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Legal Protection dor Unauthorized Copying of Songs on Digital Platforms Through Audio Watermarking Method

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Abstract: The objective of this research is to investigate the effectiveness of the Copyright Law in safeguarding digital songs with audio watermarking from illegal duplication, and to analyze the legal responsibilities of those who duplicate songs on digital platforms using such methods under the Copyright Law. The research methodology employed is normative juridical, focusing on the internal aspects of positive law and utilizing literature sources like journals, books, case law, and relevant legislative materials, particularly Law No. 28 of 2014 on Copyright. Legal materials are gathered through a literature review as a secondary data source, along with descriptive analysis to elucidate the legal implications concerning copyright protection in the digital age. The novelty of this research lies in the integration of advanced and effective audio watermarking technology in addressing the challenges of copyright protection in the digital era. The research results highlight the importance of copyright protection in the music industry in the digital era. Audio watermarking methods are used to insert data into digital content to protect content ownership and identify copyright holders. There are efforts to overcome the challenges in preventing illegal acquisition of copyrighted content by utilising watermarking technology. It can thus be concluded that despite efforts made to regulate the digital marketplace and improve legal standards, illegal distribution of material is still quite rampant. YouTube is cited as an effective platform in protecting intellectual property rights by successfully addressing the issue of copyright infringement by removing infringing content.

Keywords : Copyright; Illegal Procurement; Audio Watermarking; Digital Platforms

Abstrak: Tujuan dari penelitian ini adalah untuk menyelidiki efektivitas Undang-Undang Hak Cipta dalam melindungi lagu digital dengan penandaan air audio dari penggandaan ilegal, dan untuk menganalisis tanggung jawab hukum dari mereka yang menggandakan lagu di platform digital dengan menggunakan metode tersebut di bawah Undang-Undang Hak Cipta. Metodologi penelitian yang digunakan adalah yuridis normatif, dengan fokus pada aspek internal hukum positif dan menggunakan sumber-sumber kepustakaan seperti jurnal, buku, kasus, dan bahan perundang-undangan yang relevan, khususnya Undang-Undang No. 28 Tahun 2014 tentang Hak Cipta. Bahan-bahan hukum dikumpulkan melalui tinjauan literatur sebagai sumber data sekunder, disertai dengan analisis deskriptif untuk menjelaskan implikasi hukum mengenai perlindungan hak cipta di era digital. Novelty dari penelitian ini terletak pada integrasi teknologi watermarking audio yang canggih dan efektif dalam mengatasi tantangan perlindungan hak cipta di era digital. Hasil penelitian menyoroti

pentingnya perlindungan hak cipta dalam industri musik di era digital. Metode watermarking audio digunakan untuk menyisipkan data ke dalam konten digital guna melindungi kepemilikan konten dan mengidentifikasi pemegang hak cipta. Ada upaya untuk mengatasi tantangan dalam mencegah perolehan ilegal konten berhak cipta dengan memanfaatkan teknologi watermarking. Sehingga dapat disimpulkan bahwa meskipun upaya telah dilakukan untuk mengatur pasar digital dan meningkatkan standar hukum, distribusi materi ilegal masih cukup merajalela. YouTube disebut sebagai platform yang efektif dalam melindungi hak kekayaan intelektual dengan berhasil menangani masalah pelanggaran hak cipta dengan menghapus konten yang melanggar.

Kata kunci: Hak Cipta; Pengadaan Ilegal; Penandaan Audio; Platform Digital

INTRODUCTION

Technology's rapid advancement has led to a dramatic transformation in the world. The way music and songs are commercialized has undergone a complete overhaul. Gone are the days of CDs and VCDs, as digital platforms and cloud storage have taken over. Achieving success has become easier through these platforms, offering both widespread popularity and economic gains. Social media giants like Tiktok, Youtube, Instagram, and Facebook are ruling the market, especially in Indonesia, providing users with a plethora of entertainment options.

Nowadays, with the advancements in technology, copyrighted content can effortlessly circulate across various digital platforms.¹ This convenience, however, also opens doors for individuals to unlawfully replicate works such as songs without the owner's consent. Consequently, this poses a significant challenge in the realm of copyright protection², particularly in terms of implementing laws to prevent potential infringements³ and technological misuse.

In the realm of social media, each digital platform has its own mechanism to combat those who engage in illegal activities, such as copyright infringement⁴. Nevertheless, not all platforms have established a means to report and halt the circulation of illicit song copies. This poses a significant challenge for copyright holders in the digital era, as the intricate web of jurisdictional boundaries and the veil of anonymity provided by these platforms hinder the identification and pursuit of infringers.⁵

The rise of digital distribution has presented labels with fresh obstacles to overcome. As a result, digital companies need to devise strategies to expand their influence in the online realm. Labels are working hard to tackle piracy by taking legal action against

¹ Budi Agus Riswandi, *Pembatasan Dan Pengecualian Hak Cipta Di Era Digital* (Citra Aditya Bakti, 2019).

² Tengku Keizerina Devi Azwar, *HAK CIPTA: Copy Right & Digital Copy Right* (Stiletto Book, 2023).

³ Suryati Suryati et al., "Penguatan Literasi Digital Dalam Pencegahan Pelanggaran Hukum Siber (Cyber Law)," *Wajah Hukum* 8, no. 1 (2024): 84–94. DOI : <https://doi.org/10.33087/wjh.v8i1.1447>.

