

Copyright Protection Against Songs Involving Artificial Intelligence (AI) In the Music Industry Based on Indonesian Copyright Law

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Abstract

This writing aims to determine the legal protection of copyright to songs involving Artificial Intelligence in the music industry based on Law Number 28 of 2014 concerning Copyright and who is entitled to ownership of the copyright. The use of Artificial Intelligence technology in the creation of a song and works in other fields is increasing in number which causes disputes over copyright ownership issues to be a concern for musicians, especially in the music industry. Improvement of Indonesian copyright regulation is a special challenge for the Indonesian government to compile a special policy about copyright that uses Artificial Intelligence technology. The method used is normative juridical with statutory and conceptual approaches, as well as analysis of relevant international regulations. The results of the writing show that Artificial Intelligence is considered a tool, not a legal subject, so copyright in works involving Artificial Intelligence is still given to humans who act as initiators or instructors in the creative process. Regulations in Indonesia have not been fully adaptive to the development of Artificial Intelligence, so a review is needed to accommodate this technological innovation. It is recommended that there be cooperation with international organizations such as WIPO to develop harmonious and comprehensive policies for protecting copyright in the digital era.

Keywords: *Artificial Intelligence; Copyright; Music Industry*

1. INTRODUCTION

The rapid development of technology and information today is one thing that cannot be avoided because technological progress goes hand in hand with scientific progress and is the result of thoughts or innovations that can change the order of people's lives. As an answer to human thinking, information and communication technology has become a tool for solving problems.¹ This development can be seen from the emergence of artificial intelligence, namely Artificial Intelligence. Initially, the term Artificial Intelligence was created in 1956, but the term Artificial Intelligence is more widespread due to the data volume, sophisticated algorithms, and increased computing storage.

Poole and Mackworth provide a definition of Artificial Intelligence as a field that integrates and analyzes intelligently executed computational agents.² Artificial intelligence or better known as AI is basically a "machine" that has the ability to do various things that are considered to require intelligence when humans operate them.³ From the understanding given by the experts above, it can be concluded that Artificial Intelligence is a system or field of science made by humans to

¹Daryanto Setiawan, "Dampak Perkembangan Teknologi Informasi Dan Komunikasi Terhadap Budaya," *Jurnal Simbolika: Research and Learning in Communication Study* 4, no. 1 (2018): 62, <https://doi.org/10.31289/simbollika.v4i1.1474>.

²Angela Daly et al., "AI, Governance and Ethics," *Constitutional Challenges in the Algorithmic Society*, no. June (2021): 182–201, <https://doi.org/10.1017/9781108914857.010>.

³Hari Sutra Disemadi, "Urgensi Regulasi Khusus Dan Pemanfaatan Artificial Intelligence Dalam Mewujudkan Perlindungan Data Pribadi Di Indonesia," *Jurnal Wawasan Yuridika* 5, no. 2 (2021): 177, <https://doi.org/10.25072/jwy.v5i2.460>.

carry out a certain task by processing the external data provided accurately so that it can make a final contribution that can help humans in completing various tasks, facilitate data searches and help humans create something according to what is requested by the user of Artificial Intelligence.

But along with its development, Artificial Intelligence is no longer only used in the field of science, even now the use of Artificial Intelligence has been developed in the fields of business, law, health, and creative fields such as song, interior design, film, animation, photography and other creative fields.⁴ This technology can change the way art, especially music, is created, produced, and consumed. This makes artificial intelligence technology very popular in various circles and even gives the fact that humans are now competing not only with other humans but are already competing with artificial intelligence.

The development of Artificial Intelligence technology has brought about changes in various fields, including the music industry. This technology has evolved from simple systems to sophisticated algorithms that can create songs complete with harmony, rhythm, and even lyrics.⁵ In the music sector, Amper, Dadabots, and MuseNet are Artificial Intelligence-based music makers that can create musical compositions automatically.⁶ *OpenAI's* MuseNet can create compositions with a variety of instruments and styles.⁷ The creative process of composing music has happened before. In 2018, there was an alteration of Taryn Southern's song by releasing an album titled I AM AI which was done by adopting music written and composed by artificial intelligence called Amper.⁸ While these innovations have greatly facilitated the process of music creation, it raises the question of who should be considered the creator and copyright owner of music

Article 1 number 2 of Law No. 28 of 2014 concerning Copyright defines the Creator as a person or several people who individually or jointly produce a distinctive and personal creation.⁹ This definition is difficult to apply to Artificial Intelligence-based works, especially if Artificial Intelligence produces works autonomously without direct human intervention. This has led to debates about who is entitled to copyright: the user of the Artificial Intelligence, the developer of the algorithm, or the Artificial Intelligence itself. Internationally, the Berne Convention underscores the importance of copyright protection for works that are intellectual creations, emphasizing their eligibility as long as they demonstrate the intellectual creativity and originality of the creator. This provision ensures that works, including those produced by Artificial

⁴Nadia Intan Rahmahafida and Whitney Brigitta Sinag, "Analisis Problematika Lukisan Ciptaan Artificial Intelligence Menurut Undang-Undang Hak Cipta," *Jurnal Pendidikan Dan Konseling* 4, no. 6 (2022): 9688–96.

