



## MUSIC COPYRIGHT PROTECTION IN THE DIGITAL ERA: LEGAL FRAMEWORK AND STRATEGIES FOR ENFORCEMENT

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### ARTICLE INFO

**Keywords:**

Music Copyright, Digital Piracy, Copyright Infringement, Copyright Protection, Law Enforcement.

**DOI:**

10.26532/jh.v40i2.40525

### ABSTRACT

This research investigates the factors contributing to global music copyright infringement in the digital era, the legal framework established by Indonesian Law Number 28 of 2014 on Copyright, and strategies for strengthening protection. Using a doctrinal legal research approach, the study incorporates statutory and comparative legal analyses to assess the effectiveness of Indonesia's copyright laws and proposed strategies. The findings indicate that digital piracy globally is primarily driven by technological advances, the ease of sharing pirated content, and inconsistent international copyright laws. These issues have resulted in significant financial losses for creators and the rise of new forms of piracy. In Indonesia, while Law Number 28 of 2014 provides robust protections for creators, including economic and moral rights, enforcement remains problematic due to low public awareness and the rapid pace of technological advancements. Key institutions, such as the Directorate General of Intellectual Property (*Direktorat Jenderal Kekayaan Intelektual/DJKI*) and Collective Management Institutions (*Lembaga Manajemen Kolektif Nasional/LMKN*), play a critical role in enforcement but need further support. The study recommends strengthening legal frameworks, international harmonization, and leveraging technological solutions such as blockchain to improve copyright enforcement in Indonesia and ensure fair compensation for artists.

## 1. Introduction

Copyright in the digital music industry provides important protection for creators against unauthorized copying or use of their work. Copyright covers two main

aspects, namely moral rights and economic rights.<sup>1</sup> Moral rights are rights inherent in the creator as recognition of the identity and integrity of the work, which includes the right to have his name listed on the work and prohibiting changes to the work without permission.<sup>2</sup> This is essential to ensure that creators are recognized and respected as the original owners of their musical works. On the other hand, economic rights grant creators the ability to commercially exploit their works. This includes the right to record, produce, distribute, and monetize their music, such as through sales, licensing, or royalties from its use on digital platforms. Thus, economic rights enable creators to receive fair financial compensation for their work, protect against piracy, and support the sustainability of the music industry. In a digital environment prone to copyright infringement, enforcing these two aspects is crucial to foster creativity and innovation in music.<sup>3</sup>

Copyright infringement in the music industry in Indonesia has become a significant issue, especially before the era of digital services and streaming, with a major impact on the economy and the development of the local music industry. For example, in 2013, losses from music piracy in Indonesia reached Rp4.5 trillion annually.<sup>4</sup> Moreover, the habit of illegally downloading music also reflects a lack of public awareness about the importance of copyright protection. A 2017 report stated that Indonesians were estimated to illegally download around 2.8 billion music tracks annually.<sup>5</sup> This piracy mostly occurs through online platforms, including software piracy, where users purchase or download pirated music illegally.

Although the digitalization of music services has contributed to reducing piracy,<sup>6</sup> similar incidents continue to occur, with well-known Indonesian musicians among the victims.<sup>7</sup> One of the key factors driving piracy and infringement in the music industry, particularly on social media platforms, is technological advancement. The ease and accessibility provided by technological innovations have created vulnerabilities that facilitate both piracy and copyright violations.<sup>8</sup> These persistent

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<sup>1</sup> Spyridon Sipeas., Authorship and re-equilibration of the dynamics in the fashion industry: can the DSM Directive be the leader of a new regime for designers?, *Journal of Intellectual Property Law and Practice*, Vol.19, no.6, 2024, page.511.

<sup>2</sup> Maureen A. O'Rourke, Julie E. Cohen, Lydia Pallas Loren, and Ruth L. Okediji., *Copyright in a global information economy*. Colorado, Aspen Publishing, 2019, Page.123. See too, Thomas Paterson., Indonesian cyberspace expansion: a double-edged sword, *Journal of Cyber Policy*, Vol.4, no.2, 2019, page.221.

<sup>3</sup> Christian Peukert and Margaritha Windisch., The economics of copyright in the digital age, *Journal of Economic Surveys*, Vol.13, no.2, 2024, page.21. See too, Shyamkrishna Balganes., Privative Copyright, *Vanderbilt Law Review*, Vol.73, no.1, 2020, page.11. See too, Mohamad Nur Kholiq, Dinda Ajeng Puspanita, and Prawitra Thalib., Copyright protection of art containing nudist elements under positive law in Indonesia, *Law and Justice*, Vol.6, no.2, 2022, page.169.

<sup>4</sup> Antara News., Kerugian Akibat Pembajakan Musik Rp4,5 Triliun Setahun, *Antara News*, May 17, 2013. See too, Koran Sindo., Lagu Lama Pembajakan Musik yang Terus Terdengar, *Koran Sindo*, June 5, 2015.

<sup>5</sup> Tempo., Orang Indonesia Unduh 2,8 Miliar Musik Secara Ilegal Setiap Tahun, *Tempo*, October 12, 2017.

<sup>6</sup> Ady Prawira Riandi and Kistyarini Tim Redaksi., Pembajakan Musik Berkurang karena Platform Musik Digital, *Kompas.com*, October 20, 2020.

<sup>7</sup> Ravie Mulia Wardani., Sederet Musisi Ini Pernah Jadi Korban Pembajakan Lagu di Platform Musik Digital, Naif hingga Mahalini, *SINDOnews*, January 23, 2024.

<sup>8</sup> Maria Audrey Marjorie and Satria Aji Pambudi., Potensi dan Tantangan Industri Musik di

phenomena underscore that copyright infringement and piracy remain ongoing challenges. It is evident that creative works of value require robust legal protection to ensure their rights are preserved. This shows that technological advances have positive and negative impacts on copyright law enforcement in the music industry.<sup>9</sup> One positive impact is the ease of public access to original songs or music through online music stores. With the internet, consumers can now legally purchase music and directly support creators, which, in turn, supports the music industry ecosystem. Official streaming and music download platforms also facilitate the distribution and protection of copyrighted works, benefiting artists and copyright holders through fair royalty payments.<sup>10</sup> However, technological advancements also bring major challenges, including increased piracy and the spread of illegal content. Illegal download links for songs or music are becoming more prevalent online, allowing people to access music without paying. Technology also enables rapid reproduction and dissemination of sound recordings, making it difficult for authorities to control the illegal distribution of music. As a result, copyright holders often suffer significant financial losses and a decline in appreciation for original works.<sup>11</sup>

The Copyright Law in Indonesia is regulated in Law Number 28 of 2014, which stipulates that copyright is the exclusive right of the creator which automatically applies when a creation is manifested in a tangible form.<sup>12</sup> These rights provide legal protection to the work's owner, promoting a sense of security and peace as their creations are legally safeguarded. Copyright aims to encourage creativity and the development of new works, ensuring that infringement of these creations is subject to strict sanctions as an effort to curb intellectual crime, which can lead to criminal offenses.<sup>13</sup>

Despite music, alongside film, being among the most affected sectors by piracy within Indonesia's creative industries,<sup>14</sup> and existing regulatory frameworks aimed at addressing this issue, there remains a significant gap in research regarding the factors driving copyright infringement in the music industry and the subsequent impacts of these violations. Although some studies have examined aspects of

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Indonesia, Unair News, April 18, 2024.

