



JLPH:
**Journal of Law, Politic
and Humanities**

E-ISSN: 2962-2816
P-ISSN: 2747-1985

<https://dinastires.org/JLPH> dinasti.info@gmail.com +62 811 7404 455

DOI: <https://doi.org/10.38035/jlph.v6i3>
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Music Copyright Protection in the Indonesian TikTok Era

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Abstract: The development of digital technology has transformed the patterns of music consumption and distribution globally, including in Indonesia. Short-video-based social media platforms such as TikTok have become spaces for creative expression while simultaneously posing serious challenges to the protection of music copyright. The widespread use of unlicensed song clips, remixes, and viral cover versions on TikTok reflects the weakness of digital law enforcement, even though Indonesia normatively possesses a comprehensive legal framework through Law Number 28 of 2014 on Copyright, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions, and other implementing regulations. This research intends to examine Indonesia's regulations regarding music copyright protection on the TikTok platform and to evaluate how well these rules are applied in real situations. The study uses a standard legal approach that includes statutory, conceptual, and literary methods. It involves qualitatively examining primary and secondary legal resources through legal interpretation. The findings indicate that music copyright protection in Indonesia is normatively established and covers moral rights, economic rights, as well as civil, criminal, and administrative sanctions. However, its practical effectiveness remains limited due to reliance on manual reporting mechanisms (notice and takedown), the absence of regulations on automatic detection systems, and weak inter-agency coordination among the Directorate General of Intellectual Property, the Ministry of Communication and Digital Affairs, and the National Collective Management Organization. This study concludes that adaptive legal policy reforms are necessary through the implementation of technological enforcement, integration of national digital systems, and the enhancement of public legal literacy to strengthen copyright protection in the digital era.

Keyword: Music Copyright; TikTok; Legal Protection; Digital Law.

INTRODUCTION

Changes in digital technology have fundamentally impacted music consumption and distribution patterns among the public. Short-form video platforms like TikTok have opened up new avenues for user creativity, but have also presented increasingly complex legal challenges. While TikTok provides musicians with ample opportunities for promotion and profit, free access to copyrighted music without permission has accelerated and become

increasingly difficult to control [1]. This condition shows that in the digital economy era, music copyright protection can no longer be seen only as a relationship between creators and infringers, but also includes the responsibility of digital platforms as the main link in the distribution of works. At the *das sollen* level, the Indonesian legal system has actually provided a solid constitutional and juridical foundation to guarantee copyright protection. Article 28C paragraph (1) and Article 28H paragraph (4) of the 1945 Constitution (UUD) guarantee the right of every citizen to develop themselves through science, technology, and art, as well as protect private property rights. According to Jimly Asshiddiqie, recognition of intellectual works is included in the scope of citizens' constitutional rights because it is part of non-material property rights [2]. Protection of copyright reflects the principle of a state based on the rule of law that guarantees respect for human intellectual works. Therefore, the constitution emphasizes that copyright is part of the fundamental rights whose implementation must be guaranteed by the state.

The legal framework for copyright protection in the digital realm consists of Law Number 28 of 2014 regarding Copyright, Law Number 1 of 2024 pertaining to the Second Amendment of Law Number 11 of 2008 about Electronic Information and Transactions, along with related regulations like Government Regulations (PP) and Ministerial Regulations from the Minister of Communication and Informatics (Permenkominfo). These regulations affirm the moral and economic rights of creators, establish the responsibilities of electronic system operators for infringing content, and regulate the royalty payment mechanism for the use of songs and music. Normatively, these legal instruments reflect the state's desire to provide certainty and justice for both creators and users. At the *das sein* level, the implementation of these regulations in the digital space still faces various obstacles. Practices on the TikTok platform show that music copyright infringement often occurs through the use of unlicensed song clips, remixes, or covers that then go viral without compensation for the rights holder. Although TikTok has adopted an automated reporting and take-down system for content reported as infringing copyright, this mechanism is reactive and intended to only operate after the violation has occurred. There are no national legal standards governing the validity of automated detection systems such as automatic content recognition (ACR) or audio fingerprinting, even though these technologies are the backbone of digital copyright enforcement in many countries. [3] As a result, music copyright protection on TikTok Indonesia still relies on the platform's internal policies and user awareness, rather than on an integrated and adaptive legal system.

