

THE LEGAL PROTECTION OF COPYRIGHTED MUSICAL WORKS USED FOR COMMERCIAL PURPOSES

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Abstract

The purpose of writing this journal is to know the legal arrangement of copyright protection of musical works used for commercial purposes, and know the legal protection of copyrighted musical works used for commercial purposes. The author is interested in further research where the research aims to analyze Legal Arrangements for Copyright Protection of Musical Works Used for Commercial Purposes and Legal Protection of Copyrighted Musical Works Used for Commercial Purposes. The method used is a normative approach through literature study, and empirical approach through field research by conducting a series of interviews with respondents and informants to obtain field data. The results showed that, the legal regulation of copyright protection of musical works used for commercial purposes can be analyzed within the framework of John Austin's positive law theory as an order given by the sovereign ruler to protect the copyright of the owner of the musical work. Compliance with these rules is essential as copyright infringement can have serious legal consequences as stipulated in Act No. 28 of 2014 on Copyright and Government Regulation No. 56 of 2021 on the Management of Royalties for Copyright of Songs and/or Music.

Keywords: Commercial; Copyright; Protection.

A. INTRODUCTION

The Constitution of the Republic of Indonesia has affirmed that the Republic of Indonesia is a State of Law.¹ Both developing and developed countries have legitimate concerns about the subject of intellectual property rights (IPR), which is another synonym for intellectual property rights (IPR). When intellectual property rights (IPRs) are exchanged on a worldwide scale, precautions must be taken to secure and protect them from negligent behavior. In addition, every creator is protected by intellectual property rights law from the discovery and widespread use of their works for the sake of making others happy.²

Thus, a more precise definition of intellectual property rights is the rights resulting from a work created by utilizing human intellectual abilities

1 Khairul Riza, Irpan Husein Lubis, Nicha Suwalla, Kepastian Hukum Terhadap Putusan Peradilan Adat Aceh Dalam Penyelesaian Tindak Pidana Pencurian, *Jurnal Ilmiah Hukum dan Hak Asasi Manusia (JIHAM)*, Vol. 2, No. 1, 2022, page. 39-47.

2 Bobi Aswandi, Negara Hukum Dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (HAM), *Jurnal Pembangunan Hukum Indonesia*, Vol. 1, No. 1, 2019, page. 128-145

and beneficial to people's lives.³ The financial value of the endeavor is the desired benefit in this case. Science, technology, and works of moral, practical, and economic value are all covered by Intellectual Property Rights, which are property rights derived from human intellectual talent.⁴

A number of intellectual property rights are protected by law, including copyright. As a result, the existence of copyright and intellectual property rights in Indonesia are closely intertwined.⁵ As property owned by legal subjects (both individuals and corporations), copyright infringement has historically occupied newspaper space. Yet whenever a copyright infringement or disagreement occurs, law enforcement never hears a complete settlement, indicating a lack of legal clarity.⁶

Article 2 of Act No. 28 Year 2014 on Copyright (hereinafter abbreviated as UUHC) states that: Copyright is an exclusive right for the Creator or Copyright Holder to publish or reproduce his Creation, which arises automatically after a work is born without reducing restrictions according to applicable laws and regulations. The Creator or Copyright Holder of cinematographic works and Computer Programs has the right to grant permission or prohibit others who without his consent rent the Creation for commercial purposes.

Copyright is a special right for creators and recipients of the right to publish or reproduce their works or to give permission for that without reducing restrictions according to the prevailing laws and regulations.⁷ The protection of intellectual property rights is as important as the protection of economic interests, especially in the international view. Protection is no longer a technical legal issue, but also concerns business disputes in achieving profits.⁸

Songs are one of the works of art protected in Act No. 28 of 2014 concerning Copyright in Article 58 letter d, currently songs are used in various occasions in everyday life such as for entertainment or even for economic gain.

With the rapid advancement of technology in the current era of globalization, songs and music can now be heard, viewed, or distributed online as well as through radio and television. Both positive and adverse

3 Ajip Rosidi, *Undang-Undang Hak Cipta, Pandangan Seorang Awam*, Jakarta, Djambatan, 2014, page. 5

4 Nanda Dwi Rizkia, *Hak Kekayaan Intelektual Suatu Pengantar*, Bandung, Widina Bhakti Persada, 2022, page. 25

5 Aaron Bryant Korengkeng, Perlindungan Hukum Hak Kekayaan Intelektual Terhadap Pendaftaran Dan Transaksi Karya Non-Fungible Token Yang Bukan Oleh Pemilik Hak Cipta. *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, Vol. 3, No. 2, 2023, page. 1556–1578.