<sup>9</sup> Yash Bagal., Contributory Copyright Infringement in the Music Industry: Technological Implications, *Journal of Intellectual Property Rights*, Vol.24, no.1, 2019, page.28-34.

<sup>10</sup> Hari Sutra Disemadi., Contextualization of Legal Protection of Intellectual Property in Micro Small and Medium Enterprises in Indonesia, *Law Reform*, Vol.18, no.1, 2022, page.102. See too, Muchtar A. H. Labetubun, A legal awareness of copyright on regional song creators, *International Journal of Law Reconstruction*, Vol.5, no.1, 2021, page.57.

<sup>11</sup> Yati Nurhayati, Ifrani Ifrani, Abdul Halim Barkatullah, and M. Yasir Said., The Issue of Copyright Infringement in 4.0 Industrial Revolution: Indonesian Case, *Jurnal Media Hukum*, Vol.26, no.2, 2019, page.125.

<sup>12</sup> Aris Setiawan., Criticising Government Regulations on Music Royalty in Indonesia and Some Copyright Issues of Music Works in the Digital Space, *International Journal of Arts and Technology*, Vol.13, no.3, 2021, page.183.

<sup>13</sup> Tasya Safiranita Ramli, Ahmad M. Ramli, Rika Ratna Permata, and Ega Ramadayanti., Copyrighted content commercialization on OTT media in Indonesia, *Journal of Intellectual Property Rights (JIPIR)*, Vol.26, no.6, 2022, page.351-356.

<sup>14</sup> Ichsana Emerald Alamsyah., Kerugian Pembajakan Per Tahunnya Capai Puluhan Triliun, *Republika.co.id*, September 10, 2019. See too, Mediana., Kerugian Akibat Pembajakan Film Rp 5 Triliun, *Kompas.id*, May 4, 2018.

Indonesian music copyright laws,<sup>15</sup> there is a lack of in-depth analysis on the specific contributors to copyright infringement within the industry. Moreover, previous research on copyright enforcement and infringement in Indonesia has largely focused on the broader aspects of the creative industry, such as film and software, rather than specifically addressing the music sector.<sup>16</sup> This shows that limited attention has been given to understanding the broader effects of such infringements on the music industry, or the development of effective strategies to strengthen copyright protection and their practical implementation. This research gap highlights the need for more investigation to explore the factors, consequences, and potential solutions to enhance copyright enforcement in the music sector. Thus, the purpose of this research is to explore the factors, consequences, and legal framework in Indonesia, as well as potential solutions to enhance copyright enforcement in the music sector through Law Number 28 of 2014 on Copyright.

## 2. Research Methods

This research adopts a doctrinal legal research approach, which is appropriate for analyzing the legal framework and identifying potential solutions. It involves a statutory analysis of Law Number 28 of 2014 and related regulations to understand the scope of copyright protection in Indonesia, as well as a comparative legal analysis that compares Indonesian copyright law with other jurisdictions, particularly those with effective copyright enforcement systems. The aim of this approach is to examine the laws governing music copyrights, as well as to analyze the application of these laws in addressing copyright infringement in Indonesia. In this research, several countries were examined to highlight the diverse challenges and strategies in regulating and enforcing music copyright laws in the digital age, namely South Korea, India, Portugal, The United Kingdom and the United States. This comparison provide valuable insights into how countries are addressing the

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<sup>15</sup> Diana Silfiani., Indonesian Legal Protection for Song Commercialization and Music Copyrights in Digital Platforms, *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)*, Vol.9, no.2, 2022, page.159. See too, Aris Setiawan., Criticising government regulations on music royalty in Indonesia and some copyright issues of music works in the digital space, *International Journal of Arts and Technology*, Vol.13, no.3, 2021, page.193. See too, Laurensia Andriani., Redesigning Indonesia Copyright Act to Accommodate Autonomous Intelligent System: Status Quo and Room for Improvement, *Asian Journal of Law and Economics*, Vol.9, no.3, 2018, page.20180013.

<sup>16</sup> Triyanto., Copyright Law Enforcement: An Indonesia Case Study, *Journal of Intellectual Property Rights*, Vol.22, no.5, 2017, page.279. See too, Yati Nurhayati, Ifrani Ifrani, Abdul Halim Barkatullah, and M. Yasir Said., The Issue of Copyright Infringement in 4.0 Industrial Revolution: Indonesian Case, *Jurnal Media Hukum*, Vol.26, no.2, 2019, page.128. See too, Rofi Aulia Rahman, Akhmad Al-Farouqi, and Shu Mei Tang., Should Indonesian Copyright Law be Amended Due to Artificial Intelligence Development?: Lesson Learned from Japan, *Ntut Journal of Intellectual Property Law and Management*, Vol.9, no.1, 2020, page.46. See too, Enni Soerjati Priowirjanto, Eman Suparman, Muhamad Amirulloh, and Ema Rahmawati., QR Codes to Prevent Copyright Infringement: Case Study of Trusmi Batik in Cirebon, Indonesia, *Journal of Applied Security Research*, Vol.19, no.2, 2024, page.165. See too, Tangguh Okta Wibowo., Account-sharing programme: beyond piracy streaming platforms in Indonesia, *Continuum*, Vol.21, no.1, 2024, Page.11. See too, Budi Agus Riswandi., Issues, implications, and formulations regarding the compensation for copyright infringement in Indonesia Commercial Court, *International Journal of Intellectual Property Management*, Vol.14, no.2, 2024, page.186. See too, Fauzan Eka Kusuma and Rahmi Rahmi., The Use of Shadow Libraries at Universitas Indonesia, *First Monday*, Vol.28, no.10, 2023, page.54.

evolving challenges of music copyright infringement in the digital landscape.

The data collection method uses secondary data, gathered through literature review of relevant legal sources, focusing on Law Number 28 of 2014 on Copyright, as well as supporting regulations related to music copyright protection, legal journals, and documents from government agencies or associations. This secondary data is used to understand the legal framework and strengthen the theoretical analysis related to copyright protection. The data analysis technique employed is descriptive and qualitative analysis. The obtained data is analyzed descriptively to identify copyright infringement patterns. This technique involves describing, categorizing, and interpreting data to assess the alignment between applicable legal norms and actual practices.