⁴ Edi Ribut Harwanto, "Pelanggaran Hak Cipta Dan Hak Moral Yang Dilakukan Yuser Dapat Diancam Hukuman Pidana," *Jurnal Hukum Indonesia* 2, no. 3 (2023): 159–73. DOI : <https://doi.org/10.58344/jhi.v2i3.93>.

⁵ Zeeshan Rahman, "Enforcing Copyright on Online Streaming Platforms: Challenges Faced by Rights Holders in the Digital Era," *International Journal for Multidisciplinary Research (IJFMR)* 5, no. 5 (2023): 1–14. DOI : <https://doi.org/10.36948/ijfmr.2023.v05i05.8075>.

platforms and individuals, as well as launching public relations initiatives⁶. Various technological protection measures have also been used to defend copyright owners⁷. Despite efforts to regulate digital markets and improve legal standards, the distribution of illegal material remains largely unaffected. Youtube stands out as a platform that effectively protects intellectual property rights, successfully addressing copyright infringement issues by removing offending content.⁸

Cybersecurity is achieved using technologies such as hashing, steganography, digital watermarking, and digital signatures, etc.⁹ Lately, digital watermarking has emerged as a rather successful technique for safeguarding copyrights, ensuring content authenticity, and enhancing user security and privacy. With the ease of unauthorized access and illegal distribution of digital songs due to the internet's prevalence, it becomes crucial to employ technology that can protect these songs. This is where watermarking comes into play, serving as a means to establish ownership and identify copyright holders while preserving the integrity and quality of the music.¹⁰ A method of watermarking is a strategy employed to insert data into digital content, like pictures, sound, or video, with the purpose of safeguarding the ownership of the content.¹¹ Digital watermarking involves the concealment of confidential information (watermark) within digital content¹², which can only be extracted by those who possess precise knowledge of the embedding process and a secret key.¹³

As per the Copyright Law No. 28 of 2014, Copyright grants exclusive rights to creators and recipients to publish, reproduce, or grant permission for their creations, while adhering to the relevant laws and regulations. The Intellectual Property Rights Law, stated in Law Number 28 of 2014, serves as a means of government recognition and legal protection for artists and musicians, safeguarding their copyrighted works. However, there are certain regulations that have failed to keep pace with the rapidly evolving digital landscape, particularly in the realm of songs on digital platforms. This has led to an increase in instances

⁶ Hyojung Sun, Hyojung Sun, and Pitt, *Digital Revolution Tamed* (Springer, 2019).

⁷ Septian Rizky Dalimunthe, Sri Anisa Pujawati, and Akmal Satria Alvin Sitorus, "Technical Security in Ite Law and Copyrights of Devices and Systems," *Policy, Law, Notary and Regulatory Issues (POLRI)* 1, no. 2 (2022): 27–36. DOI : <https://doi.org/10.55047/polri.v1i2.124>.

⁸ Dede Yuda Wahyu Nurhuda, Marisa Puspita, and Utang Rosidin, "Relevansi UU No 28 Tahun 2014 Terhadap Perlindungan Hukum Hak Cipta Lagu Atas Maraknya Cover Lagu Di Platform Digital," *Varia Hukum: Jurnal Forum Studi Hukum Dan Kemasyarakatan* 4, no. 1 (2022): 52–64. DOI : <https://doi.org/10.15575/vh.v4i1.26751>.

⁹ Shahid Rahman et al., "A Huffman Code LSB Based Image Steganography Technique Using Multi-Level Encryption and Achromatic Component of an Image," *Scientific Reports* 13, no. 1 (2023): 14183. DOI : <https://doi.org/10.1038/s41598-023-41303-1>.

¹⁰ Zahratul Fitri, "Audio Digital Watermarking Untuk Melindungi Data Multimedia," *TECHSI-Jurnal Teknik Informatika* 7, no. 1 (2019): 189–208. DOI : <https://doi.org/10.29103/techsi.v7i1.187>.

¹¹ Oleg Evsutin and Kristina Dzhanaashia, "Watermarking Schemes for Digital Images: Robustness Overview," *Signal Processing: Image Communication* 100 (2022): 116523. DOI : <https://doi.org/10.1016/j.image.2021.116523>.

¹² Yixin Chen, Xi Hu, and Feng Xiao, "Digital Watermarking Hiding Technology for Copyright Information," in *Data Processing Techniques and Applications for Cyber-Physical Systems (DPTA 2019)* (Springer, 2020), 1203–9. DOI : https://doi.org/10.1007/978-981-15-1468-5_141.

¹³ Nasir N Hurrah et al., "Dual Watermarking Framework for Privacy Protection and Content Authentication of Multimedia," *Future Generation Computer Systems* 94 (2019): 654–73. DOI : <https://doi.org/10.1016/j.future.2018.12.036>.

of illegal copying and unauthorized reproduction for personal gain. Given this backdrop, the study aims to address the issue of whether the Copyright Act adequately protects against the unlawful duplication of digital song works for copyright holders who utilize watermarking. Additionally, it seeks to explore the responsibility of those who duplicate songs on digital platforms using audio watermarking, in accordance with the Copyright Act.

The novelty of this research lies in the integration of advanced and effective audio watermarking technology in addressing the challenges of copyright protection in the digital age. Although efforts have been made to regulate the digital market and improve legal standards, the distribution of illegal material is still quite rampant. YouTube is cited as an effective platform in protecting intellectual property rights by successfully addressing copyright infringement issues by removing infringing content. Copyright protection can be enhanced through the application of innovative audio watermarking technology and strict legal measures. Thus, this research makes a significant contribution in facing the challenges of copyright protection in the digital age with an advanced audio watermarking technology approach. The findings of this study are anticipated to enhance comprehension of copyright protection against unauthorized song duplication on digital platforms employing audio watermarking, and to aid in the formulation of more effective legal policies for safeguarding copyrighted musical works in the digital era.