Previous studies have attempted to examine this issue from various angles, but most have focused on normative or partial cases. Ajeng (2025) examined the legal protection of music uploaded to TikTok and concluded that there are no specific regulations governing platform responsibility [4]. Selya (2025) examined the copyright dispute over the song *Surat Cinta Untuk Starla* and highlighted the weak enforcement [5]. Meanwhile, Lombok (2024) examined the re-arrangement of songs on TikTok from the perspective of creative ethics. All three focused on normative or casuistic aspects and have not yet highlighted the effectiveness of the implementation of the national legal framework in facing the dynamics of ever-evolving digital technology [6]. This is where the research gap that this paper aims to fill lies, as this article not only reviews normative regulations but also analyzes the relationship between legal norms and the reality of implementation: how existing regulations are operationalized, what obstacles exist, and what forms of regulatory strengthening are needed for the law to function effectively. Thus, this research moves from a descriptive paradigm to an evaluative and solution-oriented one.

The theoretical framework used is based on Soerjono Soekanto's theory of legal effectiveness and Lawrence M. Friedman's legal system framework. Soerjono Soekanto explains that the effectiveness of a law is determined by five main elements: its legal norms,

law enforcement officers, supporting facilities, society, and the developing legal culture. A rule is said to be effective if the established norms are in accordance with the values prevailing in society and can be implemented through adequate institutional support. According to Friedman, the legal system is composed of three main components: legal structure, legal substance, and legal culture. Structure relates to institutions and procedures for implementing the law, substance includes the content or applicable legal norms, while culture represents society's perspective on the law. Both theories are important for assessing the extent to which music copyright protection on TikTok has reflected the three main objectives of the law: justice, certainty, and benefit. Through these two theoretical frameworks, this study examines how Indonesian law regulates music copyright protection on the TikTok platform from a normative juridical perspective and analyzes its implementation in the context of current digital technology developments. It is hoped that this analysis can provide a conceptual contribution to the development of more adaptive regulations in the future and strengthen protection for national music creators amidst the flow of digital platform globalization. Based on the background of the problem above, it can be determined that the formulation of the problem in this study is as follows: (1) How is the Indonesian legal regulation in providing protection for music copyright? (2) How is the implementation and challenges of law enforcement against music copyright infringement on TikTok Indonesia?

METHOD

This inquire about applies the standardizing juridical strategy, specifically a lawful approach that centers on the investigation of positive lawful standards and lawful standards overseeing copyright assurance in Indonesia. This approach looks at essential lawful materials within the frame of Law Number 28 of 2014 concerning Copyright, Law Number 1 of 2024 concerning the Moment Revision to Law Number 11 of 2008 concerning Electronic Data and Exchanges, as well as different actualizing directions such as Government Control (PP) Number 56 of 2021 concerning Administration of Tune and/or Music Copyright Eminences and Direction of the Serve of Communication and Informatics (Permenkominfo) Number 10 of 2021 concerning Corrections to Direction of the Serve of Communication and Informatics Number 5 of 2020 concerning Private Electronic Framework Suppliers [7]. The statute approach is used to examine the relationship between applicable legal regulations in the context of digital platforms such as TikTok. Meanwhile, the conceptual approach is used to examine various related legal concepts, including copyright, digital copyright infringement, and social media responsibility in the era of information technology advancement.

In addition, this consider utilizes a library approach to gather secondary lawful materials within the shape of writing, diaries, inquire about comes about, and logical articles related to the issue of music copyright security within the computerized period [8] . All data are analyzed qualitatively with a focus on legal interpretation to obtain clarity on relevant legal norms, principles, and principles applied in practice on the TikTok platform. Through normative legal analysis, this study seeks to identify the extent to which regulated legal norms can be applied in practice and to outline the obstacles and challenges that cause suboptimal protection of music copyright in the digital space. Thus, the results of this study are expected to be able to provide theoretical and practical contributions to strengthening the copyright legal system in Indonesia.

