

Modelling Malaysian Visual Artists' Readiness for The Artist Resale Right (ARR): A Conceptual Framework

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ABSTRACT

The Artist Resale Right (ARR) aims to ensure that visual artists receive equitable compensation from the resale of their artworks in secondary markets. While widely implemented across more than 100 countries, Malaysia has yet to introduce a similar policy, leaving local artists excluded from the economic benefits of increasing artwork value over time. This article proposes a conceptual framework to model Malaysian visual artists' readiness for ARR implementation, grounded in four established theories: Situation Awareness Theory, Social Capital Theory, Theory of Practice, and Institutional Theory. The framework identifies three key antecedents—experience with ARR, perception of ARR, and professional engagement—as predictors of artists' comprehension and projection regarding ARR implementation. It also introduces institutional trust as a moderating factor. As one of the first scholarly attempts to structure ARR policy readiness in Malaysia, the framework offers theoretical depth and practical insights for researchers, policymakers, and cultural institutions. The study emphasizes the importance of artist-centered perspectives in shaping equitable intellectual property reform within the country's creative economy.

Keywords: *Artist Resale Right (ARR); Policy Readiness; Visual Artists; Conceptual Framework; Situation Awareness Theory; Social Capital Theory; Institutional Trust; Intellectual Property; Malaysia; Theory of Practice*



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1 INTRODUCTION

The Artist Resale Right (ARR), also known as the Resale Royalty Right (RRR) or *droit de suite*, plays a vital role in ensuring that visual artists receive a fair share from the increasing economic value of their artworks in secondary markets. Recognizing its significance, more than 100 countries—including those in the European Union, Australia, and New Zealand—have implemented this right to support equitable remuneration for artists (European Visual Artists, 2024; Jewell, 2017). In these jurisdictions, ARR serves not only as a supplementary income stream for artists but also as a formal acknowledgment of their enduring creative contributions (O'Dwyer, 2020; Wang, 2021).

Despite the global recognition of ARR, Malaysia has yet to introduce similar legal provisions. The current copyright framework, governed by the Copyright Act 1987, does not encompass the resale of visual artworks (Diyana, 2022). Consequently, Malaysian artists are excluded from benefiting economically from the subsequent sales of their works, while intermediaries such as dealers and collectors reap disproportionate rewards (Masyhuri et al., 2023). This legal omission presents a compelling case for urgent reform. Introducing ARR would not only ensure fair compensation for creators but also align Malaysia's intellectual property regime with international standards on cultural equity and creator rights (Capildeo et al., 2022).

Given that ARR directly affects artists' livelihoods and professional recognition, it is essential to understand how Malaysian visual artists perceive, anticipate, and assess the potential implementation of such a policy. Artists' support and readiness are likely influenced by a complex interplay of cognitive awareness, social connections, artistic practice, and institutional trust. However, limited empirical research currently exists on how artists in emerging markets, such as Malaysia, interpret the significance and feasibility of ARR (Holland & Motlhaping, 2022; MacNeill et al., 2022).

To address this gap, this paper proposes a conceptual framework that integrates Situation Awareness Theory, Social Capital Theory, Theory of Practice, and Institutional Theory. This integrative approach allows for a multidimensional exploration of how Malaysian artists predict and evaluate the potential success of ARR implementation. By examining artists' knowledge, professional networks, personal values, and perceptions of institutional support, the framework provides a foundation for both theoretical advancement and policy development. Ultimately, this study seeks to inform Malaysia's ongoing discourse on intellectual property reform by foregrounding the voices of those most affected—its visual artists—in the evolving creative economy.

2 OVERVIEW OF ARR

The ARR is a legal entitlement that allows visual artists to receive a percentage of the sale price when their artworks are resold in the secondary market. Its origins date back to late 19th-century France, where the *droit de suite* was introduced to address the inadequacies of the existing *droit d'auteur* system in compensating artists for the increasing value of their works over time (O'Dwyer, 2020). This development marked a fundamental shift from merely protecting creative authorship to recognizing artists sustained economic interest in their creations. Over time, the ARR has been adopted into numerous legal systems worldwide, notably through the European Union's Directive 2001/84/EC. However, its implementation has not been uniform across countries, varying significantly in approach due to legal, cultural, and economic differences (Holland & Motlhaping, 2022).

