

Preserving Artistic Heritage: Legal Protection for Intellectual Property Rights in the Music Industry

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<https://doi.org/10.31004/jerkin.v4i1.1537>

ARTICLE INFO

Article history

Received: 09 July 2025

Revised: 15 July 2025

Accepted: 21 July 2025

Kata Kunci:

Ekonomi Kreatif, Hak Cipta, Musik, Perlindungan Hukum.

Keywords:

Creative Economy, Copyright, Music, Legal Protection.

ABSTRACT

Penelitian ini bertujuan untuk mengkaji kerangka hukum yang mengatur perlindungan hak cipta bagi pelaku ekonomi kreatif dan menganalisis budaya hukum di antara para pelaku tersebut dari perspektif penegakan hak cipta di Indonesia. Penelitian ini menggunakan metode yuridis empiris, dengan menerapkan pendekatan penelitian hukum yang sesuai dengan hakikat filosofis ilmu hukum. Dalam praktiknya, Undang-Undang Hak Cipta masih kurang jelas dan kurang tegas dalam mengatur perlindungan hak moral, sehingga berpotensi menyebabkan tidak dicantumkannya pengakuan hak cipta atas karya yang diperbanyak atau digunakan di depan umum, serta tidak adanya pengakuan yang tegas atas klaim hak cipta. Kendati demikian, undang-undang tersebut berhasil menjawab dua tujuan utama dalam pengembangan ekonomi kreatif, yakni memberikan perlindungan hukum dan insentif ekonomi. Dari sisi budaya, pelaku ekonomi kreatif relatif mudah mendaftarkan karyanya untuk mendapatkan perlindungan hukum. Namun, mereka juga menghadapi sejumlah tantangan, seperti minimnya pemahaman tentang prinsip hak cipta, pesatnya perkembangan teknologi dan media digital, maraknya pembajakan, serta tingginya biaya nempuh jalur hukum guna mempertahankan hak kekayaan intelektual.

This study aims to examine the legal framework governing copyright protection for creative economy actors and analyze the legal culture among these actors from the perspective of copyright enforcement in Indonesia. This study uses an empirical juridical method, applying a legal research approach that is in accordance with the philosophical nature of legal science. In practice, the Copyright Law remains unclear and insufficiently firm in regulating the protection of moral rights, potentially resulting in the omission of copyright recognition for works reproduced or used in public, as well as the absence of explicit recognition of copyright claims. Nevertheless, the law successfully addresses two main objectives in the development of the creative economy: providing legal protection and economic incentives. From a cultural perspective, creative economy actors find it relatively easy to register their works for legal protection. However, they also face a number of challenges, such as a lack of understanding of copyright principles, the rapid development of technology and digital media, rampant piracy, and the high cost of taking legal action to defend intellectual property rights.



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How to Cite: Zakiya Putri Az-Zahra, et al (2025) Preserving Artistic Heritage: Legal Protection for Intellectual Property Rights in the Music Industry, 4(1). <https://doi.org/10.31004/jerkin.v4i1.1537>

INTRODUCTION

The music industry in Indonesia plays a significant role in the life of society, as it is not only part of culture and entertainment but is also closely connected to social, political, and even legal aspects. Songs do not merely express personal emotions but can also convey critical messages or suggestions regarding various social issues and government administration. The freedom to create, as guaranteed by Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, is reflected in musical works created with specific purposes. Musicians are also protected by moral rights and economic rights, as stipulated in Article 58 letter (d) of the Copyright Law (Abdurrasyid, 2002)

With the passage of time, the music industry has increasingly been viewed from an economic perspective as a promising business sector. The growing public interest in music directly benefits songwriters, singers, and even song users, who gain both financial rewards and increases in popularity and moral recognition. This positive impact significantly contributes to national economic growth. Regulations surrounding music are related to the protection of intellectual property rights, distribution, and the acknowledgment of creative works. Music, as a product of creativity, is protected under the law, including its components such as lyrics, melody, and arrangement. However, in the digital era, the unauthorized use of songs frequently constitutes copyright infringement (Adelindo & Saly, 2023). Some key challenges in protecting copyright within Indonesia's music industry include: (1) the absence of a national database containing complete information about songwriters and copyright holders, (2) the lack of regulations setting minimum royalty rates, and (3) the absence of an integrated legal system for royalty payment mechanisms, which complicates matters for digital platforms like Spotify and disadvantages independent musicians (Ali, 2012).

