

A LEGAL STUDY OF MUSICAL WORKS RE- ARRANGED ON DIGITAL PLATFORMS

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Abstract

The current era of modernization has penetrated all aspects of people's lives, one of which is music. Music in the digital era raises several new problems, including (1) How is the regulation of copyright for music that is rearranged on digital platforms? And (2) How is the legal protection for copyright holders of music that is rearranged on digital platforms? The method of writing this research is to use the normative research method, because there are still vague norms, based on the opinions of legal scholars and The Law. Carrying out the activity of rearranging someone else's musical work without permission, then uploading it to a digital platform is an unlawful act. Copyright infringement that is rearranged without permission on a digital platform will cause problems that can be resolved through litigation through civil law and criminal law, and non-litigation through an arbitration body or through mediation by The Directorate Intellectual Property.

Keywords: Digital Platforms, Music Copyright Regulation, Re-arrangement.

A. INTRODUCTION

Indonesia is a pluralistic nation. As a pluralistic nation, Indonesia is renowned for its diversity, including ethnicity, customs, race, religion, culture, social class, and regional languages. This diversity is woven into the bonds of the Indonesian nation as a unified and sovereign nation (Ponidi, 2024). This diversity has resulted in Indonesia being rich in arts found in every island and region. Each region in Indonesia has its own unique culture and arts (Akhmad N, 2020). The cultural and artistic diversity of each region in Indonesia arises from traditional customs and traditions that have been inherited and developed from generation to generation since the time of our ancestors (Nuraini et al., 2025). One art form that continues to thrive today is music. Article 32 paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates:

"The state shall advance Indonesian national culture among world civilization by guaranteeing the freedom of the people to maintain and develop their cultural values."

The meaning of this verse emphasizes the state's responsibility to enhance and preserve Indonesian national culture by guaranteeing the people's rights to cooperate in maintaining and developing Indonesian cultural values.

The art of music in Indonesia has developed since prehistoric times. The musical genre adopted during prehistoric times was traditional music. Music during prehistoric times was typically used for traditional ceremonies and spiritual activities based on the ancestral beliefs held by the prehistoric people. (Trisnawati, 2021) Over time, the art of music in Indonesia has also developed.

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Music can be enjoyed directly or indirectly. Enjoying music directly can be done through live performances, concerts, celebrations, religious activities, festivals, and events such as school events, events at shopping centers like malls, and so on. Indirectly enjoying music is usually done by music lovers or listeners who watch and enjoy it on television or radio. However, in this era of globalization, music lovers can now enjoy music through digital devices such as laptops or smartphones through digital applications like YouTube, Spotify, Joox, Soundcloud, iTunes, Apple Music, TikTok, and many more. Although music is freely accessible, it does not rule out the possibility of copyright infringement.

Copyright law at the national and international levels developed rapidly in the late 20th and early 21st centuries, particularly in technological fields such as information technology, telecommunications, transportation, economics, and others. As part of Intellectual Property Rights (hereinafter abbreviated as HKI). Copyright enjoys increasingly effective legal protection. (Eddy Damian, 2021) Intellectual Property Rights is a translation of the term "Intellectual Property Rights." (Ujang et al., 2024) Intellectual Property Rights can be defined as property rights derived from human mental abilities.

Copyright is a part of intellectual property that encompasses science, art, and literature, including computer programs (Yanto O, 2015). Ownership of these rights refers to the expression of ideas that are the result of intellectual ability, namely a result that can be seen, read, heard, or practically used by humans (Rizkia & Ferdiansyah, 2022). Copyright has a strategic role in supporting national development and advancing general welfare as mandated by the 1945 Constitution of the Republic of Indonesia.

OK Saidi stated that copyright is a privilege not everyone can possess. Only those who are able to create works utilizing their talents, combining the sharpness of their artistic intuition with scientific knowledge, are able to own copyright. Therefore, HKI protection needs to be strengthened so that the rights of creators are optimally protected. One example of a work currently consumed by the public is the use of music on digital platforms like YouTube, Instagram, and TikTok. Copyright infringement of music and songs in the current digital era is an increasingly serious and widespread problem. (Pramita & Subekti, 2023) With easy access to streaming platforms and social media, many users download, share, modify, and use songs without permission from the copyright owner. This practice often occurs in the form of unauthorized song remixes, where songs are traded illegally or uploaded to sharing sites without proper licenses and permission, leading to legal conflicts. This presents a challenge in enforcing copyright online, causing significant losses for artists and producers.

A case in Indonesia concerning copyright infringement involving a song rearranged by someone involved the unauthorized rearrangement of "Rayuan Perempuan Gila" by musician Nadin Amizah. Nadin Amizah vented her frustration on her personal social media platform because her song, "Rayuan Perempuan Gila," had been altered by speeding up the music. (Ramadhana, 2023) Furthermore, the speeded-up version of "Rayuan Perempuan Gila" was now available on social media platforms like Instagram and TikTok. This angered Nadin Amizah, especially since the recording was being used for commercial purposes.

The rise of parties using digital platforms to obtain creators' economic rights without their permission results in creators not receiving any profit from their own creations. (Sumarjo Makitulung, 2023) Examples of digital platforms currently in widespread use include Instagram, YouTube, and TikTok.

If users of these digital platforms collaborate with a company or entrepreneur to advertise their products using features in the TikTok, Instagram, and YouTube applications that use songs as background music, the user will gain material benefits. If the song or background music used in the video is not from the original owner of the sound, or it can be said if the user does not include the name of the singer or creator and the title of the song in the advertising <http://jurnaldialektika.com/>

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video, it is certain that the singer or creator of the song and music will not receive royalties for the collaboration carried out by the user with the Company. Thus, it can be concluded that users of the TikTok, Instagram, and YouTube applications have violated the economic rights of the singer or creator, namely piracy and rearrangement of the song or music used.