The ARR plays a critical role in promoting economic justice for visual artists. In jurisdictions where it is enforced, ARR ensures that artists are not excluded from the financial gains realized through the appreciation of their value works. It serves as both a supplementary income stream and a formal acknowledgment of artists' enduring creative contributions (Wang, 2021). In an industry where the resale value of artworks can multiply dramatically, the ARR functions as a mechanism for redistributing a portion of that value back to the original creator, thus strengthening the principle of fairness within the art ecosystem (O'Dwyer, 2020).

Despite its recognized importance, implementing ARR presents several challenges. Some market actors argue that resale royalties may discourage investment and reduce the fluidity of the art trade. Practical concerns also arise around tracking secondary market transactions and ensuring compliance. In countries like Malaysia, where ARR has not yet been introduced, additional hurdles include a lack of legal recognition, limited institutional mechanisms, and insufficient awareness among stakeholders. The current Copyright Act 1987 does not include provisions for resale royalties, leaving Malaysian visual artists without legal means to benefit from the future commercial success of their works (Diyana, 2022; Masyhuri et al., 2023). This gap reflects broader issues within the Malaysian creative sector,

where artists often face economic insecurity and minimal leverage in negotiating their rights (MacNeill et al., 2022).

Moving forward, there is a growing need to explore a viable framework for implementing ARR in Malaysia. Such an initiative must go beyond legal reform to include a deeper understanding of how Malaysian artists perceive the relevance, feasibility, and potential impact of ARR. Their cognitive awareness, social networks, artistic practices, and trust in institutional systems are all likely to influence their support for ARR. A well-designed and context-sensitive model should draw lessons from international practices while addressing the unique characteristics of Malaysia's art market. By centring artists' voices and aligning policy with the realities of the local creative economy, Malaysia can take meaningful steps toward ensuring fair compensation and fostering a more sustainable cultural sector.

3 UNDERSTANDING ARTISTS' PREDICTION OF ARR IMPLEMENTATION SUCCESS: A PROPOSED MODEL

A conceptual framework refers to a logically structured set of concepts, assumptions, theories, and relationships that provides a coherent foundation for a research study. It identifies the key variables or constructs to be examined and explains the presumed relationships among them, either in a visual model or narrative form. A conceptual framework not only guides the development of research questions and hypotheses but also informs data collection and interpretation (Miles, Huberman, & Saldaña, 2014; Maxwell, 2013). Developing a conceptual framework is also a scholarly undertaking. While it may not be common in art and design disciplines, it is widely utilized in fields such as the social sciences, information studies, and education. For instance, several conceptual frameworks have been developed in diverse fields, including those by Yousaf et al. (2023), Altaf and Masrek (2021), and Masrek, Harun, and Zaini (2017).

Before a legal framework for the ARR can be developed at the national level, it is essential that artists themselves possess the right mindset regarding its implementation and potential success. As the central beneficiaries of ARR, artists' understanding and expectations play a critical role in shaping the policy's viability. At the individual level, several factors may influence how artists perceive ARR and predict its effectiveness. These include their prior exposure to the concept, personal experiences with resale transactions, and the extent of their professional engagement within the art industry. Equally important is the level of trust they place in the institutions, bodies, or agencies tasked with implementing and regulating ARR. Institutional trust can significantly affect whether artists believe in the fairness, transparency, and enforceability of such a policy. Therefore, any initiative to introduce ARR must begin by examining these underlying perceptions and antecedents to ensure artist support and long-term sustainability.

The proposed conceptual framework seeks to examine the antecedents that shape Malaysian visual artists' comprehension and projection regarding the potential implementation success of the Artist Resale Right (ARR). The model is designed to capture the multilayered cognitive, social, and institutional dynamics that underpin how artists interpret and respond to the idea of ARR within the Malaysian context. It draws upon four interrelated theoretical foundations: Situation Awareness Theory (Endsley, 1995), Social Capital Theory (Bourdieu, 1986), Theory of Practice (Bourdieu, 1977), and Institutional Theory (Scott, 1995), each of which informs a specific dimension of the framework. This framework also aligns with recent empirical findings that emphasize the need to contextualize resale rights within both global discourse and local gaps in implementation (O'Dwyer, 2020; Wang, 2021; Masyhuri et al., 2023; Holland & Motlhaping, 2022).

