



# JLPH: Journal of Law, Politic and Humanities

E-ISSN: 2962-2816  
P-ISSN: 2747-1985<https://dinastires.org/JLPH>    [✉ dinasti.info@gmail.com](mailto:dinasti.info@gmail.com)    [☎ +62 811 7404 455](tel:+628117404455)DOI: <https://doi.org/10.38035/jlph.v5i5>  
<https://creativecommons.org/licenses/by/4.0/>

## Legal Protection for Creators Against Copyright Songs Reprised by Cover Song Musicians in Royalty Payments

**Rio Nanda Kristian<sup>1</sup>, Anynoegroho<sup>2</sup>, Joanita Jalianery<sup>3</sup>.**<sup>1</sup>University of Palangka Raya, Central Kalimantan, Palangka Raya, kristianrio09@gmail.com.<sup>2</sup>University of Palangka Raya, Central Kalimantan, Palangka Raya, anynugroho@law.upr.ac.id.<sup>3</sup>University of Palangka Raya, Central Kalimantan, Palangka Raya, joanita@law.upr.ac.id.Corresponding Author: kristianrio09@gmail.com<sup>1</sup>

**Abstract:** This research is motivated by legal vagueness in Article 87 paragraph (1) of Law No. 28 of 2014 concerning Copyright. Article 87 paragraph (1) stipulates that the author of the work, the copyright owner, or other related parties, is entitled to obtain financial compensation for the commercial use of their work by becoming a member of the Collective Management Institution. This situation raises legal issues, especially for independent musicians who do not join the Collective Management Institution (LMK), especially when their works are used as cover songs and disseminated through social media without permission. The imbalance in the protection of creators' economic rights becomes the main issue. This study uses normative juridical method with theoretical and regulatory approaches supported by literature sources. The findings show that creators have the right to legal protection, both for their moral interests and economic aspects. Copyright is a right that arises automatically in the work created by the creator, this right is given exclusively in the form of moral and economic rights without reducing the restrictions on the creator of the results of ideas and hard work, the work must be realized and declared. Therefore, in order to overcome the legal vagueness of Article 87 of Law No. 28 of 2014. So it is necessary to review Article 87 of Law No. 28 of 2014 on Copyright the owner of the work, the owner of the related rights, and who holds the copyright that has not been registered as a member of the Collective Management can still obtain economic rights from their work so that the collective system and royalty distribution mechanism can be applied fairly to all creators, including those who are not members of the Collective Management Institution.

**Keyword:** Copyright, Music, Internet.

### INTRODUCTION

Indonesia is a legal state with geographical coverage that has a large area and diverse natural resources. Based on Article 1 paragraph (3) of Law Number 28 of 2014 concerning Copyright (hereinafter referred to as UUHC), it explains that humans have the opportunity to create various innovative works by using their imagination, ideas, skills, and talents, which are then realized in the form of creative works. In this contemporary digital era, various

communication tools and technologies based on connectivity are increasingly developing. The internet has evolved into an important medium for communication, allowing people around the world to interact more quickly and efficiently, and making access to the latest information easier. Although it has many benefits for its users, the spread of the internet to various fields also has many consequences, one of which is the emergence of new issues related to Intellectual Rights.

Intellectual Property Rights (IPR) is the right to own a copyrighted work created by human creativity and intelligence in the field of science and technology. It has an intangible form, but is the result of a person's thought, imagination, and innovation in that field through his or her creativity, taste, and work. In addition, they have moral, functional, and economic value. Various elements include protection of plant varieties, confidential business information, integrated circuit designs, intellectual property rights and related rights, patents, trademarks, and industrial designs (Ekaputra & Sulistiyono, 2023).

Music or song is an art form that is legally protected through copyright. According to the provisions listed in Article 40 letter (d) of the UUHC, songs or music can be categorized as a whole work of art that includes elements such as melodies or songs, lyrics or verses, and arrangements, including musical notation. Therefore, the song and/or music is treated as a whole unit in the context of copyright.(Pratama et al., 2016).