METHOD

The research method used in this research is normative juridical with an approach to the internal aspects of positive law, which relies on literature sources such as journals, books, case law, and related legislative literature, especially Law No. 28 of 2014 concerning Copyright. Legal material collection techniques are carried out through literature studies as secondary data sources relevant to the research, while data collection techniques also rely on literature studies. Furthermore, this research employs a descriptive analysis approach to comprehensively examine and grasp the legal ramifications associated with copyright protection in the digital age.

DISCUSSION

A. Legal Protection of Copyright and Copyright Holders for Illegal Copying of Songs on Digital Platforms that use Audio Watermarking According to Law No. 28 of 2014

Music or song is an invaluable copyrighted creation that cannot be undermined in terms of its significance when it comes to copyright protection¹⁴. By providing robust protection for copyrighted music or songs, we can establish a connection between cultural advancement and economic opportunities. Copyright protection plays a pivotal role in enabling creators to

¹⁴ Andree Nugroho Saragih, "Menelaah Perlindungan Hukum Bagi Hak Cipta Pencipta Lagu Terhadap Penampilan Cover Lagu Ciptaannya Oleh Musisi Lain Di Platform Media Sosial," *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 7, no. 1 (2023): 304–17. DOI : <https://doi.org/10.58258/jisip.v7i1.4199>.

fully exploit their copyrighted works as they desire¹⁵, while safeguarding their economic rights.

The concept of copyright is defined within the provisions of Article 1 paragraph (1) of Law No. 28 of 2014 on Copyright. Copyright is a special privilege that automatically arises once a creation is expressed in a tangible form, without any limitations imposed by statutory regulations. According to Article 1 paragraph (1) of Law No. 28 of 2014 on Copyright, copyright can be owned by the original creator or by another party who has been granted the rights. This provision is logical considering that the creator has the ability to transfer their copyright to someone else, either through assignment or a licensing agreement. As a result, copyright can be held by individuals other than the original creator.

Exclusive rights, as outlined in Article 4 of the Copyright Law of the Republic of Indonesia No. 28 of 2014, give creators or copyright holders the sole authority to control the use of their work. Saidin explains that this term is synonymous with sole right, emphasizing the creator's entitlement to their work. This inherent right is exclusive, meaning it is special, specific, and unique. These exclusive rights are automatically granted upon creation, encompassing activities like translating, adapting, selling, and performing the work to the public.¹⁶

According to the Copyright Law No. 28 of 2014, creators are granted an exclusive right that allows them to reap economic benefits from their copyrighted work¹⁷. This means that creators have the power to control and profit from the use of their creative endeavors¹⁸. These measures have the power to unlock the economic potential hidden within musical and song copyrights. By implementing royalties and licenses, creators can tap into the financial benefits of their works. Moreover, copyright protection ensures that creators have the freedom to use their copyrighted works as they please, while safeguarding their moral rights. Take, for instance, the use of copyrighted songs or cover songs on social media platforms. As long as they are not used for commercial purposes and remain unaltered, they do not infringe upon moral rights. However, if these works are exploited for commercial gain without the creator's or copyright holder's permission, it becomes a violation of their economic rights.¹⁹

¹⁵ Sheila Namira, "Larangan Membawakan Lagu Tanpa Izin Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," *JIPRO: Journal of Intellectual Property* 6, no. 1 (2023): 20–30. DOI : <https://doi.org/10.20885/jipro.vol6.iss1.art3>.

¹⁶ Anis; Juniarto Prihartono; Mashdurohatun Tri; Wahyuningsih, Sri Endah, "Reconstruction of Copyright Crime Regulation Based on Justice Value," *JL Pol'y & Globalization* 129 (2023): 24–30. DOI : <https://doi.org/10.7176/JLPG/129-04>.

¹⁷ Wendelina Ernatudera, Arief Syahrul Alam, and Andy Usmina Wijaya, "Tinjauan Yuridis Perlindungan Hak Moral Pencipta Berdasarkan Undang-Undang No. 28 Tahun 2014," *Jurnal Ilmu Hukum Wijaya Putra* 1, no. 2 (2023): 189–202. DOI : <https://doi.org/10.38156/jihwp.v1i2.131>.

¹⁸ Agung Damarsasongko and Endang Pandamdari, "Pengelolaan Royalti Karya Cipta Lagu Dan/Atau Musik Atas Ciptaan Yang Tidak Diketahui Penciptanya (Orphan Works)," *Jurnal De Lege Ferenda Trisakti* 1, no. 2 (2023): 80–86. DOI : <https://doi.org/10.25105/ferenda.v1i2.18279>.