### **3. Results and Discussion**

#### **3.1. Music Copyright Infringement in the Digital Era: Factors and Impacts**

Music copyright infringement in the digital age stems from a variety of factors, the most significant of which is the rapid growth of digital technology and the ease with which pirated content can be shared across platforms. Saraswat and Kumar highlight that the expansion of digital technology has made it increasingly difficult to balance the rights of creators with the growing accessibility of content, facilitating illegal sharing and distribution.<sup>17</sup> The lack of regulation specific to digital platforms further complicates the enforcement of copyright protection, leading to significant financial losses for creators and companies.<sup>18</sup> In addition, as digital music consumption has shifted from physical media to streaming services, the piracy of music, particularly through platforms like TikTok, has introduced new challenges in enforcing copyright laws. This widespread issue is further exacerbated by the absence of clear definitions of originality in musical works, which can make it difficult for courts to assess whether an infringement has occurred.<sup>19</sup>

The rapid digitization of the music industry has resulted in various challenges, particularly in terms of copyright infringement. One significant issue is the rise in digital piracy, particularly through non-commercial digital piracy, where copyrighted content is illegally downloaded and shared online. This behavior, often carried out by otherwise law-abiding citizens, has escalated significantly due to the ease of sharing media and the zero-cost nature of digital piracy.<sup>20</sup> Moreover, the advent of disruptive technologies like stream-ripping, which allows users to convert streaming media into downloadable files, has introduced new forms of piracy that complicate enforcement and legal frameworks.<sup>21</sup>

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<sup>17</sup> Juhi Saraswat and Shiv Kumar., Exploring Copyright Protection and Piracy Challenges in the Entertainment Sector, *Journal of Intellectual Property Rights*, Vol.29, no.6, 2024, page.553.

<sup>18</sup> Kaitlyn J. Zell., Notes Copyright X TikTok: Sync Rights in the Digital Age, *New York University Law Review*, Vol.99, no.3, 2024, page.1049.

<sup>19</sup> Jithin Saji Isaac and Asha Sundharam., Recalibrating Originality for Music in Copyright Law, *International Journal of Law and Management*, Vol.12, no.2, 2024, page,21.

<sup>20</sup> Steven Caldwell Brown and Thomas Holt., *Digital piracy: A global, multidisciplinary account*, London, Routledge, 2018, page.121.

<sup>21</sup> Yash Bagal., Contributory Copyright Infringement in the Music Industry: Technological Implications, *Journal of Intellectual Property Rights*, Vol.24, no.2, 2019), page.29.

The second factor is changes in revenue streams and legal awareness. Another challenge is the erosion of traditional revenue streams for musicians and artists, particularly with the decline in album sales and unfair royalty payments caused by streaming platforms. The Korean music industry, for example, faces challenges related to competition from foreign multinationals and difficulties in ensuring fair compensation for artists.<sup>22</sup> Furthermore, the widespread lack of legal awareness and cultural differences in the interpretation of copyright law add to the complexity of enforcing copyright protections effectively. Factors such as inadequate facilities and infrastructure also hinder law enforcement efforts.<sup>23</sup>

This issue is also linked to the third factor, Economic Exploitation. For instance, the ease of digital piracy and the accessibility of music or songs from online sources without legal barriers contribute significantly to economic exploitation. In many cases, individuals or businesses can access and distribute copyrighted material without compensating the original creators. Additionally, in certain jurisdictions, like India, copyright infringement is linked to economic exploitation, especially in cases where copyrighted music is used in public spaces without proper authorization. For example, clubs, bars, and restaurants may play music by famous DJs and artists without compensating the creators, thereby depriving them of their rightful royalties. This exploitation is a direct violation of copyright laws, which grant creators exclusive rights to their works. However, there are exceptions and limitations in copyright law, such as provisions that allow the use of copyrighted works for public interest purposes, which can lead to confusion and misuse. These exemptions may be exploited, diminishing the economic benefits for creators and causing financial losses.<sup>24</sup>

The fourth factor is related to difficulty in protecting musical works and legal gray areas. Music infringement presents numerous challenges, especially because music is a transient and dynamic art form. Unlike static visual arts, music exists primarily in its performance, requiring a unique approach to copyright protection. The difficulty in protecting this fleeting art form lies in defining and classifying what constitutes a "musical work" for copyright purposes. One key challenge is determining which elements of music are eligible for copyright protection, as music is not merely a written composition but also involves its performance and interpretation. The fluid nature of music, combined with the rapid evolution of technology and distribution platforms, complicates the enforcement of rights and the identification of infringements. For example, a "hearing test" has been proposed as a method to establish whether infringement has occurred, but questions remain about its effectiveness in capturing the nuances and complexities inherent in musical works.<sup>25</sup>

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<sup>22</sup> Jimmyn Parc and Shin Dong Kim., The digital transformation of the Korean music industry and the global emergence of K-pop, *Sustainability*, Vol.12, no.18, 2020, page.7790.

<sup>23</sup> Edi Tuahta Putra Saragih, Muhammad Citra Ramadhan, and Isnaini Isnaini., The Law Enforcement Weakness of Songs and Musics Copyright Crimes, *Jambura Law Review*, Vol.3, no.1, 2021, page.145.

<sup>24</sup> Rima Ghosh, Jayanta Ghosh, and Pinaki Ghosh., Copyright Infringement and Exemption Clause on Indian Copyright Law: Issues and Challenges, *Journal of Intellectual Property Rights (JIIPR)*, Vol.29, no.1, 2024, page.45.

<sup>25</sup> Andreas Rahmatian., The Musical Work in Copyright Law, *Grur International*, Vol.73, no.1, 2024, page.19.

As music is dynamic and can be accessed globally, another significant factor contributing to infringement is Inconsistent International Copyright Laws. Music copyright infringement is a prevalent issue in the global music industry, which is deeply interconnected with the international community. The lack of uniform copyright laws across different countries complicates the enforcement of rights and the handling of infringement cases. Each jurisdiction has its own set of rules regarding copyright protection, leading to inconsistencies in how music is legally protected and how infringements are addressed. This variability creates challenges for artists and copyright holders in pursuing legal action against infringers, especially when the infringement occurs in a different jurisdiction with different legal standards. As artists create music that transcends borders, the challenges of wrongful copying become unavoidable. The absence of a uniform international copyright law results in discrepancies in how infringement cases are handled, with varying outcomes depending on the jurisdiction where the infringement occurs. This lack of consistency complicates the enforcement of copyright protections, particularly for artists whose works are distributed globally. The global nature of the internet and digital platforms has also exacerbated the ease with which music can be illegally copied and shared across borders, further challenging efforts to protect artists' rights.<sup>26</sup>

In addition, the digital distribution of music has led to a new set of problems regarding the protection of musicians' rights. The proliferation of digital music content, especially through platforms like YouTube, has made it easier for unauthorized distribution and reproduction to occur on a massive scale. This raises questions about how copyright law can adapt to digital platforms, with many asserting that copyright law is becoming excessive in its protection of common musical elements, which some believe should be available to all.<sup>27</sup> This shows that music infringement continues to present significant challenges across various domains in this digital era. One issue involves the difficulty in safeguarding the rights of original creators in the digital age, particularly when music is distributed through online platforms. The internet has facilitated the widespread sharing and downloading of music, often without the authorization of the copyright holders, leading to an increase in copyright infringement cases. The high cost of gathering evidence and the challenges associated with the incomplete collection of evidence exacerbate this problem.<sup>28</sup>

Furthermore, the proliferation of streaming platforms has created a new set of legal challenges. In Portugal, for example, the regulation of streaming platforms under Portuguese copyright law differentiates between legal, semi-legal, and illegal services. While some services operate with the authorization of copyright holders, others, like torrent platforms, primarily facilitate illegal streaming,

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<sup>26</sup> Ryan Kayvan Karimabady., The Feasibility of Harmonizing International Copyright for the Music Industry, *Indiana Journal of Global Legal Studies*, Vol.31, no.1, 2024, page.159.

