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Legal Protection Against Copyright Infringement Of Music Works On Digital Platforms

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Abstract

The development of digital streaming platforms has changed the way music is distributed and consumed in Indonesia. On the other hand this development has also created legal problems in the form of massive copyright infringement through unlicensed uploads and unregulated music sharing. This phenomenon not only harms creators as copyright holders but also disrupts the economic sustainability of the national music industry. The main problem in this research is the weakness of the existing legal framework in providing effective protection for copyright holders of musical works in the digital space. This study aims to analyze the legal regulations regarding copyright protection for musical works on digital platforms and examine the effectiveness of law enforcement against copyright infringement in the digital music ecosystem. The research method used is normative legal research with a statute approach and a case approach. The legal materials used consist of primary secondary and tertiary legal materials obtained through library research and analyzed qualitatively. The results show that copyright protection for musical works in Indonesia has a legal basis through Law Number 28 of 2014 concerning Copyright and various derivative regulations. However enforcement of these regulations still faces obstacles including the cross-border nature of digital platforms the difficulty of tracking perpetrators and the limited human resources of law enforcement agencies. Based on the theory of legal protection and the

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concept of copyright a more comprehensive regulatory harmonization is needed along with strengthening the role of digital platform providers in preventing copyright infringement through more effective monitoring and reporting mechanisms.

Keywords: Copyright Protection; Copyright Infringement; Music Works; Digital Platforms; Intellectual Property Law.

INTRODUCTION

The rapid advancement of information and communication technology has fundamentally changed the way music is created distributed and consumed in Indonesia. Digital streaming platforms such as Spotify Joox and YouTube Music have become the primary medium for accessing music replacing physical formats such as cassettes and CDs. This transformation provides great benefits for musicians and listeners but at the same time creates serious legal challenges related to copyright protection (Akbar et al., 2014; Fathoni et al., 2024; Kilanta, 2017). Copyright is part of Intellectual Property Rights that provides exclusive protection to creators of musical works. In Indonesia copyright protection is regulated by Law Number 28 of 2014 concerning Copyright which grants creators the exclusive right to reproduce distribute and perform their works publicly. In the context of digital platforms this protection faces serious threats due to the ease of copying and distributing music files without the creators permission (Akbar et al., 2014).

Data shows that music consumption through digital platforms in Indonesia continues to increase every year. However this growth is also accompanied by a rise in copyright infringement in the form of unlicensed uploads illegal music sharing and the use of musical works without permission on social media. Many users do not realize that uploading cover songs remixes or even playing background music in their videos without a license constitutes copyright infringement (Fathoni, 2024; Sardjono, 2006). The legal issues that arise relate to the boundaries of platform responsibility the effectiveness of existing legal instruments and the challenges of enforcing copyright in the digital space. Normatively digital platforms act as service providers that facilitate the distribution of content including musical works. However these platforms also obtain economic benefits from every stream and advertisement displayed. This raises questions about the extent of platform liability when copyright infringement occurs through the services they provide (Muin et al., 2026).

Digital music platforms are electronic systems that provide services for streaming downloading and distributing music through the internet. These platforms can be divided into two

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main categories namely on-demand streaming services such as Spotify and Joox and user-generated content platforms such as YouTube and TikTok. Each type of platform has a different business model and legal implications in the context of copyright protection (PURBAWATI, 2025). According to Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 1 of 2024 digital platform providers are categorized as Electronic System Providers. These providers have a legal obligation to maintain reliable safe and responsible electronic systems. In the context of copyright this obligation includes efforts to prevent the use of the platform for copyright infringement (Akbar et al., 2014).

The legal position of digital platforms in copyright infringement cases has been the subject of much debate in legal doctrine. Some argue that platforms should be treated as neutral intermediaries that are not responsible for content uploaded by users. However an increasingly dominant view states that platforms that benefit economically from content distribution should have a greater responsibility to ensure that the content distributed through their services does not infringe the copyright of third parties (Fuady, 2013). Copyright infringement in the digital music ecosystem can take various forms including unlicensed uploading of music files unauthorized sharing through peer-to-peer networks use of musical works as background content in videos without permission creation of unauthorized remixes or covers and streaming of music through unofficial platforms. These practices cause significant economic losses to creators and the music industry as a whole (Fakhrihassan & Riswandi, 2025; Khairandy et al., n.d.).