⁵ Imelda A Tangkere, "Legal Regulation on the Protection of Copyrighted Song Works Produced by Artificial Intelligence Technology" 12, No. 5 (2024).

⁶Tangkere.

⁷Tangkere.

⁸Nuzulia Kumala Sari, Ayu Citra Santyaningtyas, and Anisah Anisah, "Orisinalitas Karya Cipta Lagu Dan/Atau Musik Yang Dihasilkan Artificial Intelligence," *Jurnal Ilmiah Kebijakan Hukum* 17, no. 3 (2023): 365, <https://doi.org/10.30641/kebijakan.2023.v17.365-384>.

⁹Hak Cipta, "Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta" (2014).

Intelligence, are appropriately protected once they are embodied in a tangible medium.¹⁰ The World Intellectual Property Organization Copyright Treaty (WCT) is a special treaty under the Berne Convention that governs the protection of works and the rights of their creators in a digital environment. The WCT enumerates two types of copyright that should be protected by: the first is a computer program in whatever form or how it is delivered; and the second is a compilation of data or other material, also known as a "database", in whatever form, which is an intellectual creation because of the arrangement or selection of its contents.

Research that examines Artificial Intelligence in the scope of copyright is also carried out by several other researchers. Such as research conducted by Tektona (2021).¹¹ This research focuses on how Law Number 28 of 2014 handles works produced by Artificial Intelligence, compares copyright laws in various countries and offers suggestions on how Indonesian law can accept the development of Artificial Intelligence. However, this research does not discuss the protection that can be given to songwriters who use artificial intelligence and songwriters who go through the creative process without the help of artificial intelligence.

Another study conducted by Sari (2023),¹² focuses on arrangements related to the originality of songs and/or music that exist in national and international provisions against the use of artificial intelligence in the scope of copyright. This is where the results of this study reveal that no definite originality limits are found in international legal provisions related to copyright, while Indonesia contains originality limits to songs and/or music contained in Law Number 28 Year 2014 on copyright. The research becomes the foundation for this research related to the limits of originality but the research does not discuss the protection given to the creators of songs and/or music that use artificial intelligence.

Research conducted by Fadillah (2023)¹³ discusses how intellectual property rights generated by artificial intelligence are protected from the point of view of copyright and patents. This research also analyzes how current copyright law regulates the infringement of copyrighted works produced by artificial intelligence and emphasizes how important it is to revise Indonesia's copyright law to accept copyrighted works produced by artificial intelligence, including copyright for Artificial Intelligence developers. However, the study does not discuss the protection that can be given to the creator and the granting of his copyright.

The difference between this research and the previous research above, that this research provides a new breakthrough on copyright protection of songs involving Artificial Intelligence by paying attention to real problems that have occurred as a basis for conducting this research and

¹⁰Daniel Gervais, "_____ Act of the Berne Convention for the Protection of Literary and Artistic Works," *(Re)Structuring Copyright*, 2017, 299–313, <https://doi.org/10.4337/9781785369506.00028>.

¹¹Rahmadi Indra Tektona, Nuzulia Kumala Sari, and Maulana Reyza Alfaris, "Quo Vadis Undang-Undang Hak Cipta Indonesia: Perbandingan Konsep Ciptaan Artificial Intelligence Di Beberapa Negara," *Negara Hukum* 12, no. 2 (2021): 285–305.

¹²Sari, Santyaningtyas, and Anisah, "Orisinalitas Karya Cipta Lagu Dan/Atau Musik Yang Dihasilkan Artificial Intelligence."

¹³Rafly Nauval Fadillah, "Perlindungan Hak Atas Kekayaan Intelektual Artificial Intelligence (AI) Dari Perspektif Hak Cipta Dan Paten," *Das Sollen* 2, no. 2 (2023): 1–25, <https://doi.org/10.11111/dassollen.xxxxxxx>.

discussing in detail the role of humans as legal subjects in the creative process to determine the granting of copyright to songs as well as providing recommendations for regulatory changes that are adaptive to the development of Artificial Intelligence to songwriters using artificial intelligence technology and songwriters without using artificial intelligence with regard to moral and economic rights. The purpose of this study is to determine the legal protection of copyright to songs involving Artificial Intelligence in the music industry based on Law Number 28 of 2014 concerning Copyright and who is entitled to ownership of the copyright.