<sup>27</sup> Ann. C. Luk, How Does the Public Perceive Music Copyright Law? A Content Analysis of YouTube Videos on the Flame v Perry 'Dark Horse' Case, *Journal of Intellectual Property Law and Practice*, Vol.17, no. 9, 2022, page.709.

<sup>28</sup> Linlu Zhang, Shuxian Liu, Chengji Ma, and Tingting Su., Innovative Application of Blockchain Technology for Digital Recipe Copyright Protection, *Applied Sciences*, Vol.13, no.17, 2023, page.9803.

complicating enforcement efforts.<sup>29</sup>

Another challenge is the rise of music remixes and covers, which can often lead to disputes regarding the ownership and distribution of works. Many performers create cover versions of songs without consent from the original composers, depriving them of their economic and moral rights.<sup>30</sup> Additionally, the growing popularity of remix culture has led to an increase in legal disputes over the boundaries of lawful borrowing of musical material, with courts grappling with the distinction between original and borrowed elements.<sup>31</sup> In the music industry, these legal gray areas can significantly affect the ability of copyright holders to protect their intellectual property.

There are also other minor and specific factors contributing to copyright infringement in the music industry, including issues such as exemptions and limitations in copyright law. Provisions that allow the use of copyrighted music for public interest purposes, like educational or non-commercial use, are sometimes exploited, leading to financial losses for creators. The decline of traditional revenue streams is another challenge, as the shift from physical media to streaming services has reduced income for artists, compounded by unfair royalty payments from streaming platforms. Additionally, piracy facilitated by disruptive technologies, such as stream-ripping tools, allows users to convert streaming media into downloadable files, exacerbating piracy and complicating legal enforcement. Cultural differences and legal awareness also play a role, as varying interpretations of copyright law across jurisdictions and the lack of awareness of legal protections add complexity to enforcement efforts. Lastly, the difficulty in protecting fleeting art forms presents challenges, as the transient nature of music, primarily existing in live performances rather than static formats, makes it hard to define and protect under copyright law.

A similar situation is seen in Indonesia, where copyright infringement of music in commercial use is a serious issue with significant impact on copyright holders. One common form of infringement is the use of music without permission for commercial purposes, such as in restaurants, cafes, or public events. This action violates the exclusive rights of the creator and causes tangible losses.<sup>32</sup> The impact of this violation is very detrimental to copyright holders, especially financially. Copyright holders lose the income from royalties they should receive, which is their right for any commercial use of the work. In addition to financial losses, unauthorized use also diminishes appreciation and recognition for the creator's work, denying musicians or composers the deserved credit. Copyright infringement

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<sup>29</sup> Tito Rendas., Streaming platforms under Portuguese copyright law, *The Journal of World Intellectual Property*, Vol.25, no.2, 2022, page.558.

<sup>30</sup> AAA Ngurah Sri Rahayu Gorda, Ida Ayu Ketut Artami, Putu Eva Ditayani Antari, Kadek Januarsa Adi Sudharma, and Robert Vaisile Moisa., Legal protection for copyright holders of commercialized remix song cover version, *Legality: Jurnal Ilmiah Hukum*, Vol.30, no.1, 2022, page.7.

<sup>31</sup> Ruslan Budnik., Right to remix: ideas and original forms of musical works, *Gosudarstvo i pravo*, Vol. 8, 2022, page.49.

<sup>32</sup> AAA Ngurah Sri Rahayu Gorda, Ida Ayu Ketut Artami, Putu Eva Ditayani Antari, Kadek Januarsa Adi Sudharma, and Robert Vaisile Moisa., Legal protection for copyright holders of commercialized remix song cover version, *Legality: Jurnal Ilmiah Hukum*, Vol.30, no.1, 2022, page.6.



further complicates the ability of rights holders to manage and monitor the use of their work. Without effective control, it becomes increasingly difficult for rights holders to ensure their work is used in accordance with authorized permissions, exacerbating challenges in protecting their creations and economic rights.<sup>33</sup>

Technological advances further compound these issues, bringing major challenges to the music industry, especially in the form of increased piracy and the spread of illegal content. Music copyright infringement in commercial use in Indonesia is a serious problem that has a major impact on copyright holders. Some forms of this infringement include music piracy, where individuals download and distribute works without permission, either in physical form such as CDs or cassettes, or digitally via the internet.<sup>34</sup> Moreover, the unauthorized use of music in public places, such as restaurants and cafes, and in advertisements or promotional content without the copyright holder's permission is also a common infringement. Unauthorized song covers published online and the use of music on social media platforms like TikTok or Instagram further exacerbate the situation. The impact of these infringements on copyright holders is significant, including financial losses from lost royalty income, reduced recognition and appreciation that should be accorded to creators, and challenges in managing and effectively monitoring the use of their works.<sup>35</sup>

Music copyright infringement in Indonesia is caused by several interrelated factors.<sup>36</sup> First, the low level of legal awareness is one of the main causes, where many individuals and businesses do not fully understand copyright rules and the importance of respecting those rights. The lack of education regarding copyright, both in formal and non-formal sectors, leads to a lack of awareness in society that their actions could be illegal. Education and campaigns about the importance of respecting others' works are still limited, resulting in minimal public awareness about copyright. Additionally, easy access to music through the internet contributes to these violations. With numerous file-sharing sites, social media platforms, and applications that allow illegal music downloads, many people prefer these easy and free methods over legally purchasing music from official platforms. Furthermore, the lack of law enforcement exacerbates the situation. The absence of strict actions against copyright violators makes them feel secure in continuing illegal practices, while lengthy legal processes and insufficiently severe penalties

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<sup>33</sup> Prasetyo Hadi Purwandoko, Adi Sulistiyono, and M. Hawin., The implementation of the traditional cultural expression (TCE) protection Indonesia based on Article 38 Law Number 28 of 2014 regarding copyright, *Indonesian Journal of International Law*, Vol.18, 2020, page.543. See too, Bimo Satria Fajrin Nugroho and Muhamad Adji Rahardian Utama., Legal protection of copyright in the globalization era: A comparison of Indonesia and China, *Journal of Law and Legal Reform*, Vol.1, no.4, 2020, page.675.