6 Agus Sekarmadji, *Seri Hukum Agraria - Alternatif Penyelesaian Sengketa Pemanfaatan Ruang*, Airlangga University, Airlangga University Press, 2023, page. 14

7 Ziana Mahfuzzah, Duties and Authorities of The Collective Management Institute (LMK) as the Royalty Management Institution for Song and Music Included In Digital Music Services, *IPR-Review*, Vol. 3 No. 02, July 2020, page. 251-256

8 Sujud Margono, *Hak Kekayaan Intelektual. Komentar atas Undang-undang Rahasia Dagang Desain Industri Desain Tata Letak Sirkuit Terpadu*, Jakarta, CV. Novindo Pustaka Mandiri, 2011, page. 21

effects can be attributed to technological advances in music and song enjoyment.⁹

The benefit is that people will enjoy music more easily, and these technical advancements will also make it easier for songwriters to market their compositions. An unfortunate side effect of this technological advancement is that more and more people are misusing it for selfish reasons, such as pirating and making money by posting videos of other people's songs on Youtube. In addition, the use of other people's copyrighted songs and music spread through Youtube is used for commercial purposes such as commercial seminars and conferences, restaurants, cafes, pubs, bars, bistros, nightclubs, and discotheques.¹⁰

Research conducted by Panji Adela with the title Legal Protection of Music Copyright Holders Based on Government Regulation Number 56 of 2021 concerning Management of Copyright Royalties for Songs and Music that optimizes the function of managing copyright royalties for the utilization of creation and related rights products in the field of songs and / or music in accordance with the provisions of Article 87, Article 89, and Article 90 of the Copyright Law, it is necessary to formulate a system for managing copyright royalties for songs and / or music which is carried out by a national collective management institution. The problem formulations discussed are: How is the form of protection against copyright holders of music related to the right to receive royalties.¹¹ Then the research conducted by Iin Indriani with the title Intellectual Rights: Legal Protection Of Musical Copyright that Law enforcement of copyright such as DVD/VCD piracy that is growing rapidly in one of the regions in Indonesia needs to be implemented properly in accordance with applicable provisions, in order to provide certainty and legal changes to the copyright of a person.¹²

The purpose of copyright protection law is to protect works produced by creators such as authors, artists, musicians, playwrights, sculptors, computer programmers and so on.¹³ The rights of these creators must be protected from the actions of third parties who disseminate or duplicate copyrighted works without permission. Moreover, use for commercial purposes where users benefit financially and copyright owners do not get proper royalty rights from the utilization of their works.¹⁴

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- 9 Otto Hasibuan, *Hak Cipta di Indonesia: Tinjauan Khusus Hak Cipta Lagu, Neighbouring Rights dan Collecting Society*, Bandung, Alumni, 2013, page. 12
 - 10 Mokhammad Nurin, *Media Sosial, Identitas, Transformasi, dan Tantangannya*, Malang, Intrans Publishing Group, 2020, page. 22
 - 11 Panji Adela, Perlindungan Hukum Terhadap Pemegang Hak Cipta Musik Berdasarkan Peraturan Pemerintah Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu dan Musik, *Jurnal Kewarganegaraan*, Vol. 6 No. 3, 2022, page. 1-10
 - 12 Iin Indriani, Hak Kekayaan Intelektual: Perlindungan Hukum Terhadap Hak Cipta Karya Musik, *Jurnal Ilmu Hukum*, Vol. 7, No. 2, 2018 page. 246-264
 - 13 Isti Novianti, Establishment of A National Collective Management Institution to Manage the Economic Rights of Creators and Related Rights Owners In The Digital Age, *The Seybold Report*, Vol. 18, Issue. 3, 2023, page. 1-13
 - 14 Annisa Rachmasari, Zaenal Arifin and Dhian Indah Astanti, Perlindungan Hukum Hak Cipta Pada Film Yang Diakses Secara Ilegal Melalui Telegram, *Semarang Law Review (SLR)*, Vol. 3, No. 2, 2022, page. 13-23

Based on the description above, the author is interested in further research where the research aims to analyze Legal Arrangements for Copyright Protection of Musical Works Used for Commercial Purposes and Legal Protection of Copyrighted Musical Works Used for Commercial Purposes.