2. METHODS

The method used in this research is a normative juridical approach with a statutory approach and a conceptual approach.¹⁴ The statutory approach and is done by analyzing the law, especially Law Number 28 of 2014 concerning Copyright which relates to issues regarding copyright protection of songs involving Artificial Intelligence. While the conceptual approach is done by studying all perspectives, views, or doctrines contained in legal science such as international regulations on copyright in the United States, the European Union and China that relate to Artificial Intelligence used to compile arguments so that a comparison of existing regulations in the international realm with regulations in Indonesia is found. This research emphasizes on literature study with the use of laws as primary sources and secondary sources in the form of scientific papers, books, journals, internet news, and the views of experts and academics who support this research.¹⁵

3. RESULTS AND DISCUSSION

3.1 Copyright Law Protection Against Songs Involving Artificial Intelligence

Intellectual Property Rights are rights derived from human creative activities, which are expressed to society in various forms, have economic value and are beneficial to human life.¹⁶ Every creative idea owned by humans can be protected in IPR. Which means that everyone has the freedom to innovate and develop every creativity they have. Currently, Indonesia has an adequate intellectual property rights law that does not conflict with the provisions required by the TRIPS Agreement.¹⁷ Indonesia provides protection for intellectual works regulated in Law Number 28 of 2014 concerning Copyright.

Article 1 number 1 of Law No. 28 of 2014 on Copyright states the definition of copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in real form without reducing the restrictions in accordance with the provisions

¹⁴Muhaimin, *Metode Penelitian Hukum*, Mataram University Press \, vol. 11 (Mataram, 2019), [http://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MELESTARI](http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MELESTARI).

¹⁵Muhaimin.

¹⁶Nanda Dwi Rizkia and Hardi Ferdiansyah, *Hak Kekayaan Intelektual Suatu Pengantar*, Widina Bhakti Persada, vol. 3, 2022, <https://medium.com/@arifwicaksanaa/pengertian-use-case-a7e576e1b6bf>. pp 10-11

¹⁷ Rizkia and Ferdiansyah.

of laws and regulations.¹⁸ Which means copyright arises automatically when a work has been realized in real form as expressed in article 1 paragraph 3. The work can only be legally protected as a tangible creation or in the form of expression (expression work) that can be seen, read, or heard. No creation that is only an idea alone is protected by copyright law.¹⁹ While according to article 1 paragraph 2 of the copyright Act mentions the creator is a person or several people who individually or jointly produce a distinctive and personal creation. A creator has exclusive rights consisting of moral rights and economic rights attached to him simultaneously.²⁰ Moral rights are rights that belong to the creator or performer and cannot be removed or taken away without any reason, even if the copyright or related rights have been transferred.²¹ Economic rights are rights for the creator or copyright holder to get economic value for his creation. Which means that economic rights are the rights received by the creator to publish or reproduce music or songs created or can also give permission in the form of a license to other parties to publish music or songs.²²

The creation of a song by a musician or several musicians comes from ideas, inspiration, abilities, thoughts, imagination, dexterity, skills, or expertise possessed by the musician which is then poured into a song with a 'typical' arrangement owned by each musician. However, there are 2 conditions that must be met in a song creation, namely originality (original) and implemented in a real and readable form. Meanwhile, in the UK, which adheres to the *civil law* system, it also emphasizes the original expression of ideas.²³ It shows that originality is one of the important elements of a musical work or song creation. Article 1 paragraph 3 of the copyright law can be strengthened through a more detailed interpretation to ensure that the use of Artificial Intelligence remains within the scope of human copyright and does not exceed the originality requirement. For a work to be copyrightable, the element of originality also known as "originality" is a key requirement, according to the provisions of the Bern Convention. For copyright purposes, originality comes not only from *ideas* or thoughts, but also from the form required to convey such ideas or thoughts as stated by James Lahoredalam Rahmi Jened that

¹⁸Cipta, Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta.

¹⁹Rizkia and Ferdiansyah, *Hak Kekayaan Intelektual Suatu Pengantar*. Page 35

²⁰Irsyad Maulana Achmadi, Aisha Tsabita Kamila, and Feymi Angelina, "Penegakan Perlindungan Hak Cipta Bagi Karya Buatan Artificial Intelligence Menggunakan Doktrin Work Made For Hire," *Anthology: Inside Intellectual* 1, no. April (2023): 1–23, <https://ojs.uph.edu/index.php/Anthology/article/view/7855%0Ahttps://ojs.uph.edu/index.php/Anthology/article/viewFile/7855/3668>.

²¹Valencia Gabriella Entjarau, Meiske T Sondakh, and Nurhikmah Nachrawy, "Tinjauan Yuridis Pengalihan Hak Moral Dan Hak Ekonomi Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," *Lex Privatum* 9, no. 6 (2021): 221–31.

²²Kevin Anandita Rukmana, "Perlindungan Hak Cipta Terhadap Pencipta Lagu Di Indonesia," *JLEB: Journal of Law, Education and Business* 2, no. 1 (2024): 412–16, <https://doi.org/10.57235/jleb.v2i1.1744>.