RESULTS AND DISCUSSION

Indonesian Legal Regulations Regarding Music Copyright Protection

The basis for protecting music copyright in Indonesia stems from the national legal system, which places copyright as a constitutional right for every citizen to receive guarantees and protection for their intellectual works [9] . Within this framework, the 1945 Constitution

provides a normative basis that affirms that every citizen has the right to develop themselves through science, technology, and art and has the right to protection of private property rights [10]. This principle demonstrates that the state is obliged to guarantee the security and respect for individual creative works, including musical creations that develop in digital spaces such as TikTok. The constitutionalization of copyright in the Indonesian legal system emphasizes that protection for musical works is not solely a matter of the creator's economic interests, but rather part of the fulfillment of human rights [11]. According to Jimly Asshiddiqie, state recognition of intellectual property rights is a manifestation of the principle of constitutional justice that ensures that every creative work is protected from unauthorized use. Thus, any form of violation of music copyright is essentially a form of denial of the creator's constitutional rights [12].

At the lawful level, copyright security is comprehensively directed in Law Number 28 of 2014 concerning Copyright. This control replaces past laws and adjusts national arrangements with worldwide guidelines, counting the Berne Tradition for the Security of Scholarly and Aesthetic Works. The main objective of this law is to guarantee the protection of the moral and economic rights of creators over their creations, while also providing a legal basis for the enforcement of copyright law in the digital era [13]. Moral rights are guaranteed so that creators are still recognized as the rightful owners of their creations, even if economic rights have been transferred to another party. In the context of music, this means that the name of the songwriter must still be included and cannot be removed or replaced, even if the work is used in TikTok videos by other users [14]. Meanwhile, economic rights give creators exclusive authority to obtain financial benefits from their creations, such as through licensing mechanisms, royalties, or commercial contracts [15]. The use of songs without permission on TikTok directly violates these economic rights because it distributes and disseminates the work without the consent of the rights owner.

In Indonesian copyright law, economic rights include the right to reproduce, publish, rent, adapt, and communicate works to the public. The phrase "communicate to the public" is crucial because it encompasses any form of broadcasting or electronic transmission that allows the public to enjoy the work outside the private sphere. The activity of TikTok users uploading music content and making it available for public access falls under the category of communication to the public [16]. This means that every music upload on a digital platform is a legal act that requires permission or a license from the copyright holder. In practice, the law not only establishes rights but also sanctions that can be imposed for violations. Copyright infringement involving unauthorized duplication or distribution can be prosecuted civilly for compensation and/or an order to stop the distribution of the work, while criminally, perpetrators who intentionally reproduce or publish works without rights can be subject to the threat of imprisonment and fines in accordance with criminal provisions stipulated in the law. Thus, the legal framework provides concrete means of lawsuits and repressive sanctions to protect the economic interests of creators [17].

The Copyright Law also stipulates that copyright arises automatically from the moment a work is manifested in a tangible form and announced to the public [18]. Thus, music recorded and released by a creator or record label obtains legal protection without the need for a formal registration process. However, in practice, the Directorate General of Intellectual Property provides an e-Cipta registration system to strengthen legal evidence [19]. This registration serves as administrative evidence in the event of a dispute, although protection remains valid without registration. Relevant implementing regulations, such as Government Regulation Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties, emphasizes that any commercial use of songs, whether in digital or non-digital form, must go through a licensing mechanism and royalty payments through the National Collective Management Institute. These royalties constitute a form of economic rights protection for

creators [20]. In the context of TikTok, this regulation raises questions regarding the extent to which digital platforms are obliged to pay royalties or ensure that songs used in their applications have obtained valid licenses. In global practice, TikTok has signed licensing agreements with major labels such as Universal Music Group and Warner Music, but the royalty distribution mechanism to local creators in Indonesia remains opaque.

