

## Virtual Objects in the Perspective of the Civil Code

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doi: <https://doi.org/10.37745/bjmas.2022.0258>

Published August 4 2023

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**Citation:** Bessie D.L.N. (2023) Virtual Objects in the Perspective of the Civil Code, *British Journal of Multidisciplinary and Advanced Studies: Arts, Humanities and Social Sciences* 4 (4),76-89

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**ABSTRACT:** *The development of technology creates a new phenomenon in human life, one of which is virtual objects (virtual property). This study aims to find and examine various concepts about virtual objects and the position of virtual objects in the Civil Code. This research is normative legal research, using a conceptual approach and a statutory approach. The data used are primary, secondary and tertiary. The data is analyzed qualitatively. The results show that: (1) The term virtual object is not known in the Civil Code but rather intangible objects because the Civil Code has existed and been in force since May 1, 1948, while the virtual world only developed in 1970. (2) Virtual objects are categorized as objects because they meet the elements: can be mastered/attached rights by humans, can be captured by the five senses or not, can be valued with money, or economic value, is a unity of owner and object. Because virtual objects are known and exist in the virtual world, one element is added that is formed through the interconnection of computer networks. (3) The position of virtual objects in the Civil Code shall be limited insofar as intangible or disembodied objects are concerned. This is a consequence of a constantly changing society, with rules in that society. Law developed as an alternative that could follow society's development according to its era's needs. (4) Along with legal developments that follow the development of society related to virtual objects, although limited, it has been regulated in several regulations outside the Civil Code, namely Law Number 28 of 2014 concerning Copyright and Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions.*

**KEYWORDS:** virtual objects, perspective, civil code

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### INTRODUCTION

National development is an ongoing process that must always be responsive to the dynamics that occur in society. Indonesia as a developing country towards a developed country in 2045 (Lemhanas RI, 2021) indicates that welcoming advanced Indonesia in 2045 requires effort and hard work from the government and all components of society. Especially in the era of Globalization, globalization triggered by advances in communication technology, transportation and trade has a significant influence on human life and nations in all fields. Malcolm Waters said there are three main themes or dimensions of globalization, namely:

economic globalization, political globalization and cultural globalization. The growth of world money markets, free trade zones, global exchange of goods and services and the growth of international corporations show economic globalization or economic globalization. Political globalization is characterized by the replacement of international organizations and the emergence of global politics. Cultural globalization is characterized by the flow of information, symbols and signs to all parts of the world (Kalidjernih, 2009). Another opinion says that aspects of globalization, including economic, cultural and environmental, have important implications for a nation-state (Nash, 2000).

The effects of globalization on the economy include the strengthening of capitalism and free markets. This is shown by the growing number of transnational corporations that operate without knowing national borders. Furthermore, there will also be tighter competition in producing goods and services in the free market. This means that globalization changes human behaviour and changes world civilization that takes place rapidly. This change gave birth to a new legal regime called cyber law or telematics law. Regarding the cyber world, Longworth said that the cyber world is formed from experience based on a new environment and dimension, which is the opposite of the real world. The cyber-world is considered an alternative to reality governed by sensory stimuli on computers (Longworth, 2000). The cyber-world is an unreal world created by computer technology. The cyber-world was created based on human ideas to create a new environment and dimension different from the real world. The cyber-world is intricately created through a global computer network that uses telecommunications facilities to forward electronic messages (Ariesky, 2016).

The birth of a new legal regime of cyber law due to the development of computer technology gave birth to a new form of material with the name of virtual objects that are not known in the Civil Code. The subject of objects (*van zaken*) is regulated in Book II of the Civil Code using a "closed system", meaning that people may not use material rights other than those stipulated in the law. Property law is swinging, meaning it must be obeyed and not be distorted by making new provisions regarding property rights (Muhamad, 2000). Muljadi and Widjaja (2003) argue that "a closed system should not be added, changed, subtracted, modified by individuals of their own will."

Regarding objects, regulated in Articles 499 to Article 1322 of the Civil Code, includes the understanding of objects and various objects and the understanding of property rights and various property rights (Meliala, 2015). In addition, related objects are also regulated in Law Number 5 of 1960 concerning Basic Agrarian Provisions and Intellectual Property Law. Of course, related to these so-called regulations as far as they are relevant to the development of civil law (Muhamad, 2000). According to Article 499 of the Civil Code, objects are "everything and every right that property rights can control." From the formulation of this article, it can be interpreted that objects are everything that property rights can control without distinction whether the object is a tangible object, an intangible object (Sofwan, 1981) or a material object, an immaterial object (Mahadi, 1985) or a movable object, an immovable object (Article 504 of the Civil Code).