²³Eka Pratiwi Sari, "Kebutuhan Perluasan Doktrin Orisinalitas Dan Fiksasi Dalam Undang-Undang Hak Cipta Sebagai Perlindungan Kreativitas Anak Bangsa," *Dharmasisya* 1, no. 10 (2021): 444–58, <https://scholarhub.ui.ac.id/dharmasisya> Available at: <https://scholarhub.ui.ac.id/dharmasisya/vol1/iss1/10>.

"thus originality for the purposes of copyright law is not originality of ideas or thoughts but originality in the execution of particular form required to express such ideas or thoughts".²⁴

Works created using Artificial Intelligence cannot be categorized as a work that can be recognized by copyright law because it does not meet the elements of originality. Through article 1 number 3 of the copyright law, it is concluded that Artificial Intelligence cannot be classified as a creator like a human creator because Artificial Intelligence is a computer program created or made by humans that produces works derived from data entered into a program which is then processed so as to produce a new work that is even similar or identical to the works that have been created before. As in the case of Universal Music Publishing Group, Concord, and ABKCO who sued an AI company called Anthropic for alleged copyright infringement. Where they claim that Anthropic used copyrighted songs to train Claude who then produced lyrics and answers without a license agreement and removed copyright management information in violation of copyright law. Claude also created music for "new" music that incorporated music from existing copyrighted works. The resolution of this case will affect whether or not *Large Language Models* (LLM) training using copyrighted material can be considered legal. If the court grants the plaintiff's request, it may force companies to exclude copyrighted material from their LLM output or even from their training data.

From the real case above, it can be seen that if Artificial Intelligence is used to create new songs that contain elements of copyrighted works without permission, this can cause serious legal problems that can affect every AI company to ensure that every work produced does not violate copyright. Artificial Intelligence technology is now often misused to commit fraud, such as by one Discord user who earned around 9,772 US dollars by selling fake songs claimed to be leaked new songs by American singer Frank Ocean.²⁵ After being traced, the songs were created using Artificial Intelligence (AI Voice Generator) technology that imitates Frank Ocean's voice. AI Voice Generator is a program that can create new audio. The technology studies datasets (a set of data) to be able to produce new audio according to user requests and the resulting sounds also have varied characters.

In copyright law, the element of originality is an important requirement in the creation of a work where the work produced must be the result of human creativity and thought so that the work created as in the case above is difficult to categorize as original and cannot be protected by copyright. The element of originality is not met because the song produced is designed to imitate the voice and style of an artist or the original singer where the song uses training data from the original work without permission which can be considered as copyright infringement for using protected creative elements. Indonesian law only recognizes copyright in works created by

²⁴Yenny Eta Widyanti, "Perlindungan Hukum Keris Aeng Tong-Tong Sumenep Dalam Hukum Nasional Dan Konvensi Internasional," *NUANSA: Jurnal Penelitian Ilmu Sosial Dan Keagamaan Islam* 20, no. 1 (2023): 38–56, <https://doi.org/10.19105/nuansa.v20i1.7319>.

²⁵Aryuni Fitri Djaafara and R Rahaditya, "Perlindungan Hukum Terhadap Hak Cipta Penyanyi Dalam Era Digital : Studi Kasus Penipuan Penjualan Lagu Palsu" 5, no. 12 (2024): 1599–1605.

humans, thus, works produced entirely by Artificial Intelligence without human creative contribution do not meet the originality requirement.

Artificial Intelligence can be used as a tool to produce copyrighted songs that attract the interest of the wider community and create a new atmosphere in the creative industry. However, the presence of Artificial Intelligence raises many new legal challenges because the use of Artificial Intelligence has the potential to cause copyright infringement.²⁶ This is a new challenge in copyright law, where Law Number 28 of 2014 concerning Copyright as a regulation of the protection of copyrighted works of songs and / or music with or without text has not clearly regulated copyrighted works produced using Artificial Intelligence.²⁷ This is a concern for every musician both in the creative industry and a concern for the government. The ability of Artificial Intelligence to analyze and study many works that have been created before makes Artificial Intelligence itself may appear to create new original works but in fact it is a modification of previous works.²⁸ This raises concerns about the extent to which the creation produced by Artificial Intelligence can be recognized and protected by copyright.

