. Through this approach, the research seeks to formulate an integrated legal framework capable of reconciling positive law with broader principles of justice, legal certainty, and public benefit.

Research Context

The research was conducted within the Indonesian legal system, where intellectual property law, marriage law, and Islamic family law coexist as complementary components of the national legal order. Indonesia provides an appropriate context because disputes concerning copyright ownership and royalty distribution increasingly arise alongside the rapid development of the creative economy, while statutory regulations have yet to provide explicit legal standards governing copyright as matrimonial property. The legal materials examined in this study were collected and analyzed from January to June 2026, encompassing contemporary legislation, judicial decisions, academic publications, and internationally recognized legal scholarship relevant to copyright, matrimonial property, Natural Law, and fiqh al-mu'amalah.

Sources and Selection of Legal Materials

The study utilized three categories of legal materials. Primary legal materials consisted of Indonesian statutory regulations, including Law Number 28 of 2014 concerning Copyright, Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, the Compilation of Islamic Law, constitutional provisions, and relevant judicial decisions addressing matrimonial property and intellectual property disputes. Secondary legal materials comprised peer-reviewed journal articles, scholarly books, legal commentaries, and comparative studies discussing copyright law, legal philosophy, family law, Natural Law, and Islamic commercial jurisprudence. Tertiary legal materials included legal dictionaries, encyclopedias, and official governmental publications that supported conceptual clarification. Legal materials were selected purposively based on their relevance, scientific credibility, recency, and contribution to explaining the relationship between copyright ownership and matrimonial property within pluralistic legal systems.

Research Instrument

The principal research instrument consisted of a structured legal document analysis protocol designed to systematically identify, classify, and interpret legal materials according to predefined analytical categories. These categories included statutory provisions, judicial reasoning, philosophical concepts of property rights, principles of fiqh al-mu'amalah, and doctrines concerning distributive justice and equitable ownership. A legal material matrix was developed to facilitate cross-document comparison and ensure analytical consistency throughout the interpretation process.

Trustworthiness of Legal Materials

To enhance methodological rigor, the credibility of legal interpretation was ensured through source triangulation and doctrinal consistency analysis. Legal provisions were cross-checked with judicial precedents, contemporary scholarly literature, and authoritative legal commentaries to

minimize interpretative bias. The analysis also employed comparative verification between Western legal philosophy and Islamic jurisprudence to ensure that the proposed normative synthesis remained theoretically coherent and legally defensible. Throughout the research process, the consistency of legal reasoning was continuously evaluated to maintain analytical transparency and reliability.

Data Collection Procedure

Legal materials were collected through systematic documentary research involving statutory regulations, judicial decisions, official legal databases, academic journals, books, and other authoritative legal sources. The collection process began with identifying the research problem and conducting an extensive literature review to establish the theoretical foundation and formulate the research gap. Subsequently, legal materials were selected, screened, classified, and organized according to their relevance to copyright law, matrimonial property, Natural Law, and fiqh al-mu'amalah. Each document was then examined through statutory, conceptual, comparative, and Islamic legal approaches before being synthesized into an integrated analytical framework. The overall research procedure is illustrated in Figure 1.

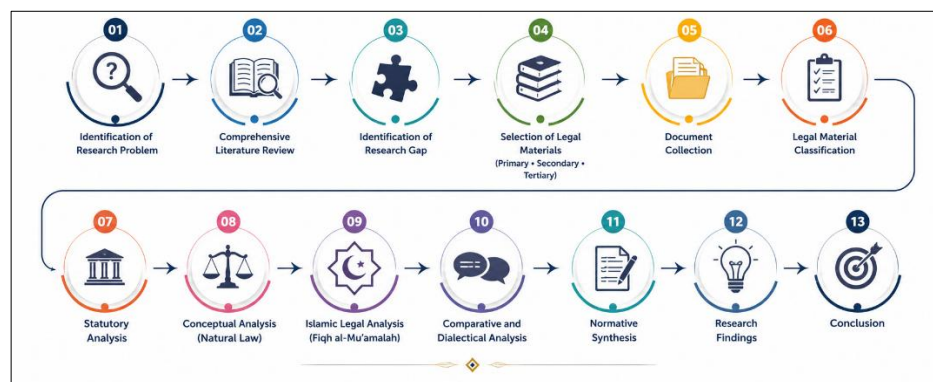


Figure 1. Research Procedure of the Normative Legal Study

Figure 1. Research Procedure of the Normative Legal Study. The figure illustrates the sequential stages of the research, beginning with the identification of the research problem, followed by a comprehensive literature review, research gap formulation, selection and classification of legal materials, statutory, conceptual, and Islamic legal analyses, comparative and dialectical interpretation, normative synthesis, interpretation of findings, and conclusion. Following the procedure illustrated in Figure 1, the study was conducted through an iterative rather than a strictly linear process. Findings obtained from statutory interpretation were continuously compared with philosophical reasoning derived from Natural Law and normative principles embedded in fiqh al-mu'amalah. This recursive analytical process enabled the refinement of legal interpretations, strengthened the consistency of doctrinal reasoning, and facilitated the development of an integrated normative framework for determining copyright as equitable marital property within Indonesia's pluralistic legal system.