Rapid technological advances have resulted in changes in human activities in various fields that have directly influenced the birth of new legal acts or given birth to legal acts with new legal objects. For

example, all human activities are carried out through internet network technology, human activities that are usually carried out in actual or direct today can be carried out anywhere and indirectly, such as a sale and purchase agreement carried out online or through the internet where buyers can see the goods to be purchased without the need to come to the seller's place and buy and sell without having to meet directly. Even a person can have a business without needing a place of business or a Business Place License but only needs a set of computers and an internet network. This Internet phenomenon also gives rise to new things that previously did not exist or were not done in human life. For example, virtual objects by society are now considered like real objects in general and treated the same as real objects and can even be transferred like real objects through buying and selling, borrowing, and so on. This virtual object also has economic value, even in buying and selling activities, using official money or money used in the real world.

Previously, there have been studies whose themes on virtual objects were studied from various points of view, such as juridical reviews of control over virtual objects (Mannaroy, 2015), The imposition of virtual property as an object of material security (Jovan et al., 2020), Analysis of the position of power over virtual objects is reviewed based on book II of the Civil Code, Ownership of virtual property in property law in Indonesia (Nugrahaningtyas, 2017), The position of virtual property in property law in Indonesia (Waskitho, 2016), The validity of virtual property sale and purchase agreements and the legal consequences of anonymity in virtual property sale and purchase agreements (Christanti, 2020). Legal analysis of transactions on virtual objects in the implementation of online games (Purwanta, 2012).

This paper will examine virtual objects from a different point of view because although previous studies used the term virtual objects, the concept of virtual objects has yet to be discovered in the Civil Code. The next thing that will be studied is how virtual objects are positioned in the Civil Code, considering that Book II of the Civil Code explicitly regulates 'objects.' The purpose of the research is to find and examine various concepts about virtual objects and the position of virtual objects in the Civil Code, considering the need for legal certainty is essential to protect the interests of the community.

## **METHOD**

Research methods are essential for a researcher; according to Nazir, the chosen method is closely related to the procedures, tools, and research design used (Nazir, 2005). The method used in this study is normative legal research; Seomitro calls it doctrinal legal research (Seomitro, 2005).

The approach used is a conceptual approach. Marsuki argues that the conceptual process occurs when researchers stay within existing legal rules. This is done because there is no legal rule for the problem at hand, so he will not find the understanding he is looking for; what he finds is a general understanding; therefore, he is not suitable to build legal arguments. If he turns to other provisions and will not find them, he must construct a concept to be used as a reference in his research. Building the idea, researchers must move to the views and doctrines that develop in legal science and examine the views of Law Scholars from various countries on this matter (Marsuki, 2013). Using this conceptual approach after understanding the concepts of virtual

objects, it is hoped that there will be no more ambiguous understanding; Second, the statutory approach. Mahmud explained that, except for research within the scope of customary law, legal research at the legal dogmatics or research for legal practice cannot be separated from the approach of legislation. The legislative approach uses legislation and regulations (Marsuki, 2013). This statutory approach is used regarding the position of virtual objects in Book II of the Civil Code.

The main data sources used in this study consist of primary legal materials, namely in the form of laws and regulations and other legal materials that, although not considered preliminary as secondary legal materials, are also of significant value, for example, academic papers ranging from descriptions to critical comments that enrich people's knowledge about positive law (Irianto & Shidarta, 2009).

## **RESULTS AND DISCUSSION**

### **Law of object**

The term law of object is a translation of the Dutch term *zakenrecht*. From the perspective of civil law (*privatrecht*), law of object is part of property law (*Vermögensrecht*), namely absolute property law (Purwanta, 2012). The Law of an object, according to Kartohadiprodjo, is all legal rules that regulate what is meant by objects and rights to objects (Kartohadiprodjo, 1984). According to Sofwan, what is regulated in the law of objects is the understanding of objects, the distinction of various objects, and various material rights (Sofwan, 1981). Tutik pointed out that the law of object as the law of absolute property is a provision that regulates the rights of property and immaterial goods. The law of absolute property is also called material law, which is the law that regulates the legal relationship between a person and things. This legal relationship gives birth to material rights (*zakelijk recht*), a right that gives direct power to someone who has the right to control something in the hands of whoever the object is (Purwanta, 2012).