Some examples of music generator applications such as Amper Music, OpenAI's MuseNet are generator applications that allow users without specialized knowledge to generate songs, music, or soundtracks that can then be used in projects such as movies, games, or podcasts. If Artificial Intelligence is used as a tool by a human, where the human controls the creative process or provides significant direction in the creation of the work, then the copyright of the work can be owned by the individual who used the Artificial Intelligence. In other words, the human contribution to the creative process is key in determining the copyrightability of a work.²⁹

Artificial Intelligence in the context of Indonesian copyright law is still considered as a tool and not as a legal subject as stipulated in Law Number 28 of 2014 concerning Copyright. According to copyright law in Indonesia, the creator in the creative field is defined as a person or several people who produce unique and distinctive works. In reality, Artificial Intelligence can do work like humans.³⁰ But when paying attention to the definition of creation in the law, it is said that the creation comes from the creative ideas, inspiration, imagination of the human being itself while the creation that comes from Artificial Intelligence is through the process of creation like a human being. It can be concluded that the creation of a song if Artificial Intelligence is used as a

9–1605."}, "properties": {"noteIndex": 25}, "schema": "https://github.com/citation-style-language/schema/raw/master/csl-citation.json"} Aryuni Fitri Djaafara and R Rahaditya, "Perlindungan Hukum Terhadap Hak Cipta Penyanyi Dalam Era Digital : Studi Kasus Penipuan Penjualan Lagu Palsu" 5, no. 12 (2024): 1599–1605.

²⁶Tangkere, "Regulasi Hukum Terhadap Perlindungan Karya Cipta Lagu Yang Dihasilkan Oleh Teknologi Artificial Intelligence."

²⁷Tangkere.

²⁸Tangkere.

²⁹Basilla Inakyora et al., "Implikasi Hukum Hak Cipta Dalam Komersialisasi Karya-Karya Artificial Intelligence Dalam Implikasi Hukum Hak Cipta Dalam Komersialisasi Karya-Karya Artificial Intelligence Dalam" 2, no. 11 (2024).

³⁰Rahmahafida and Sinag, "Analisis Problematika Lukisan Ciptaan Artificial Intelligence Menurut Undang-Undang Hak Cipta."

tool where the human controls the creative process and provides direction then the copyright of the song can be given to the human.

Actually, a creator does not need to register his work in accordance with the Copyright Law. This is because the law on copyright in Indonesia adheres to the declarative principle. To prevent plagiarism, creators can register the copyright protection of their works with the Directorate General of Intellectual Property (DJKI).³¹ The widespread use of Artificial Intelligence technology can always be associated with the crime of theft of what belongs to others, namely other people's copyrights. The use of Artificial Intelligence technology to take other people's copyrighted works into new copyrighted works is something that can violate the law.

In accordance with Article 23 paragraph 5 of the copyright law which says "Any person may make Commercial Use of Creation in a performance without first asking permission from the Creator by paying a fee to the creator through the Collective Management Institution", then if there is no submission of a request for permission to use the works of the creator then everyone must pay a fee to the creator of the work and can be categorized as an unlawful act. This arrangement is also in line with Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions which also provides legal protection to all forms of electronic data such as writing, sound, and other electronic data registered as a work in the field of intellectual property. Acts of copyright infringement such as misuse of technology such as Artificial Intelligence to distribute songs without the permission of the copyright holder may be subject to sanctions in accordance with article 27 of the ITE Law.³² As with the issue above, the Discord user could be charged under this Act for committing copyright infringement as well as involving the unauthorized dissemination of content through an electronic system and distributing it for financial gain.

Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions can be used for misuse of technology such as Artificial Intelligence in terms of song copyright. Abuse such as using AI to imitate or produce songs that are similar to existing songs without the permission of the original creator, automatically changing musical works using AI and distributing them without the permission of the copyright holder, using AI to manipulate data or information related to songs can be subject to articles related to the ITE Law to any AI user who violates song copyright.³³

Because Artificial Intelligence is not considered a creator according to Indonesian copyright law, any song created entirely by using Artificial Intelligence without any human intervention cannot

³¹Rahmahafida and Sinag.

³²Perubahan Kedua, Atas Undang-undang Nomor, and I Tahun, "Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik" (2024).

³³Kartika Eka Rilani and Taupiqqurrahman Taupiqqurrahman, "Tanggung Jawab Perdata Terhadap Kreator Konten Atas Penyebaran Komik Online Di Aplikasi TikTok" 6, no. 2 (2023): 689–701.

be registered for copyright.³⁴ However, if there is a violation related to copyright as described in article 44 paragraph 1 of the copyright law, then the creators or musicians can file a lawsuit by doing substantial similarity, namely applying copyright to songs and / or music to prove substantial copying. However, it is less applicable because there is no in-depth regulation governing it. The US Copyright Office in March 2023 emphasized that when the originality element of authorship of a work produced by a machine without any human intervention in the creative process, the work cannot be registered for copyright. However, this policy is also still in the development stage because it sees thousands of works created every day with the help of AI, which is an evaluation for the country to make regulations related to works involving Artificial Intelligence.