Based on the background outlined above, the researcher is interested in conducting further research on "Regulation of Musical Works Re-Arranged on Digital Platforms."

Based on the background and legal facts outlined above, the author raises the following issues:

1. How is copyright regulated for musical works re-arranged on digital platforms?
2. That is the legal protection for copyright holders of musical works re-arranged on digital platforms?

B. LITERATURE REVIEW

Intellectual Property Rights (HKI)

The theory of Intellectual Property Rights is rooted in the idea that every human creation has economic and moral value that must be recognized and protected by law. Suratno (2024) explains that HKI is a property right arising from a person's intellectual ability, which generates economic and social benefits for the creator. Protection of intellectual works aims to encourage creativity, innovation, and fairness in the utilization of creative works. In the context of digital music, HKI forms the basis for licensing regulations, royalties, and prohibitions on unauthorized duplication and arrangement (Sinaga G, 2023). Thus, this theory asserts that the state is obliged to protect creators from violations of the economic and moral rights of musical works uploaded to digital platforms (Ujang et al., 2024). Indicators:

- Legal recognition of intellectual works.
- Protection of the economic and moral rights of creators.
- Licensing mechanisms and royalty payments.
- Law enforcement of HKI violations.
- The role of the state in maintaining a balance between the public interest and creators.

Copyright

Copyright is a subset of HKI that grants creators the exclusive right to publish, reproduce, and authorize the use of their work. Naue (2024) states that copyright encompasses two main aspects: moral rights, which guarantee recognition of the creator's identity, and economic rights, which authorize the authorization to obtain financial benefits from the work. In the digital era, copyright has become a crucial instrument for protecting musical works from misuse on platforms like TikTok or Spotify. Unauthorized rearrangement constitutes a violation of both economic and moral rights, as it alters the form of the work without the creator's consent. Therefore, copyright theory explains the basis for legal protection for music published or altered in digital media (Naue et al., 2024). Indicators:

- Existence of exclusive rights to the work.
- Protection of moral rights (attribution and integrity).
- Protection of economic rights (reproduction and distribution).
- Payment of royalties to the creator.
- Sanctions for copyright infringement.

Legal Protection

The theory of legal protection asserts that the law functions to protect the fundamental rights of individuals from harmful actions. According to Rahardjo (2009), the law is not only repressive in punishing violations, but also preventive in ensuring that society obtains certainty and justice. In the context of musical works, legal protection means guaranteeing the creator's right to control the use, distribution, and transformation of their work. Kelsen (1960) also stated that the legal system must impose strict sanctions against any violation of established <http://jurnaldialektika.com/>

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norms, including digital copyright infringement. Thus, the theory of legal protection forms the basis for the implementation of Law Number 28 of 2014 concerning Copyright and the Electronic Information and Transactions (ITE) Law in protecting musical works on digital platforms (Rahardjo, 2009; Kelsen, 1960). Indicators:

- Legal certainty for creators.
- Dispute prevention and resolution mechanisms.
- Administrative, civil, and criminal sanctions for violators.
- The role of the state and legal institutions in enforcing protection.
- There is a balance between justice, certainty and legal benefits.

C. RESEARCH METHODOLOGY

The type of research used in this study is normative legal research, where law is conceptualized as what is written in laws and regulations (law in books), or law is conceptualized as rules or norms that are benchmarks for human behavior that are considered appropriate (Amiruddin, 2012). This normative legal research is based on primary and secondary legal materials, namely research that refers to the norms contained in laws and regulations.

D. RESULT AND DISCUSSION

Regulations for Musical Copyrights on Digital Platforms

The distribution of musical copyrighted works requires compliance with applicable regulations. General regulations related to musical copyrighted works on digital platforms can be found in the Terms and Conditions of the digital application you use. Each application on a digital platform has its own Terms and Conditions and/or Terms of Service, which you must follow when using that digital platform.

Meanwhile, Terms of Service, also known as terms of service in Indonesian, is a system of agreements between users and the terms of use provided by a service provider in the digital world before someone uses the application. According to Sarah Pegarela: "Terms of service is a legal document that helps you set out the rules and guidelines that your users or visitors must agree to in order to use your website or app. It helps limit your legal liability while maintaining control over your platform." (Sarah Pegarela, 2023). Thus, it can be concluded that Terms of Service is a type of document that explains the responsibilities of the service provider and the obligations that users must fulfill to continue using the service. Users who violate the terms of use can be blocked by the service provider.

One of the most frequently used digital music platforms for enjoying music is Spotify. Spotify is a music streaming and podcast service originating from Stockholm, Sweden. It was first launched on October 7, 2008. The platform has been owned by Spotify AB, a subsidiary of Spotify Technology S.A., based in Luxembourg since 2018, with its headquarters in New York City, United States. (Wikipedia, 2025)

Spotify explicitly states in its Content Rights and Intellectual Property guidelines: (Spotify, 2025)

"You are solely responsible for all User Content that you Post."

"You promise that, with respect to any User Content you post on Spotify, (1) you own or otherwise possess the right to post such User Content, and (2) such User Content, or Spotify's use of it in accordance with the license granted below, does not: (i) violate these Terms, applicable law, or the intellectual property or other rights of any third party, or (ii) such User Content does not imply an affiliation with or endorsement of you or your User Content by Spotify or any artist, band, label, entity, or individual without the prior written permission of Spotify or such individual or entity."

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By posting or sharing content or information on the Spotify service, such content or information will be publicly accessible and may be used and re-shared with others. Therefore, users need to be careful about posting or sharing when using the Spotify service. Because Spotify monitors user content, it states:

“Spotify may, but is not obligated to, monitor or review User Content. Spotify reserves the right to remove or disable access to any User Content with or without cause. Spotify may take this action without prior notice to you.”