Data Analysis

The collected legal materials were analyzed using qualitative doctrinal analysis combined with statutory, conceptual, comparative, philosophical, and Islamic legal approaches. The statutory approach examined the consistency and interaction among Indonesian copyright law, marriage law, and Islamic family law. The conceptual approach explored the theoretical foundations of ownership, justice, and property rights through Western Natural Law, while the Islamic legal approach interpreted copyright from the perspective of fiqh al-mu'amalah, maqashid al-shari'ah, hifzh al-mal, and maslahah. Comparative legal analysis was subsequently employed to identify convergences and divergences between these legal traditions in addressing copyright-derived economic rights within matrimonial property disputes. Finally, a dialectical analytical process was undertaken to synthesize the findings into a coherent normative framework capable of reconciling legal certainty, substantive justice, and the protection of intellectual property within Indonesia's pluralistic legal system. The analytical process emphasized logical consistency, doctrinal coherence, and normative justification.

to ensure that the resulting framework provides both theoretical contributions and practical guidance for future legal development.

RESULTS AND DISCUSSION

Results

The dialectic of natural law schools in the tradition of Western legal philosophy is able to construct the foundation of natural justice for the position of copyright as a legal and just marital property

The Ontological Foundations of Natural Law and the Recognition of Property Rights as Natural Rights

Natural law theory in the Western tradition of legal philosophy builds its epistemological foundation on the belief that there are legal principles that are derived from human nature ratios and do not depend on positive validation from state authorities. John Finnis, one of the leading exponents of contemporary natural law, affirms that natural laws are not just a reflection of the physical natural order, but rather a set of practical principles that can be recognized by human reason as the basis of a dignified social life (Finnis, 2019). In the same tradition, Thomas Aquinas distinguished *lex aeterna* (eternal law emanating from God), *lex naturalis* (the participation of rational beings in eternal law), and *lex humana* (man-made laws that are valid only to the extent that they are in harmony with *lex naturalis*). Aquinas emphasized that property rights to human labor are rooted in the laws of nature because humans are rational creatures who naturally tend to maintain the survival of themselves and their families through control over their work (Aquinas, 2020).

Hugo Grotius, as the pioneer of modern natural law that separates it from theology, affirmed that property rights are natural law institutions that arise from the basic human need to live in an orderly and dignified life with others. Grotius established the concept of *sum cuique tribuere* (giving everyone what is his right) as a principle of natural justice that requires the recognition of everyone's property rights to the results of his business (Grotius, 2018). This principle is directly relevant to copyright issues, because copyright is the fruit of human intellectual work that naturally gives rise to exclusive rights for its creator. In the context of the case of Inara Rusli and Virgoun, the question is whether Virgoun's exclusive rights as a songwriter are dialectical opposed to Inara Rusli's rights who contributed during the marriage period, thus giving birth to joint rights to the economic results of the work.

John Locke made a fundamental contribution through labor theory of property. Locke argues that every human being has a natural right to himself (self-ownership), and therefore he also has a right to what results from his handwork and his intellectual ability, because in every work a part of himself has been mixed (Locke, 2019). Locke's theory became the main pillar of copyright legitimacy in the modern legal system: a songwriter is entitled to his work not because of a state gift, but because he has poured his thoughts, creativity, and intellectual work into the work. However, Locke also laid down two important restrictions known as the Lockean Proviso, namely that the mastery of one thing must not allow another to be lacking and one must not waste what is controlled. This restriction provides space for the claims of other parties who contribute significantly to the process of creating or maintaining the conditions that allow a work to be born (Locke, 2019).

The Dimension of Personality in Copyright: The Contributions of Hegel and Kant

G.W.F. Hegel enriched the discourse of property in Western legal philosophy through his theory of property as self-actualization. Hegel argued that the possession of an object is a means for man's free will to manifest itself concretely in the world. By owning something, humans realize and actualize their freedom (Hegel, 2018). In Hegel's perspective, copyright is not just an economic right to royalties, but rather an expression of the creator's personality that is internalized in the work. Virgoun's songs, for example, are not just commercial products, but an extension of the personality

and inner expression of their creator that cannot be separated from their identity. This is what in modern copyright doctrine is known as moral right, which is personal and non-transferable (Hegel, 2018). Immanuel Kant strengthens this argument from a deontological point of view. Kant distinguishes between work as a physical product that can be owned and transferred and work as an expression of the creator's autonomous will inherent in his personality. According to him, treating one's intellectual work solely as a commodity that can be fully divided is a violation of the dignity of its creator as an autonomous moral agent (Kant, 2017). This Kantian perspective conceptually supports the distinction between the moral rights of copyright that cannot be part of marital property and the economic rights of copyright in the form of royalties and income that can reasonably be considered as the fruits of marriage and are therefore subject to the regime of joint property (Kant, 2017).

Margaret Jane Radin through her theory of property and personhood developed Hegel's idea by stating that there are certain types of property that are so closely related to a person's personality that their transfer or division must be done with respect for the personal dimension (Radin, 2017). Radin distinguishes between personal property that has high value for a person's personal identity and fungible property that is solely of economic value and can be exchanged. Copyright in this sense is hybrid: the moral right is personal property while the economic benefit is fungible property which allows it to be divided fairly in the context of marital property (Radin, 2017).

