

Protection of Musical Work Copyright on Digital Platforms: A Comparative Study of Indonesian and United States Law

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Abstract. *The development of digital technology has changed the way people produce, distribute, and use musical works. However, this progress has also increased the potential for copyright infringement, especially on User-Generated Content (UGC) platforms such as YouTube, TikTok, and Instagram. In this context, Law No. 28 of 2014 on Copyright protects the moral and economic rights of creators, but it lacks the technical rules required to address violations in the digital environment. The absence of a notice-and-takedown mechanism, safe harbor provisions, and an obligation to use automated detection technology indicates that Indonesia’s legal framework remains inadequate to address large-scale infringements. In contrast, the United States, through the DMCA 1998, provides detailed regulation of notice-and-takedown procedures, safe harbor requirements, and platform obligations in dealing with repeat infringers. Through a normative, juridical, and comparative legal approach, this study analyzed differences between the Indonesian and U.S. systems and identified gaps that weakened copyright enforcement in Indonesia. The findings show that Indonesia requires more specific technical regulations to support adequate protection on digital platforms. Therefore, this research proposes an ideal protection model comprising four integrated components: clear, binding technical regulations, automated detection technology, a centralized copyright database, and a fair monetization mechanism. The integration of these elements is expected to strengthen copyright enforcement, enhance legal certainty, and support a more accountable and sustainable digital ecosystem.*

Keywords: *Copyright; Digital; Music; Platform.*

1. Introduction

The development of digital technology has brought about significant changes in the patterns of production, distribution, and consumption of creative works. Widespread internet access has enabled people to easily create, upload, and share digital content through various platforms (Hermila et al., 2023). This has had a positive impact by opening up greater creative space for the public. Still, it has posed serious challenges, particularly regarding the legal protection of

creative works circulating in the digital space. These challenges become even more pressing as digital content grows exponentially, outpacing the capacity of existing legal frameworks to respond effectively.

Behind the benefits and ease of access to the internet and social media, the development of information technology also has negative impacts (Kristopansen et al., 2025).. Phenomena such as plagiarism and the piracy of intellectual works are becoming increasingly common (Yulianti et al., 2025). Plagiarism is the act of copying part or all of someone else's work, while piracy is a violation of the law involving the illegal reproduction and distribution of works. The ease of distributing digital works actually creates opportunities for creators to incur losses, as their works are vulnerable to misuse by unauthorized parties (Takasana et al., 2024). Therefore, advances in information technology need to be balanced with legal regulations that are adaptive to the times.

During the implementation of the Indonesian Copyright Law (UUHC), various problems have arisen, particularly affecting creators and copyright holders. According to a report by the International Intellectual Property Alliance (IIPA), around 85% of digital music consumed in Indonesia in 2022 was pirated (Sanjeev, n.d.). The emergence of user-generated content (UGC)-based digital platforms such as YouTube, TikTok, and Instagram has made it increasingly difficult to enforce such protection (Sihite et al., 2025). This is due to the massive circulation of user-generated content that often uses copyrighted works without permission, whether for commercial or non-commercial purposes.

The phenomenon of music copyright infringement on digital platforms is becoming increasingly common as social media grows in popularity. Many musical works are reused without the creator's or copyright holder's permission in the form of covers, remixes, or background music for content (Najla et al., 2024). Although it may seem simple, this practice often harms creators by reducing the potential economic benefits they should receive. Furthermore, this situation can erode respect for creators' exclusive rights. If left unaddressed, such practices may also normalize unauthorized use and encourage wider public tolerance toward copyright violations.

In Law No. 28 of 2014 concerning Copyright, copyright can be defined as the exclusive right of the creator or copyright holder to publish, reproduce, and grant permission for the use of their creative work without reducing the restrictions according to laws and regulations (Undang-Undang (UU) Nomor 28 Tahun 2014 Tentang Hak Cipta, n.d.). Songs, as one of the creations in the field of arts and literature, are included in this category of protected works. This protection covers economic rights, such as reproduction, distribution, and communication to the public, as well as moral rights, such as the right to have the creator's name mentioned.