Spotify regulates the license, ownership, and access that creators or copyright holders grant to Spotify as follows:

“You retain ownership of User Content when you post it to the Service. However, in order for us to make your User Content available on the Spotify Service, we require a limited license from you to that User Content. Accordingly, you hereby grant Spotify a non-exclusive, transferable, sublicensable, royalty-free, fully paid, irrevocable, worldwide license to reproduce, make available, perform and display, translate, modify, create derivative works from, distribute, and otherwise use such User Content in any medium, either alone or in combination with other Content or materials, by any means, means, method, or technology, whether now known or later devised, in connection with the Spotify Service. If applicable and to the extent permitted by applicable law, you also agree to waive and not exercise any “moral rights” or equivalent rights to sue for enforcement, such as your right to be identified as the author of User Content, including Feedback, and your right to object to adverse treatment of such User Content.”

The above statement means that when a creator uploads content, such as music or songs, to Spotify, the creator remains the owner of the musical work, meaning copyright and ownership do not transfer to Spotify. The license granted by the creator to Spotify is non-exclusive, meaning the creator can still license their musical work to parties other than Spotify. Spotify pays for the license in full, with no additional fees. The license is irrevocable and applies globally. The license granted by the creator allows Spotify to do various things with the musical work, and Spotify requires the creator to waive the moral rights that normally allow the creator to be recognized as the creator. This means the creator cannot sue Spotify over how the musician's work is treated or used.

Economic rights are rights held by the creator, encompassing all activities related to the management of the work. Management of works can be found in various forms, including on music streaming platforms. (Naue et al., 2024) On digital platforms, there are two types of economic rights to song creations:

1. Performing Rights (Announcement of a Work) are the rights granted to use a work, including singing, playing, and/or listening to songs for commercial purposes.
2. Mechanical Rights (Arrangement or Transformation of a Work) are the rights of a creator to arrange an existing work and transform it into a new work.

Users must obtain permission, in the form of a written license and/or payment of compensation in the form of royalties to the creator and/or copyright holder in order to exercise these two types of economic rights. However, exercising economic rights such as Performing Rights and Mechanical Rights does not always require prior approval from the creator or copyright holder. Users can pay royalties directly through the national collective management institution (LMKN). This can be done to facilitate the royalty payment process, as the music industry involves various parties with their respective roles in commercializing a work (Machmuda A, 2022).

Spotify, as a digital music platform, has established a royalty payment system. There are two types of royalties for music on Spotify (Spotify, 2025):

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1. Recording Royalties, for recordings streamed on Spotify, must be paid in cash to rights holders. These royalties are paid to artists through the licensors who transmit their music, typically the artist's record label or distributor.
2. Publishing Royalties, intended for songwriters or composition owners. These payments must be made in cash to publishers, collecting institutions, and mechanical agents based on the territory of use.

When a song or music meets the requirements for streaming on the Spotify digital music platform, the rights holder receives royalties for that song or music. This applies to both premium and free music streams, including those viewed by advertising (Spotify, 2025).

The Spotify digital music platform has a method for calculating and processing royalties. The platform distributes net revenue from Premium subscription fees paid by its users and advertising to rights holders. To calculate net revenue, the platform deducts fees collected for things like taxes, credit card processing and billing fees, and other costs, such as sales commissions. The rights holder's net revenue is then determined based on streaming share. Streaming share is calculated based on the total number of streams in a given month. On the Spotify digital music platform, royalty payments can vary based on how the artist's music is streamed or based on agreements between the artist and their record label or distributor.

Royalty payments on the Spotify digital music platform are generally made monthly. However, in some cases, royalty payments depend on agreements between the artist or songwriter and their record label or distributor, a collection agency, and a publisher. The platform first pays royalties to rights holders based on streaming distribution, and then pays artists and songwriters according to their agreements. In other words, the digital music platform Spotify does not interfere with or have any knowledge of the agreements between artists and songwriters and labels, publishers, or royalty collection agencies.

Spotify's Terms and Conditions state its intellectual property policy:

"Spotify respects intellectual property rights and expects users to do the same. In using the Spotify Service, users must comply with the Spotify User Guidelines, as well as all applicable laws, regulations, and statutes, and respect the intellectual property rights, privacy, and other rights of third parties."

If a musician experiences a violation of their copyrighted musical work while using the Spotify Service, the musician, as the creator or copyright holder, can use the form available on Spotify's official website to submit a notification of alleged copyright infringement. The notification can be sent to Spotify's designated copyright agent(Spotify, 2025)

In addition to digital music platforms, music or songs can also be listened to through social media platforms. The most popular social media platform recently is TikTok. TikTok is a video and music-based social media platform introduced by Zhang Yiming, the founder of the Chinese company Bytedance, in September 2016 (Samuel, 2024)

The TikTok application, in its Terms of Service, states the following regarding Intellectual Property Rights: (Tiktok, 2025)

"We respect intellectual property rights and ask that you do the same. As a condition of your access to and use of the Service, you agree not to use the Service to infringe any intellectual property rights. We reserve the right, with or without notice, at any time and in our sole discretion, to block access to and/or terminate the accounts of any user who infringes or is suspected of infringing copyright or other intellectual property rights."

The TikTok platform pays artists for TikTok streams through licensing agreements with labels and distributors. (Sound Campaign, 2025) In the process of paying and receiving royalties for musical works uploaded through the TikTok social media platform, labels and distributors need to act as intermediaries between the artists and the TikTok platform. This is because song clips uploaded by artists as sound tracks on TikTok must be sent to the <http://jurnaldialektika.com/>

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application by distributors who have entered into an agreement with the artist to receive royalties from TikTok. On the TikTok platform, each distributor and label has a separate agreement regarding determining how much revenue will be given to the artist.