Today's digital society loves, acquires and appreciates songs, a type of artwork. Re-singing songs that are currently popular or from idolized singers is one of the popular ways to show appreciation. Reprising or recycling a song that has been previously popularized by another singer or artist is known as a "song cover". Potential copyright infringement is associated with performing a song cover of someone else's work. It is not always sufficient to avoid lawsuits by copyright owners, even if the name of the creator is mentioned in the title of the upload. To prevent copyright infringement, anyone who wants to re-record someone else's song and then disseminate it through social media platforms must seek official approval or permission from the singer or copyright holder (Kaliandra Hermawan et al., 2022).

The Copyright Law, in Article 4, interprets intellectual property as consisting of exclusive rights, namely economic and moral rights. The specifics of a creator's moral rights are elaborated upon in Articles 5 through 19 of the UUHC. Article 5(1) states that these moral rights are permanent and cannot be revoked. Furthermore, Article 5(1)(e) ensures creators retain absolute power to refuse any changes to their creation, especially those that could negatively impact their standing or reputation. Concurrently, Article 8 clarifies that creators also hold economic rights concerning their work, encompassing the right to income derived from its use by others, which consistently belongs to the creator or their designated copyright holder

The main purpose of copyright law is to prevent works created individually from being copied or disseminated without the owner's permission. Legal protection of the results of human creativity including the field of art and culture is given in the form of Intellectual Property Rights (IPR) so as to get legal protection. Humans can create a work through their ideas. The work has moral, functional, and economic value attached to the creator (Ekaputra & Sulistiyono, 2023). The creator, copyright holder, or owner of a song or music has various exclusive rights. These rights include distribution, broadcast, and reproduction or making copies of the work they own (Kurniawati, 2020).

A songwriter has the right to request changes to his or her name in a work. Therefore, copyright is granted to the creator including the exclusive right to create and manage their work. If someone wants to use or duplicate someone else's work, including songs and music, they must obtain permission from the creator. This is usually done in a license agreement with the creator. Songwriters, copyright holders, and related rights owners are entitled to financial benefits from the creation of music and songs. When creators receive their full financial rights, they can feel a sense of justice and well-being. This also plays a role in encouraging their passion and creative process to continue producing new works (Rogate, 2024). Currently, the

issue of intellectual property rights is closely related to the economic and political sectors (Kurniawati, 2020).

Exclusive rights include both economic rights and moral rights as stipulated in Article 5 paragraph (1) of the UUHC. Moral rights allow the creator to decide whether or not to use their name in publicly used copies of the artwork, use a pseudonym, or defend their rights in the event of cuts, alterations, or other actions that could harm their good name or self-esteem. In addition, according to Article 8 of the UUHC, songwriters also have economic rights. These economic rights allow creators to benefit financially from their work, and other related rights products. While these economic rights can be transferred or assigned to other parties, the transfer must be with the consent of the creator.

Based on Article 87 paragraph (1) of the UUHC, it is stipulated that every Creator, Copyright Holder, or Related Rights Owner is only entitled to obtain fair compensation from the use of their works for commercially oriented public services only if they are registered as members of the Collective Management Institution (LMK). This creates problems for musicians who do not join the LMK, especially when their works are used by other parties, for example in the form of cover songs for commercial purposes without official permission. These independent musicians do not have an effective formal legal channel to obtain economic rights to the use of their works. The absence of membership in the LMK makes their position weak in demanding compensation from users who utilize Copyright. Therefore, this condition shows a gap in the protection of economic rights for non-member creators of the LMK and is the basis for the urgency of the need for research to review the effectiveness of the collective system in ensuring justice for all creators of musical works.

The development of technology and the internet today has given great support to copyrighted works, including in the field of music. Songs as copyrighted works can be easily recorded in audio or video by anyone, then uploaded to social media by individuals who do cover versions. Therefore, regulatory protection of copyright, especially regarding economic rights to songs, is crucial to building a conducive environment for the development and progress of music production in Indonesia (Kaliandra Hermawan et al., 2022). Problems arise when the practice of cover songs is done without the consent or license of the songwriter or owner. It is not uncommon for cover songs to gain more popularity than the original version. In fact, cover songs are often heard and enjoyed more by listeners, while cover singers benefit from the work. This phenomenon is increasingly in demand because the production costs are relatively low, with just a few musical instruments and media sharing platforms, one can easily produce cover song content.