Operationally, Government Regulation (PP) Number 56 of 2021 mandates the establishment of a National Collective Management Institution as an institution tasked with collecting, collecting, and distributing royalties for copyrighted songs and/or music used for commercial purposes [21]. The National Collective Management Institution functions as a single point or center for royalty management, allowing digital platforms and commercial users to fulfill their payment obligations through a single collective mechanism. In practice, challenges arise at the data integration stage to identify works, ensure accurate usage reporting, and ensure payment distribution to local creators. Another important regulation is the Regulation of the Minister of Communication and Information Technology (Permenkominfo) Number 10 of 2021 concerning Private Electronic System Providers. This regulation requires every digital platform provider, including TikTok, to be responsible for content uploaded by users and provide a mechanism for removing unlawful content. This system is known as the notice and takedown principle, which involves removing content after receiving a report from the injured party [22]. In cases of music copyright infringement, rights holders can report to TikTok to request the removal of content that uses songs without permission.

This obligation aligns with the provisions of the Electronic Information and Transactions Law, which prohibits anyone from distributing or transmitting content that infringes copyright [23]. However, neither the ITE Law nor the Minister of Communication and Information Regulation (Permenkominfo) technically regulates how platforms must automatically detect infringements. There are no national legal provisions mandating the use of automatic content recognition (ACR) or content ID systems as a preventative tool. Consequently, policies related to automatic detection are entirely the responsibility of the company itself. The Indonesian legal system is thus still declarative and reactive, meaning the state grants rights and sanctions but has not yet established operational mechanisms to ensure these rights are effectively exercised in the digital realm. This can be a striking contrast from other nations such as the Joined together States and the European Union, which have controlled the proactive duties of computerized stages. The Joined together States, through the Computerized Thousand years Copyright Act, gives security for electronic framework organizers who act rapidly to evacuate encroaching substance, whereas the European Union, through Order 2019/790 on Copyright within the Advanced Single Showcase, requires stages to form best endeavors to anticipate encroachments through substance acknowledgment innovation. Indonesia has not however come to that arrange [24].

In the context of TikTok's implementation, the company has adopted a copyright reporting system that allows rights holders to report violations. Reports are verified by an internal team, and if proven, the content will be removed and users may be subject to sanctions in the form of warnings or account suspensions. TikTok also partners with several major labels to sign global licensing agreements, but these agreements are commercial in nature and not directly regulated by national law. This creates a regulatory vacuum at the national level because governments do not yet have the authority to oversee or assess the validity of the takedown system used by the platform [25]. A relevant transnational illustration is the license renewal dispute between Universal Music Group (UMG) and TikTok in early 2024, when failed negotiations led to the temporary removal of UMG's catalog from the platform and the muting of certain song clips, until a new agreement was reached in May 2024 [26]. This incident demonstrates two important points: first, copyright protection on platforms is often determined by commercial agreements between platforms and international labels; second, the

release of global catalogs can have a selective impact on local creators both in terms of exposure opportunities and in royalty allocation patterns, if national mechanisms do not guarantee representation of domestic creators in licensing negotiations. This case emphasizes that the effectiveness of national protection cannot be separated from global contractual dynamics.

From a legal perspective, this system demonstrates an imbalance between creators' rights and platform interests. The law grants exclusive rights to creators, but in practice, platform companies have considerable power to determine violations and remove content. These decisions should be within the domain of independent institutions or through a transparent legal process. This raises the issue of accountability: the extent to which TikTok's detection results or takedown decisions can be considered valid under national law. Indonesian legal regulations also do not explicitly regulate the use of algorithms and artificial intelligence in copyright enforcement. In the digital era, violations are often committed through algorithmic modifications, such as changing tempo, shortening duration, or manipulating sound to evade system detection. When laws fail to anticipate this technology, enforcement effectiveness is weakened. National copyright law needs to move toward technological enforcement, namely regulations that emphasize not only substantive norms but also integrate technical instruments into protection mechanisms.