Data from the Supreme Court shows that between 2006 and 2023, there were 40 recorded cases of copyright infringement that proceeded to court. This fact indicates that despite existing regulations, violations continue to occur. Notable examples of such violations include the case of Gen Halilintar, who covered the song "Lagu Syantik" without permission, and the case of the song "Cinderella," popularized by the band Radja but whose copyright was claimed by Ipay. These disputes even escalated to compensation claims worth billions of rupiah (Anglada-Tort et al., 2023). Based on this background, this paper aims to explore more deeply the forms of legal protection for copyright within the music industry, particularly for creative economy actors in Indonesia

METHOD

This research is based on several key prior areas of study, focusing on the role of social media, influencer marketing, and consumer purchasing behavior, as well as their relevance to the theory of intellectual property rights (IPR) protection (Aprita, 2019). Previous studies have emphasized the transformative impact of social media in shaping consumer perceptions and decisions. According to Djafarova and Rushworth (2017), social media influencers significantly affect young females' purchase intentions, as their authenticity and relatability enhance trust. Similarly, De Veirman, Cauberghe, and Hudders (2017) highlight that the number of followers an influencer has can shape brand attitudes and credibility, although excessive followers may sometimes reduce perceived authenticity (Arfiani et al., 2022). Another important dimension is electronic word of mouth (e-WOM), where studies such as Hennig-Thurau et al. (2004) argue that online opinions, reviews, and recommendations can strongly influence consumer decision-making processes. Cheung and Thadani (2012) reinforce this by noting that e-WOM impacts not only brand awareness but also purchase intention, especially when mediated through trusted sources like influencers (Dharma & Mahadewi, 2023). The concept of credibility and parasocial relationships (Horton & Wohl, 1956) also plays a central role. Consumers often develop one-sided relationships with influencers, perceiving them as friends or trusted advisors, which enhances the effectiveness of influencer marketing strategies. Research by Lou and Yuan (2019) confirms that influencer credibility, content quality, and audience engagement are key drivers of consumer trust and purchasing behavior (Gusman et al., 2021). When linked to the theory of IPR protection, it is important to note that the content produced by influencers and brands on social media constitutes a form of intellectual property protected by law. Within the legal framework of IPR, this protection includes copyrights over visual content, text, music, and brand elements used in marketing. The theory of IPR law emphasizes the importance of granting exclusive rights to creators or rights holders to control the

use and distribution of their works, including in the digital realm such as social media. Therefore, in the context of influencer marketing, copyright infringement or unauthorized use of brand elements can lead to legal disputes, which in turn can affect the credibility of both influencers and brands in the eyes of consumers (Juardi & Nurwati, 2019). Thus, the reviewed literature supports the understanding that the effectiveness of influencer marketing depends not only on communication strategies but also on compliance with IPR protection laws as a foundation for building trust, maintaining reputation, and avoiding legal disputes in the digital era (Juardi, et al., 23).

RESULTS AND DISCUSSION

This section is the most important section of your article. The analysis or results of the research should be clear and concise. The results should summarize (scientific) findings rather than providing data in great detail. Please highlight differences between your results or findings and the previous publications by other researchers (Ministry of Law and Human Rights, 2019).