<sup>34</sup> Mueen Fandi Alshunnaq, Rasha Bashir Ismail Alsabbagh, and Farouq Ahmad Faleh Alazzam., Legal protection of intellectual property rights under Jordanian legislation and international agreements, *Public Administration and Law Review*, Vol.3, 2021, page.21.

<sup>35</sup> Siti Mariyam, and Setiyowati Setiyowati., Legality of Artificial Intelligence (AI) Technology in Public Service Transformation: Possibilities and Challenges, *Lex Publica*, Vol.8, no.2, 2021, page.81. See too, Candra Irawan., Protection of traditional knowledge: A perspective on Intellectual Property Law in Indonesia, *The Journal of World Intellectual Property*, Vol.20, no.1, 2017, page.61.

<sup>36</sup> Dwi Tiara Kurnilasari, Annalisa Yahanan, and Rohani Abdul Rahim., Indonesia's traditional knowledge documentation in intellectual property rights' perspective, *Sriwijaya Law Review*, Vol.2, no.1, 2018, page.121.

make the risks of infringement appear low and unthreatening.

Copyright infringement in the music industry has significant impacts across various aspects, including economic, social, and legal dimensions. Economically, copyright infringement results in financial losses for creators and copyright holders as they miss out on royalties they should have received. Additionally, such violations can decrease the level of innovation in the music industry, where creators hesitate to invest in their works due to uncertainty about receiving fair returns. This also leads to reduced investment, as investors become reluctant to invest in the music industry due to the high rate of copyright infringement and the lack of effective legal protection.<sup>37</sup> In the social aspect, copyright infringement can result in the degradation of creativity and innovation values in society, because creators feel unappreciated for their work. This lack of appreciation can make creators reluctant to publish their work widely, so that the public loses access to quality musical works.<sup>38</sup> Furthermore, disruption to the music industry due to copyright infringement can change the dynamics of culture and the arts, potentially damaging existing social identities and values.<sup>39</sup>

From a legal perspective, copyright infringement often leads to legal action, including criminal sanctions such as fines and imprisonment. However, the legal process to enforce copyright is often expensive and time-consuming, placing an additional burden on creators and copyright holders.<sup>40</sup> On the other hand, the high number of copyright infringements can encourage the government to make changes or tighten regulations in order to provide better protection for creators. Although copyright infringement is a major challenge for the music industry, stronger law enforcement and increased public awareness can help minimize the negative impacts.<sup>41</sup>

### **3.2. Legal Framework and Law Enforcement in Protecting Music Copyright in Indonesia**

Copyright in Indonesia is regulated by Law Number 28 of 2014 concerning Copyright, which replaces Law Number 19 of 2002. This regulation is designed to

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<sup>37</sup> Diah Imaningrum Susanti, Rini Susrijani, and Raymundus I. Made Sudhiarsa., Traditional cultural expressions and intellectual property rights in Indonesia, *Yuridika*, Vol.35, no.2, 2019, page.257.

<sup>38</sup> Althaf Marsoof, Kanchana Kariyawasam, and Chamila Talagala., *Reframing Intellectual Property Law in Sri Lanka: Lessons from the Developing World and Beyond*, London, Springer, 2023, page.132. See too, Dr Mamta Rana., Easily accessible treasure susceptible to misappropriation: A discourse on traditional knowledge, *Journal of Intellectual Property Rights (JIPR)*, Vol.25, no.5, 2022, page.159.

<sup>39</sup> Candra Irawan., Protection of traditional knowledge: A perspective on Intellectual Property Law in Indonesia, *The Journal of World Intellectual Property*, Vol.20, no.1, 2017, page.60.

<sup>40</sup> Michael Birnhack and Amir H. Khoury., The emergence and development of intellectual property law in the Middle East, *The Oxford handbook of intellectual property law*, Vol.31, no.2, 2018, page.401. See too, Lee-Ann Tong., Aligning the South African intellectual property system with traditional knowledge protection, *Journal of Intellectual Property Law & Practice*, Vol.12, no.3, 2017, page.187.

<sup>41</sup> Anis Mashdurohatun, Gunarto Gunarto and Oktavianto Setyo Nugroho., Concept of Appraisal Institutions in Assessing the Valuation of Intangible Assets on Small Medium Enterprises Intellectual Property as Object of Credit Guarantee to Improve Community's Creative Economy, *Jurnal Pembaharuan Hukum*, Vol.8, no.3, 2021, page.492. See too, Anis Mashdurohatun, Gunarto Gunarto, and Adhi Budi Susilo., The Transfer of Intellectual Property Rights as Object of Fiduciary Guarantee, *Jurnal Akta*, Vol.9, no.3, 2022, page.381.

provide better protection for creative works and support the growth of the creative economy.<sup>42</sup> The rights of music copyright holders include economic rights, namely the right to gain financial benefits from the work through reproduction, distribution, and adaptation; moral rights, namely the right to be recognized as the creator and to maintain the integrity of the work; and the exclusive right to permit or prohibit the use of the work.<sup>43</sup> On the other hand, music copyright holders have an obligation to grant licenses when other parties wish to use their work, protect copyright through legal action in the event of infringement, and respect the copyright of other parties by providing proper recognition.<sup>44</sup> In addition, one of the main benefits of copyright is to prevent infringement by irresponsible parties. With registered Intellectual Property Rights (IPR), other parties must ask permission to use the work, preventing the owner from losses due to piracy or illegal use.<sup>45</sup> This protection also has an impact on the financial well-being of copyright owners, who are entitled to receive compensation or royalties for the use of their work in commercial interests. Copyright also triggers healthy competition in the fields of creativity and technology, encouraging the development of science that is beneficial to society.<sup>46</sup> For consumers, copyright provides protection by making it easier to distinguish between genuine and counterfeit products, thereby avoiding imitation products that do not meet expectations.<sup>47</sup>

Law Number 28 of 2014 concerning Copyright provides strong protection for creative works by recognizing several important rights for creators. First, creators have exclusive rights to their original works, including the right to reproduce, distribute, display, and adapt the work.<sup>48</sup> Second, the law extends copyright protection to 70 years after publication or 50 years after the creator's death, providing a longer guarantee for creative works. In addition, the law recognizes the moral rights of creators, namely the right to be recognized as the creator and to protect the integrity of the work from changes that could harm their reputation.<sup>49</sup> Finally, this law strengthens law enforcement by providing criminal sanctions for copyright infringement, thereby encouraging protection of works and

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<sup>42</sup> Bernard Nainggolan., Enforcement of Intellectual Property Law in Indonesia, *IJLR: International Journal of Law Reconstruction*, Vol.6, no.2, 2022, page.326. See too, Fitri Rini Ariyesti, Muhammad Ghufuran, Sumran Ali, and Mardawani., The systematic review of the functionality of intellectual property rights in Indonesia, *Journal of Public Affairs*, Vol.22, no.2, 2022, page.2482.