Rawlsian Natural Justice and the Construction of Equitable Matrimonial Property

John Rawls built the most influential theory of justice in contemporary legal philosophy through two principles of justice formulated from the veil of ignorance position. The first principle is the equal liberty principle and the second principle is the difference principle which requires that social and economic inequality can only be justified if it benefits the most disadvantaged members of society (Rawls, 2020). In the Rawlsian framework, fairness in the division of marital property in which copyright is included requires that the party who has made a real contribution during the marriage in supporting the creative productivity of his or her partner, even if the contribution is not in the form of a direct intellectual work, is entitled to a fair share of the economic results of the work (Rawls, 2020).

Rawls's theory of justice is very relevant to assess the cases of Inara Rusli and Virgoun. Inara Rusli as a wife who during the marriage provided domestic, moral, and managerial support that allowed Virgoun to concentrate fully on the creation of his musical work, was in the position of a party whose contribution was not reflected in the formal rights to the work. Rawls's principle of difference requires that the legal system not aggravate the situation of this party by ignoring his contribution and leaving all the economic benefits of the work to be enjoyed by only one party. Finnis in a similar context emphasized that justice as one of the basic human goods requires respect for the contribution of each party in cooperative relationships, including in the context of marriage as the most fundamental life partnership (Finnis, 2019).

In this dialectic, the natural law school provides an epistemological foundation for the position of copyright as marital property through three layers of argumentation. First, from the perspective of Lockean labor theory, copyright is the creator's natural right to his intellectual work, but the contribution of other parties who help create conducive conditions for the birth of works is also a form of work that gives birth to rights. Second, from the Hegelian and Kantian perspectives, copyright is hybrid so that only its economic dimension can become the object of marital property, while its personal dimension remains attached to the creator. Third, from a Rawlsian perspective, distributive justice demands a proportionate distribution of the economic benefits of the work based on the actual contribution of each party during the marriage (Rawls, 2020).

Dialectic of Natural Law in the Framework of Indonesian Positive Law

The dialectic of natural law with Indonesian positive law is a crucial point in this analysis. Drahos is of the view that intellectual property rights in the modern legal system are the result of the juridification process of natural law principles on intellectual property rights, namely the process of formalization and positivity of the natural recognition of the exclusive rights of creators through legal instruments (Drahos, 2016). In the Indonesian context, the 2014 Law is a form of positivization of the principle of natural law: Article 16 paragraph (1) which states copyright as an intangible movable

object is a juridical formalization of the recognition that human intellectual products have economic value that can be owned, transferred, and shared (Saidin, 2019).

Hughes in his philosophical study of intellectual property rights states that the natural justification of copyright rests on two complementary pillars, namely desert-based justification (rights based on the feasibility of the work done) and incentive-based justification (rights as incentives to encourage creativity for the welfare of society). These two pillars interact in the context of marital property, on the one hand the creator is entitled to a reward for his work, on the other hand the couple who supports the creative process is entitled to a share of the results of the creativity as part of the marital partnership (Hughes, 2018). Hughes' argument shows that the sharing of the economic benefits of copyright in the context of marriage does not undermine the natural justification of copyright itself, but rather is in harmony with the underlying principle of justice (Hughes, 2018). In Indonesia's positive legal perspective, the recognition of copyright as part of marital property requires a normative reconstruction based on the principles of natural law. Article 35 paragraph (1) of the UUP which stipulates that property acquired during marriage is joint property must be interpreted teleologically and extensively to include the economic benefits of copyright acquired during marriage. Mulyana emphasized that a narrow interpretation of this provision that excludes copyright royalties from common property is contrary to a sense of justice because it ignores the reality of the couple's contribution to supporting creative productivity (Mulyana, 2022).

Basuki identified that the fundamental weakness of the Indonesian legal system in handling cases such as Inara Rusli and Virgoun lies in the absence of norms that explicitly regulate the mechanism for valuing and distributing copyright royalties as common property (Basuki, 2022). This emptiness of norms philosophically in natural law must be filled with the principles of natural justice, not by the denial of rights solely for reasons of positive legal formalism. Saidin emphasized that the character of copyright as an intangible movable object does not prevent it from becoming an object of common property, because the Indonesian civil law system recognizes and protects rights to intangible objects as stipulated in Article 499 of the Civil Code (Saidin, 2019). Nugroho in his study stated that the solution to the tension between the exclusive rights of the creator and the common rights in marriage lies in a firm distinction between copyright as a right and the economic results of copyright as an object (*res*). Copyright as a right remains exclusively attached to the creator, but the economic benefits it generates during marriage are income that has the status of joint property and must be shared fairly (Nugroho, 2022). This conceptual distinction is in line with the dialectic of natural law that distinguishes between the personal dimension and the patrimonial dimension of copyright as formulated by Kant, Hegel, and Radin.

Dialectical Synthesis: The Construction of Natural Justice for Copyright as Matrimonial Property

Based on the above description, a dialectical synthesis of natural law schools in the tradition of Western legal philosophy can be formulated to construct the foundation of natural justice for the position of copyright as marital property. This dialectic moves through three stages. First, the thesis: copyright is the inviolable natural right of the creator because it is an expression of his intellectual work and personality (Locke, Hegel, Kant). Second, the antithesis: the economic benefits of copyright obtained during marriage are the product of a marital partnership in which both parties' contributions to it are natural and equal in the perspective of justice (Rawls, Finnis). Third, synthesis: copyright as a right remains personal and exclusive to the creator, but the economic benefits in the form of royalties, licenses, and derivative income obtained during marriage are common property that must be divided proportionally based on the actual contribution of each party.