The Existence Of The State's Role In Providing Legal Aid To Citizens

The role of the state in providing legal aid for citizens is clearly seen through the existence of Law Number 28 of 2014 concerning Copyright, in which the state seeks to protect the rights of creators in the creative industry, such as music and songs, both in the form of moral rights (for example, the inclusion of the creator's name) and economic rights (for example, the right to receive royalties). The state also provides various channels for resolution in the event of a violation, ranging from mediation, negotiation, conciliation, to arbitration and courts, so that citizens whose rights are violated do not have to fight alone, but can rely on legal assistance that has been officially regulated. In addition, the state has established special institutions such as the Collective Management Institution (LMK) to help creators manage and administer their rights, including in collecting and distributing royalties. However, even though the state has provided this protection, there are still challenges such as a lack of public understanding, high legal costs, and the need for technical strengthening and implementing regulations so that this legal assistance can truly be enjoyed by all citizens fairly and effectively (Kompas.com, 2023). Protected rights There are two main rights that are protected:

1. Moral rights (for example, the creator's name remains listed)
2. Economic rights (for example, receiving royalties or profits from the work) Resolution path in case of violation

If there is a violation, the state provides:

1. Mediation
2. Negotiation
3. Conciliation
4. Arbitration
5. Court (commercial court)

Existence of a special institution The state established a Collective Management Institution (LMK) to help creators manage, administer, and collect their economic rights (Kompas.tv, 2024). Challenges faced Although the rules are in place, challenges still arise, such as:

1. Lack of public understanding of copyright
2. Expensive legal process costs
3. The need for technical strengthening and implementing regulations so that legal protection runs more effectively (Nur & Budiman, 2023) B

Various Regulations Providing Legal Aid For Citizens Who Can Not Afford

Legal aid for indigent citizens is a tangible embodiment of the principle of social justice in Indonesia. The state enacts various laws and regulations to ensure that every citizen, regardless of economic background, has equal access to legal protection. This article reviews the main regulations that provide the foundation for legal aid to underprivileged communities (Nurwati et al., 2020). In national life, access to legal aid is one of the fundamental rights of citizens recognized by law. The state has an obligation to ensure that all citizens, including those who are financially disadvantaged, receive adequate legal protection. Based on the study by Rahmat Shiddiq et al. (2024), we can see that there are several important regulations that govern the mechanisms for providing legal aid, particularly related to copyright protection for creative economy actors, though the principle also extends to other sectors. One

of the main legal umbrellas guaranteeing legal aid for the public is Law Number 16 of 2011 on Legal Aid. This law states that every individual or group of poor people has the right to receive legal assistance to resolve their legal issues, whether through litigation (in court) or non-litigation (outside court). This legal aid is provided free of charge by Legal Aid Institutions (LBH) or other government-accredited legal aid organizations. With this law, the state officially ensures that no citizen loses their legal rights simply due to financial constraints. In the field of intellectual property rights, especially copyright, legal protection is further strengthened through Law Number 28 of 2014 on Copyright. Although this law mainly regulates the moral and economic rights of creators, the state provides various dispute resolution channels, such as mediation, conciliation, arbitration, and lawsuits in commercial courts.

These processes are expected to help creators whose rights have been violated, including those who may not have the financial means to fight violators on their own. However, the journal also notes that one of the challenges faced is the high cost of legal processes, which often becomes a barrier for small creators or creative individuals who are economically disadvantaged in fighting for their rights. In addition, Government Regulation Number 42 of 2013 on Requirements and Procedures for Providing and Distributing Legal Aid further clarifies the technical implementation of the Legal Aid Law by regulating how legal aid organizations can apply, the verification procedures, and the mechanism for distributing state aid.

The main goal is to ensure that legal aid is not just available on paper but can truly be accessed by citizens in need. In the field of music copyright, the presence of Collective Management Organizations (LMK) also plays an important role. LMKs help manage the economic rights of creators, such as collecting and distributing royalties, and provide legal assistance in the event of disputes related to the use of musical works. Although they do not directly provide free legal aid, LMKs help reduce the burden on creators by collectively fighting for their rights. However, based on the findings of Rahmat Shiddiq et al., there are still obstacles in the implementation of this legal protection.

