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## Copyright Protection for AI Usage of Song in the Era of Digital Disruption

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**Abstract:** Artificial intelligence (AI) is a technology designed to mimic human intellectual abilities to improve efficiency and effectiveness in various fields. As technology advances, AI has been widely adopted in everyday life, from the creative industry, health, to education. One of the latest examples is the Meta AI feature on WhatsApp, which makes it easier to interact and process data. Although AI provides many benefits, its emergence also poses challenges, especially related to copyright protection, such as in the ChatGPT chatbot and AI voice cloning technology in the music industry. AI allows for high-accuracy voice replication, which has the potential to cause copyright infringement in music creation. Therefore, clear legal regulations and the application of ethics in the use of AI are needed so that its development can have a positive impact on society.

**Keyword:** Copyright Protection, IA, Digital Era.

### INTRODUCTION

Artificial Intelligence (AI) is a technology designed to create a computer system that can imitate human intellectual abilities to make human work easier and more effective. Along with the increasingly massive development of technology, AI, which was originally created by John McCarthy in 1995, has evolved into a more complex and comprehensive technology.

Nowadays, AI has entered everyday human life because many industrial fields have adopted AI technology. The advantage of using AI in everyday life is that AI can help optimize work so that the processing time becomes faster, easier, and more efficient. The creative industry adopts AI to accelerate content creation on social media, the health sector adopts AI for more accurate medical diagnosis, to the education sector which utilizes AI to assist in learning and research activities.

AI is constantly evolving, for example at the end of 2024, WhatsApp messaging application users in Indonesia were enlivened by the emergence of the Meta AI feature. WhatsApp Meta AI is an artificial intelligence-based chatbot feature that can be used to chat, ask questions, find ideas and edit images. The reliability of AI technology in processing data and producing materials is very helpful for humans in completing existing daily tasks, but the

breakthroughs brought by AI not only bring benefits, the presence of AI is also intertwined with the emergence of copyright protection issues for the content produced.

Legal disputes over AI-generated content have occurred, such as the one experienced by OpenAI's ChatGPT chatbot. The presence of chatbot technology like ChatGPT challenges the way we think about copyright protection issues. Questions have been raised whether the written content generated by ChatGPT might be a derivative work of certain copyrighted material that could risk allegations of copyright infringement.

In a different field, the issue of protecting creative work in the music industry arises. Currently, there are many platforms that provide AI Voice Cloning features. AI voice cloning is capable of producing audio replicas of human voices with a high level of accuracy. The AI voice cloning process begins by collecting voice data from a person to be cloned, the data can be in the form of conversation recordings, interview quotes, or other sources. After the data is collected, the machine learning algorithm will analyze and identify unique voice patterns. This technology is capable of controlling voice, speed of voice, intonation and details about the human voice.

As AI develops to be able to clone human voices and change existing songs, it often triggers concerns from artists in the music industry. The songs they create are easy to remix or combine with several songs by other people using AI. Sometimes AI music makers are even more famous than the original songwriters, because they find it easier to create unique and interesting music with less effort.

The new challenges faced by the music industry with the emergence of AI technology encourage a review of legal regulations that can protect and provide protection for artists who are creators or copyright holders of their musical creations. On the other hand, a balance is needed by increasing awareness of the application of ethics in the use of AI. If these ethics are heeded, the development of this technology can lead to positive impacts on human life.

## **METHOD**

The research method used in this writing is a qualitative normative legal research method. The normative legal method used in this study is to analyze data that refers to the norms contained in the laws and regulations.

## **RESULTS AND DISCUSSION**

### **Scope of Copyright of Creators and Creations**

In the field of Intellectual Property Rights, copyright has the broadest scope of protection over objects among other rights, this is because its objects include science, art and literature to computer programs. Article 1 number 1 of Law Number 28 of 2014 defines copyright as the exclusive right of the creator that arises automatically based on the declarative principle after a creation is manifested in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations. The creator is one or several people who individually or together produce a creation that is unique and personal. While creation is every result of creative work in the fields of science, art, and literature that is produced by inspiration, ability, thought, imagination, dexterity, skill, or expertise expressed in a tangible form. Based on the definition given in the Copyright Law, it can be concluded that what is recognized and protected is an idea that has been transformed into a form and is original. An idea or concept is not included as something that can be protected, but if the idea and concept have been expressed in a form, they can obtain legal protection.