Unlike Spotify, which calculates royalties based on the number of times a song is streamed on the platform, TikTok calculates royalties based on the number of videos created using the artist's music. In short, artists are paid royalties based on the number of videos they create, not the number of views. Therefore, hundreds of videos with zero views using a particular song will generate more revenue than a single video with one million views.

The social media platform TikTok charges three cents for a video using a song or music by a particular artist. Therefore, to earn \$30, 1,000 videos using the same song by that artist would be required. Every three months, TikTok reports an artist's revenue to the distributors they have partnered with. Therefore, artists or musicians must wait several months to find out how streaming on TikTok translates into royalties. Songs and/or music are among the works protected by copyright under Article 40 Letter (d) of Copyright Law Number 28 of 2014. Any individual or person who uses another person's song commercially, whether uploaded to a digital platform or performed live to the public for economic purposes, requires permission from the producer or even the legal copyright holder to use the creative work, such as a song, for public or commercial purposes. Without the knowledge of the producer or legal copyright holder, no party can obtain economic benefit from the work.

Based on Article 1 Paragraph 24 of Law Number 28 of 2014 concerning Copyright, it states:

"Commercial Use is the utilization of a Creation and/or related rights product with the aim of obtaining economic benefit from various sources or for payment."

In addition to being regulated in the Copyright Law, the commercial use of another person's song and/or music is also regulated in Government Regulation of the Republic of Indonesia Number 56 of 2021 concerning Management of Song and/or Music Copyright Royalties regarding royalty payments, as stated in Article 3 Paragraph (1), which reads:

"Everyone may commercially use songs and/or music in the form of commercial public services by paying royalties to the creator, copyright holder, and/or related rights owner through the LMKN."

Copyright on songs or music is one of the absolute means of supporting the sustainability of commercial entertainment businesses such as karaoke, television broadcasts, radio, discotheques, cafes, malls, restaurants, and other entertainment activities. (Suyud Margono, 2002:39) When a musical work or song is used commercially by a party other than the creator or copyright holder, the creator or copyright holder will receive economic rights in the form of royalties. Protection of the economic rights of creators as regulated in Articles 8 to 11 of Law Number 28 of 2014 concerning Copyright.

The provisions for legal protection of the economic rights of creators are regulated in Article 58 Paragraph (2) of Law No. 28 of 2014 concerning Copyright, namely:

"In the event that a work as referred to in paragraph (1) is owned by 2 (two) or more persons, Copyright protection shall apply during the life of the last deceased Creator and shall continue for 70 (seventy) years thereafter, calculated from January 1 of the following year."

Furthermore, Article 58 Paragraph (3) of Law No. 28 of 2014 concerning Copyright states:

"Copyright protection for works as referred to in paragraphs (1) and (2) owned or held by a legal entity shall apply for 50 (fifty) years from the first publication."

The statement in the above Law means that a created work is protected by copyright and held by a legal entity from the first publication, distribution, or introduction of the work to the public, which gives the owner of the work the exclusive right to permit or prohibit the use of the work by other parties. For a period of 50 (fifty) years, a legal entity has specific rights to <http://jurnaldialektika.com/>

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control how the work is used, including the right to license and the right to prevent unauthorized use of the work.

Musical works uploaded to digital platforms for commercial use are entitled to protection under existing legislation, namely the Copyright Law. In the digital context, the Electronic Information and Transactions Law provides a framework for regulating copyright protection in the digital world. The ITE Law regulates information and transactions conducted through electronic media, including the use of digital platforms for music distribution. Furthermore, the ITE Law regulates the responsibilities of service providers (Digital Platforms) regarding content uploaded by users. If copyright infringement occurs, such as piracy or unauthorized rearrangement via the internet, this could infringe the creator's copyright.

Based on Article 25 of Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), it is stated that:

“Electronic Information and/or Electronic Documents arranged as intellectual works, websites, and the intellectual works contained therein are protected as Intellectual Property Rights in accordance with the provisions of the prevailing laws and regulations.”

This article implies that the ITE Law regulates the responsibilities that service providers (digital platforms) must fulfill regarding the content uploaded by users. Digital platforms are obligated to take action if there is any content that indicates a violation of someone's copyright under applicable law.

Musical or song creations fall within the criteria of Electronic Information or Electronic Documents as stipulated in the ITE Law, specifically in Article 1 Paragraph (4), which states:

“Electronic Documents are any Electronic Information that is created, forwarded, sent, received, or stored in analog, digital, electromagnetic, optical, or similar forms, which can be viewed, displayed, and/or heard through a computer or electronic system, including but not limited to written text, sound, images, maps, designs, photographs or the like, letters, signs, numbers, Access Codes, symbols, or perforations that have meaning or can be understood by a person capable of understanding them.”

Based on the interpretation of Article 1 Paragraph (4) of the ITE Law, the electronic documents referred to include sound and images; therefore, songs or music are creations protected by the ITE Law on digital platforms. Consequently, if the content of the work is altered without authorization, Article 26 Paragraph (2) of the ITE Law applies, which states:

“Any person whose rights have been violated as referred to in paragraph (1) may file a lawsuit for the damages incurred based on this Law.”

Thus, it can be concluded that any individual may file a lawsuit against a party that causes harm to the original creator. Furthermore, if a digital platform user alters the content of a song and/or music without obtaining a license or permission from the creator, that user may be subject to imprisonment or compensation claims, as regulated under both criminal and civil law in Indonesia.

Legal Protection for Rearranged Musical Works on Digital Platforms

Legal protection for musical creations in Indonesia has shown rapid progress in line with the growing awareness of the importance of intellectual property rights. In this era of globalization, technological advancement has made it easier for people from all backgrounds to access the internet through digital platforms to express their intellectual creations. However, the accessibility of digital platforms is not only used for positive purposes; this very ease has also enabled the misuse of digital platforms for negative activities. One example is the exploitation of the copyrights of various musicians, where users rearrange musical works without obtaining permission from the original creator or copyright holder.