At the core of the model are two key outcome constructs: comprehension about ARR and projection about ARR. Comprehension refers to the cognitive clarity and depth of understanding that artists possess regarding the principles, mechanisms, and implications of ARR. Projection, on the other hand, captures the forward-looking expectations or beliefs that artists form about ARR's feasibility, impact, and long-term effectiveness within their professional landscape. Such comprehension is critical for

anticipating how ARR may affect artists' income, career stability, and market access (Alonso-Borrego & Romero-Medina, 2015; Whitaker & Kräussl, 2020; Zeitoune, 2017).

Three primary antecedents—experience with ARR, perception about ARR, and professional engagement—are hypothesized to influence artists' comprehension and projection. These individual-level variables are grounded in Situation Awareness Theory by Endsley (1995), which postulates that decision-making and situational prediction are shaped by how individuals perceive elements in their environment (Level 1), comprehend their meaning (Level 2), and project future states (Level 3). In this framework, artists' prior experience with ARR, either through direct sales or indirect exposure to similar rights in other countries, serves as a source of perceptual cues (Level 1). Their perception about ARR, encompassing attitudes, beliefs, and value judgments, contributes to comprehension (Level 2), while professional engagement, including their involvement in exhibitions, markets, and networks, provides context-rich data that supports projection (Level 3). Studies have shown that artists with secondary market experience tend to develop a sharper awareness of the financial and ethical implications of resale mechanisms (Bille et al., 2017; Fillis et al., 2022).

The inclusion of Social Capital Theory, as articulated by Bourdieu (1986), strengthens the framework by recognizing the role of interpersonal relationships and professional networks in shaping how artists acquire, interpret, and trust information about ARR. Artists who are embedded within dense professional communities may be better positioned to access relevant knowledge, exchange experiences, and form shared interpretations. Such social capital not only enhances their comprehension of ARR but also shapes their collective projection about its utility and enforcement. Indeed, research has shown that artist collectives and peer networks serve as critical spaces for building legal literacy and mobilizing policy awareness (Putland et al., 2013; Kawashima, 2008; Angelini, 2017; Tsounis & Xanthopoulou, 2024).

Bourdieu's Theory of Practice (1977) further contributes to the model by contextualizing artists' dispositions, or *habitus*, and their practical engagement within the field of art. Professional engagement is not merely an activity; it is a site where structured structures (rules, norms) and structuring structures (artist beliefs and practices) intersect. An artist's expectations and projections regarding ARR are therefore not only shaped by abstract awareness but also by their embodied practice within the art market—how they position themselves, how they interact with stakeholders, and how they anticipate their professional trajectory in relation to policy changes. This embodied experience within the field reflects broader market dynamics and creative labor hierarchies (Bourdieu, 1984).

A critical external factor within the framework is trust in institutions, representing artists' confidence in the integrity, transparency, and reliability of the agencies tasked with implementing and overseeing ARR. This element is informed by Institutional Theory (Scott, 1995), which posits that actors' behaviors and beliefs are shaped by formal structures, regulatory systems, and normative frameworks. In this model, trust in institutions functions as both a moderator and an enabler: it may amplify or diminish the relationship between artists' individual experiences and their comprehension or projection of ARR. If trust is low, even a well-informed artist may doubt the viability of ARR; conversely, high institutional trust can reinforce confidence and support for implementation. This is consistent with findings that highlight the importance of institutional clarity and fairness in shaping artists' support for policy interventions (Sherer et al., 2016; Dadswell et al., 2024; Suchen, 2021; Aksom, 2022; Avanesov & Hodgson, 2021).