B. RESEARCH METHODS

Researchers in this section apply the theoretical framework and methodology to analyze the problems mentioned above and need to be clear from the beginning about the theoretical framework that uses the theoretical framework and concepts as an analytical knife.¹⁵ In this methodology section, one of the methods used by the author is to apply the use of Jhon Austin's theory, namely the theory of positive law (positivism) and Jeremy Bentham's theory of *utilitarianism* to the issues discussed in this study. Research writing this journal is normative juridical research is library legal research by examining library materials.¹⁶ The approach method used in this research is Normative Law (normative juridical) using a statutory approach, conceptual approach, and comparative and empirical approaches (field data) what is meant by normative legal research methods is a legal research method carried out by examining library materials or secondary data only.¹⁷

This research was conducted in order to obtain materials in the form of: "theories, concepts, legal principles and legal regulations related to the subject matter". In this research, the scope is by drawing legal principles, which are carried out on written and unwritten law.¹⁸ The data sources in this research consist of literature studies as the main data source and field studies as complementary data (*Library research and field research*).¹⁹ In the framework of legal theory formation, legal norms (*law in books*), implementation of legal norms (legal behavior, including those that fulfill and deviate (*law in actions*), social structures and other socio-cultural symptoms are fully observed.

C. RESULTS AND DISCUSSION

1. Legal Arrangements for Copyright Protection of Musical Works Used for Commercial Purposes

In this part of the discussion, to analyze the legal arrangements of copyright protection of musical works used for commercial purposes, as

15 Soerya Respationo dan Idham, Land Registration and Certificate Issuance In A Free Trade Zone Perspective (FTZ), *Law and Human Behavior*, Vol. 48, Issue. No. 3, 2022, page. 1-12

16 Dollar & Khairul Riza, Penerapan Kualifikasi Penyalahguna, Pecandu dan Korban Penyalahgunaan Tindak Pidana Narkotika demi Mewujudkan Nilai Keadilan, *Kajian Ilmiah Hukum dan Kenegaraan (KIHAN)*, Vol. 1, No. 2, 2022, page. 13-21

17 Erniyanti, dkk, Divorce Settlement Due To Home Violence During The Pandemic Covid 19 In Medan City, *International Journal Of Social, Policy And Law (IJOSPL)*, Vol. 2, No. 3, 2021, page. 25-39

18 Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif suatu Tinjauan Singkat*, Jakarta, Radja Grafindo Persada, 2013, page. 18

19 Ali Zainuddin, *Metode Penelitian Hukum*, Jakarta, Sinar Grafika, 2019. page. 19

said by Jhon Austin as a pioneer of the Analytical Positive Law School which states that the law is the order of the state authorities. The nature of the law lies in the element of the order with sanctions if the order is violated. Law is seen as a fixed, logical, and closed system.²⁰

To answer this question, there are several concepts that need to be explained first. First, positive law is the view that law is an order or statement from a sovereign ruler that must be followed by its subjects. This approach puts the focus on the law that is actually applied, rather than on the law that should be applied. John Austin is one of the figures most closely associated with positive law theory.

Second, copyright is the right granted to the copyright owner to control the use of his or her copyrighted work by others, including the right to make copies, adapt, and distribute the copyrighted work. Musical works are one type of copyrighted work protected by copyright.

In this context, the legal rules of copyright protection of musical works used for commercial purposes can be analyzed within the framework of John Austin's theory of positive law. The rule of law is an order given by the sovereign authority to protect the copyright of the owner of the musical work. The rule commands that the use of musical works for commercial purposes should only be done with the permission or license of the copyright owner.

Legal arrangements for the protection of copyrighted musical works used for commercial purposes may vary from country to country, but generally have some similarities in terms of their arrangements.²¹ Some things that are usually regulated in the legal regulation of copyright protection of musical works for commercial purposes include:

Copyright registration: To protect the copyright of musical works used for commercial purposes, the creator or copyright owner must register their work with the copyright governing body in the country. A commercial music user who uses his/her own song or music for the purpose of making a profit from it.²²

Protection time limit: Each country usually has a different copyright protection time limit. Copyright has a time limit that can expire.²³ For example, in the United States, copyrights are protected for 70 years after the death of the creator. License to use: Copyright owners may give permission to other people or companies to use their work in ways that are set out in a license. These licenses usually include

20 Theo Huijbers, *Filsafat Hukum*, Yogyakarta, Kanisius, 2019, page. 32

21 Iswi Hariyani, et all, *Buku Pintar HAKI dan Warisan Budaya*, UGM Yogyakarta, Cetakan Pertama, Yogyakarta Press, 2017, page. 8