### **Object**

The concept of objects according to the Civil Code: According to article 499 of the Civil Code, objects are every item and every right that property rights can control. The concept of objects, according to experts: Kartohadiprodjo, objects are all tangible goods and rights (except property rights) (Kartohadiprodjo, 1984). Tangible goods that the five senses can capture, but intangible goods include objects (Sofwan, 1981). In the broad sense, subject nouns (*zaak*) are everything that can be righted by people and nouns in the narrow sense are all things that can be seen only (Subekti, 1987). Apeldoorn, objects in the juridical sense are objects of law (Simanjuntak, 1999). From these definitions, objects can be deduced in two meanings: tangible objects/goods and intangible goods; Then things are part of the wealth.

### **Differentiation of objects according to experts**

Subekti divides objects into several kinds, namely objects that can and cannot be replaced. Tradable and non-tradable or non-trading objects. Divisible and indivisible objects. Moving objects (household appliances) and immovable objects (soil) (Subekti, 1987). Sofwan

distinguishes objects between tangible goods and intangible goods. Movable goods and immovable goods. Wearable items are out of stock, and indivisible items are used up—existing items and items that will still exist (Sofwan, 1981).

Article 504 of the Civil Code states that every object is movable and immovable. Movable objects are objects that, by nature or because of the stipulation of laws, are declared as movable objects, such as vehicles, securities, etc. This movable object is an object that can be moved or moved (Article 509 of the Civil Code). Immovable objects are objects that, because of their nature, purpose of use or the establishment of laws, are declared immovable objects, such as land, buildings and so on. This distinction is vital about four things, namely *Bezit* (bezieter from a moving object is an *eigenaar* of the object), *Levering* (submission to a moving object is made by real surrender while an immovable object is done by turning the name), *Verjaring* (against a moving object is not known as *vernet* because *beziit* is the same as *eigendom*) immovable objects recognize *verneting/expiration beswaring* (loading of moving objects must be done with a pawn/ *pand* while immovable objects are mortgages).

### **Property Rights and Their Characteristics**

Subekti (1987) formulated material rights (*zakelijk recht*) as a right that gives direct power over an object that can be defended against each person. Apeldoorn (Simanjuntak, 1999): Property rights are property rights that give direct power over an object. Direct power means a direct relationship between the persons entitled to the object. Sofwan (1981): material rights are absolute rights over something where the right gives direct power over something and can be defended against anyone.

The characteristics of material rights are absolute rights, namely rights that can be defended against anyone. Having *zaaks gevolg* means that the right continues to follow the object wherever (in anyone's hands) it is. That right keeps following the person who owns it. It has a system; The system found in property rights is whichever comes first. Having *droit de preference* is a right that takes precedence over others. Has a variety of acts; In this right, people have various acts if there is interference with their rights, namely in the form of reclaim, a lawsuit to eliminate interference with their rights, a lawsuit for recovery in its original state, a lawsuit for compensation and so on. In this right, the lawsuit is called a material lawsuit and can be enforced against anyone who interferes with their rights (Sofwan, 1981).

### **Virtual Property**

#### **Terms and Definitions of Virtual and Virtual Property**

In the Big Dictionary of Indonesian (Ministry of National Education, 2014), the word virtual is written: *vir.tu.al a (by) real*. Virtual is defined as:

- a. Existing or resulting in essence or effect though not in actual fact, form, or name (meaning existing or producing essence or effect though not in reality, form or name).
- b. Existing in the mind, especially as a product of the imagination. Use in literary criticism of a text (meaning to exist in the mind, especially as a product of imagination, used in literary criticism of a text).



- c. Computer science created, simulated or carried on by means of a computer or computer network (The Free Dictionary, 2022).

Bartle formulated virtual property as virtual objects, characters, virtual currency, virtual estate, accounts and other things that include licensing, membership, maps, and so on (Bartle, 2004). Fairfield described virtual property as a code created using computer systems and the internet in the cyber world, formed in such a way and treated the same as objects in the real world (Fairfield, 2005). Fairfield describes various virtual properties such as e-mail accounts, websites, Uniform Resource Locators (URLs), Chat Rooms or virtual chat rooms, bank accounts, and online media accounts (Fairfield, 2005). In addition, virtual properties are like items in online games, and so on.