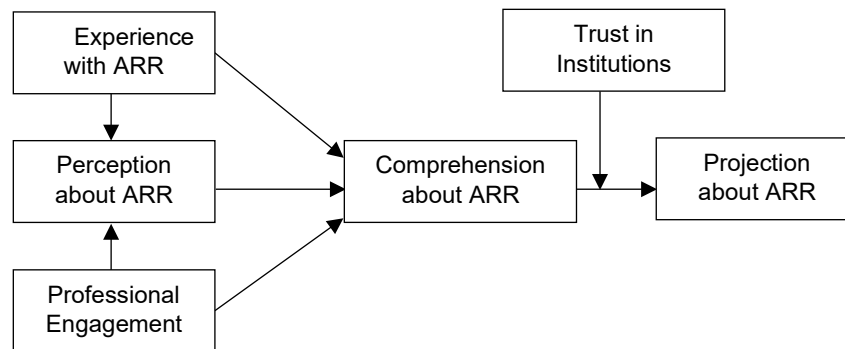


Figure 1 A Proposed Model

4 DEVELOPMENT OF PREPOSITIONS

A conceptual framework typically comes together with a set of propositions, which are declarative statements that express the relationships between concepts or variables and can be judged as true or false based on observable phenomena (Sekaran & Bougie, 2016). These propositions clarify the relationships among key constructs, providing the logical structure that binds the framework. In studies that move from theory building to empirical testing, propositions often serve as a bridge to more specific hypotheses. Ultimately, propositions enhance the clarity and rigor of the framework, ensuring it functions not merely as a visual model but as a coherent explanation of the phenomenon under investigation (Whetten, 1989).

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Artists' prior experience with resale markets is expected to influence how they perceive and understand the concept and implications of the Artist Resale Right (ARR). According to Situation Awareness Theory (Endsley, 1995), experience serves as the foundation for perception and

comprehension of situational elements. Artists who have been exposed to secondary market practices—either through direct participation or observation—are more likely to be familiar with the economic disparities that arise when resale value increases, but original creators are excluded from financial gain. Thus, greater exposure to resale transactions is likely to enhance artists' comprehension of ARR and positively shape their projections regarding its success.

Proposition 1: Artists' prior experience with resale markets is positively associated with their comprehension of the Artist Resale Right (ARR).

Proposition 2: Artists' prior experience with resale markets is positively associated with their projection of the successful implementation of ARR.

Artists' perception of ARR—including its fairness, necessity, and relevance—is another key antecedent to how they comprehend and project the policy's potential success. Perception reflects artists' attitudinal stance and evaluative judgments, which are critical to Level 2 (comprehension) and Level 3 (projection) in Endsley's (1995) model. Positive perceptions of ARR can emerge from an understanding of its potential to address income inequality, support professional recognition, and align with global norms of intellectual property equity (O'Dwyer, 2020; Wang, 2021). When artists believe that ARR is beneficial, they are more likely to invest cognitive resources to understand it in depth and envision its positive implementation outcomes.

Proposition 3: Artists' perception of ARR is positively associated with their comprehension of ARR.

Proposition 4: Artists' perception of ARR is positively associated with their projection of ARR implementation success.

Artists' professional engagement—defined as their participation in exhibitions, associations, and collaborative networks—acts as a conduit for acquiring policy-related knowledge and shaping expectations. Drawing from Social Capital Theory (Bourdieu, 1986; Coleman, 1988), professional engagement enhances access to peer learning, legal discourse, and collective experience. Studies by Putland et al. (2013) and Tsounis & Xanthopoulou (2024) show that artists embedded in strong social networks are more likely to have higher levels of legal awareness and policy readiness. Informed and socially engaged artists are better positioned to comprehend ARR frameworks and anticipate their implications for the creative sector.

Proposition 5: Artists' professional engagement is positively associated with their comprehension of ARR.

Proposition 6: Artists' professional engagement is positively associated with their projection of ARR implementation success.

Trust in institutions—such as copyright boards, cultural ministries, or implementing agencies—plays a critical moderating role in this framework. According to Institutional Theory (Scott, 1995), individuals' behaviours and attitudes are shaped by their perceptions of institutional legitimacy, normative alignment, and procedural fairness. In the context of ARR, even artists with a high level of comprehension may remain sceptical or pessimistic about its implementation if they lack trust in the institutions responsible for policy enforcement. Institutional trust may therefore influence whether knowledge translates into a positive outlook on ARR's feasibility. This interaction effect aligns with the classical moderation model proposed by Baron & Kenny (1986), who conceptualize a moderator as a variable that affects the strength or direction of the relationship between an independent and a dependent variable. When institutional trust is high, the relationship between comprehension and projection is likely to be stronger, as confidence in implementation mechanisms enhances belief in the policy's success. Conversely, low institutional trust may attenuate or even negate this relationship.

Proposition 7: Institutional trust positively moderates the relationship between artists' comprehension of ARR and their projection of ARR implementation success, such that the relationship is stronger when institutional trust is high.