In early 2021, PT Digital Rantai Maya sued TikTok and ByteDance in the Central Jakarta District Court, claiming Rp13.1 billion in damages for alleged copyright infringement of a song owned by Virgoun Teguh Putra, under case number 4/Pdt.Sus-HKI/Cipta/2021/PN Niaga Jkt.Pst, PT Digital Rantai Maya (DRM) sued TikTok for facilitating the widespread use of 14 Virgoun songs (whose master rights are owned by DRM) as video background music. DRM considers the duplication and distribution to be commercial use on a profit-oriented platform without an

official license from DRM (Soemarsono & Dirkareshza, 2021). In addition, cover singers from Central Sulawesi, Zinidin Zidan and Tri Suaka, went viral in 2022 after uploading a YouTube video parodying the singing style of Andika Kangen Band. The action sparked controversy as it was deemed excessive and offensive. As a result, they were sued by Andika's legal representatives. They were ordered to pay royalties to FORKAMI, Erwin Agam, and the band Ngatmombilung for performing the song without permission (F. N. Heriani, 2022).

The problem is becoming increasingly complex because copyright infringement on digital platforms cannot be entirely attributed to service providers. Users with low levels of legal literacy actually commit most cases. Many users do not understand or ignore the terms and conditions that apply to digital platforms (F. Heriani, 2021). This situation makes law enforcement difficult, as users do not feel guilty, while platforms often hide behind their status as technology service providers. As a result, the absence of shared responsibility between users and platforms creates a legal vacuum that further weakens the effectiveness of copyright enforcement in the digital ecosystem. (Amelia et al., 2025)

These cases indicate that Indonesian regulations are still insufficient to address music and/or song copyright issues on digital platforms. To date, Law No. 28 of 2014 on Copyright (UUHC) does not contain specific provisions governing the liability of digital platform operators. In contrast to the United States, the Digital Millennium Copyright Act (DMCA) of 1998 provides two complementary mechanisms: notice-and-takedown and safe harbors (THE DIGITAL MILLENNIUM COPYRIGHT ACT OF 1998, n.d.). The notice-and-takedown mechanism allows creators and/or copyright holders to request the removal of infringing content from digital platforms. Meanwhile, the safe harbor concept protects platform operators from automatic liability for user violations, provided the platform has reasonable mechanisms for handling reports of breaches (DomaiNesia, 2024).

This study builds on previous research on copyright protection in the digital space while retaining its own characteristics. The survey by Sihite et al. (2024) shows that both films and music are equally vulnerable to piracy on User Generated Content (UGC) platforms. Still, the study focuses on cinematography and the Indonesian national legal framework. In contrast, this study examines the protection of musical works/songs. It develops a comparative legal approach to the United States, analyzing the notice-and-takedown and safe harbor mechanisms under the Digital Millennium Copyright Act (DMCA). Angelita (2022) discusses intellectual property rights protection in general for all digital works on the internet, while this study more specifically examines the use of musical works on digital platforms and compares the effectiveness of Indonesian and US regulations. The research by Syahputra et al. (2022) focuses on protecting musicians' economic rights, particularly those related to royalties. In contrast, this study broadens the scope by assessing the need for copyright enforcement mechanisms that are more responsive to violations on UGC-based digital platforms. Thus, this study offers a more specific and comparative approach than previous studies, which tended to be descriptive or limited to certain aspects of music copyright protection.

Based on this background, this study aims to answer two main questions. First, what form of legal protection exists for musical works and/or songs used on digital platforms under Indonesian law, and how does this compare with regulations in the United States? Second, how should Indonesia formulate the ideal form of protection to address the rampant infringement of music copyright on digital platforms, particularly by integrating modern mechanisms such as notice-and-takedown and safe harbors that better suit the current digital ecosystem? This formulation of the problem serves as the basis for an analysis identifying the strengths, weaknesses, and opportunities for regulatory reform in Indonesia.