Research shows that Indonesia is one of the countries with a high rate of digital copyright infringement. The ease of access to technology and the lack of public understanding of copyright law are the main factors driving this phenomenon. Many internet users do not realize that downloading music from illegal sites or uploading cover songs without permission is a violation of copyright law that can be subject to criminal sanctions (Alfian, 2025). The theory of intermediary liability provides a legal framework for determining the liability of digital platform providers for illegal activities carried out by users of their services. This theory develops along with the increasing role of digital platforms in controlling economic activities and public communication on the internet. In the context of copyright this theory is used to analyze the extent to which music streaming platforms can be held responsible for copyright infringement committed by users (NURCAHYO, 2025). Philipus M. Hadjon argues that legal protection must be provided preventively and repressively to guarantee legal certainty and justice for the community. Preventive protection is realized through regulations education and supervision mechanisms while repressive protection is realized through law enforcement dispute resolution and

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compensation mechanisms for victims. This theory is relevant in analyzing the forms of legal protection that should be provided to copyright holders of musical works in the digital space (Mardiana et al., 2026).

Copyright is an exclusive right granted to creators for their original works including musical works. According to Peter Mahmud Marzuki copyright protection is based on the principle that a person who puts effort and creativity into creating a work deserves recognition and economic benefits from the work he creates. This principle underlies the need for legal protection for copyright holders (Marzuki & Sh, 2021). In Indonesian positive law copyright protection is regulated in Law Number 28 of 2014 concerning Copyright. Article 1 number 1 states that copyright is an exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in a tangible form without prejudice to restrictions in accordance with the provisions of laws and regulations. This provision confirms that copyright protection applies from the moment the work is created without requiring a registration process (Saidin, 2010). Musical works as objects of copyright protection include songs compositions and arrangements that are original and expressed in tangible form. The copyright holder of a musical work has the exclusive right to reproduce distribute perform publicly create derivative works and synchronize the musical work with visual media. Any use of a musical work without the permission of the copyright holder constitutes an infringement that can be subject to civil and criminal sanctions (Muhammad, 1999).

Several studies have shown that the existing legal framework is still unable to provide effective protection for copyright holders in the digital ecosystem. The cross-border nature of the internet the difficulty of tracking perpetrators and the limitations of law enforcement agencies are the main obstacles in copyright enforcement. In addition regulations regarding the obligations of digital platforms in preventing copyright infringement are still general in nature and do not comprehensively regulate the accountability mechanisms of platforms for copyright infringement committed by users (Kossay & Idris, 2025). Based on this background this research is important to analyze the legal regulations regarding copyright protection for musical works on digital platforms and examine the effectiveness of law enforcement against copyright infringement in the digital music ecosystem. The findings of this research are expected to contribute to the development of regulations and legal practices in the field of copyright protection in the digital era.

METHOD

This research uses normative legal research method namely research that focuses on the

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study of legal norms contained in laws and regulations doctrines and legal decisions related to copyright protection for musical works on digital platforms. This approach is used because the object of research is oriented towards analysis of legal regulations governing the protection of copyright and the accountability of digital platform providers in music distribution. The approaches used include the statute approach and the case approach. The statute approach is carried out by examining various relevant regulations including Law Number 28 of 2014 concerning Copyright Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law and Government Regulation Number 71 of 2019 concerning Electronic Systems and Transactions. Meanwhile the case approach is used to analyze copyright infringement cases that have occurred on digital music platforms in Indonesia (Salim, 2013).

The legal materials used consist of primary legal materials namely laws and regulations related to copyright and digital platforms. Secondary legal materials in the form of books scientific journals and relevant research results. Tertiary legal materials including legal dictionaries and encyclopedias. The collection of legal materials was carried out through library research by exploring various relevant and reliable legal sources. The legal materials were then analyzed using qualitative analysis methods with prescriptive analysis techniques namely reviewing and interpreting applicable legal provisions to obtain legal arguments regarding the forms and boundaries of copyright protection for musical works on digital platforms.