<sup>43</sup> Rofi Aulia Rahman, Akhmad Al-Farouqi, and Shu Mei Tang., Should Indonesian Copyright Law be Amended Due to Artificial Intelligence Development?: Lesson Learned from Japan, *NTUT Journal of Intellectual Property Law and Management*, Vol.9, no.1, 2020, page.39.

<sup>44</sup> Diana Silfiani., Indonesian Legal Protection for Song Commercialization and Music Copyrights in Digital Platforms, *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)*, Vol.9, no.2, 2022, page.158.

<sup>45</sup> Budi Agus Riswandi., Issues, implications, and formulations regarding the compensation for copyright infringement in Indonesia Commercial Court, *International Journal of Intellectual Property Management*, Vol.14, no.2, 2024, page.187.

<sup>46</sup> Awaludin Marwan and Fiammetta Bonfigli., Detection of Digital Law Issues and Implication for Good Governance Policy in Indonesia, *Bestuur*, Vol.10, no.1, 2022, page.29.

<sup>47</sup> Zaka Firma Aditya and Sholahuddin Al-Fatih., Indonesian constitutional rights: expressing and purposing opinions on the internet, *The International Journal of Human Rights*, Vol.25, no.9, 2021, page.1399.

<sup>48</sup> Bernard Nainggolan., Enforcement of Intellectual Property Law in Indonesia, *IJLR: International Journal of Law Reconstruction*, Vol.6, no.2, 2022, page.323.

<sup>49</sup> Maulida Anggun Nur Rahmi., Utilization the Economic Value of Intellectual Property (Copyright) as Collateral Object in Indonesia, *Legal Brief*, Vol.11, no.5, 2022, page.2744.

adequate compensation for creators.

Law enforcement against music copyright infringement in Indonesia faces several challenges that hinder its effectiveness. One of the main challenges is the lack of public awareness regarding the importance of copyright and the negative impacts of violating such rights. Many individuals do not yet understand the consequences of their actions, making copyright infringement a difficult problem to control.<sup>50</sup> In addition, the rapid development of digital technology has facilitated illegal access and distribution of musical works, making tracking and enforcing copyright infringement increasingly complicated. The legal process for enforcing copyright is also often time-consuming and expensive, which can be an additional burden for creators and copyright holders who want to protect their work.<sup>51</sup> In addition, there are several loopholes in the regulations that allow perpetrators to violate copyright without fear of facing strict sanctions.<sup>52</sup>

Law enforcement against copyright infringement in Indonesia has faced various challenges and experienced significant developments.<sup>53</sup> Despite the increasing public awareness of the importance of copyright, many individuals still lack an understanding of the negative impacts of such violations. Therefore, broader education and campaigns are needed to enhance public understanding of copyright and the importance of respecting it. The development of digital technology also poses new challenges in enforcing copyright law. Illegal streaming sites, messaging apps, and social media have become primary channels for copyright infringement. The Directorate General of Intellectual Property (*Direktorat Jenderal Kekayaan Intelektual*/DJKI) has made efforts to collaborate with the Ministry of Communication and Information to block illegal sites; however, these challenges continue to evolve alongside technological innovations.<sup>54</sup>

Government institutions and related organizations play a crucial role in protecting music copyright in Indonesia. One of the main institutions is the DJKI, which is responsible for enforcing copyright laws. DJKI conducts surveys, investigations, and law enforcement against copyright infringements, thus acting as the vanguard in maintaining compliance with existing regulations.<sup>55</sup> The legal process for

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<sup>50</sup> Yati Nurhayati, Ifrani Ifrani, Abdul Halim Barkatullah, and M. Yasir Said., The Issue of Copyright Infringement in 4.0 Industrial Revolution: Indonesian Case, *Jurnal Media Hukum*, Vol.26, no.2, 2019, page.126.

<sup>51</sup> Christian Andersen., Legal Aspects of Asset Valuation on Copyright as Part of Boedel (Countable-List) in the Process of Bankruptcy in Indonesia Following the Latest Copyright Law Act No. 28/2014, *Central European Journal of International & Security Studies*, Vol.12, no.4, 2018, page.65.

<sup>52</sup> Miranda Risang Ayu Palar, Laina Rafianti, and Helitha Novianty Muchtar., Inclusive rights to protect communal intellectual property: Indonesian perspective on its new government regulation, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.2274431.

<sup>53</sup> Yati Nurhayati, Ifrani Ifrani, Abdul Halim Barkatullah, and M. Yasir Said., The Issue of Copyright Infringement in 4.0 Industrial Revolution: Indonesian Case, *Jurnal Media Hukum*, Vol.26, no.2, 2019, page.129.

<sup>54</sup> Raden Ani Eko Wahyuni and Muhammad Zainuddin., Politik Hukum Pembentukan Pasal 20 Undang-Undang tentang Paten di Indonesia dalam Perspektif Hak Kekayaan Intelektual, *Journal of Judicial Review*, Vol.23, no.2, 2021, page.177.

<sup>55</sup> Kanika Malik and Aqa Raza., Contribution of journal of Intellectual Property Rights (JIPR) in IPR research: A view through the articles published in the first decade of twenty-first century (2000–2004)—II, *Journal of Intellectual Property Rights*, Vol.28, no.1, 2023, page.79.

enforcing copyright is often time-consuming and expensive, which is a burden for creators and copyright holders in protecting their works. However, DJKI has increased cooperation with various institutions, including law enforcement agencies and copyright protection institutions from other countries, to handle cases of infringement involving servers in several countries. This cooperation helps in law enforcement against cross-border infringement.<sup>56</sup> The government has also implemented various law enforcement strategies, such as reporting violations by copyright owners to authorities and DJKI investigators. However, there is still a need for strengthening sanctions and stricter and faster enforcement mechanisms.<sup>57</sup>

In addition, the Collective Management Institution (*Lembaga Manajemen Kolektif Nasional*//LMKN) plays a vital role in managing music copyrights in Indonesia as a government-assisted institution. LMKN is tasked with collecting and distributing royalties from the use of musical works, which is a crucial part of ensuring that creators and copyright holders receive fair compensation for their work.<sup>58</sup> In addition to these functions, LMKN also plays a role in increasing public awareness of copyright by providing the necessary information and socialization. Education about copyright is very important to encourage appreciation of creative works and reduce copyright violations that often occur.<sup>59</sup> Related organizations, such as *Wahana Musik Indonesia* (WAMI) and *Aliansi Penerbit Musik Indonesia* (Apmindo), also play an important role in protecting music copyright in Indonesia. WAMI is a non-profit organization tasked with managing the music copyrights of its members, providing legal and fair licenses for the use of music in public places for commercial purposes. Through these efforts, WAMI helps ensure that creators and copyright holders receive fair compensation for their work.<sup>60</sup> Meanwhile, Apmindo represents music publishers and focuses on socializing copyright and managing licenses to protect musical works. With strong collaboration between government agencies and these organizations, the protection of music copyright in Indonesia is expected to become more effective and equitable. The synergy between both parties not only strengthens law enforcement but also raises public awareness about the importance of respecting copyright, thereby creating a more conducive environment for creators and copyright holders.<sup>61</sup>

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<sup>56</sup> Neni Sri Imaniyati., *Perlindungan HKI Sebagai Upaya Pemenuhan Hak Atas IPTEK, Budaya dan Seni*, *Jurnal Media Hukum*, Vol.17, no.1, 2010, page.162.