¹⁹ Langit Rafi Soemarsono and Rianda Dirkareshza, "Urgensi Penegakan Hukum Hak Cipta Terhadap Pembuat Konten Dalam Penggunaan Lagu Di Media Sosial," *Jurnal USM Law Review* 4, no. 2 (2021): 615–30. DOI :

Copyright is a special privilege given to the creator of a piece of work to safeguard it from unauthorized use or reproduction. Once the work is brought into existence, copyright is automatically granted to the creator. However, copyright is subject to certain limitations as per the relevant laws and regulations. It falls under the umbrella of intellectual property and encompasses a wide range of creations. Apart from art and literature, copyright also extends to scientific works and computer programs. In essence, copyright safeguards various forms of intellectual creations by human beings. Copyright possesses several key characteristics. Firstly, it is an inherent right that belongs to the creator of the work. This means that copyright does not require registration or approval from any other party; it is automatically conferred once the work is materialized. Secondly, copyright is absolute, granting the right holder exclusive authority to utilize, reproduce, distribute, and derive benefits from the copyrighted work. Thirdly, copyright protection lasts for the duration of the creator's life and for several years after their demise. In Indonesia, copyright protection extends for 70 years after the creator's death. Once the copyright protection period expires, the work enters the public domain and can be used by anyone without seeking permission.

It is crucial to emphasize originality and embodiment when creating a piece of work in order to secure complete copyright protection, whether it pertains to art, literature, or science. According to Article 12 paragraph (1) of Law No. 19 of 2002 on Copyright, embodiment is considered as a form of safeguarded creation. Embodiment is frequently employed to generate derivative works, such as transforming a photograph into a sculpture, painting, design, or any other form of art. Essentially, no copyrighted work is entirely novel. Works are often conceived through inspiration from existing creations or as a result of embodiment. If someone wishes to embody another person's copyrighted work, they must first acquire permission from the creator or copyright holder, as long as the work is still protected by the law. Nonetheless, there is another alternative available, which is the utilization of the work within the boundaries of fair use, without requiring permission.

According to Law No. 28/2014, copyright is divided into two categories: moral rights and economic rights. Moral rights are inseparable from the creator and are deeply connected to their identity. On the other hand, economic rights refer to the creator's entitlement to reap financial rewards from their creations and products.

In Copyright Law No. 28 of 2014, Article 9 states that creators and copyright holders are granted the economic right to carry out different activities concerning their copyrighted works, including publishing, copying, translating, and more. Those interested in exercising these economic rights must first seek approval from the creator or copyright holder. Additionally, Article 9 of Copyright Law No. 28 of 2014 explicitly forbids the reproduction and commercial utilization of works without the consent of the copyright holder.

Protected copyright refers to the legal rights granted under Article 8 of the Copyright Act, encompassing both economic and moral rights. The economic rights pertain to the

<https://doi.org/10.26623/julr.v4i2.4005>.

commercial aspects of a song, including duplication, reproduction, performance rights, public borrowing rights, as well as royalty rights and licensing. On the other hand, violation of the moral rights of the copyright owner involves infringements on the intellectual property of the creator, such as unauthorized changes or modifications. Article 5 of the Copyright Act specifically addresses moral rights, which include the requirement to credit the copyright holder when using their song publicly, the option for creators to use pseudonyms or aliases, the need for proper modification or arrangement of the creator's work in accordance with societal norms, the ability to change the title and subtitle of the creation, and the protection of the creator's rights in cases of distortion, mutilation, or any actions that harm their honor and reputation.

In Indonesia, copyright holders have the power to take legal action against those who illegally duplicate songs on digital platforms that utilize audio watermarking²⁰. This is crucial to safeguard the integrity and ensure the protection of creative works, as well as the interests of the creators. An example of such a copyright case is the infringement of the song "Akad" by payung teduh, which has raised concerns about unauthorized use by others.²¹. As per Copyright Law No. 28 of 2014, song copyright in Indonesia is a legal right held by the songwriter or copyright owner. This led to members of the payung teduh group expressing their dissatisfaction with those who violated the copyright of the song "Akad" and profited from it without proper authorization. Despite the increasing popularity of "Akad," the payung teduh musicians are advocating for stricter regulations to protect the song's copyright. This is crucial because the legal rights of the songwriter or copyright owner must be upheld, extending the copyright protection beyond just the songwriter to the copyright owner.

The song 'Akad' is one of the singles from the band Payung Teduh that has been quite successful in the Indonesian music market. The song occupies the first position in the Indonesian music charts and has become the most popular song by Payung Teduh. Due to the popularity of the song 'Akad', many musicians choose to cover the song in their own versions. There are quite a few cover versions of the song 'Akad' that are considered to be more successful and interesting than the original version sung by Payung Teduh. One of them is Hanin Dhiya, whose cover video of the song 'Akad' uploaded to her YouTube channel called All About Hanin Dhiya has surpassed the number of viewers of other music videos. In response to the widespread playing and marketing of the cover song 'Akad' in Indonesia, especially in the digital realm, the vocalist of Payung Teduh, Mohammad Istiqamah Djamad or commonly known as Is, has spoken up. Through his personal Instagram account, Is asks the cover artists of 'Akad' to be more considerate. Is's comment, which also

²⁰ Alrafi Wahyu, Efridani Lubis, and Damrah Mamang, "Kepastian Hukum Cover Lagu Di Era Digital Di Platform Youtube Tanpa Seizin Pencipta Dalam Undang-Undang Hak Cipta," *Jurnal Hukum Jurisdictie* 4, no. 2 (2022): 56–73. DOI : <https://doi.org/10.34005/jhj.v4i2.148>.

²¹ Olga Thedasya Meutia, Doddy Kridasaksana, and B Rini Heryanti, "Perlindungan Hak Cipta Terhadap Cover Lagu Melalui Media Youtube Menurut Undang-Undang Hak Cipta No. 28 Tahun 2014 (Studi Kasus Cover Lagu 'Akad' Payung Teduh)," *Semarang Law Review (SLR)* 3, no. 2 (2022): 51–61. DOI : <https://doi.org/10.26623/slr.v3i2.5550>.

represents Payung Teduh, is both a positive and negative response. Payung Teduh does not prohibit their fans from covering the song 'Akad', and even appreciates the positive response from the public. However, regarding the cover artists who have gained economic benefits by expanding the sales of the cover song 'Akad', Payung Teduh emphasizes that they have not received any permission requests from the cover artists.