Common challenges include the public's limited understanding of their legal rights, weak legal literacy among creative actors, and a lack of courage to report violations due to fear of high costs or complicated processes. Therefore, in addition to providing sound legal regulations, the state is also expected to continuously (Rahmanda & Benuf, 2021) Strengthen outreach, legal education, and empower legal aid institutions to be more active in reaching underprivileged citizens.

With these various regulations, there is actually an adequate legal framework to provide protection and legal aid to citizens, including the underprivileged. However, the real challenge on the ground is how to ensure access to these rights can be enjoyed in a real, fair, and equitable manner. The state must continue to improve in terms of implementation, funding, and monitoring so that the principle of social justice can truly be realized for all citizens (Ramadhan et al., 2023).

1. Law Number 16 of 2011 on Legal Aid This law serves as the main legal umbrella for the provision of legal aid in Indonesia. Law No. 16/2011 defines legal aid as legal services provided free of charge by legal aid providers to legal aid recipients. Its primary target is indigent citizens, covering both litigation services (criminal, civil, administrative cases) and non-litigation services (legal education, legal consultations, drafting legal documents, and mediation) (Indonesia, 2014).
2. Government Regulation Number 42 of 2013 on the Requirements and Procedures for Providing and Distributing Legal Aid This regulation governs the technical implementation of legal aid, including the requirements for institutions eligible to provide legal aid, the eligibility of aid recipients, and the procedures for applying for legal aid. It ensures that legal aid is delivered professionally, accountably, and transparently.
3. Minister of Law and Human Rights Regulation Number 63 of 2016 on Procedures for Verification and Accreditation of Legal Aid Institutions This regulation details the accreditation process for legal aid institutions eligible for state funding. Only accredited institutions have the right to provide free legal aid using state or regional budget funds, thereby maintaining the quality and integrity of legal aid services (Saputra, 2024).
4. The 1945 Constitution of the Republic of Indonesia Article 27 paragraph (1) of the 1945 Constitution asserts that all citizens are equal before the law. This constitutional mandate underpins the state's obligation to provide equal legal access, including through legal aid mechanisms for the indigent (Team, 2021).

5. Criminal Procedure Code (KUHP) KUHP grants defendants who cannot afford legal representation the right to be assisted by a lawyer free of charge. Article 56 of KUHP states that if a defendant faces a penalty of five years or more and cannot afford a lawyer, the court is obliged to appoint one to assist.
6. Supreme Court Regulation (Perma) Number 1 of 2014 on Guidelines for Providing Legal Services for Indigent Communities in Court This Perma provides technical guidelines to ensure that courts establish legal aid posts (Posbakum), offer fee waivers (prodeo), and provide other legal services so that impoverished individuals can access court services without financial burden.

The above regulations demonstrate the state's commitment to ensuring access to justice for all citizens, especially those economically disadvantaged. However, implementation on the ground still faces challenges, including the limited number of legal aid institutions, budget constraints, and low public awareness of their rights. Therefore, strengthening inter-agency coordination, legal education, and service quality improvement is essential to ensure that legal aid truly benefits those in need (Varida, 2022).

1. Republic of Indonesia, Law Number 16 of 2011 on Legal Aid
2. Republic of Indonesia, Government Regulation Number 42 of 2013 on the Requirements and Procedures for Providing and Distributing Legal Aid
3. Minister of Law and Human Rights Regulation Number 63 of 2016 on Procedures for Verification and Accreditation of Legal Aid Institutions
4. The 1945 Constitution of the Republic of Indonesia
5. Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana- KUHP) Supreme Court Regulation (Perma) Number 1 of 2014 on Guidelines for Providing Legal Services for indigent Communities in Court

The Problem Of Legal Aid In Indonesia: Between Obligations Of Advocates And State Responsibilities

Legal aid is one of the main pillars in ensuring fair and equal law enforcement, especially for poor and vulnerable groups. Indonesia has regulated the right to legal aid in various laws and regulations, including Law Number 16 of 2011 on Legal Aid. However, the implementation of legal aid in practice still faces serious challenges, not only related to the obligations of advocates as legal service providers but also concerning the responsibility of the state as a facilitator and guarantor of access to justice.