Based on the previous explanation, the author seeks to study and examine in depth the legal rotation for copyright songs that are rearranged and uploaded to cyberspace by cover musicians. The focus of this research is to discuss how songwriters who have not joined the Collective Management Members get legal protection for the receipt of royalties for their works by other parties used in the form of cover songs uploaded to social media platforms reviewed based on Law Number 28 of 2014 concerning Copyright.

## **METHOD**

This research uses a normative juridical method with a theoretical approach and conceptual analysis, as well as examining legal regulations relevant to the research topic. In addition, the statutory method is also used. Normative juridical study is a type of research centered on analyzing the law as a collection of rules, standards, principles, doctrines, and theories, including other legal literature. This research aims to find solutions to the legal problems discussed (Muhaimin, 2020).

In this study, the main legal sources used include the Civil Code, Government Regulation Number 56 of 2021, and Law Number 28 of 2014. In addition, supporting legal

sources used in this study include various references such as books, journals, websites, and other materials relevant to the field of copyright and intellectual property rights.

## RESULTS AND DISCUSSION

Songs and music are considered as a means to foster creativity that can be enjoyed by various groups regardless of age or economic conditions. For musicians, music concerts and performances are one of the main ways to earn additional income, while providing significant added value. In the world of music, there is an emotional attachment between musicians and listeners, which is created through the beauty of musical instruments and the vocal character of musicians, not only in the pop genre but also in various other music genres (Rogate, 2024). The applicable rules regulate the mechanism for song or music creators to obtain royalties for their copyrights.

Advances in digital technology have opened up vast opportunities for individuals to publish their work through various social media platforms. One form of creativity that is increasingly in demand is cover music, which is not only a means of entertainment but also a place for self-expression. Social media platforms provide content sharing features that allow users to upload various types of music covers, both in the form of simple recordings and re-arrangements with their own distinctive styles. The ever-growing popularity of social media has made it an interactive space that makes it easier to disseminate works to a wider audience. However, it is important to realize that most music covers shared on social media contain elements of copyright, especially in terms of musical composition and lyrics. Lack of understanding of copyright regulations often leads to legal issues in the realm of intellectual property rights. Not infrequently, some users utilize these music covers for commercial gain without obtaining official approval from the original copyright owner. This situation shows the importance of copyright education so that social media users can be wiser in sharing and utilizing music content legally and ethically.

In the context of copyrighted works, specifically music inclusive of lyrics, protection is afforded for the duration of the creator's life and for a subsequent period of 70 years following the creator's death, with the commencement of this period occurring on January 1 of the ensuing year. This considerable term of protection falls within the long-term classification. Furthermore, Article 17 of the 2014 edition of the Copyright Act emphasizes that the economic rights vested in a work shall remain under the authority of the creator or the rightful copyright owner, provided no exhaustive transfer of such rights to an alternative party has been executed (Dirkareshza, 2024). A creator or rights holder's economic rights, once partially or wholly transferred to another party, are permanently conveyed and cannot be transferred again, regardless of the justification.

The copyright protection period for songs is quite long. If someone intends to utilize another party's music or song, they must obtain official permission from the creator and the owner of the related rights, because copyrights on songs and music are highly protected by law. License rights holders must pay royalties as compensation for the permission written in the agreement, which is then registered with the DJKI. Furthermore, this rule also applies to the activity of performing other people's songs or music, known as 'cover songs' in the music industry, including when uploaded to various social media platforms.

A license is a legal authority granted by the relevant authority, allowing a person to carry out one or more specific activities with official approval. If the authorized party does not receive permission to perform one or more of the activities in question, the action is declared invalid and illegal. (Hanoraga & Prasetyawati, 2015). To respect the moral rights of other singers, those who wish to reprise their songs must include the name of the original singer. As mentioned earlier, obtaining a license is an appropriate measure to prevent copyright infringement. Although the Copyright Act (UUHC) does not explicitly regulate the technicalities of the

agreement, the parties involved are still responsible for drafting it. Nonetheless, the agreement must observe the rules contained in the 3rd book of the KUHPer (Marina et al., 2023).