Existing regulations also do not yet address integration between digital platforms and national systems such as e-Cipta or the National Collective Management Institute database. This integration would allow for more accurate license verification and infringement detection. Future collaboration between the Directorate General of Intellectual Property, the Ministry of Communication and Digital, and digital platforms could lead to an automated data exchange system that verifies the conformity of uploaded songs with registered works. This would prevent infringements before content is published. Based on this description, it can be concluded that Indonesian legal regulations provide a broad legal basis for music copyright protection, but remain limited to the normative and administrative levels. There are no explicit provisions regarding the proactive responsibilities of digital platforms, the validity of automated detection systems, or audit mechanisms for content removal systems. This means that Indonesian positive law still focuses on *das sollen* (the "sollen"), while the reality of digital practice (*das sein*) demonstrates the need for a more adaptive and responsive mechanism to technological developments. This weakness provides a logical bridge to the next discussion, which examines the effectiveness of implementing and challenging music copyright protection on the TikTok platform in Indonesia. The question that needs to be answered is no longer "what is regulated," but "to what extent do the rules work?" This implementation study is crucial for assessing the relationship between legal norms, user behavior, and internal platform policies in realizing ideal music copyright protection in the digital age.

Implementation and Challenges of Music Copyright Protection on the Indonesian TikTok Platform

The effectiveness of music copyright protection on the TikTok digital platform in Indonesia is not only measured by the availability of adequate laws and regulations, but also by the extent to which these regulations can be implemented in practice and provide substantive protection to creators and rights holders [27]. Concurring to Soerjono Soekanto, the viability of the law is exceedingly subordinate on five components, to be specific the substance of the law, law authorization authorities or authorities, offices and foundation, society, and the legitimate culture that bolsters it [28]. Meanwhile, Lawrence M. Friedman emphasized that an effective legal system is determined by the balance between three main components, namely the legal structure (the institutions that enforce it), the legal substance (the applicable rules), and the legal culture (social values and public awareness of the law) [29]. Thus, the

effectiveness of music copyright protection on TikTok must be assessed comprehensively by considering the interacting normative, institutional, and social aspects. Normatively, Indonesia already has a fairly comprehensive legal instrument to protect copyright, as regulated in the Copyright Law, the Electronic Information and Transactions Law, and other implementing regulations. However, when viewed from the perspective of its implementation, the existence of these regulations does not fully guarantee real protection for creators in the digital realm [30]. Copyright Law is more oriented towards conventional violations such as physical duplication and unauthorized broadcasting, while the phenomenon of violations on platforms such as TikTok occurs in a more complex form, namely the use of copyrighted music in user-generated content.

This situation demonstrates a gap between *das sollen*, the legal will as written in regulations, and *das sein*, the reality that occurs in practice in the digital world. Operationally, the Indonesian legal framework not only grants rights but also provides sanctions and remedial mechanisms. Copyright infringement can result in civil consequences in the form of claims for compensation, injunctions, and reputation restoration, while in the criminal realm, the law stipulates criminal penalties for acts of reproducing, announcing, or distributing works without permission, along with fines and imprisonment in accordance with applicable provisions [31]. In addition, administrative regulations within the scope of Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions provide the basis for administrative sanctions against electronic system organizers if they do not fulfill take down obligations and other obligations. This combination of sanctions shows that the state has both repressive and restorative instruments. However, the effectiveness of implementing these sanctions is highly dependent on the ability to provide evidence, access to platform data, and coordination between institutions [32]. In practice, most music copyright infringements on TikTok occur not because of malicious intent or strong commercial motives, but rather because of the public's low understanding of digital copyright [33]. TikTok users in Indonesia, who are mostly from the young age group, tend to view the use of popular song clips as part of creativity or self-expression, not a violation of the law.