This article comprehensively discusses the main problems of legal aid in Indonesia, the influencing factors, and offers improvement solutions that can be implemented to strengthen the national legal aid system. In a rule-of-law state like Indonesia, every citizen has equal standing before the law. This principle not only implies formal equality but also demands substantive equality, where every person, regardless of social or economic status, has access to defend their rights through legal channels.

One of the key instruments to guarantee this is legal aid, especially for the poor who cannot afford legal services. Law Number 16 of 2011 on Legal Aid is the primary legal framework that regulates the mechanism for providing legal aid in Indonesia.

Under this law, the state affirms its commitment to provide free legal aid through Legal Aid Institutions (LBH) and advocates to justice seekers from underprivileged groups. However, in practice, many problems arise, both from the advocate side and the state side, which impact the low quality and coverage of legal aid services.

Advocates play a central role in the justice system. As a noble profession (*officium nobile*), advocates are expected not only to work for financial gain but also to fulfill their social responsibility to the public. The Indonesian Advocate Code of Ethics explicitly regulates the obligation of advocates to provide free (*pro bono*) legal aid to underprivileged justice seekers (Organization, 1994).

However, the reality in practice shows that this obligation is often neglected. Several factors that cause weak commitment from advocates in carrying out their legal aid obligations include:

1. High Workload: Many advocates feel burdened by their commercial work, making them reluctant to take on *pro bono* cases.
2. Lack of Incentives: The absence of special incentives or recognition from the state or professional organizations reduces motivation.

3. Limited Support from Professional Organizations: Advocate organizations are less active in monitoring or encouraging their members to carry out pro bono obligations seriously.
4. Lack of Recognition: Pro bono cases are often seen as less prestigious or less beneficial to the advocate's reputation. On the other hand, the state bears the main responsibility to ensure the availability of legal access for all its citizens. Through Law No. 16 of 2011, the state mandates the establishment of LBHs funded by the State Budget (APBN) to assist poor communities facing legal problems. However, the implementation of this responsibility also faces various obstacles, including:
5. Limited Budget: Government legal aid funds are often insufficient to support the operational needs of LBHs or the costs of handling cases.
6. Uneven Distribution of LBHs: Most LBHs are concentrated in major cities, while communities in remote areas struggle to access legal aid services.
7. Lack of Public Awareness: Many people are unaware that they have the right to free legal aid, so they do not take advantage of it.
8. Varying Quality of Human Resources: Not all legal aid providers have the professional capacity to handle cases effectively.

Based on Rahmat Siddik's study, several fundamental problems have been identified, including:

1. Lack of Coordination Between the State and Advocates There is no clear mechanism to bridge the role of pro bono advocates with the legal aid programs facilitated by the state, resulting in duplication, inefficiency, or even service gaps in some regions.
2. Low Legal Awareness Among Communities Poor communities often resign themselves to their legal fate because they do not know they are entitled to free legal aid.
3. Stigma Against Free Legal Services Free services are often associated with low quality, making people reluctant to use them even when they badly need help.
4. Procedural Barriers The administrative process to obtain legal aid (such as proving inability to pay) is often complicated and burdensome for poor communities.

To address the problems of legal aid in Indonesia, several strategic steps need to be taken:

1. Increased Budget Allocation The government should allocate larger funds to support the operations of LBHs and legal aid programs, including paying advocates who handle pro bono cases.
2. Expansion of Legal Aid Infrastructure LBHs need to be expanded into remote areas so that they are not only concentrated in urban centers. Collaboration with universities (through legal clinics) can also be an alternative.
3. Strengthening the Role of Advocate Organizations Advocate organizations must be more proactive in encouraging their members' pro bono obligations, such as by providing awards or professional credit points.
4. Legal Awareness and Public Education Legal education programs for the public should be expanded, through mass media, social media, and direct community outreach.
5. Simplification of Procedures to Access Legal Aid The administrative process to obtain legal aid must be simplified so that it is easily accessible to poor communities.