In principle, rearranging a song owned by another musician can have positive impacts, provided that the party performing the rearrangement has obtained direct permission from the <http://jurnaldialektika.com/>

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creator or the copyright holder. Rearranging a song can introduce a fresh sense of harmony and enrich the musical character of the work. A well-known example is the song “Andaikan Kau Datang” by the late Chrisye, which was later rearranged by the band Noah. The positive impacts of such an authorized rearrangement are not limited to the creation of a more refined or aesthetically pleasant harmony but also include the revival of the song’s popularity and public presence, which may have previously diminished.

However, in reality, many individuals still rearrange songs and/or music without permission and then upload them on digital platforms such as Spotify, TikTok, Instagram, and even YouTube. These individuals conduct rearrangements without considering the musical beauty or artistic value of another person’s copyrighted work. A common type of unauthorized rearrangement currently trending is known as *jedag-jedug*. The term *jedag-jedug* refers to strong beats or heavy rhythmic pulses applied to a song.

Such rearrangements have become common on the TikTok platform. It cannot be denied that many digital platform users enjoy songs that have been rearranged into the *jedag-jedug* version. Users of TikTok often incorporate these rearranged works into their content, whether as background music for viral TikTok dance trends or as background sound for collaborative promotional content created by TikTok users who partner with companies for product campaigns, and so on.

Spotify, as one of the most widely used digital music platforms among music listeners, has established copyright protection policies to ensure that every musical work uploaded is legally protected and can only be accessed with the permission of the copyright owner. This system serves to protect the interests of creators and license holders. Spotify upholds intellectual property rights and expects its users to do the same.

If a creator experiences copyright infringement or misuse of their work, Spotify provides procedures for reporting such violations. A notification of alleged copyright infringement may be submitted to Spotify’s designated copyright agent along with the required information (Spotify, 2025).

- specific identification of each copyrighted work that is claimed to have been infringed;
- A description of the location of the material believed to be infringing on the Spotify Service or Spotify Website (please describe it as precisely as possible and include the URL to help us locate the material you are reporting);
- Contact information of the party submitting the complaint, such as full name, address, telephone number, and email address;
- A statement that the complaining party has a good-faith belief that the use of the work in the manner complained of is not authorized by the copyright owner, its agent, or the law (such as fair use); and
- A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is the owner of the rights allegedly infringed, or is an agent authorized to act on behalf of the owner.
- A physical or electronic signature of the owner (or a person authorized to act on the owner’s behalf) of the copyright that is claimed to have been infringed; and
- A statement acknowledging that your contact information and/or your notice will be provided to the alleged infringer and retained as necessary for legal purposes.

With Spotify’s designated copyright agent, who may be contacted as follows:

1. Spotify USA Inc.
2. Attn: Legal Department, Copyright Agent
3. 4 World Trade Center, 150 Greenwich Street, 62nd Floor, New York, NY 10007
4. infringement-claim@spotify.com

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When a creator submits a copyright claim, Spotify may provide the creator's name and email address to the alleged infringer and retain the creator's information for as long as necessary for legal purposes. Spotify will review the claim submitted. Upon receiving a claim, Spotify will evaluate it and take appropriate action. Such actions may include removing the reported content or disabling access to it in certain countries(ies). Spotify will also communicate directly with the complainant (the creator) and the user (the content uploader who is alleged to have infringed) regarding the actions taken by Spotify or if Spotify requires further information to assess the creator's claim.

In addition to reports submitted by creators, Spotify uses a combination of automated and manual signals to detect and remove content that is considered to infringe intellectual property rights. If an error occurs where a piece of content is later found not to infringe any intellectual property rights, or if a user wishes to request a re-evaluation of Spotify's decision on a claim Spotify provides the opportunity to submit an appeal.

Furthermore, within the broader landscape of social media platforms commonly used today, TikTok is among the most frequently accessed applications. TikTok is a Private Electronic System Operator (Penyelenggara Sistem Elektronik/PSE Lingkup Privat) that provides features for viewing, uploading, and exchanging information electronically by its users. TikTok essentially has rules for its users through its Terms of Service and Community Guidelines, providing clear guidance to help users understand what types of content are allowed and prohibited.

The TikTok digital platform employs a Duo-Review feature powered by Computer Vision technology to filter content. The Duo-Review model can identify prohibited content; such content will be held by the Duo-Review system and flagged for further manual review by human moderators. TikTok also provides facilities for individuals or groups to submit copyright infringement notices to the platform. Those who may file such reports include the creator or the copyright holder.

TikTok's Terms of Service in the section on content states:

"We, or authorized third parties, reserve the right to crop, remove, edit, or refuse to publish your content entirely at our own discretion or that of such third parties. We have the right to delete, ban, block, or destroy any content you upload to our Services if, in our opinion, such uploaded content does not comply with the content standards outlined in the section 'Your Access to and Use of Our Services' above. Furthermore, we have the right—but not the obligation—entirely at our own discretion to delete, ban, block, or destroy any user content (i) that we consider to be in violation of these terms, or (ii) in response to complaints from users or other third parties, with or without notice and without any liability to you. Therefore, we recommend that you keep copies of any User Content you upload to the Services on your personal device if you wish to ensure permanent access to such User Content. We do not guarantee the accuracy, integrity, suitability, or quality of any user content, and under no circumstances will we be liable in any form for any user content."

On TikTok's official service website, it is stated that if a creator believes another user has infringed their copyright within the TikTok application, the creator may directly contact the user to resolve the copyright issue. However, TikTok also provides an alternative option: the creator may submit a Copyright Infringement Report to request TikTok to remove the content suspected of violating copyright from the platform.