2. Research Methods

This research uses the normative juridical research method, understanding and discussing written legal materials in accordance with applicable regulations or positive law (Amirudin & Asikin, 2008). The problem-solving approach used by the author in this study is the statute approach, a conceptual approach, and a comparative approach (Muchti & Achmad, 2009). All data used is secondary data, which includes primary legal materials such as laws and regulations related to Copyright, Electronic Information and Transactions, Electronic Systems and Transactions, and the Digital Millennium Copyright Act (DMCA) 1998; secondary legal materials in the form of books, journals, articles, and legal doctrines; as well as relevant tertiary legal materials (Marzuki, 2017). Data collection was conducted through a literature review, and data analysis used descriptive methods to answer the research questions.

3. Result and Discussion

3.1 Copyright protection for musical works and/or songs used on digital platforms based on Indonesian and United States law

In Indonesia, music copyright protection is essentially regulated by Law No. 28 of 2014 on Copyright. This law protects the moral and economic rights of creators, including the right to announce, publish, reproduce, and utilize works in any form. However, when these rules are applied to the development of digital platforms such as YouTube, TikTok, and Instagram, various problems arise because the Copyright Law does not provide technical guidance on addressing copyright infringement in the digital space (Asril et al., 2021). The Copyright Law only establishes general norms, such as prohibiting the use of works without permission. Still, it does not specify detailed procedures, platform operating standards, reporting timeframes, or the obligation to use infringement-detection technology. Thus, Indonesia's legal framework remains general and is not yet adaptable to the fast-moving digital ecosystem.

The government issued Circular Letter No. 5 of 2016 from the Minister of Communication and Information Technology, which encouraged platforms to provide features for reporting and removing copyright-infringing content. However, this circular letter was only an appeal and was not legally binding (Ramadhanty et al., 2020). There were no legal consequences if platforms did not provide such mechanisms, so implementation depended on each platform's internal policies.

In addition, Constitutional Court Decision No. 84/PUU-XXI/2023 strengthens the position of creators by expanding the scope of the meaning of the provisions of Article 10 of the Copyright Law, Copyright Law regarding the definition of “place of trade manager” and the term “allowing” in the Copyright Law to include User Generated Content (UGC)-based digital platforms (Agustina et al., 2024). This ruling confirms that digital platforms are responsible if they allow copyright infringement to occur on their services (Early, 2025). However, although the ruling provides a new legal basis, the Constitutional Court did not establish technical mechanisms on how platforms should act. There are no provisions on the time limit for removal, how to process user reports, or which technology platforms must be used. As a result, its implementation remains dependent on each platform's policies rather than on binding legal rules.

The United States, however, has implemented a more mature digital copyright protection system through the Digital Millennium Copyright Act (DMCA) of 1998. The DMCA establishes the safe harbor, a rule that provides legal protection to platforms as long as they promptly remove infringing content, have a precise reporting mechanism for violations, and enforce policies against repeat offenders. The DMCA also establishes a straightforward notice-and-takedown procedure, regulating reporting methods, platform obligations, and users' right to file objections if their content is removed (Ningrum, 2022). This framework establishes clear divisions of responsibility among creators, users, and platforms, ensuring consistent and transparent copyright enforcement.

In addition, platforms in the United States have implemented automated detection technologies, such as Content ID, that can quickly identify copyrighted music. This system helps prevent violations before the content can spread widely, making copyright protection more effective and less reliant on manual reports from creators (Karya et al., 2018). Based on this comparison, it can be concluded that Indonesia's system is still lagging because it lacks a technical framework to regulate how digital platforms should handle copyright violations. Indonesia has a general legal basis, but it does not have detailed operational mechanisms like those in the United States

3.2 Ideal Mechanisms Used in Digital Platforms for the Protection of Music and/or Song Copyright in Indonesia

The ideal mechanism for protecting music copyright in Indonesia must include at least four complementary components, namely clear regulations, technological support, institutional strengthening, and a fair monetization model. These four elements are essential because copyright protection in the digital space cannot rely solely on general laws; it requires specialized technical mechanisms to address the rapid, massive scale of infringement.