3.2 Copyright Ownership of Songs with Artificial Intelligence Creation Components

Protection of copyright of works created in real form is an absolute right owned by everyone. Based on Article 1 of Law Number 28 of 2014 concerning Copyright, Copyright is defined as "the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in real form without reducing the restrictions in accordance with the provisions of laws and regulations". Copyright has a broad scope that includes various objects, one of which is art and literature (art and literary).³⁵ Law No. 28 of 2014 defines a creator as "a person or several persons whose inspiration gives birth to a work". This indicates that only humans are recognized as creators. Thus, Artificial Intelligence as a non-human entity cannot be considered a creator or copyright owner of the work it produces³⁶ because Artificial Intelligence is not a legal subject. So in the case of the creation of a song involving Artificial Intelligence, this artificial intelligence is considered a tool used by the "creator" to help and facilitate the creation process.

If the Artificial Intelligence is only used as a tool to assist in the creative process or the process of creating a song then the copyright will go to the person who uses the Artificial Intelligence such as those who provide direction, input creative data or program the Artificial Intelligence. In other words, the human contribution in the creative process is very important to identify the copyright of a song.³⁷ For example, if a musician in the process of creating a song enters an initial melody into an Artificial Intelligence system and then processes the melody into a song with arrangements and additional elements, then the musician owns the copyright to the song as the main director of the creative process. While Artificial Intelligence only helps develop the idea, the musician acts as an initiator and direction giver who determines the initial characteristics of the

³⁴D A N Kanada et al., "Analisis Perlindungan Hukum Hak Cipta Karya Seni Buatan Artificial Intelligence Ditinjau Pada Negara Indonesia , Inggris ," 9, no. 14 (2024): 132–43.

³⁵Nova Valentino and Elfrida Ratnawati, "Tuntutan Pemegang Hak Cipta Atas Pelanggaran Hak Cipta Lagu/Musik Melalui Platform Youtube," *Unes Law Review* 5, no. 4 (2023): 1654–65, <https://doi.org/10.31933/unesrev.v5i4>.

³⁶Inakyora et al., "Legal Implications of Copyright in the Commercialization of Artificial Intelligence Works in the Legal Implications of Copyright in the Commercialization of Artificial Intelligence Works in."

³⁷Inakyora et al.

Under copyright law in Indonesia, if a work involves several parties in the process of creation then the copyright of the work can be owned jointly by the parties by making a written agreement in which there is a description of the contribution of each creator or collaborator and the share of ownership rights. This is done to avoid potential ownership disputes that may arise as stipulated in article 5 of the copyright law on moral rights. Copyright ownership can also be transferred and transferred by inheritance, grants, endowments, wills, written agreements justified by the provisions of the applicable legislation in accordance with article 16 of the copyright law.³⁸

Intellectual property rights are also exclusive rights, which means that the right holder has full control over the protected object. By using the license system, he can also provide opportunities for other parties to utilize or produce the products he makes. The transfer of Copyright from a party to another party is in the form of granting permission/agreement for the utilization of Copyright within a certain period of time and taking into account the moral rights and fair economic rights between the parties involved. Creators or copyright holders have the right to grant permission or prohibit others from doing something related to their work for commercial purposes.

Until now, the regulation regarding copyright ownership of works produced by Artificial Intelligence in several countries including Indonesia has not fully regulated in detail about it. Although there have been no Artificial Intelligence legal cases in the field of IPR in Indonesia, some decisions in other countries have tried to answer the idea that Artificial Intelligence is the creator and engineer. Stephen Thaler sued the United States Office in June 2022. Because the Copyright Office (USCO) refused to register artwork with Stability Artificial Intelligence as the creator, even though the work was entirely Computer Generated Works (CGW). In the case of *Naruto v. Slater* (2018), this refusal can be considered. In this case, selfie-taking animals called *Crested Macaques* could not be considered as creators as the term copyright only refers to products created by humans.³⁹ For Indonesia, the precedent set by the court not only helps provide legal certainty but also guides parties in the music and technology industry to draft clear agreements regarding copyright sharing.⁴⁰

Although the Berne Convention does not explicitly define the term creator, it is widely understood that the absence of such a definition does not mean that it is restricted to human beings. The context of the indications in the convention suggests that the term includes both human creators and legal persons. The focus of the Berne Convention is to ensure that the rights of creators, both individuals and organizations, are protected and that their creative works benefit

³⁸Hasbuddin Khalid Annastasyia Mukrimah Yusuf, Ma'ruf Hafidz, "Journal of Lex Philosophy (JLP)," *Journal of Lex Philosophy (JLP)* 5, no. 1 (2024): 260–75.

³⁹Richard Jatimulya Alam Wibowo, "Ciptaan Dan Invensi Hasil Kecerdasan Buatan Dalam Perspektif Hak Cipta Dan Paten," *Jurnal Ilmiah Kebijakan Hukum* 17, no. 3 (2023): 269, <https://doi.org/10.30641/kebijakan.2023.v17.269-288>.