This synthesis is supported by a legal comparison conducted by Huang and Zheng, who found that advanced jurisdictions such as the United States, Germany, and Australia have adopted a similar principle by distinguishing between the intellectual property rights themselves that remain the property of the creator and the income and proceeds generated during marriage which is subject to the division of marital property (Huang & Zheng, 2022). This legal framework built on the foundation of natural law provides fair legal certainty because it adheres to the innate principle that every contribution is entitled to due recognition and reward, a principle that goes beyond the bounds of any positive legal system. Djumhana and Djubaedillah emphasized that the Indonesian legal system

needs to urgently fill this normative gap through regulations that explicitly regulate the mechanism for the determination, valuation, and distribution of copyright royalties in the context of divorce (Djumhana & Djubaedillah, 2016). Susanti and Efendi added that without a clear normative framework, courts will continue to face inconsistencies in handling similar cases, which ultimately hurt legal certainty and a sense of justice for the parties (Susanti & Efendi, 2022a). Ramli also emphasized that the character of copyright as an intangible movable object does not hinder its position as an object of common property in marriage, as long as what is shared is the economic benefit and not the exclusive right itself (Ramli, 2020).

Thus, the dialectic of natural law schools in the tradition of Western legal philosophy has proven to be able to construct the foundation of natural justice for the position of copyright as a valid and just marital property. The foundation rests on the recognition of the inalienable natural right of the creator, on distributive justice that requires the appreciation of every tangible contribution to the marital partnership (distributive justice), and on the principle that the economic benefits of a work obtained during marriage are the fruits of partnership that must be shared proportionally and dignified proportionality). These three principles together provide a solid and fair legal foundation for the reconstruction of the Indonesian legal system in dealing with copyright disputes as marital property that increasingly occur in the creative economy era (Nugroho, 2022).

The principles of fiqh al-mu'amalah as an epistemology of Islamic law are able to reconstruct copyright as a just, proportional, and maslahah marital property

The Epistemology Of Fiqh Al-Mu'amalah And The Position Of Copyright As Al-Mal

Fiqh al-mu'amalah as a branch of Islamic law that regulates human relations in material affairs and transactions has distinctive epistemological characteristics: it is based on the principle that all forms of muamalah relations are basically permissible (mubah) unless there is evidence that expressly prohibits it. Yusuf al-Qaradawi emphasized that this principle is a manifestation of the inclusive and adaptive nature of Islamic law to the development of human needs, including economic needs that continue to change with the progress of the times (Al-Qaradawi, 2018). Wahbah al-Zuhayli in his great work defines al-mu'amalah as a set of legal provisions that regulate interaction between fellow human beings in matters of property (al-amwal), transactions (al-'uqud), and the rights arising from them, all of which are oriented towards the achievement of maslahah (benefits) for individuals and society (Al-Zuhayli, 2016).

The fundamental question that needs to be answered first is whether copyright meets the qualification of al-mal (property) in the conception of Islamic law. Ibn Qayyim al-Jawziyyah, one of the leading scholars of fiqh, formulated that al-mal is everything that human nature tends to have and that can be stored and used in times of need. Ibn Qayyim's view is much broader than the classical definition of physical objects, because he recognizes that the value of benefits (al-manfa'ah) of something intangible can be al-mal that is recognized by law (Ibn Qayyim al-Jawziyyah, 2017). Yunus et al. apply this conceptual framework and conclude that copyright fulfills all elements of al-mal in Islamic fiqh because it has a benefit value that is recognized by the community (al-'urf), can be used and exchanged, and arises from the intellectual efforts of the creator which is a legitimate form of kasb (business) in the Islamic view (Yunus et al., 2023). Mustafa Ahmad al-Zarqa as a contemporary fiqh expert who explores the interaction between Islamic law and modern law emphasized that intangible rights (al-huquq al-ma'nawiyyah), including copyrights, patents, and trademark rights, must be recognized as property (mal) in the contemporary Islamic legal system based on the principles of al-'urf (socially recognized customs) and al-maslahah al-mursalah (public benefit). This recognition is based on the fact that modern society has recognized the economic value of such rights and has made them legitimate objects of transactions (Al-Zarqa, 2018). Rachmat Syafe'i added that in the perspective of Indonesian fiqh al-mu'amalah fiqh, the recognition of copyright as a property protected by law is in line with the principle of property protection (hifzh al-mal) as one of the five main goals of Islamic sharia (maqashid al-syari'ah al-khamsah) (Syafe'i, 2017).

Maqashid Al-Syari'ah and the Principles of Hifzh Al-Mal in Copyright Position

Abu Ishaq al-Syatibi in his magnum opus formulated that all provisions of Islamic sharia essentially aim to realize and maintain the five main benefits of humans, namely the maintenance of religion (hifzh al-din), soul (hifzh al-nafs), intellect (hifzh al-'aql), offspring (hifzh al-nasl), and property (hifzh al-mal). The maintenance of property within the framework of maqashid al-shari'ah

does not only mean the protection of individual property, but also includes the creation of a fair distribution system so that wealth does not only revolve among the rich (Al-Syatibi, 2016). In the context of copyright as marital property, the principle of *hifzh al-mal* operates on two levels at once. At the first level, he protects Virgoun's exclusive rights as a songwriter over his work, because the work is a product of his intellect, creativity, and intellectual work that according to sharia deserves respect and protection. At the second level, he also protects the rights of Inara Rusli as a wife who during the marriage has dedicated her potential and energy to support her husband's home life and creative productivity, so that she has a legitimate share of the economic benefits generated during the marriage period (Al-Syatibi, 2016). Al-Syatibi emphasized that the Islamic legal system that truly upholds *maqashid al-shari'ah* should not allow an unequal and unjust distribution of wealth, as it is contrary to the purpose of the shari'a to realize social balance.