When it comes to performing a cover of the song "Akad" by the band Payung Teduh on YouTube, permission to do so must be obtained from the party intending to cover the song. According to Article 23 (2) of Law Number 28 of 2014, performers have economic rights to perform, authorize, or prohibit others from broadcasting or communicating their performances, reproducing their performances in any form, and distributing their performances or copies. Therefore, as the performer of the song "Akad," Payung Teduh has the economic right to grant permission for covering the song on YouTube.

Permohonan izin berupa lisensi tersebut harus dilakukan untuk menghindari tuntutan pelanggaran hak cipta yang telah ditetapkan didalam pasal 116 ayat (3), yang berbunyi:

"Anyone who, without the right, has committed an infringement of economic rights as referred to in Article 23 paragraph (2) letter c, and/or letter d for commercial use of a creation, shall be punished with imprisonment for a maximum of 4 (four) years and/or a fine of up to Rp 1,000,000,000.00 (one billion rupiah)."

Article 23 paragraph (2) letter c, and/or letter d itself refers to the act of duplication of fixation from performers in any way or form, as well as the distribution of the fixation of performances or their copies. Therefore, unauthorized cover song performances are considered a violation of copyright and can be subject to civil sanctions in the form of compensation or criminal sanctions in the form of imprisonment and/or fines. Referring to this article, according to the media relations representative of Payung Teduh, Yurskie, there has been no communication or permission for any cover of the song "Akad" to Payung Teduh, indicating that those who performed the cover song have committed an illegal act by not having permission from the original singer.

Based on the various explanations above, in the case of the song cover "Akad" by Hanindhiya, there is a possibility that Payung Teduh did not claim their song on the Content ID feature provided by YouTube. As a result, Hanindhiya did not receive any prior warning from YouTube's Content ID that the song had violated the economic rights of the copyright holder, allowing her to freely upload the cover video on YouTube. Despite Payung Teduh's negligence in claiming their song first through YouTube's Content ID as a preventive measure to avoid such incidents, Hanindhiya's action of covering someone else's song and then uploading it on YouTube for commercial purposes cannot be justified. This goes against the limitations or principles of fair use. The monetization of the cover video can be seen through the presence of ads during the playback of the song "Akad," as well as Hanindhiya's involvement with Star Media Nusantara and Warner Music Indonesia. This indicates that all her activities in the digital world are for commercial purposes.

Based on the explanation above, it is evident that YouTuber Hanindhiya has violated the provisions stated in Article 23 paragraph (2) as she has engaged in performing rights by "performing" or "broadcasting" a copyrighted work. Moreover, by uploading the music video cover on YouTube, it can be said that she has engaged in "dissemination" or "distribution" of the cover song. Additionally, singing someone else's song, even with a unique vocal style, falls under the category of reproducing the performance in any form or manner. Therefore, the act of covering a song without permission and subsequently announcing or spreading it through YouTube constitutes a copyright infringement and can result in civil penalties such as compensation or criminal penalties such as imprisonment and/or fines, as stated in Article 116 paragraph (3) of the Republic of Indonesia Law Number 28 of 2014 concerning Copyright.

Moreover, safeguarding copyright holders from piracy and duplication is crucial. According to Article 1 point 23 of Law No. 28 of 2014, piracy involves the unauthorized replication of creative works and related products, along with the widespread distribution of these copied items for profit. Anyone who engages in such illegal activities is infringing upon the rights of the original creator. Piracy is often linked to reproduction or duplication, as defined in Article 1 point 12 of the same law. This illegal act refers to making unauthorized copies of works or recorded materials through any means, either temporarily or permanently. The law, specifically in Article 113 paragraphs (3) and (4) of Law No. 28 of 2014, outlines the penalties for individuals involved in piracy or unauthorized duplication. By upholding these regulations, creators can maintain exclusive control over their work, with the support of the state if needed. Therefore, legal protection plays a vital role in safeguarding the rights of copyright owners and ensuring that societal interests are preserved.

The Copyright Act of 2014 lays down a strong framework for the Minister of Communication and Information Technology to combat copyright infringement on the internet. Article 54 specifically addresses the prevention of copyright infringement through information technology. It grants the Government the power to oversee content creation and distribution, collaborate with different entities to prevent copyright violations, and monitor recordings that go against copyright products during performances

Indonesia has made significant progress in terms of copyright protection, particularly in cracking down on websites that infringe on copyright laws. The government has shown commitment by enacting Law No. 28 of 2014 on Copyright and the Ministry of Communication and Information Technology has been effective in blocking such sites. However, there is still a lack of public awareness regarding copyright laws. As a result, despite efforts to block these sites, they continue to thrive due to society's disregard for copyright holders.