RESULTS AND DISCUSSION

Legal Regulations on Copyright Protection for Musical Works on Digital Platforms

The development of digital technology has changed the music distribution pattern from physical format to digital format. Digital streaming platforms are now the main medium for accessing music in Indonesia. However this transformation also brings new legal challenges related to copyright protection. In the Indonesian legal system copyright protection for musical works has a clear legal basis through several laws and regulations. Law Number 28 of 2014 concerning Copyright is the main legal basis for copyright protection in Indonesia. Article 40 paragraph (1) grants creators of musical works economic rights including the right to publish reproduce distribute perform publicly communicate to the public and create derivative works. These rights are exclusive and can only be exercised by the copyright holder or with his permission (Akbar et al., 2014).

In the digital context these provisions have important implications. Every act of uploading downloading streaming or sharing musical works through digital platforms without the creators

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permission constitutes copyright infringement. Article 113 of the Copyright Law stipulates that any person who without rights infringes copyright as referred to in Article 40 shall be subject to criminal sanctions in the form of imprisonment and or fines (Akbar et al., 2014). In addition to the Copyright Law the protection of musical works in the digital space is also regulated in Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law. This law stipulates that electronic system providers are responsible for maintaining the reliability security and responsibility of the electronic systems they manage. In the context of copyright this provision can be interpreted as an obligation for digital music platforms to take preventive measures against copyright infringement committed by users of their services (Kilanta, 2017).

Government Regulation Number 71 of 2019 concerning Electronic Systems and Transactions also provides a legal basis for imposing obligations on digital platform providers. Article 14 paragraph (1) stipulates that electronic system providers must ensure that their electronic systems are not used for activities that violate laws and regulations. In the context of copyright this provision reinforces the platforms obligation to prevent the distribution of musical works that infringe copyright (Agusta, 2022). However the existing regulations still have weaknesses. Provisions regarding the specific obligations of digital platforms in preventing copyright infringement are still general in nature. There are no technical guidelines that clearly regulate the procedures for content monitoring the timeframe for responding to copyright infringement reports and the legal consequences if platforms fail to fulfill their obligations. This situation creates legal uncertainty for both copyright holders and platform providers.

Forms of Copyright Infringement of Musical Works on Digital Platforms

Research shows that copyright infringement of musical works on digital platforms in Indonesia takes various forms. First is unlicensed uploading where users upload music files to platforms without permission from the copyright holder. This practice is common on user-generated content platforms such as YouTube and TikTok where users upload videos with background music without obtaining the necessary license (Zulkarnaen, 2026). Second is the unauthorized creation of cover versions and remixes. Many musicians and content creators produce cover versions of popular songs and upload them to digital platforms without obtaining permission from the copyright holder. While some covers may fall under the fair use category in practice most of these uses generate commercial benefits for the cover creators without providing compensation to the original copyright holders.

Third is the use of musical works as content on social media. Many social media users use

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popular songs as background music for their videos reels or stories without realizing that this practice constitutes copyright infringement. Social media platforms such as Instagram and TikTok provide music libraries that are licensed but many users still use music from outside sources that are not properly licensed (Berliana & Silalahi, 2025). Fourth is streaming through unofficial platforms. A number of websites and applications provide music streaming services without having a license from the copyright holder. These platforms often offer free or low-cost services that are very attractive to users but cause significant losses to copyright holders. Research shows that these illegal platforms are still widely accessed in Indonesia due to the lack of effective law enforcement.

Effectiveness of Law Enforcement Against Copyright Infringement

The effectiveness of law enforcement against copyright infringement of musical works on digital platforms in Indonesia still faces various obstacles. The first obstacle is the cross-border nature of the internet. Copyright infringement can be committed from anywhere in the world and the servers used to store infringing content are often located outside Indonesia. This creates difficulties in the jurisdiction and enforcement of law (Nugroho et al., 2026). The second obstacle is the difficulty in tracking the perpetrators. Perpetrators of copyright infringement can easily hide their identity on the internet using fake accounts VPNs or proxy servers. This makes it difficult for law enforcement agencies to identify and take action against the perpetrators. In many cases the perpetrators are ordinary users who do not have sufficient assets to pay compensation so that even if a lawsuit is filed the copyright holders find it difficult to obtain meaningful compensation. The third obstacle is the limited human resources and technical capabilities of law enforcement agencies. Handling cases of copyright infringement in the digital space requires special expertise in information technology and cyber law. However the number of law enforcement officers who have this expertise is still limited. In addition the equipment and infrastructure needed to investigate digital crimes are still inadequate (Azzahra, 2026). The fourth obstacle is the lack of public understanding of copyright law. Many internet users do not realize that downloading music from illegal sites or uploading videos with background music without permission is a violation of copyright law. This lack of understanding makes preventive efforts through education and socialization very important in reducing the rate of copyright infringement.