22 Desak Putu Lina maharani, dan I Gusti Ngurah Parwata, Perlindungan Hak Cipta Terhadap Penggunaan Lagu Sebagai Suara Latar Video di Situs Youtube, *Jurnal Ilmiah Ilmu Hukum Kertha Semaya Hukum Udayana*, Vol. 7, No.10, 2019, page. 6-8

23 Abdul Atsar, Perlindungan Hukum Terhadap Pengetahuan Dan Ekspresi Budaya Tradisional Untuk Meningkatkan Kesejahteraan Masyarakat Ditinjau dari Undang-Undang No 5 Tahun 2017 Tentang Pemajuan Kebudayaan Dan Undang-Undang No 28 Tahun 2014 Tentang Hak Cipta, *Jurnal Law Reform Program Studi Magister Ilmu Hukum*, Vol. 13, No. 2, 2017, page. 284-300

restrictions on use, such as limits on time, amount of use, and purpose of use. Royalty payment: People or companies who want to use copyrighted musical works for commercial purposes. Royalties should be given to the person who created or owns the work because another party uses the work for trade.²⁴

Copyright protection of musical works used for commercial purposes is governed by various legal regulations in different countries. Some of the general rules governing copyright protection of musical works used for commercial purposes are as follows:

Copyright Law: Copyright laws give exclusive rights to copyright owners to protect their original works from use without their permission or consent. Musical works used for commercial purposes are also protected by copyright laws.

License: The use of musical works for commercial purposes can be done through a license. The party wishing to use the musical work must obtain permission from the copyright owner or the copyright management company representing them.

Royalties: The copyright owner or copyright management company will usually earn royalties from the use of musical works for commercial purposes. Royalties are payments made by the party using the musical work to the copyright owner.

Lawsuits: Copyright owners or copyright management companies can file lawsuits if their musical works are used without their permission or consent. Copyright infringers may be subject to fines or other legal sanctions. The right to file a civil lawsuit for infringement of copyright or related rights does not reduce the rights of the creator and/or owner of the related rights to prosecute criminally.²⁵

Content Removal: Those who manage online platforms such as websites, apps, or social media are also responsible for removing copyright-infringing content. If a musical work is used without the copyright owner's permission or consent, the online platform must remove the content to comply with copyright law. In the United States, the Digital Millennium Copyright Act (DMCA) allows the right holder or online service provider (OSP) to issue a "takedown notice" to remove infringing content without the need for litigation.²⁶

These regulations may vary from country to country, but the basic principles of copyright protection usually remain the same. In Indonesia, song copyrights are protected by copyright law. This law regulates the rights and obligations of the copyright owner as well as the party using

24 Bayu Kusuma Permana Putra, I Nyoman Putu Budiarta, I Ketut Sukadana, Sanksi Hukum Terhadap Pelanggaran Hak Cipta Yang Dilakukan Oleh Perusahaan Karaoke, *Jurnal Konstruksi Hukum*, Vol. 1, No. 1, 2020, page. 68-72

25 Soeleman Djaiz Baranyanan, Simplification of Law Regulations in Copyright Criminal Act Settlement, *Journal of Human Rights, Culture and Legal System*, Vol. 1, No. 2, 2021, page. 80-91

26 Mardiah Hayati Abu Bakar, Copyright Concerns for Educators: Online Learning Post Pandemic Effect, *Malaysian Journal of Social Sciences and Humanities (MJSSH)*, Vol. 6, Issue. 10, 2021, page. 456-462

the work. Some of the laws that protect the rights of copyright owners of songs used for commercial purposes in Indonesia include:

Act No. 28 of 2014 concerning Copyright: This law provides copyright protection for 70 years from the creation of the work. Copyright includes the exclusive right to publish or reproduce the copyrighted work. It also provides special copyright protection for songs and music. It also provides for royalties and payment of rights for the use of music.

Act No. 20 Year 2016 on Trademarks and Geographical Indications. This law provides for the protection of trademarks, which include songs, whether in the form of words, images, or a combination of both.

Government Regulation No. 20/2017 on the Management of Copyright in the Field of Music and Songs. This government regulation regulates copyright management in the field of music and songs, which includes requirements for commercial use of songs and music.

Government Regulation No. 56 of 2021 concerning the Management of Royalties for Copyright of Songs and/or Music. This regulation strictly regulates that anyone can make Commercial Use of 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 LMKN.