Virtual property is a valuable asset or ownership item. The value here means having economic value can be exchanged for real money by buying and selling or through exchange agreements between virtual property (Brown & Raysman, 2006). This virtual property only exists in the virtual world, namely the cyber world. Virtual property for internet users is considered to have functions and uses like objects in the real world, but its functions and uses only apply to the cyber world. Internet users such as gamers or online game players even use buying and selling sites used in the real world, such as eBay, to make transactions on this virtual property. Virtual property is a code in computer technology made based on such an algorithmic formula and by imitating objects in the real world. It is made by imitating objects in the real world because this virtual property only appears in a world created through computer technology, namely the cyber world. This cyber world is also a world that is not real or virtual. The virtual property does not have a form the five human senses can feel. Virtual property cannot be seen in real terms by the human sense of sight and cannot be felt in form using the human sense of taste. Although it does not have a tangible form, this virtual property is widely used by humans in their daily lives and is treated like tangible objects in the real world, even with economic value. The use of the virtual property is limited only to the virtual world, namely the cyber world. This virtual property only functions and is helpful in the cyber world because the virtual property is an object that exists in the cyber world. However, this virtual property can impact various aspects of human life regardless of its unreal existence. These impacts touch on social, economic, and cultural aspects (Brown & Raysman, 2006).

### **Property terms and definitions**

The term property in the Big Indonesian Dictionary (Ministry of National Education, 2014) is written: property in the form of land, and buildings and facilities that are an inseparable part of the land and or buildings intended for owned land and buildings. Some opinions about the concept of property, Soeropati gives the meaning of the word property the same as wealth, as something that is owned and has a specific price (something which is owned and has some value) (Soeropati, 1999) Susanti, wealth or property manifests in the form of "rights." Namely an idea that property is a group of rights or a "bundle of rights". Furthermore, Susanti argues that intellectual property law places these rights in abstract objects, unlike real property law. Many people need, use and depend on such objects. Susanti suggests that the interdependent

relationships that define social interactions in modern online society are connected to specific objects (Susanti, 2017).

### **Properties of Virtual Property**

Fairfield said that virtual property has 3 (three) properties: Rivalrousness, Persistence, and Interconnectivity (Fairfield, 2005). Rivalrousness means exclusive; it cannot be used by anyone other than the virtual property owner. For example, for an e-mail account, only the account owner can use the e-mail account. Similarly, on a website, only website managers who have passwords can spread any information.

Persistence means fixed, meaning the virtual property will still exist, and will not change. For example, on an e-mail account, even if the owner of the e-mail account turns off his computer, all information and things in the e-mail account will not be lost even the e-mail account can be accessed using other devices and is not limited to only one device and does not change the contents of the e-mail account.

Interconnectivity means being interconnected. In the real world, all objects in the real world are naturally interconnected. Objects that exist in the real world can influence each other. Such is the case with objects that exist in the virtual world or cyber world can influence each other or be interconnected. For example, e-mail, everyone can interact with each other using e-mail, or everyone can communicate with each other through Chat Rooms or virtual chat rooms.

### **Virtual Property Criteria**

According to Brown & Raysman, the virtual property is an asset or ownership item with value, meaning economic value, that can be exchanged for real money, and can be used as an object of buying and selling, exchanging between fellow virtual properties (Brown & Raysman, 2006). Virtual property, by Nelmark, is defined as "any property interest that is both intangible and exclusionary." If translated freely, it means an intangible and exclusive property (Ariesky, 2016).

Pengfei Ji explained that virtual objects are all types of information sources that exist in the cyber world but are dominated by humans in a relatively independent way. Virtual objects have material value even though their form is not real, such as objects in games, virtual currencies, domain names, QQ accounts, websites, online buying and selling sites, and so on (Ariesky, 2016).

According to Bartle, the virtual world is doing something with the help of computer media so that individuals can interact. In this computer, individuals use virtual objects to interact with each other. To recognize the virtual property described by Bartle, it needs to be broken down into 5 (five) elements, namely:

- a. Should, with the help of a computer, the computer controls everything related to the virtual world. This can be done using programs or program code. This means that all aspects of the game that have to do with virtual objects are managed automatically by the computer

without the need for real people to have some personal involvement in the working of the virtual world.