The remuneration given by individuals or entities who benefit financially from the work of others to the original owner of the work or creator is called royalties. When people or organizations benefit from songs or music created by someone other than them for commercial purposes in public services under a license agreement, they are obliged to pay royalties. On the other hand, various public services of a commercial nature, such as broadcasting, live performances, and use in business premises, fall under the category subject to the obligation to pay royalties (Marina et al., 2023).

According to Article 1 paragraph (1) of the Law on Copyright, every musical work automatically obtains copyright, which exclusive rights are given to the creator and the right holder. With this provision, anyone is not allowed to reproduce or utilize musical works without the permission of the creator. Furthermore, Article 1 paragraph (5) states that it is prohibited for persons who are not copyright holders or do not have permission to publish works in the form of reading, broadcast, exhibition, sale, or distribution, whether carried out on conventional or digital media, which allows a work to be accessed by the public.

Government Regulation No. 56/2021 on the Management of Royalty for Copyright of Songs and/or Music does not elaborate on whether the broadcast and notification of a work, whether in analog or digital form, falls into the category of royalty objects. However, Article 2 paragraphs (1) and (3) of the same regulation state that the airing, announcement, and communication of a work are included in the category of royalty objects. Therefore, even though it is not explicitly mentioned about the activity of cover songs disseminated through social media, it can be considered as part of a public service that requires royalty payments to creators and copyright holders. This shows that all forms of utilization of musical works that reach the public, including through digital platforms, remain within the scope of copyright and royalty rules.

Efforts to secure human rights that are violated by other parties are referred to as legal protection. The goal of this protection is to ensure that every individual can access and experience the rights regulated by laws and regulations (Sinaulan, 2018). Legal protection has an important role in safeguarding rights that provide direct benefits to the creator of a work, especially since these rights fall under the category of private ownership. This concept of ownership is not only attached to the work, but also gives full authority to the creator to control, utilize, and benefit from his work. Therefore, copyright in music is not only a recognition of the creator's creativity, but also a form of legal protection that ensures that the creator's rights are respected and not abused by other parties.

John Locke, in his theory of property, argued that each person innately has full control over himself and the fruits of his labor. This right arises because a person has invested his labor, time, and thoughts in a process of creation. According to Locke, ownership is not just a right to something, but also a form of recognition of the effort and dedication that a person has put into discovering, cultivating, and giving a personal touch to an object. In other words, every individual who has made an effort to transform natural resources into an original work deserves legal recognition and protection for their work. Therefore, Locke emphasized the importance of granting property rights as a form of respect and appreciation for individuals who have made sacrifices in their creative and productive processes (Meisita Fafitrasari et al., 2021).

Property rights over human works are protected by providing incentives to products that have been recognized by society. Incentives from Intellectual Property Rights encourage authors to publish their works. As a result, such encouragement cannot be considered as a mere "willingness" of the creator as a whole. In other words, a copyrighted work of music or song, whether with a music video or without, uploaded by its creator to a social media platform for publication, aims to add to and enrich the intellectual resources of society.

Based on the provisions in Article 8 to Article 11 of the Copyright Law, it is comprehensively described that creators obtain two forms of exclusive rights, namely moral rights and economic rights. Both rights are inherently attached to the individual creator of the work. Moral rights give personal power to the music creator to determine whether his identity, whether in the form of his real name or another name that represents him, will be included in any distribution or publication of the work. In addition, he or she also has the right to object to any alteration or reuse that may damage the integrity of his or her work or tarnish his or her reputation.

The provisions regarding economic rights for songwriters have been explained in detail in the Copyright Law. This right authorizes creators to make personal use of their work, authorize, or prohibit other parties from reproducing their work in various formats. One form of reproduction includes arranging songs and uploading them to platforms such as YouTube. Legal protection of economic rights aims to ensure that other parties can legitimately obtain economic benefits, both through arrangements and reproductions of works, provided that they have obtained official permission from the creator. Economic rights in the Copyright Law are generally regulated in the Third Part, precisely in Article 8 to Article 19.