Wahbah al-Zuhayli in his description of the law of property in Islam states that the principle of *hifzh al-mal* implies a legal obligation to ensure that every right arising from a legal relationship receives proportionate recognition and protection. In the context of marriage, property acquired during the marriage bond through conjugal cooperation, both explicitly and implicitly, has a partnership dimension (*shirkah*) that demands a fair division and does not harm one of the parties (Al-Zuhayli, 2016). The concept of *shirkah abdan* (work-based partnership) in Islamic law is especially relevant to interpret Inara Rusli's contribution in supporting Virgoun's creative productivity, because she has contributed in the form of energy, time, and attention that allows Virgoun to work optimally (Al-Zuhayli, 2016).

The Rules of Raf'u Al-Haraj and Daf'u Al-Dharar as the Basis of Reconstruction

The two rules of *fiqhiyah* that are the basis for the reconstruction of copyright as marital property in Islamic law are the rule of *raf'u al-haraj* (removing difficulties) and the rule of *daf'u al-dharar* (rejecting harm). Ibn Nujaym in his classic book of *fiqhiyah* rules formulated the rule of *al-masyaqqah tajlib al-taysir* (difficulty brings convenience) as a derivation of the rule of *raf'u al-haraj*. This rule means that the Islamic legal system must provide solutions that make it easier and not burden those who are in a weak position or are disadvantaged by the absence of a clear rule of law (Ibn Nujaym al-Mishri, 2016). In the case of Inara Rusli's lawsuit against Virgoun, the absence of positive legal norms that explicitly govern the distribution of copyright royalties as marital property creates real *haraj* (difficulties) for Inara Rusli in fighting for her rights legally. The rule of *raf'u al-haraj* commands that the Islamic legal system provides an easy way out of this condition.

Al-Suyuti formulated the rule of *la dharara wa la dhirara* as one of the master rules in Islamic law which means that there should be no harm caused to oneself or others (Al-Suyuti, 2016). In the context of copyright as marital property, this rule operates in two directions. First, allowing all the economic benefits of copyright royalties obtained during marriage to be enjoyed by only one party (creator) without giving any share to the contributing spouse is a *dharar* that must be rejected by Islamic law. Second, forcing the distribution of copyright comprehensively, including its moral rights, which are essentially inherent in the personality of the creator, is also a *dharar* that must be avoided because it has the potential to damage the creativity ecosystem and deprive the creators of their personal rights guaranteed by law.

Musjtari emphasized that the application of these two principles integrally results in a balanced solution of Islamic law: the moral right of copyright remains exclusively attached to the creator as a form of protection against *hifzh al-nafs* and *hifzh al-'aql* (the preservation of soul and reason), while the economic benefits generated during marriage must be shared proportionally as a form of prevention of *dharar* and the embodiment of principles *al-'is* (justice) (Musjtari, 2023). Ahmad Azhar Basyir reinforces this view by stating that in *fiqh al-mu'amalah*, every party who participates in creating conditions that allow the emergence of an economic value is entitled to a share of that economic value based on the principles of *al-ujrah bi al-'amal* (reward for work) and *la dhulm wa la injaf* (no tyranny and no injustice) (Basyir, 2019).

Maslahah Mursalah as an Epistemology for the Reconstruction of Marriage Copyright Norms

Maslahah mursalah is one of the strongest methods of *ijtihad* in the epistemology of Islamic law that allows the determination of law based on considerations of the public interest when there is no *nash* that explicitly regulates a problem. Amir Syarifuddin explained that *maslahah mursalah* is a benefit that is not mentioned in the *nash* but also does not contradict the general goals of the sharia.

This method is the most relevant *ijtihad* instrument to answer contemporary problems that were unknown during the formation of classical *fiqh*, such as copyright issues in the context of marital property (Syarifuddin, 2019). Musjtari specifically applied the concept of *maslahah mursalah* to the issue of the distribution of copyright in Islamic marital property and concluded that the determination of copyright royalties obtained during marriage as joint property that must be divided is a demand of *maslahah* because it contains benefits for the four interested parties, namely first, for the wife who is protected by her economic rights; second, for the creator whose rights are still guaranteed morals; third, for people who have an interest in the creation of a fair family law system; and fourth, for the creative ecosystem that requires legal certainty for intellectual works (Musjtari, 2023). Duski Ibrahim in his contemporary *fiqh* study on intellectual property rights emphasizes that the recognition of *fiqh al-mu'amalah* of copyright as property that has economic value that can be an object in Islamic legal relations, including in the context of marriage, is not an innovation that deviates from the classical *fiqh* tradition. On the contrary, it is an organic development of the principle of *al-'urf* which in the *fiqh* tradition has always been one of the recognized postulates in the determination of law, especially in matters of *muamalah* (Ibrahim, 2022). Modern society's recognition of the economic value of intellectual works makes *al-'urf* a strong basis for the determination of Islamic law on copyright as a protected *al-mal* and can be the object of marital property (Ibrahim, 2022).