Copyright has two requirements for a creation to be categorized as a creation, namely originality and fixation. The Great Dictionary of the Indonesian Language defines original as not a copy (photocopy, adaptation, translation) or good; its origin is not in doubt. Eddy Damian (in Pratiwi Eka Sari, 2020:448) explains that as one of the basic principles, it can be said that a

creation must have originality (originality) in order to enjoy the rights granted by law, because originality is closely related to the form of manifestation of a creation.

Fixation in copyright according to Article 9 paragraph (2) of TRIPs is that copyright protection can only be granted to the embodiment of a creation and not to ideas, procedures, implementation methods or similar mathematical concepts. Agus Sardjono (in Pratiwi Eka Sari, 2020:449) explains that in order for an idea to be protected by copyright, it must first be manifested in a real unified form, this is the essence of the fixation doctrine. Article 1 number 13 of Law Number 28 of 2014 defines fixation as a recording of sound that can be heard, recording of images or both, which can be seen, heard, duplicated, or communicated through any device. Although this definition feels narrow because it only covers two types of creations, namely sound recordings and images, in essence the idea must be manifested in a real form in order to obtain copyright protection.

AI is indeed capable of producing musical works, but the works created by AI do not meet the requirements of originality. The works produced by AI are a combination of songs and instruments that have existed since ancient times, then modified by machines so that the work does not reflect the characteristics and personality of its creator. However, AI's work meets the requirements of fixation because the work has been expressed in a tangible form such as a song, which is a stable medium and is an expression of certain ideas. Given that in copyright the requirements of originality and fixation are cumulative, AI's work cannot be categorized as a creation that can be protected by copyright.

### **Ethical Views on the Use of AI**

The Great Dictionary of the Indonesian Language defines ethics as a collection of principles or values concerning morals; values regarding right and wrong that are adhered to by a group or society. Ethics is defined as the science of what is good and what is bad and about moral rights and obligations (morals).

Kunto Adi Wibowo delivered his statement as an Expert in constitutional case Number 166/PUU-XXI/2023, that one of the controversies of using AI for content production is by stealing the artistic style of artists stored on the internet without the artist's permission. AI is currently also able to create and edit videos of anyone without the person's permission which is also known as Deepfake technology, this AI machine is able to make figures appear to be doing and/or saying certain things.

Synthetic content originating from AI produces several complex and intertwined problems, namely related to 1) the spread of misinformation, for example by spreading manipulated images or videos that aim to spread certain negative discourses or part of the destruction of the character of a person who is attacked in the content 2) Identity theft and Impersonation, even this can not only attack public figures but also many ordinary citizens. Imagine the existence of synthetic video or voice content from a person used to ask for donations from others, so that fraud occurs in the name of a certain figure. 3) Manipulated synthetic content will also be related to self-image which may be damaged due to negative sentiments that then arise towards the person.

Through social media, it is not uncommon to find a song that has been modified in such a way without the permission of the creator. This action is ethically inappropriate and has ignored the moral rights and economic rights of the creator. Article 4 of Law Number 28 of 2014 states that Copyright is an exclusive right consisting of moral rights and economic rights. Article 5 paragraph (1) letter e explains the meaning of moral rights, namely the rights that are eternally attached to the creator to defend his rights in the event of distortion of creation, mutilation of creation, modification of creation, or things that are detrimental to his honor or reputation. Law Number 28 of 2014 has emphasized the seriousness of copyright protection, not only economic rights but also related to moral rights in order to optimize the development of national creativity. The concept of moral rights is to give appreciation to the creator because

the work of creation is a personal reflection of the creator that cannot be shared and cannot be changed or modified.

The government through the Ministry of Communication and Informatics has issued a Circular Letter of the Minister of Communication and Informatics Number 9 of 2023 concerning the Ethics of Artificial Intelligence. The ethical guidelines were issued for business actors and organizers of electronic systems, both private and public, so that the technology used always considers ethical principles, prudence, safety and is oriented towards positive impacts. One of the values of the Ethics of Artificial Intelligence is Intellectual Property. The implementation of Artificial Intelligence must comply with the principle of protecting Intellectual Property Rights in accordance with the provisions of laws and regulations. Although it does not directly discuss copyright protection for AI, there is an important point that is a common note for the implementation of AI, namely that the use of AI must always be in line with the principle of protecting Intellectual Property Rights.

Given that AI has no ethics and morality, decisions that will be taken through AI will not consider the feelings, ethics and morality that only humans have. Therefore, it needs to be emphasized that humans as beneficiaries of AI must always be the ones navigating the use of AI in a positive direction.