Some people create 'covers' and arrangements of songs that they then share through various social media, both for commercial and personal purposes. It is important to remember that such actions have the potential to infringe copyright if done without the prior consent of the original creator or copyright owner (P. Dina Amanda Swari & I Made Subawa, 2018). Including the name and song title of the original singer is not enough if the royalty aspect is ignored. To reproduce a song, everyone must get official approval or license from the creator and copyright owner. In order to maintain the copyright of the original songwriter, mechanical, announcement, and synchronization permissions are required. Announcement permission serves to notify that the song performed is the work of others, so that recognition of the original creator is maintained. Meanwhile, synchronization rights are needed if the song will be used in other media, such as movies or advertisements. In essence, reprising a song without the permission of its creator is a form of violation of the exclusive rights owned by the creator. This is because music or songs are included in the types of copyrighted works protected by law, as stated in Article 40 paragraph (1) of the Law on Copyright.

Drawing from Article 1, paragraph (20) of the Copyright Law, a license is understood as the legal assent provided by the work's owner to a recipient for its utilization, bound by an agreed scope and temporal parameters. Moreover, Article 16, paragraph (2) legally requires that the conveyance of economic rights pertaining to a work be formalized in a written agreement. Consequently, any transfer of these rights must be effected through an official document, be it a privately executed contract or a notarized instrument, thereby precluding verbal arrangements.

Regarding the legality of underhand deeds, Article 1875 of the Civil Code states that a written document recognized by the party concerned or which is deemed valid according to statutory regulations has strong evidentiary power, equivalent to an authentic deed. Thus, the provisions in Article 1871 of the Civil Code also apply to agreements made in this written form (Ekaputra & Sulistiyono, 2023).

Commercialization on social media platforms, especially in the field of music, often raises copyright issues. It was found that song cover artists disregard the specific rights of the creator and owner of the work, even though these rights must be fulfilled to prevent copyright infringement. Many cover artists believe that by including the title and name of the original creator or singer, from their point of view, the moral rights of the creator and copyright owner have been fulfilled. However, there are important things that need to be observed, namely according to Article 9 paragraph (1) of the Copyright Law, Performing a re-performance of a musical work that has been created and performed by a musician, either as the original creator or copyright holder, is included in the form of arrangement. If the arrangement is done for commercialization purposes, permission is required in advance (Fadhila & U. Sudjana, 2018).

Juridically, it can be interpreted that copyright infringement occurs when someone re-sings or covers a song, then uploads it to social media and gains financial benefits, if there is no blessing from the creator or the party who holds the copyright. If the uploader connects their account to a monetization system and earns financial benefits, it can be classified as a violation of moral rights if the title and name of the creator are not included. In addition, this action also violates economic rights because it utilizes the work for commercialization purposes without permission, as regulated in Article 9 paragraph (2) of the Copyright Law which reads "every person who exercises economic rights as referred to in paragraph (1) must obtain permission from the Creator or Copyright Holder" and Article 9 paragraph (3) of the Copyright Law which reads "every person who without the permission of the Creator or Copyright Holder is prohibited from reproducing and / or Commercial Use of Creation."

Under Article 9(1), creators and copyright holders have economic rights to carry out various activities related to their copyrighted works. These rights include publishing, reproducing in various forms, translating, adapting, arranging, and transforming works. In addition, economic rights also include distribution or copying of works, performances, announcements, communications, and rental of copyrighted works. According to Article 9 paragraph (2), any party that does not own the original copyright must obtain the blessing of the creator or copyright owner before carrying out the activities described in Article 9 paragraph (1).

The individual or legal entity that conducts and is responsible for the first recording of sound, whether in the form of performance recording or other types of sound recording, is called a phonogram producer (Ginting, 2021). The economic rights and authority of phonogram producers to conduct themselves, allow or prohibit parties other than them in any form are stipulated in Article 24 of Copyright Law Number 28 of 2014. circulate original phonograms or their derivatives, rent them to the public, and facilitate public access through wired or wireless networks, considering that these are the property rights of phonogram producers.

Article 87 of Law Number 28 of 2014 concerning Copyright stipulates: "To obtain economic rights, every creator, copyright holder, and owner of related rights shall become a member of the Collective Management Institution in order to be able to collect reasonable compensation from users who utilize copyright and related rights in the form of commercial public services". One of the main functions of the Collective Management Institution is to collect royalties from the use of songs or music for commercial purposes, in accordance with the rates that have been determined and formalized by the Minister's decision, and distribute the compensation to those entitled to receive it, namely the copyright holder (Permana et al., 2021).