Reconstruction of the Compilation of Islamic Law Based on Fiqh Al-Mu'amalah for Fair Marriage Property

The Compilation of Islamic Law (KHI) as the main reference for Islamic family law in Indonesia contains provisions that have essentially provided the foundation for the recognition of copyright as marital property, although not explicitly. Article 1 letter f KHI defines marital property as property acquired either individually or jointly during the marriage bond without questioning whose name the property is registered. Susanti and Efendi affirm that this definition is textually and teleologically broad enough to include copyright royalties acquired during marriage, since such royalties are income earned during the marriage, despite the fact that the copyright itself is registered in the name of the creator (Susanti & Efendi, 2022a). Ahmad Rofiq said that KHI as a product of the collective *ijtihad* of Indonesian scholars is basically the result of the process of *maslahah mursalah* which is adjusted to the social, cultural, and legal context of Indonesia. Therefore, KHI must continue to be updated and developed in line with the development of community needs based on the same method (Rofiq, 2019). In the context of copyright, the renewal of the KHI is necessary to explicitly regulate several things: first, the affirmation that royalties and economic benefits of copyright acquired during marriage are common property; second, a fair valuation mechanism for the royalties; third, protection of the moral rights of creators who cannot be the object of sharing common property; and fourth, a dispute resolution mechanism that pays attention to the principles of *raf'u al-haraj* and *daf'u al-dharar* (Rofiq, 2019).

Ismail Yilmaz in his comparative study of Islamic law and Western law on intellectual property rights concludes that the Islamic legal system has an adequate epistemological capacity to accommodate copyright protection comprehensively, including in the context of marriage, through the application of *maqashid al-shari'ah* and *ijtihad* instruments contemporary. Yilmaz asserts that the absence of explicit provisions in classical *fiqh* texts on copyright is not an indication that Islam rejects this recognition, but rather a blank space that must be filled by contemporary *ijtihad* based on the universal principles of Islamic law (Yilmaz, 2022). Mardani in his study of Indonesian Islamic family law emphasized that the principles of *al-'is* (justice) and *al-musawah* (equality) which are the spirit of Islamic family law require that the legal system does not allow one of the parties in the marriage to be harmed just because of the absence of explicit legal rules. Judges in the Islamic judicial system have the authority and obligation to use the principles of *fiqh al-mu'amalah* and *fiqhiyah* rules as legal sources to fill the gaps in norms (Mardani, 2017). Ahmad Tholabi Kharlie emphasized that in the Indonesian family law system, religious court judges should not reject a case just because there is no positive legal rule that explicitly governs it, but are obliged to explore the legal values that live in society, including the principles of *fiqh al-mu'amalah*, as the basis for their decision (Kharlie, 2020).

Epistemological Synthesis: The Reconstruction of Copyright as a Fair, Proportionate, and Maslahah Marriage Property

Based on the comprehensive description above, the epistemology of fiqh al-mu'amalah is proven to have an adequate capacity to reconstruct the position of copyright as a just, proportional, and sinlahah marital property. This reconstruction moves through four layers of arguments that corroborate each other. First, the recognition of copyright as al-mal based on the conception of Ibn Qayyim, al-Zarqa, and the principle of al-'urf provides an ontological foundation that copyright is a legitimate legal object in the Islamic perspective. Second, the principle of hifzh al-mal as part of maqashid al-shari'ah requires the protection of the economic rights of copyrights obtained during marriage for both parties in a fair manner (Basyir, 2019). Third, the rules of raf'u al-haraj and daf'u al-dharar provide a normative basis for the establishment of legal rules that facilitate the aggrieved party and prevent harm arising from the absence of explicit rules, so that religious court judges can and are obliged to determine copyright royalties obtained during marriage as shared property that is divided proportionally. Fourth, the maslahah mursalah instrument provides epistemological authority for normative ijtihad that produces new legal provisions that explicitly regulate the mechanism for the distribution of copyright in the context of divorce in order to achieve benefits for all parties (Syarifuddin, 2019).

Al-Qaradawi reminded that true fiqh al-mu'amalah should not stop at classical texts that do not know modern conditions, but must continue to develop by using methods and principles inherited by the fiqh tradition to answer the challenges of the times (Al-Qaradawi, 2018). Rachmat Syafe'i emphasized that the basic principle of fiqh al-mu'amalah that all transactions and economic relationships are basically legal and permissible unless there is an explicit prohibition, provides extraordinary flexibility for Islamic law to accommodate the recognition of copyright as marital property without violating the principles of sharia (Syafe'i, 2017). Zainuddin Ali added that in the practice of religious justice in Indonesia, judges have and should continue to develop jurisprudence that recognizes the economic value of copyright as part of marital property based on the principles of fiqh al-mu'amalah and maqashid al-shari'ah which are the spirit of KHI (Ali, 2020). Thus, the principles of fiqh al-mu'amalah as an epistemology of Islamic law have proven to be able to reconstruct copyright as a just, proportional, and maslahah marital property through a synthesis that integrates recognition of the natural rights of the creator (hifzh al-mal and al-huquq al-ma'nawiyah), protection of the economic rights of the contributing spouse (raf'u al-haraj and daf'u al-dharar), and the achievement of systemic benefits for all parties in Indonesia's family law ecosystem and creative industry (maslahah mursalah). This reconstruction also shows a strong convergence between the epistemology of fiqh al-mu'amalah and the dialectic of natural law in the Western tradition discussed earlier, since both boil down to the same principle: that every contribution in a living partnership is entitled to recognition and proportionate appreciation based on a standard of justice that goes beyond the limits of any positive legal system (Nugroho, 2022).