This phenomenon demonstrates the weakness of the legal culture of society in respecting creative works, as stated by Soerjono Soekanto that public legal awareness is a very determining factor for the effectiveness of a legal system [34]. As long as society does not understand the function of law as a protector of rights, the law will be difficult to enforce because it conflicts with developing social customs. As a result, even though the law has provided formal protection, substantive compliance has not been achieved. The effectiveness of implementing regulations depends on the structure of the institutions that implement them. In the context of digital copyright, there are several main institutions with different authorities, such as the Ministry of Communication and Digital, the Directorate General of Intellectual Property, the National Collective Management Institute, and law enforcement officials such as the police and commercial courts. However, the relationship between these institutions is still sectoral and not yet integrated. The Directorate General of Intellectual Property plays a role in the registration and resolution of administrative copyright disputes, but does not have the authority to order platforms such as TikTok to delete content [35]. The Ministry of Communication and Digital has administrative authority over Electronic System Organizers (PSE), but the content deletion mechanism is more focused on general violations such as hoaxes, pornography, or terrorism. While the National Collective Management Institution (NCM) has the function of collecting and distributing royalties, it lacks the technical capability to monitor music usage on global digital platforms. This lack of integration highlights the weaknesses in the legal structure that hamper the effectiveness of music copyright protection on TikTok.

Unlike the system in the United States, which clearly regulates platform responsibilities through the Digital Millennium Copyright Act (DMCA), Indonesian law does not explicitly define TikTok's legal liability for negligence in handling copyright infringement. The DMCA system includes a safe harbor principle, which states that platforms are free from legal liability as long as they act on reports of infringement promptly. However, if platforms ignore such reports, they can be held legally liable. The absence of a similar mechanism in Indonesia results in law enforcement relying on the platforms' internal policies. Thus, the state loses its direct oversight role in copyright protection in the digital space. TikTok itself has developed a relatively sophisticated copyright protection system. Through Automatic Content Recognition (ACR) and audio fingerprinting technology, TikTok can detect snippets of songs used by users and match them against a database of licensed music. If the system detects significant similarities, the platform can take automated action such as auto-muting, blocking, or taking down content deemed infringing. Furthermore, TikTok provides an official form for copyright owners to report infringement through the Copyright Infringement Report page. Once a report is received, TikTok's verification team will review and remove the content if found to be infringing. This mechanism is complemented by a "repeat infringer policy," which involves account suspension for users who repeatedly commit violations [36]. This policy was last updated in May 2024 to strengthen TikTok's global licensing partnerships with various international music labels.

In practice, TikTok's infringement handling mechanism begins with a report from the rights holder through the Copyright Infringement Report form, followed by internal verification by the platform's intellectual property rights team. If the claim is found valid, action can include auto-muting, blocking certain audio, deleting videos, or suspending the offender's account. This policy also includes a "repeat infringer" mechanism that can lead to permanent suspension. TikTok provides an appeal option, but practical experience shows variations in handling times, such as reports can be acted upon within days but can also take weeks for the platform to complete verification [37]. This uncertainty in time has implications for the effectiveness of temporary remedies and the usefulness of protection against economic losses for creators. Therefore, an assessment of effectiveness must measure not only the presence or absence of takedowns, but also the speed and transparency of the appeals process, and the availability of evidence provided by the platform to the authorities. Although technically TikTok's system shows significant progress, from a national legal perspective, the takedown mechanism lacks a clear legal basis. The Indonesian government has not explicitly regulated standards or obligations for platforms to implement automatic detection technology or regarding the accountability of the algorithms used. This means that the decision to remove or retain content rests entirely with TikTok, a global private entity. The government lacks an independent audit mechanism to assess whether the system is operating fairly for all parties. This situation creates a potential imbalance between global corporate interests and the rights of local creators. In practice, TikTok's algorithm is often quicker to identify and disable songs from major international labels, while the work of independent Indonesian musicians remains unprotected because it is not registered in the global licensing system.