- b. Virtual world computers should always be present, especially in electrical and network connectivity issues. If the virtual world becomes inactive or turned off, it is no longer a virtual world but a world that does not exist. This will make players in virtual objects unable to do anything in the virtual world if the computer is turned off or disabled.
- c. Related to the environment. Under normal circumstances, the virtual world will represent one's natural world. This is so that the virtual and real worlds become immersive and invite players to get closer to the virtual world. In essence, the choice of the environment depends on the problem/subject of the game.
- d. Refers to interactions. If one cannot interact with the virtual world, the real world will lose the status of the virtual world and become an abstract work of art or film. This interaction is usually done by describing or creating an identity in virtual form, for example, avatars, so that they can interact with other avatars or virtual objects.
- e. There must be participation from other individuals. This is a necessary condition of the virtual world and essential for virtual objects' existence. Suppose there is no participation from other individuals to participate in the virtual world simultaneously. In that case, only regular games are played by oneself, such as PlayStation. Thus individuals who join forces to participate in cyberspace act in various ways, just like in real life (Ariesky, 2016).

According to the author, virtual objects only exist in the space or region of the virtual world or cyberworld. Virtual objects have exclusive properties and criteria that can be recognized and understood to function as expected. Because if the virtual world or cyber world becomes inactive or turned off, it is no longer a virtual world but a world that does not exist.

### **Legal Analysis of Virtual Objects**

Virtual objects/virtual property as intangible objects. After describing various things related to objects and virtual objects, the author argues that virtual objects (virtual property) are intangible objects. The author refers to the concept of objects according to expert opinion. Civil Code. In Article 503 of the Civil Code, it is formulated that every object is bodied or disembodied. According to this provision, intangible objects are described as disembodied. Even though the object has no form, an intangible object is a right placed on a tangible object. Thus, intangible objects are attached to a specific benefit over a particular object with a form.

The definition of tangible objects is all tangible goods that can be captured with the five senses. In contrast, intangible objects are certain rights that can be used as objects of property rights, such as the right to interest, routing, billing, and so on (Nurhayani, 2015). This intangible object is not an object that has a tangible form or form that the human sense of taste can feel but something in the form of certain rights in the provisions of Indonesian property law, namely in Articles 499 and 503 of the Civil Code, are also recognized as objects.

### **The term virtual object is unknown in the Civil Code.**

Using a conceptual approach in solving this problem, the author has proposed various



concepts about objects and virtual objects/virtual property ranging from Indonesian dictionaries and domestic and foreign expert opinions; then the author argues that the term virtual objects is not known in the Civil Code, because the Civil Code has existed and been in force since May 1, 1948, while according to Bartle, the virtual world only developed in 1970 (Waskitho, 2016). Nevertheless, lawmakers use the term intangible objects to mean virtual objects today.

The important thing, according to the author, is that something is categorized as a thing if it meets the elements, can be mastered/hacked by humans, can be captured by the five senses or not, can be valued with money, or has economic value, is a unity of owner and object. Virtual objects/virtual property fulfil these four elements. However, because they are known and exist in the virtual world, one more element is formed, which is formed through the interconnection of computer networks.

The first element, which humans can master, means that material is everything and every right that property rights can control. Inherent rights to an object are rights to objects or material rights; material rights give direct power over an object and can be defended by anyone. A virtual object becomes a proprietary object, and someone who owns it has power over it and is free to use it unless the owner is willing to transfer it. For example, in the online game Dragon Nest USA based on the clauses in the EULA (End User Licensing Agreement) or Terms of Services, expressly eliminates ownership of virtual objects in the game; ownership is only limited to content submitted by players, while other virtual objects remain with service providers (Purwanta, 2012).

The second element can be captured by the five senses or not interpreted that virtual objects do not have a form that the human senses can feel. Even though it does not have a tangible form, the reality is that virtual objects are widely used by humans in their daily lives and treated like tangible objects in the real world; they even have economic value because they can be bought and sold. Virtual objects or their redirects are limited to virtual worlds only. These virtual objects can impact various aspects of human life regardless of their unreal existence.

The third element, which can be valued with money or economic value, means that in intellectual property rights, one of the principles known is the economic principle (the economic argument) related to wealth/assets. According to this principle, a person with intellectual property is helpful to support his life; this ownership is a form of wealth. Owners of virtual property have the right to enjoy economic benefits. The statement is that virtual objects have economic value because they can be transferred through buying and selling, even if only in the virtual world and not in the real world.

The fourth element is a unity of owners and objects, meaning that property rights are property rights that give direct power over an object. Direct power is a direct relationship between the people entitled to the object. Almost all virtual properties require an account to access them, and the account is the identity of its users in cyberspace. The account can only be accessed

using the owner's password. For example, only account users with a password can use the account on an email account. For example, on a website, only website managers who have a password can spread any info on the website.