Indonesia needs clearer, more binding rules on copyright protection on digital platforms. Currently, there are no provisions in the DMCA that explicitly regulate safe harbor mechanisms or notice-and-takedown procedures in the United States. In fact, these two mechanisms are fundamental, so that digital platforms have an obligation to respond to reports of infringement within a specific period of time and not remain passive when copyright infringement occurs.

With such regulations in place, creators will have a more certain and faster recourse when their works are used without permission.

Digital platforms in Indonesia should be required to use automated detection technology to identify copyrighted music. Technologies such as Content ID or Automated Content Recognition (ACR) systems can automatically detect songs in uploaded content, enabling violations to be identified more quickly before they spread or go viral (Lobato, 2025). This technology is already widely used in other countries to prevent large-scale infringements, so its implementation in Indonesia would greatly help reduce the burden on creators who currently have to report infringement cases manually (Section 512 of Title 17, U.S. Copyright Office, n.d.). Moreover, the mandatory adoption of automated detection tools would standardize enforcement practices across platforms, ensuring a consistent level of protection regardless of platform size or user base. In the long run, such technological requirements would create a more accountable digital environment that prioritizes creators' rights and minimizes the potential for repeated infringement.

Indonesia needs a robust, integrated music copyright database that connects LMK/LMKN and digital platforms (Wahyuni, 2025). Currently, song data and rights holders in Indonesia are still scattered and not fully digitized, making it difficult to verify whether a song's use complies with the license when the platform wants to confirm it. With a standardized national database that is directly connected to digital platforms, the process of identifying works and distributing royalties can be faster, more accurate, and more transparent. A unified database would also reduce disputes over ownership and simplify the licensing process for users who want to use music in digital content legally. Moreover, it strengthens platforms' accountability by ensuring that all transactions involving copyrighted music can be traced and audited effectively.

A fair monetization mechanism needs to be implemented so that creators not only receive protection through content removal but also reap economic benefits from the use of their work. A revenue-sharing system allows creators to receive royalties every time their songs are used in digital content (Bergantinos & Ternero, 2025). In this way, copyright protection not only prohibits unauthorized use but also enables users to continue creating legally through a simple licensing mechanism. Additionally, a transparent royalty-tracking system is needed to ensure accurate and accountable revenue distribution. Such a mechanism will also motivate creators to participate more actively on digital platforms, as their rights are guaranteed and fairly rewarded.

By combining these four components, strict regulations, automatic detection technology, integrated databases, and fair monetization systems, Indonesia can build a more effective, modern, and technologically advanced music copyright protection system on digital platforms. Such mechanisms will also bring Indonesia more in line with international practices proven to reduce violations and provide legal certainty for all parties involved. This comprehensive model will further strengthen trust between creators, users, and platform operators, ensuring a balanced digital ecosystem. Ultimately, it provides a strong foundation for long-term innovation and sustainable growth in Indonesia's digital creative industry.

4. Conclusion

Based on the results of the study, it can be concluded that the protection of music and/or song copyrights on digital platforms under Indonesian law is still not optimal because Law No. 28 of 2014 does not yet regulate the notice-and-takedown mechanism, safe harbor limitations, or the technical obligations of platforms in handling copyright infringements, and although Constitutional Court Decision No. 84/PUU-XXI/2023 expands the responsibility of digital platforms, it still does not provide operational procedural standards; meanwhile, the United States has implemented a more comprehensive legal framework through the DMCA 1998, which clearly regulates notice-and-takedown procedures, safe harbor criteria, handling of repeat infringers, and support for automatic detection technologies such as Content ID and ACR; therefore, the ideal mechanism for Indonesia is to adopt a protection model similar to the DMCA, including standardized notice-and-takedown regulations, strict safe harbor limitations for platforms that actively prevent violations, obligations to implement repeat-offender policies, the application of automatic detection technology for content verification, and the development of a national copyright database integrated with digital platforms, so that Indonesia may achieve more effective, balanced, and adaptive music copyright protection in line with the development of the digital ecosystem.

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