Discussion

The first major finding demonstrates that Western Natural Law provides a coherent philosophical foundation for recognizing copyright as an intangible property right while simultaneously distinguishing between its personal and economic dimensions. This finding suggests that copyright should not be interpreted solely as an exclusive legal entitlement of the creator but also as a legal institution embedded within broader principles of justice and human dignity. From a Natural Law perspective, property rights originate from human rationality and labor rather than merely from statutory recognition, making copyright a natural extension of intellectual effort. However, the present study further argues that distributive justice requires acknowledgment of indirect contributions made within the marital partnership, thereby extending the conventional interpretation of labor-based ownership. This interpretation supports Locke's labor theory, Hegel's personality theory, and Finnis' conception of practical reason while complementing Rawls' distributive justice framework. Recent scholarship similarly recognizes that intellectual property increasingly functions as an economically valuable asset with implications extending beyond traditional copyright law into family and private law (Peukert & Windisch, 2025; Rahmawati et al., 2025; Sarid, 2024). Nevertheless, unlike previous studies that primarily examine copyright within

isolated legal domains, this research integrates these philosophical perspectives into a unified normative framework capable of addressing matrimonial property disputes.

A second important finding concerns the conceptual distinction between moral rights and economic rights, which emerges as the key normative mechanism for reconciling creator protection with equitable marital property distribution. The analysis demonstrates that moral rights remain inseparable from the creator because they represent expressions of personal identity and intellectual autonomy, whereas economic rights possess transferable and distributive characteristics that justify their inclusion within matrimonial assets when generated during marriage. This distinction reinforces Hegel's conception of property as an extension of personality and Kant's deontological understanding that personal dignity cannot be commodified. At the same time, it expands existing legal doctrine by clarifying that only the patrimonial dimension of copyright should be subject to marital distribution. Similar distinctions have been observed in comparative copyright scholarship across civil law jurisdictions (Moscato, 2021; Sganga, 2024; Xiao, 2023), although these studies generally emphasize doctrinal classification rather than philosophical justification. The present findings therefore contribute conceptually by demonstrating that the separation between moral and economic rights is not merely a technical legal distinction but a normative instrument for balancing individual autonomy with distributive justice within family law.

The third finding indicates that Rawlsian distributive justice substantially strengthens the normative legitimacy of recognizing copyright-derived economic benefits as marital property. Rather than focusing exclusively on formal ownership, the study emphasizes that fairness should be assessed according to the actual contributions that enable creative productivity throughout the marital relationship. Such contributions frequently include domestic support, emotional stability, financial assistance, and managerial responsibilities that indirectly facilitate the creator's intellectual output. This interpretation broadens the conventional understanding of productive labor beyond direct creative activity and aligns with Rawls' difference principle, which seeks equitable treatment of individuals whose contributions may not be formally recognized. Contemporary studies concerning matrimonial property increasingly acknowledge that invisible domestic labor should receive greater legal recognition during property distribution (Bessière, 2022; Leckey, 2024; Akhtar & Manjoo, 2024). However, the present research advances this discussion by demonstrating how distributive justice can be systematically integrated into copyright law through philosophical reasoning rather than relying solely on judicial discretion. Consequently, this finding contributes to a more inclusive conceptualization of intellectual property ownership within marital partnerships.

Another significant finding demonstrates that *fiqh al-mu'amalah* possesses sufficient epistemological capacity to recognize copyright as *al-mal* while preserving consistency with the objectives of Islamic law. This challenges assumptions that classical Islamic jurisprudence lacks conceptual flexibility to accommodate modern forms of intangible property. Instead, the principles of *al-'urf*, *maqashid al-shari'ah*, and *hifzh al-mal* provide an adaptive normative basis through which contemporary intellectual property rights may be legitimately protected. The recognition of copyright as economically valuable property therefore represents an organic evolution of Islamic legal reasoning rather than a departure from classical doctrine. Recent Islamic legal scholarship similarly acknowledges the expanding role of intellectual property within contemporary Islamic commercial jurisprudence (Lestari et al., 2025; Güney, 2024; Nadiaturrahmi, 2025). Nevertheless, previous studies generally concentrate on validating copyright as property, whereas this study further explains how such recognition can be integrated into matrimonial property law through proportional justice and partnership principles. This extension broadens the practical relevance of *fiqh al-mu'amalah* beyond commercial transactions into contemporary family law.

The findings further reveal that the principles of *maqashid al-shari'ah*, particularly *hifzh al-mal*, together with the doctrines of *raf'u al-haraj*, *daf'u al-dharar*, and *maslahah*, collectively establish a normative justification for proportionate distribution of copyright-generated economic benefits. These principles suggest that justice cannot be achieved merely by protecting creators' exclusive rights but must also prevent unnecessary hardship and economic inequality affecting spouses who have materially contributed to the marital partnership. Such reasoning reinforces the Islamic legal objective of preserving wealth while simultaneously promoting social welfare and preventing harm. In contrast to positivistic legal approaches that often depend on explicit statutory provisions, this framework enables adaptive legal reasoning capable of responding to emerging issues within the

creative economy. Similar arguments emphasizing the dynamic nature of maqashid-based legal reasoning have recently been advanced within Islamic legal scholarship (Güney, 2024; Lestari et al., 2025), yet few studies have explicitly connected these principles to copyright-related matrimonial disputes. Accordingly, this research contributes a more comprehensive normative synthesis that integrates Islamic legal objectives with contemporary intellectual property governance.