⁴⁰Nida Inayah et al., *Hak Kekayaan Intelektual Definisi Kekayaan Intelektual*, 2022.

from copyright protection.⁴¹ Indonesia's current copyright law does not specifically regulate the involvement of Artificial Intelligence in the process of creating a song. Because there is no standardization or a section that mentions the "substantial part" in article 40 that can be a reference to determine a song's work to commit copyright infringement that raises legal uncertainty about the ownership and protection of works of art especially for the music industry to file a lawsuit against copyright infringement.⁴²

If Indonesia maintains this copyright regulation, then the use of Artificial Intelligence will potentially be subject to copyright infringement and also hinder innovation and investment in Artificial Intelligence technology in the music industry. The Ministerial Expert Staff for Reform and Regulation of the Ministry of Tourism and Creative Economy, Ari Juliano Gema, believes that clear rules regarding the involvement of someone who uses AI applications to produce a work are needed. AI is only a tool, not a legal subject that is recognized as a creator.⁴³ Since AI has no legal status, copyrights on works produced by AI cannot be directly allocated to it. This situation poses a dilemma: if the AI cannot be considered a creator, to whom should the copyright be assigned? Some views suggest that copyright can be allocated to the individual or entity that operates or develops the AI, but this has not been fully addressed in existing legal regulations.

Directive On Copyright In The Digital Single Market passed in 2019 under EU law, copyright protection is granted to humans who use Artificial Intelligence as an aid in the creative process with points such as the requirement of originality of a work as stated by the EU court of justice "*contains elements which are the expression of the intellectual creation of the author of the work*", and that "*an intellectual creation is an author's own if it reflects the author's personality*"⁴⁴. Where as long as the creator makes creative decisions that contribute to the originality of a work then that work may qualify for copyright protection under the existing system. This is in line with the opinion of Professor Jane Ginsburg of Columbia Law School who emphasized the importance of human involvement as an element in granting copyright especially in works produced by Artificial Intelligence.⁴⁵

One of the copyright disputes heard by the Nanshan district people's court in Shenzhen concerned Tencent Technology developing an intelligent writing assistance system called Dreamwriter and licensing it to Shenzhen Tencent. Shenzhen Tencent used the Dreamwriter software to automatically create financial reporting articles, which were published on the Tencent Securities

⁴¹Hafiz Gaffar and Saleh Albarashdi, "Copyright Protection for AI-Generated Works: Exploring Originality and Ownership in a Digital Landscape," *Asian Journal of International Law*, 2024, 1–24, <https://doi.org/10.1017/S2044251323000735>.

⁴²Kanada et al., "Analisis Perlindungan Hukum Hak Cipta Karya Seni Buatan Artificial Intelligence Ditinjau Pada Negara Indonesia, Inggris .,"

⁴³Nauval Fadillah, "Perlindungan Hak Atas Kekayaan Intelektual Artificial Intelligence (AI) Dari Perspektif Hak Cipta Dan Paten."

⁴⁴International License, "The 2019 Directive on Copyright in the Digital Single Market : Some Progress , a Few Bad Choices , and an Overall Failed Ambition Séverine Dusollier To Cite This Version : HAL Id : Hal-03230170," 2021.

⁴⁵United States and Copyright Office, "International Copyright Issues and Artificial Intelligence," 2023, 1–16.

website. Shanghai Yingxun, without authorization, reprinted the article on its website. Shenzhen Tencent sued Shanghai Yingxun for copyright infringement and unfair competition. The court ruled that the article generated by the Dreamwriter software was a written work protected by copyright law, and Shenzhen Tencent owned the copyright. The court ruled that Shanghai Yingxun's act of publishing the article without authorization violated Shenzhen Tencent's right to disseminate information on the internet and ordered Shanghai Yingxun to compensate Shenzhen Tencent for economic losses.

The court ruling in this case highlights the involvement of human intellectual activity in the creation of AI-generated content. Although the content was created with the help of AI, it was not created autonomously by Artificial Intelligence alone. The court emphasized that the arrangement, selection, and specific expression of the article involved the intellectual activity of the creative team at Shenzhen Tencent. Therefore, the court concluded that the work showed a certain degree of originality and was protected by copyright law. In this dispute, the Chinese court did not consider Dreamwriter as the creator of the work. The court ruled that it was Tencent's creative team, who used Dreamwriter as a tool, who were considered the creators of the work. China has always developed regulations for AI-Generated works to encourage everyone who wants to use Artificial Intelligence technological innovations to develop their ideas or ideas in a work.

3.3 Recommendations for Copyright Protection of Songs Involving Artificial Intelligence (AI) in the Music Industry

Seeing the rapid development of Artificial Intelligence, especially in the music industry, special attention is needed regarding the regulation of the protection of creators and parties involved in the creation process. Policies regarding the legal status of Artificial Intelligence in several countries have begun to be studied, such as in Europe which tends to use robot civil liability and Japan which is still compiling Artificial Intelligence liability for producers and consumers.⁴⁶ This can be a special guideline and challenge for Indonesia to develop regulations on copyright and Artificial Intelligence. For this reason, legal discussions are needed to determine and consider the level of contribution of Artificial Intelligence and humans as creators. This is also a special concern for musicians and composers in the music industry. The Indonesian state has an obligation to pay more attention to the safety and usefulness of Artificial Intelligence that is increasingly developing in society and adapt the regulatory framework to ensure safety and minimize the risk of harm from technological innovation, including Artificial Intelligence itself.