Digital Platform Provider Liability Analysis

From the perspective of the theory of legal liability digital platform providers can be held

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responsible for copyright infringement committed by users of their services if certain elements are met. First there is a legal obligation attached to the platform. Second there is a violation of that obligation. Third there is a loss suffered by the copyright holder. Fourth there is a causal relationship between the violation and the loss (Tereszkiewicz, 2018). In the context of copyright law digital platforms that provide music streaming services have an obligation to ensure that the content available on their platform has been properly licensed. If the platform allows unlicensed content to be accessible to users the platform can be considered negligent in fulfilling its legal obligations. This negligence can be the basis for imposing civil and or criminal liability on the platform.

However the application of this liability must also take into account the safe harbor principle which provides protection to platform providers as long as the platform has made reasonable efforts to prevent copyright infringement. This principle is reflected in the notice and takedown mechanism which allows copyright holders to report infringing content to the platform and requires the platform to immediately remove the reported content (Mazziotti, 2025). In international practice the notice and takedown mechanism has become the standard for handling copyright infringement on digital platforms. However the implementation of this mechanism in Indonesia still faces various obstacles. There are no clear regulations regarding the time period for platforms to respond to reports the procedures for verifying reports and the legal consequences if platforms fail to follow up on reports that meet the requirements. This condition reduces the effectiveness of the notice and takedown mechanism as a tool for protecting copyright in the digital space.

Efforts to Strengthen Copyright Protection for Musical Works on Digital Platforms

There are several strategic steps that can be taken to strengthen copyright protection for musical works on digital platforms in Indonesia. First is the harmonization of regulations between Law Number 28 of 2014 concerning Copyright Law Number 1 of 2024 concerning Electronic Information and Transactions and Government Regulation Number 71 of 2019 concerning Electronic Systems and Transactions. This harmonization needs to produce derivative regulations that specifically regulate the obligations of digital platforms in preventing copyright infringement including technical monitoring procedures time periods for responding to reports and sanctions for platforms that fail to fulfill their obligations.

Second is the strengthening of the notice and takedown mechanism. Regulations are needed that require digital platforms to have an effective system for receiving and processing

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reports of copyright infringement. These regulations must include standard procedures for submitting reports verification timeframes by platforms mechanisms for objecting to takedown decisions and sanctions for platforms that are proven to be negligent in following up on reports. With a strong notice and takedown mechanism copyright holders can more quickly and effectively protect their rights (Leonardo et al., 2025). Third is the implementation of digital technology for copyright protection. Digital platforms can use content recognition technology such as audio fingerprinting and digital watermarking to automatically detect copyright infringing content. This technology has been used by major platforms such as YouTube through its Content ID system and has proven effective in identifying and managing copyright infringing content. The use of similar technology needs to be encouraged for all digital music platforms operating in Indonesia.

Fourth is strengthening cooperation between the government copyright holders digital platforms and law enforcement agencies. This cooperation can take the form of exchanging data and information on copyright infringement developing joint content monitoring systems and conducting regular training for law enforcement officers in handling copyright infringement cases in the digital space. This collaborative approach is important because copyright protection in the digital era requires the involvement of all stakeholders (Zhou & Cao, 2026). Fifth is education and socialization to the public about the importance of copyright and the legal consequences of copyright infringement. This education needs to be targeted at various levels of society including students content creators and internet users in general. With better understanding it is hoped that public awareness of the importance of respecting copyright will increase so that the rate of copyright infringement can be reduced.