A further important finding concerns the convergence between Western Natural Law and *fiqh al-mu'amalah*, which the analysis demonstrates are complementary rather than contradictory normative traditions. Although originating from different philosophical and theological foundations, both ultimately emphasize proportional justice, protection of legitimate ownership, recognition of contribution, and prevention of injustice. This convergence challenges the common tendency within legal scholarship to position Western legal philosophy and Islamic jurisprudence as competing paradigms. Instead, the present study illustrates that both traditions converge on the distinction between personal rights that remain exclusive and economic benefits that may be distributed equitably according to contribution. Recent comparative legal scholarship increasingly supports interdisciplinary dialogue between multiple legal traditions when addressing complex contemporary legal issues (Cheong, 2025; Dagan & Dorfman, 2023; Riswandi et al., 2026). However, few studies have operationalized this convergence into a coherent analytical framework applicable to copyright disputes. Therefore, this study contributes an original conceptual model capable of bridging philosophical pluralism with practical legal interpretation.

From a broader theoretical perspective, these findings modify existing discourse concerning the relationship between copyright law, family law, and legal philosophy by proposing an integrated normative model rather than relying upon fragmented doctrinal analysis. Previous research has largely examined copyright protection, matrimonial property, comparative law, or Islamic jurisprudence independently, resulting in conceptual fragmentation that limits practical application. By integrating these perspectives through dialectical reasoning, the present study demonstrates that legal certainty and substantive justice should not be treated as competing objectives but as mutually reinforcing principles. This theoretical contribution is particularly relevant within pluralistic legal systems such as Indonesia, where statutory law, civil law traditions, and Islamic family law coexist. The proposed framework therefore extends contemporary debates on legal pluralism by illustrating how interdisciplinary legal reasoning can generate more coherent solutions for emerging forms of intangible property. In doing so, the research occupies a distinctive position within the global literature on copyright governance and matrimonial property regulation.

Finally, the practical implications of this study extend beyond academic discourse toward future legal reform and judicial practice. The absence of explicit statutory regulation concerning copyright-derived marital assets has contributed to inconsistent judicial interpretations and uncertainty for creators, spouses, and legal practitioners. The integrated normative framework developed in this study offers principled guidance for distinguishing between non-transferable moral rights and distributable economic rights while ensuring proportional recognition of marital contributions. Such an approach may improve consistency in judicial reasoning, support legislative refinement of Indonesian copyright and family law, and strengthen legal certainty within the expanding creative economy. More broadly, the study contributes to global discussions concerning the governance of intangible assets by demonstrating that equitable regulation requires philosophical coherence alongside doctrinal precision. Consequently, the research not only addresses an important gap within Indonesian legal scholarship but also provides a transferable conceptual framework that may inform comparative legal development in other jurisdictions characterized by legal pluralism and rapidly growing creative industries.

CONCLUSION

This study demonstrates that the determination of copyright as equitable marital property cannot be adequately resolved through statutory interpretation alone but requires an integrated normative framework that accommodates both legal certainty and substantive justice. The dialectical analysis reveals that Western Natural Law and *fiqh al-mu'amalah* are not conflicting legal traditions; rather, they provide complementary philosophical and

normative foundations for recognizing copyright as an intangible property right while ensuring the fair distribution of its economic benefits within marital relationships. The study further shows that the distinction between moral rights and economic rights is essential for preserving the creator's personal interests without disregarding the legitimate contributions of both spouses to the acquisition and utilization of copyright-derived assets during marriage. By integrating the principles of human dignity, distributive justice, *maqashid al-shari'ah*, *hifzh al-mal*, and *maslahah*, this research proposes a coherent normative framework capable of addressing the legal uncertainty that persists within Indonesia's pluralistic legal system. The proposed framework contributes to the development of interdisciplinary legal scholarship by bridging legal philosophy, intellectual property law, family law, and Islamic jurisprudence into a unified analytical perspective. From a practical standpoint, the findings provide normative guidance for judges, legislators, and legal practitioners in resolving copyright-related matrimonial property disputes more consistently and equitably. Future research may expand this framework through comparative analyses across jurisdictions or by examining judicial practices concerning other forms of intellectual property, thereby enriching the evolving discourse on the regulation of intangible assets within contemporary family law.

AUTHOR CONTRIBUTIONS STATEMENT

Lily Andayani Conceptualization, methodology, investigation, formal analysis, legal material collection, validation, visualization, writing original draft preparation, and project administration. Lily Andayani conceived the research problem, designed the normative legal framework, collected and analyzed primary, secondary, and tertiary legal materials, conducted the statutory, conceptual, comparative, and Islamic legal analyses, developed the dialectical synthesis between Western Natural Law and *fiqh al-mu'amalah*, prepared the research flowchart, and drafted the original manuscript. Nandang Sambas Supervision, conceptual refinement, validation, writing review and editing. Nandang Sambas provided academic supervision throughout the research process, critically reviewed the legal arguments and methodological framework, evaluated the consistency of the normative analysis, refined the interpretation of the findings, strengthened the theoretical contribution of the study, and revised the manuscript for important intellectual content.

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