Thus the concept of unity of owners and objects means the owner of virtual objects/ virtual property cannot be separated from the object, even though it is limited to the cyber/virtual world. However, still, he is free to use it or transfer it to others. The fifth element is formed through the interconnection of computer networks. This virtual property only works in the cyber world. Referring to Bartle's opinion that recognizing virtual property needs to be broken down into several elements, including the help of computers, electricity and network connectivity. If the virtual world becomes inactive or turned off, it is no longer a virtual world but a world that does not exist. This will make players in virtual objects unable to do anything in the virtual world if the computer is turned off or disabled.

The author uses a conceptual approach in this study in order to understand the concepts of virtual objects so that it is hoped that there will be no more ambiguous understanding and statutory approach in order to know the rules governing virtual objects. Based on the description of the term unknown virtual object in the Civil Code, it can be concluded that virtual objects fulfil the elements as objects.

### **The Position of Virtual Objects in the Civil Code**

Referring to the Civil Code, there are no legal rules governing virtual objects, the author does not find the term and understanding of virtual objects, so the author finds it difficult to build the correct legal argument. However, the author's argument does not move from the views and doctrines that develop in legal science, examining the views of legal scholars from various countries on this matter, so the author argues that the classification of objects according to the Civil Code is indeed not found the term virtual object, but intangible objects are only the space of their application, how to obtain them, their use and multiplier are different from other intangible objects Because it can only be done limited to fellow users of virtual objects. According to the author, the position of virtual objects in the Civil Code is regulated in a limited way as far as intangible or disembodied objects are concerned. This is a consequence of a constantly changing society, with rules in that society. Changes in society have an impact on applicable laws. The law continues to evolve according to the times, as in Albert Einstein's theory of relativity, that "nothing moves beyond the speed of light, the speed of light is the limit of speed in the universe, outside the speed of light everything moves relatively, the relativity of motion affects the relativity of space, and time." From this argument, viewing the law must also change; the law is no longer seen as an absolute and constant order (Kusuma, 2009). Law developed as an alternative that could follow society's development according to its era's needs.

With all its activities, law has long entered the space of social life in this part of the world, not only in Indonesia; the presence of law in social space continues continuously. Law is not chosen and considered before being adopted by the state, but the system evolves along with the country's society. Regarding the position of virtual objects in the Civil Code, the author argues

that along with legal developments that follow the development of society, even though these virtual objects are limited, they have been regulated in regulations outside the Civil Code.

### **Law Number 28 of 2014 concerning Copyright.**

Article 1 point 1 regulates copyright as the creator's exclusive right that arises automatically based on the declarative principle after a work is realised in tangible form without prejudice to restrictions by the provisions of laws and regulations.

(1) Article 40 states that the Works protected under the Copyright Act are:

- a. books, pamphlets, faces of published papers, and all other written works;
- b. lectures, speeches, and other similar Creations.
- c. teaching aids made for the benefit of education and science.
- d. songs and music with or without captions;
- e. drama, musical, dance, choreography, puppetry, and mime;
- f. works of fine art in all forms, such as paintings, drawings, carvings, calligraphy, sculptures, or collages;
- g. works of applied art;
- h. architectural works;
- i. maps;
- j. batik artwork or other motif art;
- k. photographic works;
- l. portrait;
- m. cinematographic works;
- n. translations, interpretations, potpourri, databases, adaptations, arrangements, modifications and other works of transformation;
- o. translation, adaptation, arrangement, transformation, or modification of traditional cultural expressions;
- p. compilation of the work or data, whether in a format that computer Programs or other media can read;
- q. compilation of traditional cultural expressions as long as the compilation is an original work;
- r. video games; and
- s. Computer programs.

(2) The Work referred to in paragraph (1) point n shall be protected as a separate Work without prejudice to the Copyright of the original Work

(3) Protection, as referred to in paragraph (1) and paragraph (2), including protection of Works that have not been announced but have been realised in tangible forms that allow the reproduction of the Work.

The author has described the background of the problem of the birth of a new legal regime of cyber law due to the development of computer technology which gave birth to a new form of material with the name of virtual objects. Apart from the Civil Code, regulations have been created to protect computer programs as one of the intellectual property creations. As explained in the Law Number 28 of 2014, copyright is one part of intellectual property with the broadest scope of protected objects because it includes science, art and literature (art and literary) and

computer programs. Virtual objects/Virtual property only function in the cyber world, or in other words known and exist in the virtual world and are formed through the interconnection of computer networks.