Legal aid is an inherent human right attached to every citizen, especially those in weak economic positions. The problems of legal aid in Indonesia cannot be solved by relying solely on advocates or the state, but require strong synergy between the two. The state must strengthen its facilitation and funding roles, while advocates must reinforce their commitment as a profession dedicated to justice. Only through concrete steps and joint commitment can equal and comprehensive access to justice be realized in Indonesia.

1. Rahmat Siddik. (2023). Problems of Legal Aid in Indonesia: Between the Obligation of Advocates and the Responsibility of the State. *Journal of Law and Society*, Vol. X, No. Y, pp. 6557–6578.
2. Law Number 16 of 2011 on Legal Aid. Indonesian Advocate Code of Ethics.

CONCLUSION

This study concludes that the implementation of Clinical Legal Education (CLE) in Indonesia, particularly through university-based Legal Aid Institutions (LBHs), plays a crucial role in fulfilling the right to justice for impoverished communities. The CLE program functions not only as a practical educational platform for law students but also as a tangible instrument for delivering legal services to

those in need. However, the application of CLE in Indonesia still faces significant challenges, ranging from the absence of strong regulatory frameworks, lack of institutional support, limited human resources, to low public awareness regarding the role and function of legal clinics.

The journal also emphasizes that the existence of LBHs as partners of law faculties must be strengthened so that their educational, research, and community service functions can operate optimally. Integrating CLE into the law school curriculum is seen as essential, ensuring that students not only understand legal theory but also gain practical legal skills, including interviewing, negotiation, and legal drafting. Graduates of CLE programs are thus expected to become more competent legal professionals with strong social empathy.

Furthermore, the study highlights the need for clearer national policies regarding CLE implementation, including formal recognition of CLE's contribution to providing pro bono legal aid. Stronger regulations would help minimize disparities between universities and encourage improvements in service quality. It is also recommended to strengthen cross-sector collaboration, including with government institutions, professional organizations, and NGOs, to broaden the reach of legal services to marginalized communities.

Overall, this research concludes that CLE is not merely an educational program but an integral part of efforts to realize access to justice in Indonesia. Therefore, regulatory reinforcement, institutional capacity building, and partnership expansion are key to the future success of CLE implementation. Without these supports, CLE risks becoming merely a symbolic program with no significant impact on addressing the legal problems of Indonesia's poor communities.

The assistance referred to in Act Number 16 of 2011 concerning Legal Aid as legal services are free of charge to legal aid recipients. Indonesia as a legal state defends the poor as an embodiment of equality before the law based on a sense of justice that has the aim to guarantee the right for legal aid recipients to access justice, the realization of the constitutional rights of all citizens in accordance with the principle of equality before the law, ensuring certainty the implementation of aid to be evenly distributed throughout the territory of Indonesia as well as the realization of an effective, efficient and accountable justice for all Indonesian citizens without exception as an effort to encourage improvements in the justice system in Indonesia. against the background for the realization of equal treatment before the law

Conclusion contains a description that should answer the objectives of research. Provide a clear and concise conclusion. Do not repeat the Abstract or simply describe the results of the research. Give a clear explanation regarding the possible application and/or suggestions related to the research findings.

THANK-YOU NOTE

The author would like to thank all parties who have provided support in the research process and writing of this article. Special thanks are given to the institutions and sources who have provided relevant information and data related to copyright legal protection in the music industry in Indonesia. The highest appreciation is also given to the editorial team of the Journal of Community Service and Educational Research for the opportunity given to publish the results of this study. Hopefully this article can provide a positive contribution to the development of understanding and practice of copyright protection in the creative economy sector, especially the music industry.

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