Referring to the provisions of Article 8 in Government Regulation No. 56 of 2021, the implementation of royalty collection is coordinated by the National Collective Management Agency (LMKN) through the integration of central information on musical works. Anyone, both individuals and legal entities that utilize song or music works in commercial activities, which are intended for a wide audience, are required to apply for permission from the copyright owner. This provision is in line with the contents of Article 9 paragraph (1) of Government Regulation No. 56 of 2021, which stipulates that every form of license agreement must be registered with the Minister in accordance with statutory provisions, and reporting is mandatory.

If someone intends to utilize a song or music work for business purposes in public services, then the user is required to pay royalties through LMKN. Royalty payments are still imposed even without a license agreement and must be made immediately at that time if the song is used commercially. This is stated in Article 10 paragraph (2) of the UUHC.

A key issue arises because musicians who are not affiliated with a Collective Management Institution, as stipulated by Article 87(1) of the UUHC, are unable to directly claim royalties. This poses a significant barrier to securing economic rights for the commercial use of their

work, including when their songs are commercially covered. Moreover, according to Article 14(1) of Government Regulation Number 56 of 2021 on Copyright Royalties for Songs and/or Music, the master list of recorded works must be updated quarterly, or as needed. If royalties are collected from the utilization of a work, these funds will be allocated for 3 main targets, namely given to rights holders such as creators, copyright owners, and holders of bound rights who are members of the LMK, as well as utilized as an operational budget and savings fund.

However, if the identity of the creator or rights owner is unknown or they have not registered as a member of the LMK, then the royalties collected are not paid immediately. Instead, the royalties will be kept by the National Collective Management Institution and must be announced for 2 years as a notification effort with the aim of finding the identity of the creator. If within that period the creator or rights owner is identified or joins the LMK, then the economic rights will be immediately distributed. Conversely, if within two years there is no clarity or membership has not been realized, then the royalty funds are transferred to a reserve fund which funds come from royalties belonging to the songwriter or the music has not been recorded for use, between the owners there is still a dispute, or the creator has not registered as a member of the MFI (Musthainnah et al., 2022).

When referring to the provisions in Law Number 28 Year 2014 on Copyright, there is a fundamental difference between the protection of moral rights and economic rights. Article 57 paragraph (1) asserts that the moral rights of a creator are not limited by time, so the protection of the integrity and recognition of creation lasts forever. Meanwhile, under Article 58 paragraph (1), the financial rights of the creator are granted during his/her lifetime, then extended for 70 years after his/her death. The calculation starts from January 1 of the following year.

Thus, the LMKN's 2-year royalty withholding provision for creators who are not identified or not part of the LMK is unfair and not in line with the law's commitment to protect economic rights in the long term. The 2-year waiting period implicitly limits creators' access to economic rights that should be protected over a much longer time span. This suggests a potential inconsistency between the technical implementation of royalty management and the legal substance that guarantees the protection of creators' economic rights in the long term, thus requiring further legal review and research to bridge the gap.

In many cases, copyright is often appropriated by others without authorization, which has a negative impact on the creator, one of which is the loss of the right to receive remuneration. Therefore, judicial measures are essential to protect copyrights that are exploited unlawfully. One method of deterrence that can be taken by the creator is to record his creation in order to achieve certainty of legal protection. With the registration, the work can be used as an evidentiary tool during the handling of disputes in the judiciary.

The creator may pursue legal action if his copyright is infringed upon. Article 1365 of the Civil Code can be used to examine copyright infringement law enforcement in the realm of civil law, which asserts that any illegal act that results in harm to another party requires the perpetrator to compensate for the damage incurred. Based on this rule, a claim for unlawful acts must fulfill the criteria and elements set forth in the law regarding unlawful acts.

The resolution of copyright disputes can be achieved through either non-litigation arbitration or litigation, wherein the Commercial Court possesses the requisite authority to adjudicate such matters. Pursuant to Article 95, paragraph (1) of the Copyright Act, mediation mechanisms are to be employed for dispute resolution prior to their progression into the criminal domain. Meanwhile, Article 99 paragraph (3) stipulates that a party aggrieved by copyright infringement may request that a preliminary action be taken against one of the parties (provisional) to the Commercial Court (Permana et al., 2021). The request may include several legal actions, including:

- a. Request the seizure of works that have been published or duplicated without authorization, as well as the tools used in the process of copyright infringement and related products.