TikTok outlines the steps for reporting intellectual property violations on the platform as follows:

1. In the TikTok app, tap the Share button next to the video you want to report.
2. Tap Report.

3. Tap Intellectual property infringement.
4. Tap Copyright Infringement Report, then follow the instructions provided.

Furthermore, YouTube, as one of the largest video-sharing platforms in the world, provides several mechanisms related to copyright protection to safeguard the interests of creators. This is intended to ensure that works published on YouTube are not misused or infringed by irresponsible parties. The first copyright rule provided by YouTube states: (YouTube, 2025)

"Creators may only upload their own videos or videos of others for which they have permission to use them. This means they may not upload videos that are not their own work, or use other people's copyrighted content, such as music tracks, copyrighted program excerpts, or user-generated videos, in their videos without obtaining the necessary permission."

YouTube works with copyright owners to provide them with features appropriate to the scale of copyrighted content on YouTube, as well as resources to responsibly manage their online content. YouTube's Copyright Management provides several ways for copyright owners to file copyright claims. Here are some ways YouTube can help copyright owners protect their works:

Web Form

The web form is the easiest way to request removal of unauthorized copies of copyrighted content. This is done by manually submitting a copyright notice via the DMCA (Digital Millennium Copyright Act) web form. This website is accessible to anyone and is available in all languages.

Copyright Match Tool

The Copyright Match Tool utilizes advanced Content ID matching technology to find reuploaded videos within the YouTube app. The Copyright Match Tool identifies near-complete reuploads of a creator's original video on other YouTube channels. The Copyright Match Tool also allows creators or copyrighted video owners to choose which action to take, such as requesting the video be removed, sending a message to the video uploader, or archiving the match if they do not wish to take any further action..

Content ID

Content ID is a digital fingerprint tracking system owned by YouTube that allows copyright owners to upload content they own exclusive rights to as a reference file, then scans videos uploaded to YouTube for matches. If a match is found, action will be taken based on the rules or policies set by the content owner, such as:

- a. Blocking the entire video from being viewed. However, creators will not receive a copyright notice if the copyright owner blocks the video.
- b. Monetizing videos by running ads on them. In some situations, copyright owners may share revenue with the uploader through advertising.
- c. Tracking video viewing statistics.

If a copyright owner files a valid DMCA complaint through the web form described above, YouTube will remove the allegedly infringing video and apply a copyright notice. If the alleged infringer fails to receive a copyright notice within 90 days, their account and all associated channels will be terminated. However, YouTube also has tools to assist in resolving copyright notices, including waiting for the notice to expire after 90 days, requesting a revocation, or submitting a reinstatement request.

The act of rearranging music without the permission of the creator or copyright holder is considered a violation of the creator's moral rights, namely the Right of Integrity, which only the creator and copyright holder have the right to exploit the work, including rearranging music. Law Number 28 of 2014 concerning Copyright, copyright infringement is classified as a complaint offense. However, under the previous law, Law Number 19 of 2002, copyright

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infringement was classified as a common offense. (Hanafi Amran, 2018:348) Protection related to Music Copyright is regulated in Law Number 28 of 2014, which was previously regulated in Law Number 19 of 2002. This is because the government felt that the previous law was still ineffective in providing more protection to creators. So the government made changes in the hope of being able to provide more effective protection and become a basis for enforcing copyright abuse in Indonesia, copyright infringement, specifically musical works that are rearranged without permission on digital platforms, is said to be a violation of economic rights or a violation of the creator's moral rights. The creator's economic and moral rights should be respected and protected. As stated in Article 40 Paragraph (1) of Copyright Law Number 28 of 2014, which explains protected copyright works as follows:

(1) Protected creations include creations in the fields of science, art, and literature, consisting of: Books, pamphlets, typographical versions of published works, and all other written works;

- a. Lectures, speeches, and other similar works;
- b. Visual aids created for educational and scientific purposes;
- c. Songs and/or music with or without lyrics;
- d. Dramas, musical dramas, dances, choreography, puppetry, and pantomimes;
- e. Works of fine art in all forms, such as paintings, drawings, carvings, calligraphy, sculpture, statues, or collages;
- f. Works of applied art;
- g. Works of architecture;
- h. Maps;
- i. Works of batik or other motif art;
- j. Photographic works;
- k. Portraits;
- l. Cinematographic works;
- m. Translations, interpretations, adaptations, anthologies, databases, adaptations, modified arrangements, and other works resulting from transformations;
- n. Translations, adaptations, arrangements, transformations, or modifications of traditional cultural expressions;
- o. Compilations of works or data, whether in a format readable by computer programs or other media;
- p. Compilations of traditional cultural expressions, provided the compilation constitutes an original work;
- q. Video games; and
- r. Computer programs.

Based on Article 40 Paragraph (1), it is clear that artistic works, such as songs and/or music, are a form of copyright protected in Indonesia. Essentially, copyright protects derivative works resulting from adaptations without changing the original components of a work, as well as transformations of a work into a new form. This protection is a constant, binding protection for new elements in a work resulting from the transformation of the work. There are three requirements for a work to be protected by Copyright, as follows: (Agus Sardjono, 2008)

1. It must be based on the definition of a work in accordance with applicable laws and regulations;
2. It must be in an expressive medium as outlined in Law Number 28 of 2014 concerning Copyright; and
3. The work is an original work..

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In an effort to protect moral rights as stipulated in Article 6 of Law Number 28 of 2014 concerning Copyright, it states:

"To protect moral rights as referred to in Article 5 Paragraph (1), Creators may have:

- a. Copyright management information; and/or
- b. Electronic Copyright information."

Copyright management information includes methods or systems that identify the originality of a work and its creator, as well as information or access codes. Electronic Copyright Information, on the other hand, includes a work that appears and is inherent in connection with the announcement of the work, the name of the creator as copyright holder, the period and conditions of use of the work, and the information number and code. Legal protection for economic rights can be achieved through permission requested by the creator or copyright holder for the purpose of indirectly exercising economic rights.