From Friedman's theoretical perspective, these weaknesses demonstrate an imbalance between legal structure, substance, and culture. Legal substance has not been able to anticipate new technologies, institutional structures lack cross-jurisdictional coordination, and the legal culture of society has not yet been adequately established. As a result, formal law loses its operational power in the fast-paced digital space. Legal effectiveness is also influenced by the availability of facilities and infrastructure, particularly in the areas of digital surveillance and electronic evidence. Although the ITE Law recognizes electronic information and electronic documents as valid evidence, in practice, technical obstacles remain in obtaining and verifying digital evidence. Copyright owners often lack access to user log data or content metadata

necessary to prove infringement, while platforms refuse to provide such data, citing privacy protection. These issues demonstrate that establishing evidence in digital copyright disputes still faces serious challenges, as existing procedural laws have not yet adapted to the needs of the digital era. Another challenge affecting effectiveness is the limited human resource capacity of law enforcement agencies. Most law enforcement officers in Indonesia still focus on conventional cases, such as physical piracy, and lack the technical capabilities to handle algorithmic or cross-platform violations. Meanwhile, the existing monitoring system remains manual and relies on public reports, not active monitoring. Yet, copyright infringement on TikTok is massive, rapid, and difficult to detect without the aid of digital forensic technology. This situation reinforces Soerjono Soekanto's argument that legal effectiveness cannot be achieved solely through legislation but requires concrete support from adequate resources and facilities.

In a social context, the effectiveness of copyright law is also significantly influenced by the digital culture that has developed in Indonesian society. The culture of sharing content and the desire to follow viral trends often outweighs awareness of intellectual property rights. This phenomenon has created the so-called normalization of infringement, where the act of using songs without permission is considered commonplace due to its widespread use. TikTok, as a platform, also reinforces this phenomenon through algorithms that encourage users to follow certain audio trends. As a result, copyright infringement is not only a legal issue but also part of the digital socio-economic system itself. From Friedman's perspective, this condition indicates that society's legal culture is out of sync with the values desired by positive law. Therefore, a solely repressive approach to law enforcement will be difficult to succeed without a broader social engineering strategy. To address this challenge, a more adaptive and collaborative legal policy reform is needed. Legal effectiveness cannot be achieved simply by increasing sanctions, but by creating an ecosystem that supports compliance. In this context, the development of technical regulations requiring digital platforms to use automated detection systems needs to be a priority. The Indonesian government could follow the example of the European Union, which requires digital platforms to make "best efforts" to prevent copyright infringement before content is uploaded. Such regulations would shift the legal approach from a reactive to a preventative one. Furthermore, digital system integration between the Directorate General of Intellectual Property, the National Collective Management Institute, and platforms like TikTok is crucial to ensure transparency and accuracy of royalty payments. Through an automated data exchange (application programming interface), the national system could verify every song used and ensure a proportional distribution of royalties to local creators.

From an institutional perspective, strengthening the capacity of the Directorate General of Intellectual Property and the Ministry of Communication and Digital Affairs needs to be done through the establishment of a special Digital Copyright Enforcement unit with digital forensic capabilities and the authority to audit platform algorithms. This institution can act as a liaison between the government, the music industry, and digital platform providers. Meanwhile, from a social perspective, improving digital literacy is key to establishing a new legal culture. Public education programs should be directed at young users through creative campaigns on the platforms themselves, for example, by involving well-known creators to educate their followers about the importance of respecting copyright. With this approach, law enforcement is no longer seen as a barrier to freedom of expression, but as the foundation of a sustainable creative ecosystem. The issue of proof becomes a practical obstacle that determines the success of litigation or negotiations. Although the ITE Law recognizes the legal value of electronic information, access to upload log data, audio metadata, and distribution records is usually under the control of the platforms. In many disputes, creators struggle to obtain complete data without a court order or the platform's cooperation, while court order

proceedings against international corporations are time-consuming and expensive. Furthermore, the forensic chain of custody, the accumulation of untouched and auditable evidence, is often not met when data is exported from the platform. Therefore, open access to digital evidence and formal cooperation mechanisms between law enforcement and ESOs are crucial elements for improving the effectiveness of copyright enforcement in the digital age.