<sup>57</sup> Dr Mamta Rana., *Easily accessible treasure susceptible to misappropriation: A discourse on traditional knowledge*, *Journal of Intellectual Property Rights (JIPR)*, Vol.25, no.5, 2022, page.157. See too, Stephen Fishman., *The public domain: How to find & use copyright-free writings, music, art & more*, Berkeley, Nolo, 2023, page.97.

<sup>58</sup> Zeehan Fuad Attamimi, Amalina Ahmad Tajudin, and Fadhil Umar., *The Role of Music Aggregator Distribution Toward Music Performers in View of the Three Pillars of the Copyright System*, *Journal of Law and Legal Reform*, Vol.5, no.1, 2024, page.365.

<sup>59</sup> Rokiah Alavi and Ida Madiha Abdul Ghani Azmi., *The copyright reward system and content owners in the creative industry: A study of the Malaysian film and TV industry*, *The Journal of World Intellectual Property*, Vol.22, no.3, 2019, page.135.

<sup>60</sup> Maya Ruhtiani, Tri Lisiani Prihatinah, Sulistyandari Sulistyandari, Hyun Kyung Park, and Yayuk Whindari., *Legal Protection of Architectural Works as Copyright: An Epistemological and Islamic Law Perspective*, *El-Mashlahah*, Vol.14, no.1, 2024, page.65.

<sup>61</sup> Edy Santoso., *Opportunities and challenges: e-commerce in Indonesia from a legal perspective*, *Jurnal Penelitian Hukum De Jure*, Vol.22, no.3, 2022, page.398. See too, Edward W.

### 3.3. Strategies for Strengthening Copyright Protection in Indonesia's Music Industry

As a result, there is a need to reinforce copyright protection in Indonesia's music industry. By examining Law No. 28 of 2014 on Copyright and comparing it with the efforts of other countries in strengthening copyright protection, several suggestions emerge. The first is to implement a stronger legal framework and enforcement mechanisms. To combat the rising cases of music copyright infringement, it is critical to implement stronger legal frameworks and enforcement strategies. Saraswat and Kumar stress the importance of international treaties and legal provisions that protect intellectual property, but the increasing piracy challenges underscore the necessity of more robust laws and their enforcement.<sup>62</sup> Legal frameworks, such as Law No. 28 of 2014, provide a foundation for protecting creators' rights, yet the growth of digital platforms has outpaced regulatory measures.

This highlights the urgent need for an adaptive and forward-thinking approach to copyright law, one that can account for the complexities of the digital landscape and the rapid pace of technological change. Legal strategies like litigation play a significant role in addressing these infringements. Leo notes that expert analysis of "prior art" in copyright cases is essential to assess originality and determine whether infringement has occurred. Additionally, non-litigation processes, such as licensing agreements and collective management organizations like the LMKM in Indonesia, can offer alternative methods for ensuring that creators receive fair compensation.<sup>63</sup>

Karimabady also suggests that one approach to tackling international music piracy involves harmonizing copyright laws across different jurisdictions, which could create clearer and more uniform guidelines for the enforcement of rights worldwide. Although this solution remains challenging due to the diverse legal frameworks in place, addressing international discrepancies could improve the overall efficiency of copyright protection in the music industry.<sup>64</sup> On a national level, enforcement mechanisms like litigation and the application of legal exemptions can help combat music piracy. In countries like India, for instance, the use of copyrighted material without authorization remains a significant challenge, particularly in the public entertainment sector. Legal actions against copyright infringers can help enforce the rights of creators and ensure they are compensated for the use of their work. Additionally, effective implementation of royalty collection systems is crucial to ensuring that creators receive their due earnings. Law enforcement agencies, along with copyright management organizations, can play a vital role in monitoring and regulating the use of music in public venues and

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Ploman and L. Clark Hamilton., *Copyright: Intellectual property in the information age*, Abingdon, Taylor & Francis, 2024, page.153.

<sup>62</sup> Juhi Saraswat and Shiv Kumar., Exploring Copyright Protection and Piracy Challenges in the Entertainment Sector, *Journal of Intellectual Property Rights*, Vol.29, no.6, 2024, page.554.

<sup>63</sup> Zeehan Fuad Attamimi, Amalina Ahmad Tajudin, and Fadhil Umar., The Role of Music Aggregator Distribution Toward Music Performers in View of the Three Pillars of the Copyright System, *Journal of Law and Legal Reform*, Vol.5, no.1, 2024, page.365.

<sup>64</sup> Ryan Kayvan Karimabady., The Feasibility of Harmonizing International Copyright for the Music Industry, *Indiana Journal of Global Legal Studies*, Vol.31, no.1, 2024, page.159.

platforms, ensuring that creators are not deprived of their economic rights.<sup>65</sup>

The second strategy is emerging technological solutions for copyright protection, as various strategies and legal protections are being explored to improve the enforcement of music copyright. One promising development involves the integration of blockchain technology and deep belief networks (DBNs) to create a more effective copyright management system. Blockchain offers a decentralized, secure, and tamper-proof system for recording ownership and licensing information, making it easier to track and verify the use of copyrighted music. DBNs can be used to extract meaningful features from music data, allowing for more precise identification of unauthorized use and distribution. Together, these technologies provide a robust solution to safeguard musicians' rights in the digital landscape, minimizing the risks of infringement.<sup>66</sup> Moreover, the use of smart contracts, along with decentralized data storage via systems like the Interplanetary File System (IPFS), ensures that music copyright data is protected from tampering and unauthorized access.<sup>67</sup> Blockchain's decentralized, immutable, and time-stamped nature provides a secure method for recording and verifying copyright ownership, further improving the transparency and efficiency of copyright management.

In the music industry, it is not only legal experts who play a crucial role, but also artists and music professionals who contribute valuable insights. Thus, the third strategy is using the role of expert witnesses in music copyright litigations. For example, in the UK, legal cases such as the TuneIn case highlight the importance of determining whether online platforms constitute a "communication to the public," which could lead to copyright infringement. The court ruled that TuneIn's activity targeted the UK public and, since it was not authorized, amounted to infringement. This decision emphasizes the need for online platforms to obtain proper licensing to avoid infringing on copyright holders' rights.<sup>68</sup> Moreover, the public's perception of music copyright law, as reflected in the Flame v. Perry "Dark Horse" case, shows concerns over how copyright law applies the "substantial similarity" test, with some arguing that it unfairly protects basic musical elements. This underscores the need for clear guidelines and a balanced approach to enforcement.<sup>69</sup> Furthermore, the use of expert witnesses has become increasingly common in music copyright litigation. In music-related copyright disputes, experts may provide crucial insights into whether a work is original or has been copied

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<sup>65</sup> Rima Ghosh, Jayanta Ghosh, and Pinaki Ghosh., Copyright Infringement and Exemption Clause on Indian Copyright Law: Issues and Challenges, *Journal of Intellectual Property Rights (JIIPR)*, Vol.29, no.1, 2024, page.46.