Creators automatically acquire ownership of their works from the moment they are first published. As stipulated in Article 9 Paragraph (3) of Law Number 28 of 2014 concerning Copyright, any person who, without the permission of the creator or copyright holder, is prohibited from duplicating and/or commercially using the work. However, the reality in today's society is quite different. Songs used by the public or users of digital platforms are not limited to their original versions. However, songs used as background music for content can be remixed (rearranged) or "dadag-jedug" versions. Digital platform users who produce remix songs currently have a significant following. This means that remixes or jedag-jedug songs have a significant following. However, from a legal perspective, this practice violates the economic rights of creators or copyright holders. Rearranging an existing work and then distributing it commercially without the knowledge and/or permission of the creator or copyright holder constitutes copyright infringement for songs and/or music, which can result in prosecution under both civil and criminal law.

Furthermore, when resolving disputes through the courts, creators have the right to choose whether to file a civil suit for damages or a criminal complaint. Criminal dispute resolution is a last resort in resolving copyright disputes.

Settlement of copyright disputes through a lawsuit for damages (Civil Law) - creators or copyright holders or related rights holders have the right to obtain compensation for copyright infringement that occurs against their works. If the copyright has been transferred in full to another party, the creator or their heirs still have the right to sue anyone who intentionally or unintentionally violates the creator's moral rights. Article 100 Paragraph (1) of the Copyright Law states:

"Lawsuits for copyright infringement shall be filed with the Chief Justice of the Commercial Court."

Furthermore, lawsuits for damages and interim injunctions are regulated in Article 99 of the Copyright Law, which explains:

- (1) Creators, Copyright Holders, or owners of Related Rights have the right to file a lawsuit for damages with the Commercial Court for violations of Copyright or Related Rights products.
- (2) The lawsuit for damages as referred to in paragraph (1) may take the form of a request to hand over all or part of the income obtained from holding lectures, scientific meetings, performances, or exhibitions of works resulting from violations of Copyright or Related Rights products.
- (3) In addition to the lawsuit as referred to in paragraph (1), Creators, Copyright Holders, or owners of Related Rights may request a provisional or interim decision from the Commercial Court for:

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- a. Request the confiscation of Works that have been Announced or Duplicated, and/or the Duplicating equipment used to produce Works resulting from Copyright infringement and Related Rights products; and/or
- b. Cease the Announcement, Distribution, Communication, and/or Duplicating of Works resulting from Copyright infringement and Related Rights products.

Settlement of copyright disputes through criminal prosecution for copyright infringement. Copyright remedies are regulated in Articles 95, 105, 110, and 120 of Law Number 28 of 2014 concerning Copyright. Article 105 of Law Number 28 of 2014 concerning Copyright stipulates:

"The right to file a civil lawsuit for copyright and/or related rights infringement does not diminish the right of the creator and/or related rights holder to file a criminal lawsuit."

The creator or holder of copyright or related rights retains the right to file a criminal lawsuit even if they have filed a civil lawsuit. If both occur simultaneously, the civil lawsuit will take precedence. If someone without the permission of the creator or copyright holder rearranges someone's work for commercial purposes, this is regulated in Article 113 Paragraph (2) of Law Number 28 of 2014 concerning Copyright, which states:

"Any person who without the right and/or without the permission of the Creator or copyright holder commits a violation of economic rights as referred to in Article 9 Paragraph (1) letter c, letter d, letter f, and/or letter h for commercial use shall be punished with imprisonment for a maximum of 3 (three) years and/or a maximum fine of IDR 500,000,000.00 (five hundred million rupiah)."

If you upload songs and/or music or videos without the creator's permission to a digital platform for commercial purposes, Article 113 Paragraph (3) of Law Number 28 of 2014 concerning Copyright states:

"Any person who, without the right and/or without the permission of the creator or copyright holder, violates the creator's economic rights as referred to in Article 9 Paragraph (1) letters a, b, e, and/or g for commercial use shall be subject to a maximum imprisonment of 4 (four) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah)."

According to Article 54 of Law Number 28 of 2014 concerning Copyright, to prevent violations of Copyright and related rights through information technology-based means, the government has the authority to supervise the creation and dissemination of copyright-infringing content by collaborating and coordinating with various parties, both domestic and international. Article 55 Paragraph (1) of Law Number 28 of 2014 concerning Copyright states::

"Any person who becomes aware of a violation of copyright and/or related rights through an electronic system for commercial use may report it to the Minister."

Based on the above article, the minister in question is the minister authorized in the field of telecommunications and informatics. As referred to in Article 56 paragraph (1) of the Copyright Law, which explains:

"The minister who administers government affairs in the field of telecommunications and informatics, based on the recommendations referred to in Article 55 paragraph (3), may block content and/or user access rights that violate Copyright and/or Related Rights in an electronic system and render the electronic system service inaccessible."

It can be said that uploading songs and/or remixed music to digital platforms constitutes a violation of copyright law. Article 25 of Law Number 11 of 2008 concerning Electronic Information and Transactions. Furthermore, Article 32 paragraph (1) of Law Number 11 of 2008 concerning Electronic Information and Transactions stipulates:

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"Any person who intentionally and without the right to violate the law in any way is prohibited from changing, adding, reducing, transmitting, damaging, removing, moving electronic information and/or electronic documents."

Article 95 of Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions states:

"The Government's role in preventing the dissemination and use of Electronic Information and/or Electronic Documents containing prohibited content in accordance with the provisions of laws and regulations as referred to in Article 90 Letter c is in the form of"

- a. Terminating Access; and/or
- b. Ordering Electronic System Operators to terminate access to such Electronic Information and/or Electronic Documents."