- b. Mandate the discontinuation of all activities, including announcement, distribution, communication, and reproduction, for works demonstrated to violate copyright.

## CONCLUSION

The legal framework ensures that songwriters receive protection concerning royalties generated from the use of their works, notably in the context of cover songs disseminated through social media. This protection is rooted in the provisions of Law No. 28 of 2014 on Copyright, which affirms the automatic attachment of exclusive rights covering both personal interests and economic value to every creator. Consequently, any party desiring to employ copyrighted works for purposes of arrangement, redistribution, or digital publication must secure prior written authorization from the creator or rights holder. If a cover work is published without official permission, the action is considered a violation of economic rights as described in Article 9 paragraph (2) and (3) of the Copyright Law.

This can also have an impact on the violation of moral rights if the name of the creator is not included correctly. Therefore, the licensing system and royalty payment obligations are an important part of copyright law enforcement. Infringement of intellectual property rights is also strictly regulated in the applicable law. Creators also have full authority to organize, disseminate, and obtain economic benefits from their creations, including on social media platforms.

Under Law No. 28/2014, Article 87(1) limits compensation for commercial public use of copyrighted works to only those creators or rights holders affiliated with a Collective Management Institution (LMK). This stipulation creates significant challenges for independent musicians who are not LMK members, as they face difficulties in claiming royalties for commercial uses of their music, such as popular cover songs on social media platforms.

The current legal framework fails to adequately safeguard their economic rights, despite the principle that creators should receive economic benefit from business uses of their copyrighted material regardless of membership status. This situation reveals a notable legal gap in achieving fairness for all creators, especially those operating outside the collective management structure.

Given that copyright is an inherent and automatic exclusive right upon a work's creation and announcement (albeit with certain restrictions), it is imperative to review Article 87. Such a review would ensure that creators, copyright owners, and related rights holders, regardless of their LMK registration, can justly derive economic benefits from their creations, thus promoting a more equitable collective system and royalty distribution for everyone, including non-LMK members.

## REFERENCE

- Dirkareshza, R. (2024). ECONOMIC RIGHTS IN SONG COPYRIGHT: ANALYSIS OF A CONTROVERSIAL CASE BETWEEN A BAND AND A POLITICAL PARTY. *IBLAM LAW REVIEW*, 4. <https://ejournal.iblam.ac.id/index.php/ILR/article/view/290/299>
- Ekaputra, A. R., & Sulistiyono, A. (2023). JURIDICAL ASPECTS OF COPYRIGHTED WORKS OF SONGS THAT ARE RE-SUNG (COVER SONG) ON THE YOUTUBE PLATFORM. *Journal of Private Law*, 10(1), 55-63. <https://jurnal.uns.ac.id/privatlaw/article/view/60466>
- Fadhila, G., & U. Sudjana. (2018). PERLINDUNGAN KARYA CIPTA LAGU DAN/ATAU MUSIK YANG DINYANYIKAN ULANG (COVER SONG) DI JEJARING MEDIA SOSIAL DIKAITKAN DENGAN HAK EKONOMI b BERDASARKAN UNDANG-UNDANG NOMOR 28 TAHUN 2014 TENTANG HAK CIPTA. *ACTA DIURNAL Journal of Kenotariatan Legal Science*, 1(2), 222-235. <https://jurnal.fh.unpad.ac.id/index.php/acta/article/view/177>