Indonesian Music Industry Code of Ethics. This code of conduct provides guidance for music industry players in maintaining the sustainability of copyright and providing protection for copyright owners.

National Job Creation System (SISKAN). SISKAN is a system managed by the Directorate General of Copyright and Related Rights, Ministry of Law and Human Rights, which provides legal protection for copyright owners, including in the field of music and songs.

The above provisions cover some of the legal rules that protect the rights of copyright owners of songs used for commercial purposes in Indonesia. However, there are also other rules that may be relevant in this context, depending on the case.

In the context of positive law, compliance with these legal rules is important as copyright infringement can lead to legal consequences such as criminal sanctions or fines. Therefore, parties who wish to use musical works for commercial purposes must comply with these legal rules and obtain permission or license from the copyright owner before using the work.

In conclusion, the legal rules of copyright protection of musical works used for commercial purposes can be analyzed within the framework of John Austin's theory of positive law as an order given by a sovereign authority to protect the copyright of the owner of the musical work. Compliance with these rules is essential as copyright infringement can have serious legal consequences.

2. Legal Protection of Copyrighted Musical Works Used for Commercial Purposes

In this section, to discuss the legal protection of copyrighted musical works used for commercial purposes can be analyzed using the theory of *utilitarianism* from Jeremy Bentham, which says that punishment can be justified if its implementation crystallizes two main effects, namely: first, the consequence of the punishment is to prevent that in the future the crime will not be repeated. Second, the punishment provides a sense of satisfaction for the victim and others.²⁷

In Indonesia, the legal protection of copyrighted musical works used for commercial purposes is regulated by Act No. 28 of 2014 concerning Copyright. Here is the implementation of legal protection against copyrighted musical works used for commercial purposes in Indonesia, namely:

Copyright Registration; Copyright holders can register their copyrights at the Directorate General of Intellectual Property Rights of the Ministry of Law and Human Rights (Ditjen HKI Kemenkumham). In the case of musical works, copyright consists of moral rights and economic rights.²⁸

Use of Copyright for Commercial Purposes; One must seek the permission of the copyright owner if he wants to make, distribute, rent or loan out copies of the author's work, or to adapt, perform, show or broadcast it. Use without permission or consent will be considered copyright infringement and may be subject to criminal or civil penalties.²⁹

Copyright Management Collective Institution; In Indonesia, there are several copyright management collective institutions that represent copyright holders, among others:

Indonesian Copyright Works (KCI), the KCI Foundation has rights and obligations, in the process of paying royalties experienced several obstacles and supporters experienced by the KCI Foundation creators and copyright users.³⁰

Indonesian Internet Service Providers Association (APJII), The Indonesian Internet Service Providers Association is an association formed for the development of internet networks with members spread throughout Indonesia.

Radio Republik Indonesia Public Broadcasting Corporation (LPP RRI), For this reason, as an effort to equalize perceptions in creating and ensuring smoothness in public information services, the Information

27 Henny Yuningsih, Philosophical Foundation of Chemical Castration for Offenders of Sexual Violence Against Children, *Sriwijaya Law Review*, Vol. 4, Issue. 1, 2020, page.s 62-78

28 Hutagalung, Sophar Maru, *Hak Cipta Kedudukan & Peranannya dalam Pembangunan*, Jakarta, Sinar Grafika, 2012, page. 63

29 Irina Atanasova, Copyright Infringement In Digital Environment, *Economics & Law*, Vol. 1, Issue. 1, 2019, page. 13-22

30 Ni Made Harini, I Nyoman Putu Budiarta, Desak Gde Dwi Arini, Pelaksanaan Perlindungan Hukum Bagi Pemilik Hak Cipta Musik Dan Lagu Dalam Pembayaran Royalti Oleh Yayasan Karya Cipta Indonesia, *Jurnal Interpretasi Hukum*, Vol. 2, No. 1, 2021, page. 89-94

and Documentation Management Officer (PPID) of the Radio Republik Indonesia Public Broadcasting Corporation (LPP RRI) was established through President Director Regulation Number 4 of 2016 concerning Guidelines for Information Management and Services within LPP RRI. The establishment of PPID LPP RRI aims to ensure the implementation of public information disclosure which is the mandate of Act No. 14 of 2008 concerning Public Information Disclosure.³¹

Public Broadcasting Corporation of the Republic of Indonesia Television (LPP TVRI), Through Act No. 32/2002 on Broadcasting, Parliament and the government have designed LPP TVRI to be the first choice of television viewers, and LPS/commercial as the second choice.