The Government has the authority to terminate access and/or order Electronic System Operators (PSE) to terminate access to such electronic information and/or electronic documents. With this authority, the government has a role to prevent the dissemination and use of electronic information containing content that is inconsistent with the provisions of laws and regulations.

E. CONCLUSION

Digital transformation has resulted in platforms like Spotify, Apple Music, Joox, YouTube Music, and other digital music platforms becoming the primary source of music revenue in Indonesia. General regulations regarding musical creations on digital platforms can be found in the Terms and Conditions of the digital applications we use. These Terms and Conditions stipulate licensing and royalty agreements between the platform and the musician. Musical creations uploaded to digital platforms for commercial use are governed by existing laws and regulations, including Law Number 28 of 2014 concerning Copyright. In the digital context, Law Number 11 of 2008 concerning Information and Electronic Transactions provides a framework for regulating copyright protection in the digital world.

Each digital platform provides protection for musical creations through its Terms and Conditions. These Terms and Conditions also provide procedures for filing claims if a musician believes their work has been infringed. Copyright protection is automatically granted to the creator and/or copyright holder from the moment the work is created. However, authentic evidence is required for court proceedings. Based on Article 95 Paragraph (1) of the Copyright Law, copyright disputes can be resolved through alternative dispute resolution mechanisms, arbitration, or commercial court. If someone rearranges a work of another person's creation for commercial purposes without the permission of the creator or copyright holder, this is regulated by Article 113 Paragraph (2) of the Copyright Law. Furthermore, uploading songs and/or music or videos to a digital platform for commercial purposes without the creator's permission is regulated by Article 113 Paragraph (3) of the Copyright Law.

The public is advised to be more judicious in using digital platforms. If they wish to use or rearrange another person's song and/or music, they should first seek permission from the creator or copyright holder as a form of respect for the creator's economic and moral rights. Creators or holders of copyright, as well as those with related rights in the field of songs and/or music, should take legal steps to protect their work, including registering their work, to avoid potential violations by irresponsible parties. The government is urged to remain steadfast and consistent in enforcing the law regarding copyright violations of songs and/or music. This will prevent any party from arbitrarily committing copyright infringement.

REFERENCE

ARTICLE

Akhmad, N. (2020). *Ensiklopedia keragaman budaya*. Alprin.

Machmuda, A. A. (2016). Pembatasan dan Pengecualian Hak Cipta Musik dan Lagu.

Naue, K., Dungga, W. A., & Muhtar, M. H. (2024). Resonansi digital dalam pengaturan lisensi lagu remix di TikTok berdasarkan UU No. 28 Tahun 2014 tentang Hak Cipta. *SINERGI: Jurnal Riset Ilmiah*, 1(6), 353-364.

Nuraini, A. S., Aprlianti, S. N., & Agustin, T. N. E. (2025). Cultural Diversity and Historical Traditions in Indonesia. *HISTORICAL: Journal of History and Social Sciences*, 4(1), 1-13.

Pramita A, & Subekti. (2023). Analisis Hukum Pelanggaran terhadap Digitalisasi Ciptaan, Fakultas Hukum Universitas Dr. Soetomo

Ponidi, M. P. (2024). *Pendidikan Kewarganegaraan untuk Perguruan Tinggi*. umsu press.

Trisnawati, I. A. (2021). *Fakultas seni pertunjukan isi denpasar*. Sejarah Seni Budaya.

Ujang Suratno, S. H., Faujura, R. P., & SH, M (2024). *Hukum Hak Kekayaan Intelektual Di Indonesia*. Penerbit K-Media.

“Peran Artificial Intelligence Pada Aplikasi Tiktok”, Jurusan Informatika Universitas Islam Indonesia, <https://informatics.uii.ac.id/2022/07/19/peran-artificial-intelligence-pada-tiktok/>

<https://www.hukumonline.com/berita/a/memahami-konsep-dasar-perlindungan-hak-cipta-sebagai-kekayaan-intelektual-1t627fa18519962/>

Rizkia, N. D., & Fardiansyah, H. (2022). *Hak Kekayaan Intelektual Suatu Pengantar*. Penerbit Widina.

SINAGA, G. H. (2023). PERLINDUNGAN HUKUM BAGI PEMILIK LISENSI HAK SIAR KONTEN PIALA DUNIA DI INDONESIA MENURUT UNDANG-UNDANG NOMOR 28 TAHUN 2014 TENTANG HAK CIPTA.

SoundCampaign, “Kalkulator Royalti Tiktok”, <https://soundcamps.com/id/tiktok-royalties-calculator/#apakah-tiktok-membayar-royalti-kepada-artis>

Spotify, “Hukum”, <https://www.spotify.com/id-id/legal/intellectual-property-policy/>

Spotify, “Kebijakan Kekayaan Intelektual Spotify” https://www.spotify.com/id-id/legal/intellectual-property-policy/#_gl=1*_4ql1mb*_gcl_au*MTc3MDc3NDM5Ni4xNzQyNTMwNzYy

Spotify, “Royalti dan Cara Artis Dibayar”, <https://support.spotify.com/id-id/artists/article/royalties/>

Tiktok, “Ketentuan Layanan”, <https://www.tiktok.com/legal/page/row/terms-of-service/id>

Undang-undang (UU) Nomor 28 Tahun 2014 tentang Hak Cipta

Undang-undang (UU) Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik

Wikipedia, “Spotify” <https://id.wikipedia.org/wiki/Spotify> diakses pada tanggal 28 Februari 2025.

Ramadhana, Y. (2023). Nadin Amizah Kesal Lagunya Di Remix Tanpa Izin, Melanggar Hak Cipta?. *Smartlegal. id.* <https://smartlegal.id/hki/hak-cipta/2023/08/30/nadin-amizah-kesal-lagunya-di-remix-tanpa-izin-melanggar-hak-cipta/>