Nevertheless, the issue of song copyright infringement poses a challenge for law enforcement. While artists who freely share their copyrighted music may gain popularity, there is also a risk of unauthorized use by others. Balancing these concerns requires careful

and thoughtful enforcement. Authorities must take into account factors like the perpetrator's intent, the impact of the violation, and the public interest when deciding on appropriate actions. Furthermore, educating the public on copyright protection is crucial to reducing infringement and ensuring artists receive the recognition and protection they deserve

Intellectual Property Rights (IPR) play a crucial role in fostering the advancement of the information technology industry. Upholding stringent legal measures against copyright infringement is imperative for countries to comply with international law. In Indonesia, the Copyright Act (UUHC) Number 19 of 2002, specifically Article 72(1), governs this aspect. Furthermore, the most recent UUHC, namely UUHC Number 28 of 2014, addresses the criminal provisions in Article 113 paragraph 4.

The protection provided to song creators includes legal protection for the exclusive rights of the song creators regarding the publication of their works without permission. Essentially, this legal protection is based on Law Number 12 of 1997 concerning Copyright, which guarantees the rights of creators or copyright holders in the implementation of licensing agreements for songs. In the licensing agreement, the licensors (the creators themselves) are obliged to grant permission to the licensees to broadcast, perform, play, or present the song in public for commercial purposes, and they are entitled to royalties that must be paid by the licensees.²² The protection provided to song creators includes the exclusive rights held by the creators, including the right to produce, distribute, publish, and sell their works with the aim of profiting from the song. Song creators are given the power and/or right to control the use of their created music, which protects the expression of a work, including music/songs. It is advisable for creators to register their works with the relevant authorized institution in the relevant jurisdiction, which can provide evidence of authenticity and facilitate the enforcement of their rights in case of disputes or infringements on their creations.

Furthermore, legal protection is also provided for a copyrighted song that is published unlawfully, with Law Number 28 of 2014 concerning Copyright providing regulations regarding copyright infringement and sanctions imposed on violators.²³ The creator or copyright holder of a creation has the right to receive fair compensation from the use of the creation or related rights products for commercial purposes. According to Article 89 of Law No. 28 of 2014 concerning Copyright, the management of copyright, especially in the field of music and songs, is carried out by the National Collective Management Institution (LMKN). LMKN has the authority to collect, gather, and redistribute royalties obtained from users to the rights holders, namely creators, copyright holders, and related rights owners who have entrusted their rights to the Collective Management Institution that has operational permits as part of LMKN itself. The existence of LMKN is expected to raise

²² Wahyu Jati Pramanto, "Optimalisasi Penarikan Dan Pendistribusian Royalti Hak Cipta Oleh Lembaga Manajemen Kolektif Nasional," *WICARANA* 1, no. 2 (2022): 93–104, <https://doi.org/10.57123/wicarana.v1i2.25>.

²³ Inge Kalista Hikmasari, "Perlindungan Hukum Kepada Pencipta Lagu Yang Diumumkan Tanpa Seizin Pencipta," *Jurnal Multidisiplin Indonesia* 2, no. 9 (2023): 2945–71, <https://doi.org/10.58344/jmi.v2i9.573>.

awareness among users of creations to submit royalties from the use of creations or related rights products that are of a commercial nature to the creators, copyright holders, or related rights owners through LMKN.

The music industry has been working tirelessly to establish fair regulations for music and song royalties, and this process has taken several years of in-depth analysis. However, despite these efforts, there are still some glaring weaknesses that persist. In certain areas, users are refusing to pay the required royalties, while others are confused about where to make these payments due to conflicting demands from both the LMKN and unauthorized individuals from the LMK. Additionally, there are cases where royalties are being paid at lower rates than the established tariffs, as users negotiate with the LMKN. This situation undoubtedly causes financial losses for the creators, copyright holders, and rights owners who are entitled to receive their rightful earnings.

In the TikTok application, legal protection is provided to song creators whose work is used in the app, with users required to pay royalties for commercial purposes and may face a maximum of 3 years in prison or a fine of five hundred million rupiahs if they use copyrighted work without permission.²⁴

Copyright granted to song creators includes both economic and moral rights. Economic rights involve the right to receive royalties from the use of the song, including the right to be compensated for the use of the song in any form, such as recordings, sales, and broadcasts. Moral rights, on the other hand, include the right to respect the creative work, including the right to know and control how the song is used and reproduced. Economic rights in copyright of songs consist of the right to profit economically from the creative work. Songwriters have the right to receive royalties from the use of their songs, including the right to be paid for the use of songs in any form, such as recordings, sales, and broadcasts. This economic right is reinforced by specific agreements such as a License Agreement when transferring their creation, as well as legal principles like *zaaksgevolg* that facilitate the proof process. On the other hand, the moral rights in song copyrights include the right to respect the creative work. Songwriters have the right to have their name included and to prohibit others from altering their creation. Unlike economic rights, moral rights are not strengthened by specific agreements like Licenses, so in defending moral rights, songwriters have a weak legal position. This is due to the absence of legal principles like *zaaksgevolg* that facilitate the proof process, which can make it difficult for songwriters in the proof process.

B. Liability for Perpetrators of Illegal Copying of Songs on Digital Platforms that use Audio Watermarking According to the Copyright Law

The lack of public knowledge about the rights of creators often leads to copyright issues. It is important for the public to appreciate and respect the hard work and creativity of creators,

²⁴ Nimas Ika Wardhani and Edi Pranoto, "Perlindungan Hukum Pencipta Lagu Yang Karyanya Dipakai Di Aplikasi TikTok," *Jurnal Hukum, Politik Dan Ilmu Sosial* 1, no. 4 (2022): 66–87, <https://doi.org/10.55606/jhpis.v1i4.641>.

rather than disregarding their rights simply because they are intangible. In Indonesia, copyright is governed by Act No. 28 of 2014, which emphasizes the protection of two key rights: economic rights and moral rights. Economic rights allow creators to benefit from their creations, typically involving commercial aspects. These rights include reproduction, adaptation, distribution, public performance, broadcasting, borrowing, *droit de suite*, and community borrowing rights. It is crucial to safeguard these rights under the law to ensure the protection of creators' work.