### **Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions.**

In Article 1 number 1, it is stated that 'Electronic Information' is one or a set of electronic data, including but not limited to writing, sound, images, maps, designs, photographs, electronic data interchange (EDI), electronic mail, telegrams, telex, telecopy or the like, letters, signs, numbers, access codes, symbols, or perforations that have been processed that have meaning or can be understood by people who can understand them." Article 1 point 4 reads: "Electronic Document is any Electronic Information created, transmitted, transmitted, received, or stored in analogue, digital, electromagnetic, optical, or similar form, which can be seen, displayed, and heard through a computer or electronic system, including but not limited to writing, sound, images, maps, designs, photographs or the like, letters, signs, numbers, access codes, symbols or perforations that have meaning or meaning or can be understood by people capable of understanding them."

In these two articles, the author refers to the grounds that virtual objects can be used as electronic information because Virtual means computer creation, simulated or run with a computer or computer network. According to the author, statements can be "understood by people who can understand them," only understood, known, and exist in the virtual world by their owners or users of virtual objects only. It can be used as an electronic document because of Virtual objects or virtual properties such as e-mail accounts, websites, Uniform Resource Locator (URL), Chat Rooms or virtual chat rooms, bank accounts, and online media accounts.

### **Virtual Object Region/Territory**

Space or territory of Virtual objects exists in the virtual world or cyber world. Tom Maddox first popularised the word cyber in his novel Halo 1991. Maddox describes the cyber world as a hyper-reality world in which humans can interact with each other using computer networks (Pratama, 2015). The definition of cyber in Black's Law Dictionary is not explained independently but is listed in the definition of cyber law, which is the law that regulates cyberspace (Pratama, 2015).

According to Josua Sitompul, cyber is not just a term but was born based on the concept of cybernetics, which sees information as an extension of the mind and eyes to shape imagination and reality, including the new world (Sitompul, 2012). Another term that is often used in referring to cyber is Information Communication Technology (ICT), which is a convergence of technology that began in the early 1990s with electronic commerce (e-commerce) (Dewi, 2009). The difference in the use of the word or the mention of the term cyber by experts in Indonesia is more based on their different perspectives. The perspective of cyber writers abroad views cyber as a unique world formed through the interconnection of computer networks (Pratama, 2015). This perspective places cyber as a world, territory, and place (space) right

because it positions the concept of law by Cicero's adagium "ubi societas ibi ius" that law in the cyber world is cyber law. Pratama (2015) argues that the use of the phrase cyber has at least 3 reasons, namely: Siber merupakan terminologi yang digunakan secara umum di secara internasional.

a) The cyber world is not imaginary (cyber) because there are physical, legal consequences if you commit cyber crimes.

b) The phrase cyber has also been absorbed into Indonesian cyber.

From the description of cyber, it is clear that the cyber world is unique, with different rules, because it can only be formed through the interconnection of computer networks. Thus, the space or territory of Virtual objects only exists in the virtual world or cyber world, so everything related to Virtual objects, both how to have and transfer, only occurs in the virtual world/cyber world. This means that in the cyber sphere, the paradigm used is cyber as a space or region/territory.

## CONCLUSION

The virtual world, also known as the cyber world, is a recent development resulting from technological advancements in communication, transportation and trade. It has greatly impacted human life in all fields and continues to proliferate, giving birth to new things such as virtual objects. Although the term "virtual object" is not recognized in the Civil Code, lawmakers use the term "intangible" to refer to them. Legal developments have addressed matters related to virtual objects outside of the Civil Code, responding to the needs of the community. Virtual objects are unique because they only exist in the virtual world or cyber world and cannot be formed without an internet connection and computers.

## References

- Ariesky, D. (2016). *Virtual Property Dalam Hukum Benda Indonesia*. Yogyakarta: Fakultas Hukum UII.
- Bartle, R. A. (2004). *Pitfalls Of Virtual Property*. The Termis Group.
- Brown, P., & Raysman, R. (2006). *The Indian Journal of Law and Technology, Property Rights In Cyberspace Games And Other Novel Legal Issues In Virtual Property, Volume 2*. Boston: Boston University.
- Departemen Pendidikan Nasional. (2014). *Kamus Besar Bahasa Indonesia Edisi Keempat*. Jakarta: PT Gramedia Pustaka Utama.
- Dewi, S. (2009). *Cyber Law, Perlindungan Privasi Atas Informasi Pribadi Dalam E-Commerce menurut Hukum Internasional*. Bandung: Widya Padjajaran
- Fairfield, J. A. T. (2005). *Virtual Property* (Boston University Law Review) Vol.85-1047). Boston: Boston University Law Review.
- Irianto, A., & Shidarta, S. (2009). *Metode Penelitian hukum, Konstelasi dan Refleksi*. Jakarta: Yayasan Obor Indonesia.
- Jovan, J., Dewi, A. S. K., & Riskawati, S. (2022). *Pembebanan virtual property sebagai objek jaminan kebendaan*, Malang: Fakultas Hukum Universitas Brawijaya.
- Kalidjernih, F. (2009). *Puspa Ragam Konsep dan Isu Kewarganegaraan*. Bandung: Widya Aksara Press.