In addition to regulatory and institutional reforms, legal economic innovation is also needed to ensure legal compliance does not hinder user creativity. One mechanism that can be implemented is the micro - licensing model, an automated licensing system that allows users to pay a small fee to use certain songs in their content [35]. This scheme has been implemented on the YouTube and Instagram platforms through collaboration with collective management institutions. With the support of digital payment technology, Indonesia can develop a similar model through the National Collective Management Institution, so that creators' rights are protected without burdening users. This model also strengthens the function of law as a social engineering tool that promotes economic justice for creators. From the overall description, it can be concluded that the implementation of music copyright protection on TikTok Indonesia is currently still at a moderate level. National legal norms are available and quite comprehensive, but their implementation has not been optimal due to weak coordination between institutions, limited monitoring technology, low public legal awareness, and the dominance of digital platform private policies that are not expressly regulated by national law. The biggest challenge lies in how the state can balance the protection of creators' economic rights with the dynamics of digital culture based on mass participation.

Comparisons with other jurisdictions offer concrete policy options. The European Union, through Article 17 of Directive 2019/790, requires content-sharing platforms to make best efforts to obtain licenses and prevent infringement. This regulation emphasizes proactive obligations while recognizing legitimate user rights. On the other hand, the United States, through the DMCA, provides a notice-and-takedown framework that places greater emphasis on safe harbor procedures and protections for platforms as long as they meet responsive obligations. Both models demonstrate a trade-off between proactive platform obligations and protection of freedom of expression, which must be balanced. For Indonesia, a hybrid policy option could be a requirement for best efforts (technical standards) accompanied by an appeals mechanism and independent audits to maintain fairness, and establishing clear safe harbor conditions for ESOs operating according to national standards. Therefore, recommendations include the need for national legal reforms that are more responsive to technological developments by mandating digital platforms to implement automated detection systems, algorithm transparency, and annual public reporting on copyright infringement. Furthermore, formal coordination is needed between the Directorate General of Intellectual Property, the Ministry of Communication and Digital, the National Collective Management Institute, and law enforcement officials through a single, integrated mechanism to eliminate partial handling of digital copyright disputes. This effort must be accompanied by strengthening public legal literacy through ongoing education and digital campaigns. Thus, the law will no longer simply exist as a coercive norm, but rather become an adaptive, equitable, and effective social system in protecting music copyright in the era of TikTok and Indonesia's digital transformation.

CONCLUSION

Music copyright protection in the TikTok era in Indonesia demonstrates a gap between comprehensive legal norms and the effectiveness of their implementation in practice. Normatively, Law Number 28 of 2014 concerning Copyright, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, and other implementing regulations have provided a strong legal basis for guaranteeing the moral and economic rights of creators. However, empirically, law

enforcement in the digital space remains weak due to reliance on manual reporting mechanisms and reactive internal platform policies. Weak coordination between the Directorate General of Intellectual Property, the Ministry of Communication and Digital, the National Collective Management Institute, and law enforcement officials, as well as low legal awareness among TikTok users, has resulted in the protection system not functioning optimally. As a result, the law has lost its functional power to prevent massive and rapid infringement in the digital world, while local creators continue to face inequality compared to the global industry with access to more advanced technology and licensing systems.

Adaptive and collaborative legal policy updates are needed to ensure effective and equitable protection of music copyright on digital platforms like TikTok. The government needs to establish regulations requiring digital platforms to implement automatic *content recognition systems* and algorithmic transparency in handling copyright infringement. System integration between the Directorate General of Intellectual Property, the National Collective Management Institute, and the Ministry of Communication and Digital must be immediately realized through a digital data exchange mechanism to ensure license validity and royalty distribution for local creators. Furthermore, increasing digital legal literacy among users, strengthening the capacity of law enforcement officers in the field of digital forensics, and developing a micro-licensing model based on automated payment technology can be both preventative and educational solutions. With these steps, the law will function not only as an enforcement tool but also as a social engineering instrument that encourages the creation of a fair, transparent, and sustainable creative ecosystem in the digital economy era.

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