Copyright management collective organizations are tasked with collecting royalties from the use of musical works for commercial purposes and distributing the royalties to copyright holders.

Criminal and Civil Sanctions, Copyright infringement is subject to criminal and civil sanctions, among others: Penalty: Fine of up to IDR 4 billion or imprisonment of up to 4 years or both. Civil: Compensation for material and immaterial losses suffered by the copyright holder due to copyright infringement.³²

In order to avoid copyright infringement, it is highly recommended for music industry players and the general public to understand and comply with applicable rules and respect the copyright of the creators of musical works.³³

In this study, the legal protection of copyrighted musical works used for commercial purposes if analyzed using Jeremy Bentham's theory of *utilitarianism* can be discussed as follows:

Jeremy Bentham, a utilitarian philosopher, view that the right course of action is the one that gives the greatest satisfaction to the greatest number of people. Bentham specified factors for calculating the quantities of pleasures in an arithmetic way, as he believed that only the authority sets the law.³⁴ In the context of copyrighted musical works used for commercial purposes, Bentham's utility theory may provide some useful insights.

Firstly, from a utilitarian perspective, copyright protection can be considered as a way to ensure that creators of musical works are able to receive fair profits from their works. If copyright is infringed upon, it may reduce the profits received by the creators of musical works, which in turn may reduce the incentive to create new music. By ensuring that

31 Profil Ppid Lpp Radio Republik Indonesia, <https://ppid.rri.co.id/profil-ppid-lpp-rri#:~:text=Untuk%20itu%2C%20sebagai%20upaya%20menyamakan,4%20Tahun%202016%20tentang%20Pedoman>, Accessed 10 May 2023

32 Mohamad Nur Kholiq, Copyright Protection of Art Containing Nudist Elements Under Positive Law in Indonesia, *Law and Justice*, Vol. 6, No. 2, 2021, page. 161-173

33 Rahmi Jened, *Interface Hukum Kekayaan Intelektual dalam Hukum Persaingan (Penyalahgunaan HKI)*, Jakarta, Rajawali Pers, 2013, page. 18

34 Rawa Kakarash Said Mina, Manifestations of Jeremy Bentham's Legal Utilitarianism: A critical study, *The Scientific Journal of Cihan University – Sulaimaniya*, Vol. 7, Issue. 1, June 2023, page. 163-174

copyrights are protected, we can ensure that creators of musical works remain motivated to create new music that can provide satisfaction to many people.

Secondly, through a utilitarian perspective, copyright can also be seen as a way to protect the public interest. When people use music for commercial purposes without the permission of the copyright owner, it can reduce the profits received by the copyright owner and reduce the incentive to create new music. If people cannot make money from their musical works, this can also reduce the incentive to invest time and money in the creation of new music. As a result, copyright can help ensure that there is a sufficient variety of music that can meet consumer needs.

Third, in the context of music used for commercial purposes, Bentham views that the right action is the one that gives the greatest satisfaction to the greatest number of people. In this case, copyright protection can be seen as an action that can provide the greatest satisfaction to the greatest number of people. By ensuring that creators of musical works receive a fair profit from their works, we can ensure that they can continue to create new music and provide satisfaction to the many people who listen to the music.

Overall, through a utilitarian perspective, copyright protection can be seen as a way to ensure fair profits for copyright owners and ensure sufficient variety of music to meet consumer needs. In this sense, copyright protection can be considered as an action that can provide the greatest satisfaction to the greatest number of people, in accordance with Bentham's theory of utility.

D. CONCLUSIONS

Based on the discussion related to the problem the following conclusions can be drawn: The legal regulation of copyright protection of musical works used for commercial purposes can be analyzed within the framework of John Austin's theory of positive law as an order given by the sovereign ruler to protect the copyright of the owner of the musical work. Compliance with these rules is essential as copyright infringement can have serious legal consequences as stipulated in Act No. 28 of 2014 on Copyright and Government Regulation Number 56 of 2021 on the Management of Royalties for Copyright of Songs and/or Music. Legal protection of copyrighted musical works used for commercial purposes through a utilitarian perspective, copyright protection can be seen as a way to ensure fair profits for copyright owners and ensure sufficient variety of music to meet consumer needs. In this case, copyright protection can be considered as an action that can provide the greatest satisfaction to the greatest number of people, in accordance with Bentham's theory of utility.

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