DISCUSSION

The development of digital technology has brought fundamental changes to the music industry in Indonesia. Digital streaming platforms are now the main medium for distributing and accessing music replacing physical formats such as cassettes CDs and DVDs. This transformation provides great benefits for musicians listeners and the music industry as a whole. However behind these conveniences there are serious legal challenges related to copyright protection. This study shows that Indonesia already has various legal instruments that can be used as a basis for copyright protection in the digital space. Law Number 28 of 2014 concerning Copyright is the main legal basis that provides protection for copyright holders including creators of musical works. In addition Law Number 1 of 2024 concerning Electronic Information and Transactions and Government Regulation Number 71 of 2019 concerning Electronic Systems and Transactions also

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provide a legal basis for imposing obligations on digital platform providers.

However the existing regulations still have weaknesses. Provisions regarding the obligations of digital platforms in preventing copyright infringement are still general in nature. There are no technical guidelines that clearly regulate monitoring procedures response timeframes and sanctions for platforms that fail to fulfill their obligations. This situation creates legal uncertainty and reduces the effectiveness of copyright protection in the digital space. From the perspective of the theory of legal liability digital platforms can be held responsible for copyright infringement committed by users of their services if they are proven to have knowledge of tolerate or are negligent in supervising activities on their platforms. The safe harbor principle cannot be used as a justification to free platforms from responsibility if the platforms have not made reasonable efforts to prevent copyright infringement.

The notice and takedown mechanism is one of the important instruments in copyright protection in the digital space. However the implementation of this mechanism in Indonesia still faces various obstacles. There are no clear regulations regarding the procedures and timeframes for responding to reports so the effectiveness of this mechanism depends heavily on the policies of each platform. Regulations are needed that standardize the implementation of the notice and takedown mechanism so that copyright holders can obtain more effective protection. From a consumer protection perspective listeners as users of digital music platforms also need to be considered in the copyright protection framework. Listeners need to have access to legal and affordable music services so that they are not encouraged to use illegal platforms. The availability of legal music streaming services at affordable prices is one of the effective strategies to reduce the rate of copyright infringement.

In the context of Indonesia education and socialization about copyright are still very much needed. Many internet users do not realize that downloading music from illegal sites or uploading videos with background music without permission is a violation of copyright law. This lack of understanding is one of the main factors driving the high rate of copyright infringement in Indonesia. Overall this study confirms that copyright protection for musical works on digital platforms requires a comprehensive approach involving regulation technology and education. Regulatory harmonization strengthening the notice and takedown mechanism implementing content recognition technology and increasing public understanding of copyright are strategic steps that need to be taken to create a healthy fair and sustainable digital music ecosystem.

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CONCLUSION

Based on the research and discussion it can be concluded that copyright protection for musical works on digital platforms in Indonesia has a legal basis through Law Number 28 of 2014 concerning Copyright Law Number 1 of 2024 concerning Electronic Information and Transactions and Government Regulation Number 71 of 2019 concerning Electronic Systems and Transactions. These regulations provide the legal framework for the protection of copyright holders and the obligations of digital platform providers in preventing copyright infringement. However the existing regulations are still general in nature and do not comprehensively regulate the specific obligations of digital platforms in preventing and handling copyright infringement. This condition creates legal uncertainty and reduces the effectiveness of copyright protection in the digital space. Law enforcement against copyright infringement still faces obstacles including the cross-border nature of the internet the difficulty of tracking perpetrators and the limited human resources of law enforcement agencies.

Digital platform providers can be held responsible for copyright infringement committed by users if they are proven to have knowledge of tolerate or are negligent in supervising activities on their platforms. However the application of the safe harbor principle needs to be accompanied by an obligation for platforms to make reasonable efforts to prevent copyright infringement. The notice and takedown mechanism needs to be strengthened through clear regulations regarding procedures response timeframes and sanctions for negligent platforms. Efforts to strengthen copyright protection for musical works on digital platforms need to be carried out through regulatory harmonization strengthening the notice and takedown mechanism implementing content recognition technology strengthening cooperation between stakeholders and increasing public understanding of copyright. With a comprehensive approach it is hoped that a healthy fair and sustainable digital music ecosystem can be created that provides optimal protection for copyright holders and benefits for listeners and the music industry as a whole.

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