- Kartohadiprodjo, S. (1984). *Pengantar Tata Hukum di Indonesia*. Jakarta: Ghalia Indonesia.
- Kusuma, M. (2009). *Menyelami Semangat Hukum Progresif Terapi Paradigmatik Bagi Lemahnya Penegakan Hukum Indonesia*. Yogyakarta: AntonyLib-Indonesia.
- Kusuma, P. T. (2017). *Analisis kedudukan berkuasa atas benda virtual ditinjau berdasarkan Buku II KUHPperdata*. Bandung: Fakultas Hukum, Universitas Katolik Parahyangan
- Longworth, E. (2000). *The Possibilities for a Legal Framework for Cyberspace-including a New Zealand Perspective*. UNESCO Publishing, England.
- Mahadi, M. (1985). *Hak milik immaterial*. BPHN, Jakarta: Bina Cipta
- Mannaroy, M. A. S. (2015). Tinjauan yuridis terhadap penguasaan atas benda virtual (virtual property). *Skripsi*. Jakarta: Universitas Indonesia Library.
- Marsuki, P. M. (2013). *Penelitian Hukum.Edisi Revisi*. Jakarta: Kencana Prenada Media Group.
- Meliala, D. S. (2015). *Perkembangan Hukum Perdata tentang Benda dan Perikatan*. Bandung: Nuansa Aulia.
- Muhamad, A. (2000). *Hukum Perdata Indonesia*. Bandung: Citra Aditya.
- Muljadi, K., & Widjaja, G. (2003). *Kebendaan pada umumnya*. Jakarta: Ghalia Indonesia.
- Nash, K. (2000). *Contemporary Political Sociology. Globalization, Politics and Power*. Massachusetts. Blakwell Publisce.
- Nazir, M. (2005). *Metode Penelitian*, Bogor: Ghalia Indonesia.
- Nugrahaningtyas, A. (2017). *Kepemilikan atas virtual property dalam hukum benda di Indonesia*. Yogyakarta: Fakultas Hukum UII.
- Nurhayani, N. Y. (2015). *Hukum Perdata*. Bandung: CV. Pustaka Setia.
- Pratama, B. (2015). *Rekonseptualisasi Karakteristik Hak Kekayaan Intelektual dalam Hukum Siber*. Bandung: Universitas Bina Nusantara.
- Purwanta, M. A. (2012). *Analisa hukum terhadap transaksi atas kebendaan virtual pada penyelenggaraan permainan online*. Jakarta: Fakultas Hukum, Magister Ekonomi Universitas Indonesia.
- Seomitro, R. H. (2005). *Metodologi Penelitian Hukum*. Jakarta: Ghalia Indonesia.
- Soeropati, O. (1999). *Hukum Kekayaan Intelektual dan Alih Teknologi*. Salatiga: Fakultas Hukum UKSW.
- Sofwan, S. S. M. (1981a). *Hukum Perdata: Hukum Benda*. Jogyakarta: Liberty.
- Sofwan, S. S. M. (1987b). *Hukum Benda*. Yogyakarta: Liberty.
- Simanjuntak, P. H. H. (1999). *Pokok-pokok Hukum perdata di Indonesia*. Jakarta: Djambatan.
- Sitompul, J. (2012). *Cyberspace, Cybercrimes, Cyberlaw: Tinjauan Aspek Hukum Pidana*. Jakarta: PT. Tata Nusa.
- Subekti, S. (1987). *Pokok-pokok Hukum Perdata*. Jakarta: Intermedia.
- Susanti, R. D. I. (2017). *Hak Cipta, Kajian Filosofis dan Historis*. Malang: Setara Press.
- Waskitho, F. (2016). *Kedudukan Virtual Property dalam Hukum Benda di Indonesia*. Yogyakarta: Fakultas Hukum Universitas Islam Indonesia.