Intellectual Property Rights (IPR) are granted to individuals based on their creative intellect, but only if it is expressed in a tangible form. This means that mere ideas, concepts, or facts without a physical manifestation do not qualify for protection.²⁵ Budi Susanto²⁶ emphasizes that the Copyright Act No. 28 of 2014 protects creators' rights by granting exclusive rights once their creation is tangible. However, these rights are subject to limitations stated in the law.

The Indonesian Copyright Law Number 28 of 2014 is a powerful shield that safeguards the rights of the Indonesian people. It is built upon the principles of human dignity, as enshrined in Pancasila, and the rule of law. This comprehensive law extends its protective umbrella over various legal relationships, including the realm of creative works like songs. As technology advances and digital media takes center stage, songs have undergone a remarkable transformation from physical and traditional forms to digital formats like MP3 and audio. These digital platforms, such as social media, have become the new stage for song distribution. However, this shift has also brought about an alarming surge in copyright infringement risks, encompassing unauthorized use, plagiarism, and the duplication of songs.²⁷

In order to tackle these challenges, digital music requires the assistance of technology. This involves verifying ownership, identifying copyright holders, and authenticating content to deter unlawful duplication or copying. Safeguarding digital music comprehensively is made possible through digital audio watermarking, a type of technology that can safeguard digital music from unauthorized usage.

The music scene in Indonesia is currently grappling with the impact of the Covid-19 pandemic, as it has forced the industry to explore new avenues for music concerts. Virtual concerts, streamed through digital platforms, have emerged as a popular alternative to traditional live performances. However, amidst this transition, there is a pressing issue regarding the regulations surrounding copyrighted songs and music on these platforms. The

²⁵ Asma Karim, "Kepastian Hukum Lmkn Sebagai Lembaga Terpadu Satu Pintu Penghimpun Dan Pendistribusi Royalti Hak Cipta Dan Hak Terkait Bidang Musik Dan Lagu," *Legalitas: Jurnal Hukum* 13, no. 1 (2021): 64–79. DOI : <https://doi.org/10.33087/legalitas.v13i1.232>.

²⁶ Karim, op cit.

²⁷ Diana Silfiani, "Indonesian Legal Protection for Song Commercialization and Music Copyrights in Digital Platforms," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 9, no. 2 (2022): 152–69. DOI : <https://doi.org/10.22304/pjih.v9n2.a1>.

lack of detailed guidelines has given rise to concerns about royalty payments and the economic rights of talented songwriters.²⁸

Despite the fact that the Copyright Law of the Republic of Indonesia Number 28 of 2014 does not explicitly address copyright infringement in the realm of digital media, the Indonesian people are still granted legal protection based on the fundamental principles of recognizing and safeguarding human dignity, as well as upholding the rule of law. With the advent of new technologies and the rapid growth of digital media, it has become imperative to implement additional measures to safeguard digital music, such as employing digital audio watermarking. Moreover, the Indonesian music industry is currently grappling with the challenges posed by the digital impact of the Covid-19 pandemic²⁹, underscoring the urgent need for more comprehensive and specific regulations pertaining to the utilization of copyrighted songs and music on digital platforms³⁰.

There are three essential procedures involved in copyright protection management, specifically watermark insertion, watermark detection, and watermark extraction. The process of watermark insertion necessitates three components: the digital content or host audio signal, a digital watermark, and a private key exclusively possessed by the owner of the digital content. Following the completion of the watermarking insertion process, the outcome is music that has been watermarked, as depicted in Figure 1. The watermark may contain details regarding ownership, user identity, and a description of the original data, among other things. The watermark insertion process involves the integration of a digital watermark into the digital content.

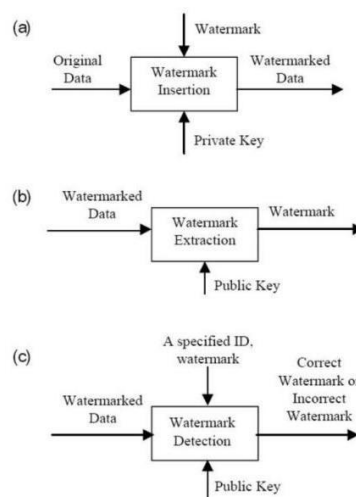


Figure 1. Watermark Procedure

²⁸ Silfiani, op.cit.

²⁹ Nanda Jala Sena and David Tan Tan, "Tinjauan Yuridis Mengenai Remix Lagu Di Aplikasi TikTok Berdasarkan UU Nomor 28 Tahun 2014 Tentang Hak Cipta," *Supremasi Hukum* 18, no. 01 (2022): 63–73, <https://doi.org/10.33592/jsh.v18i01.2404>.

³⁰ Rila Kusumaningsih, "Perizinan Pendistribusian Musik Melalui Platform Digital Di Indonesia Ditinjau Dari Undang-Undang Hak Cipta," *PLEDOI (Jurnal Hukum Dan Keadilan)* 3, no. 1 (2024): 11–21, <https://doi.org/10.56721/pledoid.v3i1.295>.