<sup>66</sup> Qi Fang., Designing of music copyright protection system based on deep belief network and blockchain, *Soft Computing*, Vol.28, no.2, 2024, page.1680.

<sup>67</sup> Linlu Zhang, Shuxian Liu, Chengji Ma, and Tingting Su., Innovative Application of Blockchain Technology for Digital Recipe Copyright Protection, *Applied Sciences*, Vol.13, no.17, 2023, page.9803.

<sup>68</sup> Paul Torremans., The TuneIn case or communication to the public in the UK after Brexit: the status quo with targeting as a governance tool, *International Journal of Legal Discourse*, Vol.7, no.2, 2022, page.225.

<sup>69</sup> Ann.C. Luk, How Does the Public Perceive Music Copyright Law? A Content Analysis of YouTube Videos on the Flame v Perry 'Dark Horse' Case, *Journal of Intellectual Property Law and Practice*, Vol.17, no.9, 2022, page.704.

from prior art.<sup>70</sup> This has led to the integration of prior art research, which was traditionally associated with patent law, into copyright cases. This development underscores the evolving nature of copyright law, where expert analysis plays a critical role in determining infringement.

Although several strategies and legal protections are in place to address music infringement, enforcement in developing countries like Indonesia remains problematic. One key strategy is the implementation of strict copyright laws to deter piracy and ensure fair compensation for artists. In some regions, such as the United States, technologies like the Digital Millennium Copyright Act (DMCA) aim to combat piracy, although the legal response to new piracy methods, like stream-ripping, remains unclear.<sup>71</sup> In countries like South Korea, the role of Internet Service Providers (ISPs) is critical in discouraging piracy, with warnings regarding service termination serving as a potential deterrent.<sup>72</sup>

However, the enforcement of copyright law faces significant obstacles, particularly when it comes to the application of the fair use doctrine. While the fair use test traditionally focuses on market effects, there is growing recognition that non-price interests, such as an artist's reputation, should also factor into copyright infringement cases.<sup>73</sup> Additionally, police and law enforcement agencies often struggle with the capacity to properly enforce copyright laws, and there is a notable gap in the legal framework that impedes successful prosecution of copyright infringements in the music industry.<sup>74</sup> To address these issues, some propose modernizing copyright law to account for "zero-price" markets and new models of art distribution, which would help balance the rights of creators with the growing trend of free or low-cost content.<sup>75</sup>

Lastly, the suggestion includes preventative and repressive legal measures. Legal protection for music creators involves a combination of both preventative and repressive strategies. Preventative measures include the registration of musical works with the relevant intellectual property authorities and public awareness campaigns about the importance of copyright recognition. Repressive strategies focus on legal action, where copyright holders may file civil complaints and criminal charges in courts to resolve disputes. For instance, in cases of unauthorized remixes or cover songs, copyright holders can pursue litigation to enforce their rights.<sup>76</sup>

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<sup>70</sup> Joseph P. Fishman and Kristelia García., Authoring Prior Art, *Vanderbilt Law Review*, Vol.75, no.4, 2022, page.1201.

<sup>71</sup> Yash Bagal., Contributory Copyright Infringement in the Music Industry: Technological Implications, *Journal of Intellectual Property Rights*, Vol.24, no.1, 2019, page.30.

<sup>72</sup> Byung Lee, Seokjin Jeong, and Seung Yeop Paek., Determinants of digital piracy using deterrence, social learning and neutralization perspectives, *International Journal of Comparative and Applied Criminal Justice*, Vol.43, no.4, 2019, page.295-308.

<sup>73</sup> Gregory Day., The Infringement of Free Art, *Iowa Law Review*, Vol.107, no.2, 2022, page.754.

<sup>74</sup> Edi Tuahta Putra Saragih, Muhammad Citra Ramadhan, and Isnaini Isnaini., The Law Enforcement Weakness of Songs and Musics Copyright Crimes, *Jambura Law Review*, Vol.3, no.1, 2021, page.143.

<sup>75</sup> Gregory Day., The Infringement of Free Art, *Iowa Law Review*, Vol.107, no.2, 2022, page.749.

<sup>76</sup> AAA Ngurah Sri Rahayu Gorda, Ida Ayu Ketut Artami, Putu Eva Ditayani Antari, Kadek Januarsa Adi Sudharma, and Robert Vaisile Moisa., Legal protection for copyright holders of commercialized remix song cover version, *Legality: Jurnal Ilmiah Hukum*, Vol.30, no.1, 2022, page.9.



Overall, there are various legal protections in place, including litigation and technological deterrents, to tackle the challenges posed by the evolving nature of digital piracy and the gaps in the enforcement of modern copyright law in addressing infringement in the digital era. The comparative analysis also shows that many countries have adopted diverse approaches to combat music copyright infringement, each with its own set of challenges and solutions. South Korea was referenced for its struggles with competition from foreign multinationals and difficulties in ensuring fair compensation for artists, particularly in the context of piracy and enforcement mechanisms. India was noted for the economic exploitation of copyrighted music, especially in public spaces such as clubs, bars, and restaurants, where music is used without proper authorization or compensation to the creators. Portugal was mentioned for its regulatory framework surrounding streaming platforms, distinguishing between legal, semi-legal, and illegal services, which complicates enforcement. The United Kingdom was highlighted with the example of the TuneIn case, where the court emphasized the need for online platforms to secure proper licensing to avoid infringement. In the United States, the Digital Millennium Copyright Act (DMCA) was discussed as a tool to combat piracy, although the legal response to emerging piracy methods like stream-ripping remains unclear.

#### **4. Conclusion**

In conclusion, this study highlights the significant challenges faced by the global music industry in combating copyright infringement in the digital age. The rapid advancement of digital technologies and the lack of clear regulations for digital platforms have facilitated the widespread distribution of pirated content, resulting in substantial financial losses for creators and companies. New forms of piracy, such as stream-ripping, further complicate enforcement efforts. While Indonesia's Law Number 28 of 2014 provides strong protections for music creators, including economic and moral rights, enforcement remains hindered by factors like low public awareness, the fast-paced development of technology, and the lack of legal awareness. Key institutions, such as the DJKI and the LMKN, play essential roles in enforcement, but further efforts are needed to strengthen copyright protection. To address these challenges, the study suggests a combination of enhanced legal frameworks, international harmonization of laws, and the use of emerging technologies, like blockchain, to better track and manage copyrights. Additionally, the involvement of expert witnesses in litigation, along with both preventative and repressive legal measures, can help safeguard creators' rights and ensure fair compensation, ultimately providing a more robust solution to the evolving issue of digital piracy.

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