### **Protection of Creations**

When artists find out that their work has been changed by someone else, they are often powerless to defend their rights either because of a lack of knowledge about law and copyright or because law enforcement in the field of Intellectual Property Rights is still weak. In reality, until now, songs that violate copyright are still very easy to find through social media platforms.

Law Number 28 of 2014 has provided protection for the creative music and song industry for a longer period, namely for the lifetime of the creator and continues for 70 years after the creator dies or for 50 years since the first announcement was made if the copyright to the song is owned or held by a legal entity. Meanwhile, the interest in obtaining incentives for the creative music and song industry is proven by the recognition of the provision of royalties through the Collective Management Institution system.

Basically, copyright protection is given automatically since the creation exists based on the declarative principle after a creation is manifested in a real form. In order for copyright to have strong evidence, it is better for the copyright to be registered by its creator because copyright registration has benefits such as being able to anticipate other parties using it without permission, anticipating the emergence of disputes with copyright holders, and as a tool to request the cancellation of the registration of creations by other parties that are carried out without rights.

Copyright protection efforts can also be attempted by creators by joining the Creator Collective Management Institution. Through this institution, creators can facilitate the management of the economic rights of their creations.

If there has been a violation of copyright, through Article 95 of Law Number 28 of 2014 there has been a new breakthrough to protect copyright through alternative dispute resolution, arbitration, or court. Creators can also file a lawsuit for damages through the Commercial Court for related copyright violations. Article 105 of Law Number 28 of 2014 also states that the right to file a civil lawsuit for copyright and/or related rights violations does not reduce the rights of creators and/or related rights owners to sue criminally.

Law Number 28 of 2014 uses a complaint offense system. The use of the complaint offense is based on the fact that copyright is a personal right, namely a personal right, so that if there is a violation, there must be a complaint from the injured party. The application of the complaint offense in copyright law has positive and negative impacts. The positive impact is that there is clarity about the parties who are harmed by the violation, namely the creator, it makes it easier to find evidence for the investigation process, and if the case goes to court, it

will minimize the difficulty in presenting the relevant parties needed for proof. The negative impact is that the complaint offense feels like it limits the room for law enforcement officers to follow up on copyright violations. This is because the complaint offense does not give law enforcement officers the authority to directly take action against copyright infringement cases.

## CONCLUSION

Kesi As AI technology continues to develop and its use increases, the boundaries between human creation and AI machines will become increasingly blurred, so that fundamental questions will continue to arise regarding the scope of copyright over such creations. AI is often used by humans to help create a musical work, but works created by AI cannot be called creations. In order to be called creations, musical works produced by AI must meet the requirements of originality and fixation. Musical works produced by AI do not meet the requirements of originality because the work is a combination of songs and instruments that have existed since ancient times which were then modified by machines so that the work does not reflect the characteristics and personality of its creator.

AI's expertise has great potential to produce new works that are interesting for music fans, but irresponsible use of AI can result in losses for creators and copyright infringement. AI also has no ethics and morality so that humans must always play a major role in directing the use of AI in the corridor according to laws and regulations.

Copyright protection has been inherent since the creation was manifested in a tangible form. Efforts to protect a creation can be done actively by the creator through preventive and repressive steps. Preventive steps can be in the form of recording the creation and repressive steps are as stated in Law Number 28 of 2014, namely taking alternative dispute resolution to lawsuits in court institutions. The conclusion must be linked to the title and answer the formulation or purpose of the research. Do not make statements that are not adequately supported by your findings. Write down the improvements made in the field of industrial engineering or science in general. Do not make further discussions, repeat the abstract, or just list the results of the research. Do not use bullet points, use paragraph sentences instead.

## REFERENCE

- Joesoef, Iwan Erar, 2022, *Hukum Perjanjian (Asas, Teori dan Praktik)*, PT Citra Aditya Bakti, Bandung.
- Majesty, Dinda, dkk, 2023, *Voice Cloning: Membuat Sendiri Suara Artifisial Menggunakan Metode Sequence to Sequence Speech Synthesis*, Bukupedia, Bandung Barat.
- Hawin, M dan Budi Agus Riswandi, 2020, *Isu-Isu Penting Hak Kekayaan Intelektual di Indonesia*, Gadjah Mada University Press, Yogyakarta.
- Soegiono, Annetha Steffi, dkk, 2023, *Mengenal Lebih Dalam: AI Music Generator*, SIEGA Publisher, Semarang.
- Wayne, Raymond, 2024, *Meta AI Expertise*, Estalontech.
- Edwin F. McPherson, *Crushing Creativity: The Blurred Lines Case and Its Aftermath*, Southern California Law Review, Vol 92, 2019.
- Hanafi Amrani, *Urgensi Perubahan Delik Biasa Menjadi Delik Aduan dan Relevansinya terhadap Perlindungan dan Penegakan Hak Cipta*, Undang: Jurnal Hukum, Vol. 1, 2018.
- Mega Silviana Kurniawati M, *Konsekuensi Perubahan Sifat Delik Pelanggaran Hak Cipta Terhadap Perlindungan Pencipta Menurut Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta*, EJurnalUAJY, 2016.
- Pratiwi Eka Sari, *Kebutuhan Perluasan Doktrin Orisinalitas dan Fiksasi Dalam Undang-Undang Hak Cipta Sebagai Perlindungan Kreativitas Anak Bangsa*, Dharmasiswa Jurnal Program Magister Hukum Fakultas Hukum Universitas Indonesia, Vol. 1, 2020.
- Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta



- Putusan Mahkamah Konstitusi Nomor 166/PUU-XXI/2023 perihal Pengujian Peraturan Perundang-undangan berbentuk undang-undang dalam hal ini Frasa “Citra Diri” yang berkaitan dengan foto/gambar dalam Pasal 1 angka 35 Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, 2 Januari 2025.
- Admin, Binus University, Voice Generator AI: Menirukan Suara Dengan Mudah, <https://student-activity.binus.ac.id/himti/2023/06/13/voice-generator-ai-menirukan-suara-dengan-mudah/>, diakses pada 11 Januari 2025.
- Ahmed Abdulazez Abdulkadir, Investing.com, Musik yang Dihasilkan AI Memicu Kekhawatiran Hak Cipta di Kalangan Artis dan Label, <https://id.investing.com/news/stock-market-news/musik-yang-dihasilkan-ai-memicu-kekhawatiran-hak-cipta-di-kalangan-artis-dan-label-93CH-2581783>, diakses pada 12 Januari 2025.
- Alex, Isthischannelmonetized, Can You Monetize AI Generated Videos? Yes, But..., <https://isthischannelmonetized.com/guides/monetize-ai-generated-videos/>, diakses pada 12 Januari 2025.
- Bernadetha Aurelia Oktavira, Begini Cara Pencatatan Hak Cipta Lagu Secara Online, <https://www.hukumonline.com/klinik/a/begini-cara-pencatatan-hak-cipta-lagu-secara-online-i-cl4454/>, diakses pada 20 Januari 2025.
- Elizabeth Wagmeister, CNN Business, Katy Perry, Billie Eilish, J Balvin and more lash out against ‘enormous’ AI threats that ‘sabotage creativity’, <https://edition.cnn.com/2024/04/02/business/ai-artificial-intelligence-katy-perry-j-balvin-artists/index.html>, diakses pada 19 Januari 2025.
- Indah Hikma, Inavoice, Etika AI Voice Cloning: Apa Artimya Bagi Masa Depan Industri Voice Over?, [https://inavoice.com/blog\\_ai-voice-cloning-voice-over\\_103](https://inavoice.com/blog_ai-voice-cloning-voice-over_103), diakses pada 11 Januari 2025.
- Michael Hans dan Cynthia Prastika Limantara, HukumOnline.com, Menyoal Aspek Hak Cipta atas Karya Hasil Artificial Intelligence, <https://www.hukumonline.com/berita/a/menyoal-aspek-hak-cipta-atas-karya-hasil-artificial-intelligence-lt641d06ea600d9/?page=2>, diakses pada 19 Januari 2025.
- Misrohatun, IdnTimes, The New York Times Gugat OpenAI dan Microsoft Terkait Hak Cipta, <https://www.idntimes.com/tech/trend/misrohatun/the-new-york-times-gugat-openai-dan-microsoft?page=all>, diakses pada 12 Januari 2025.
- Sofyan, Diskominfo Kota Bogor, Apa Itu Kloning Suara AI?, <https://kominfo.kotabogor.go.id/index.php/post/single/1063>, diakses pada 11 Januari 2025.
- Mark Savage, BBC, Blurred Lines: Robin Thicke and Pharrell Williams to pay \$5m in final verdict, <https://www.bbc.com/news/entertainment-arts-46550714>, diakses pada 12 Januari 2025.
- Shawn Helms dan Jason Krieser, Bloomberg Law, Copyright Chaos: Legal Implications of Generative AI, <https://www.bloomberglaw.com/external/document/XDDQ1PNK000000/copyrights-professional-perspective-copyright-chaos-legal-implic>, diakses pada 12 Januari 2025.