- Ginting, A. R. (2021). Legal Review of The Royalty Providing System for Film Players. 15, 24-26. <https://doi.org/10.30641/kebijakan.2021.V15.81-94>
- Hanoraga, T., & Prasetyawati, N. (2015). Patent compulsory license as a form of limitation of patent exclusive rights. *Jsh Journal of Social Humanities*, 8. <https://core.ac.uk/download/pdf/290094558.pdf>
- Kaliandra Hermawan, P., Ayu, M. R., & Amirulloh, M. (2022). Legal Protection of Copyright on Songs and / or Music Related to Song's Cover in Youtube Site Based on Related Positive Law. *Journal of Socio-Humanities Science ISSN*, 6(1), 2022.
- Kurniawati, A. (2020). LAW ENFORCEMENT AGAINST COPYRIGHT INFRINGEMENT THROUGH INTERNET MEDIA. *SCIENTIFIC JOURNAL OF LAW AND COMMUNITY DYNAMICS*, 18(1), 19-32. <https://jurnal.untagsmg.ac.id/index.php/hdm/article/view/1749>
- Marina, L., Fahririn, F., Justitia, M. R.-J. H. M., & 2023, undefined. (2023). LEGAL PROTECTION OF SONG AND MUSIC CREATORS' RIGHTS COMMERCIALIZED ON YOUTUBE DIGITAL PLATFORM WITHOUT PERMISSION. *Scholar.Archive.OrgL Marina, F Fahririn, M RidwanJournal of Law Mimbar Justitia, 2023-scholar.Archive.Org*, 9(1), 2580-0906. <https://scholar.archive.org/work/3xxyd4nhszakdlu27bww767vdu/access/wayback/https://jurnal.unsur.ac.id/jhmj/article/download/3507/2367>
- Meisita Fafitrasari, D., Roisah, K., & Hafidh Prasetyo Master of Kenotariatan Study Program, M. (2021). Legal Protection of Re-arranged Songs Under the Copyright Law. *Notarius*, 14(2), 772-789. <https://doi.org/10.14710/NTS.V14I2.43748>
- Muhaimin. (2020). Legal Research Methodology. Mataram University Press. <https://online.fliphtml5.com/aludp/sszr/#p=45>
- Musthainnah, N., Pradita, P. A., & Bakar, C. A. P. A. (2022). LEGAL PROTECTION OF COPYRIGHT IN THE FIELD OF SONGS AND / OR MUSIC BASED ON PP NUMBER 56 OF 2021 CONCERNING THE MANAGEMENT OF ROYALTIES FOR COPYRIGHT SONGS AND / OR MUSIC. *Padjadjaran Law Review*, 10(1). <https://jurnal.fh.unpad.ac.id/index.php/plr/article/view/898/486>
- P. Dina Amanda Swari, & I Made Subawa. (2018). LEGAL PROTECTION OF SONGS UPLOADED WITHOUT THE AUTHOR'S PERMISSION ON THE YOUTUBE SITE \*. *E-Journal Kertha Semaya*. <https://download.garuda.kemdikbud.go.id/article.php?article=1334059&val=907&title=PERLINDUNGAN%20HUKUM%20LAGU%20YANG%20DIUNGGAH%20TANPA%20IZIN%20PENCIPTA%20DI%20SITUS%20YOUTUBE>
- Permana, D. O., Masri, E., & Tobing, C. I. (2021). Implementation of Royalties for Songwriters Based on Law Number 28 of 2014 concerning Copyright. *KRTHA BHAYANGKARA*, 15(2), 319-332. <https://doi.org/10.31599/KRTHA.V15I2.1124>
- Pratama, F. R., Susilowati, E., & Mahmudah, S. (2016). IMPLEMENTATION OF THE ANNOUNCEMENT OF COPYRIGHTED WORKS OF SONGS AS BACKGROUND MUSIC IN SHOPPING CENTERS (STUDY ON RITA PASARAYA PURWOKERTO). *Diponegoro Law Journal*, 5(4), 1-17. <https://doi.org/10.14710/DLJ.2016.13585>
- Rogate, L. (2024). ROYALTY RIGHTS IN THE MUSIC INDUSTRY: AN ANALYSIS OF LEGAL PROTECTION FOR SONGWRITERS RELATED TO COVER SONGS: Royalty Rights in The Music Industry: Legal Protection Analysis For Songwriters Regarding Cover Songs. *Journal of Legal Globalization*, 1(2), 320-341. <https://doi.org/10.25105/JGH.V2I1.21423>
- Sinaulan, J.H. (2018). Legal Protection of Community Citizens. *Ideas: Journal of Education, Social, and Culture*, 4(1). <https://www.jurnal.ideaspublishing.co.id/index.php/ideas/article/view/67>.