5 SIGNIFICANCE AND USEFULNESS OF THE FRAMEWORK

The proposed conceptual framework holds significant theoretical and practical value across multiple domains, particularly for researchers, policymakers, visual artists, and institutional stakeholders involved in the design and governance of intellectual property rights in Malaysia. By integrating Situation Awareness Theory, Social Capital Theory, Theory of Practice, and Institutional Theory, this framework offers a multidimensional lens through which to understand artists' cognitive, social, and institutional positioning toward the Artist Resale Right (ARR). Its strength lies in its contextual specificity and theoretical grounding, making it a highly adaptable model for both empirical investigation and strategic policymaking.

For researchers, the framework provides a robust basis for future empirical validation and theory testing. It enables scholars in cultural policy, intellectual property law, and creative economy studies to operationalize and examine the cognitive and behavioural dimensions of policy readiness among artists. The inclusion of both individual-level (experience, perception, professional engagement) and institutional-level (trust in institutions) antecedents offers a comprehensive architecture for hypothesis testing, structural modelling, and cross-comparative research. This framework also encourages interdisciplinary scholarship by drawing from cognitive psychology, sociology, and institutional theory—facilitating a richer understanding of how creative professionals engage with policy environments.

From a policy development standpoint, the framework serves as a diagnostic and planning tool for assessing artist readiness and institutional gaps prior to the implementation of ARR. It enables government agencies, copyright boards, and cultural ministries to anticipate potential challenges, identify key leverage points, and design more inclusive, participatory policy interventions. By understanding how factors such as trust in institutions and professional engagement affect artist attitudes toward ARR, policymakers can adopt more targeted strategies—such as awareness campaigns, consultation programs, and institutional reforms—to foster support and ensure successful rollout. The framework thus bridges the gap between policy formulation and ground-level receptivity.

For visual artists, particularly those operating within Malaysia's growing but under-regulated secondary art market (Shaw Hong, 2020), the framework acts as a reflective tool for understanding how their own experiences, networks, and institutional perceptions shape their expectations of ARR. By conceptualizing artists not merely as passive beneficiaries but as active interpreters and evaluators of policy, the framework repositions them at the centre of policy discourse. This empowerment is essential for cultivating informed advocacy, collective mobilization, and participatory governance—especially in a sector where legal literacy and institutional engagement remain uneven.

Moreover, art institutions, non-governmental organizations, and professional associations can benefit from this framework as a basis for capacity-building initiatives. By mapping the dynamics of artist readiness, such organizations can develop educational interventions (Nahmias, 2019), institutional trust-building programs, and stakeholder alignment efforts. The model's emphasis on comprehension and projection ensures that these efforts go beyond surface-level awareness and instead promote deeper policy understanding and sustainable engagement.

6 CONCLUSION

This article offers a timely and theoretically grounded contribution to the discourse on artist rights and cultural policy in Malaysia. By integrating four well-established theories—Situation Awareness

Theory, Social Capital Theory, Theory of Practice, and Institutional Theory—the proposed framework provides a structured lens for examining how visual artists comprehend and anticipate the success of the ARR. It is among the first scholarly attempts to model Malaysian artists' readiness for ARR implementation, capturing both individual and institutional dimensions. In doing so, the framework not only advances academic understanding of policy adoption in the creative sector but also provides practical guidance for policymakers, art institutions, and advocacy groups seeking to support equitable intellectual property reform. Through this multidimensional approach, the study reaffirms the importance of centring artists' voices in the design of rights-based policies that impact their economic and professional well-being (Zitcer & Teresa, 2024).

While the proposed framework offers a comprehensive and multi-theoretical foundation for understanding artists' readiness for ARR implementation, it is not without limitations. First, the framework is conceptual in nature and has yet to be empirically tested. Its effectiveness depends on how accurately each construct is operationalized and measured in future studies. Second, the model is primarily focused on visual artists and may not fully capture the perspectives of other creative sectors—such as literary, performing, or digital arts (Sovhyra, et al., 2023) —where resale rights may operate differently. Third, although it incorporates institutional trust, it does not explicitly account for broader macro-level factors, such as political will, legal infrastructure, or market volatility, which may also significantly influence policy success. Lastly, the model emphasizes cognitive and relational factors but does not delve deeply into potential power asymmetries or socio-economic disparities among artists themselves (Kregzdaite, Godlevska, & Vīdūnaitė, 2022)., which could influence their ability to engage with or benefit from ARR. These limitations should be considered in future research, both to refine the framework and to guide its contextual adaptation in varied creative and legal environments.

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AUTHOR CONTRIBUTIONS

All authors played equal contributions towards the production of this paper.

CONFLICT OF INTEREST

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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