Source: Kwok, S. H., Yang, C. C., & Tam, K. Y. (2004)³¹

Digital audio watermarking is a crucial technology that concerns both the government and copyright infringers who profit from illegally copying and selling music. When a songwriter takes legal action, the infringer may reach out to settle the matter peacefully by withdrawing their claim. In cases of copyright infringement, those who unlawfully duplicate songs must promptly compensate the creators for royalties. It is the responsibility of the songwriter to take decisive action by involving the law. Instead of waiting for a court case, the infringer should proactively seek to resolve the issue in a friendly manner. This approach can prevent legal disputes and ensure that songwriters receive the rightful recognition they deserve.

Creators are safeguarded by the Copyright Law, which grants them protection through civil compensation claims and allows the state to pursue criminal prosecution as per Article 113 of the Copyright Law. The infringement of economic rights, as outlined in Article 9(1) of the Copyright Act, encompasses unauthorized utilization of commercial means and entails penalties of imprisonment and fines. Additionally, Article 120 of the HC Act designates copyright infringement as a complaint offense.

Economic rights violations under the Copyright Law can lead to imprisonment and/or fines. According to Article 9 paragraph (1) letter (i), using commercial means without authorization can result in a one-year prison sentence or a fine of up to Rp. 100,000,000. Unauthorized commercial use in letters c, d, f, and/or h may lead to a three-year imprisonment or a fine of up to Rp. 500,000,000. Offenses in letters a, b, e, and/or g could result in a four-year imprisonment or a fine of up to Rp. 1,000,000,000. Additionally, piracy as stated in Article 9 paragraph (1) letter (3) will also be punished.

The Copyright Act provides protection to creators and copyright holders, but it currently lacks explicit regulation in the digital realm. Additionally, the responsibility of those who illegally copy digital songs on online platforms is not clearly defined. Updating the Copyright Act is crucial to ensure sufficient legal protection in the digital age. Furthermore, technologies like audio digital watermarking can enhance legal protection in the digital world.

The resolution of copyright disputes can be achieved either through court proceedings or through out-of-court settlements. When disputes are settled in court, they are typically handled in the Commercial Court. However, if a dispute cannot be resolved through proper channels, criminal charges can be pursued in accordance with law number 28 of 2014 on Copyright. Before proceeding with criminal charges, mediation is often attempted. Additionally, Article 96 outlines the copyright dispute resolution system, which includes the following provisions: 1) Creators, copyright holders, and/or holders of related

³¹ H R Lakshmi and Surekha Borra, "Digital Video Watermarking Tools: An Overview," *International Journal of Information and Computer Security* 16, no. 1–2 (2021): 1–19. DOI : <https://doi.org/10.1504/IJICS.2021.117391>.

rights (or their heirs) who suffer economic losses are entitled to compensation. 2) This compensation is granted and included in the court decision regarding criminal cases of copyright and/or related rights. 3) Payment of compensation to creators, copyright holders, and/or owners of related rights must be made within 6 months after the court decision becomes legally binding.

In Singapore, the legal protection of copyright infringement for illegal song duplication is governed by the Singapore Copyright Law 2021, which is an amendment of the Copyright Act Chapter 63 Revised Edition 2006. Under this law, music is considered as a protected work, and sound recordings containing music are also protected. Protected works are original creations realized in tangible form, which is one of the requirements for copyright protection. Songs and music are considered as separate elements, where songs fall under the category of protected literary works, while music is categorized as melodies. The copyright protection period for songs and music by the creators is the creator's lifetime plus 70 years after their death. As for sound recordings, the protection period is 50 years from the date of recording.

There are several significant differences in the management of song royalties between Indonesia and Singapore. Firstly, in terms of the legal use of songs and music, Indonesia protects songs or music as a unified creative work, while Singapore separates the musical melody and lyrics, which are protected as literary works under copyright law. Secondly, the duration of protection for sound recording producers differs, with Indonesia offering protection for 50 years after the verified recording date, while Singapore provides protection for 70 years after the sound recording is published. Thirdly, in terms of collective management organizations (CMOs), Indonesia has two institutions, LMKN and LMK, responsible for collecting and distributing royalties, while Singapore has one CMO that integrates copyright and related rights management. Fourthly, the royalty management systems differ in both countries, where Indonesia uses a royalty payment system established to LMKN for distribution by LMK, while Singapore uses a digital technology called SoundSys to automatically calculate and distribute royalties. Finally, there are differences in royalty rates, with Indonesia having a special rate for cafes paid to LMKN, while Singapore does not provide a direct comparison but mentions rates for sound recordings displayed generally with a capacity of 40 seats. Singapore utilizes digital technology in royalty distribution through a system called SoundSys, managed by the Collective Management Organization (CMO) of Singapore. This system facilitates the collection and distribution of royalties and fees in an efficient, transparent, and cost-effective manner. Song users can make royalty payments using this system, which will then automatically calculate and distribute royalties to copyright owners.

CONCLUSION

After conducting extensive research, it is evident that the issue of copyright protection for

illegally duplicated songs on digital platforms using audio watermarking method requires immediate attention. While Copyright Law No. 28 of 2014 provides a solid legal foundation, there is a pressing need for more effective implementation and enforcement. To address this, it is highly recommended that the government and relevant stakeholders work together to raise public awareness about the significance of respecting copyright and strengthen copyright protection mechanisms in the digital age. Furthermore, collaboration between the music industry, digital platforms, and relevant institutions is crucial in developing a sophisticated and efficient protection system to combat illegal song copying. By implementing these measures, we can create a safer and more equitable environment for songwriters to rightfully utilize their works and secure the economic rights they deserve.

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