The Directorate General of Intellectual Property within the scope of the Ministry of Law of the Republic of Indonesia needs to review the Copyright Law to create more adaptive and comprehensive legal regulations. This can also be done by collaborating with The World Intellectual Property Organization (WIPO) to formulate policies and create regulatory harmony

⁴⁶Eka Nanda Ravizki and Lintang Yudhantaka, "Artificial Intelligence Sebagai Subjek Hukum: Tinjauan Konseptual Dan Tantangan Pengaturan Di Indonesia," *Notaire* 5, no. 3 (2022): 351–76, <https://doi.org/10.20473/ntr.v5i3.39063>.

at the global level. Cooperation with WIPO can assist Indonesia in harmonizing copyright regulations with international standards, which means that these regulations are important to ensure that Indonesian copyrighted works are protected in other countries and vice versa. WIPO can provide technical assistance and training to Indonesian policymakers and law enforcement in understanding and addressing copyright challenges associated with Artificial Intelligence. With access to information and best practices from other countries, WIPO can assist Indonesia in developing policies that are more effective and in line with the government's needs.

Seeing Artificial Intelligence bring significant changes in the music industry, especially in the music production sector, has created pros and cons for AI users. Some consider the presence of AI to be an innovation that can be used to develop human creativity but on the other hand consider the presence of AI as a threat to the essence of music because they think AI can replace the role of musicians in songwriting, recording sessions to post-production. This will certainly cause problems in the future, so the Indonesian government can immediately take steps to develop Indonesian copyright law by adopting some existing regulations in other countries regarding copyright involving Artificial Intelligence in the creative industry. The Indonesian government can revise the definition of the creator in the copyright law, how the standard of human involvement and regarding the registration and granting of copyright.⁴⁷ The copyright law can provide specific definitions of the definition of creator such as affirming that a creator is an individual or entity that produces works with its own creative ideas and categorizing creators who use Artificial Intelligence as a tool as long as there is significant human involvement. To develop this new policy, the Indonesian government can also involve musicians, composers, and music producers in decision-making such as conducting surveys to music industry players, working with music associations and holding forums with the music community to develop inclusive and effective policies.

4. CONCLUSION

Songs that use Artificial Intelligence are among the copyrighted works that are legally protected under Law Number 28 of 2014. Since AI is viewed as an auxiliary tool in this context, copyright belongs to the people who actively participate in the creative process, both as directors and as direction. The first requirement for copyright protection is originality, which requires a human creative input into the song's creation. The role of humans in the creative process such as giving instructions or using AI as a tool determines who is entitled to copyright ownership of works involving AI. Copyright cannot be granted to AI since the law emphasizes that the creator is a human, not an AI. In the event of collaboration, copyright might be jointly owned based on a legal agreement that takes into account each party's effort to prevent future issues. To provide fair copyright protection, the Indonesian Copyright Law should be revised to take into account the contributions made by both humans and artificial intelligence. The rules of other countries,

⁴⁷Kanada et al., "Analisis Perlindungan Hukum Hak Cipta Karya Seni Buatan Artificial Intelligence Ditinjau Pada Negara Indonesia , Inggris ,"

such as the US, China, and the EU, are found to be more specific in defining the degree of human contact necessary to qualify for copyright protection. In order to ensure that the protection of works created by artificial intelligence is acknowledged worldwide, collaboration with WIPO can help in the development of consistent international standards that are sensitive to technological changes. Revisions to Indonesian copyright laws, with an emphasis on the creator concept, new registration procedures for AI-generated works and modifications to regulations governing human participation in AI works. From a legal, social, and economic standpoint, the proposed regulation can boost Indonesia's competitiveness overseas, promote innovation, and give those employed in the music industry legal certainty.

REFERENCES

- Achmadi, Irsyad Maulana, Aisha Tsabita Kamila, and Feymi Angelina. "Penegakan Perlindungan Hak Cipta Bagi Karya Buatan Artificial Intelligence Menggunakan Doktrin Work Made For Hire." *Anthology: Inside Intellectual* 1, no. April (2023): 1–23. <https://ojs.uph.edu/index.php/Anthology/article/view/7855%0Ahttps://ojs.uph.edu/index.php/Anthology/article/viewFile/7855/3668>.
- Alam Wibowo, Richard Jatimulya. "Ciptaan Dan Invensi Hasil Kecerdasan Buatan Dalam Perspektif Hak Cipta Dan Paten." *Jurnal Ilmiah Kebijakan Hukum* 17, no. 3 (2023): 269. <https://doi.org/10.30641/kebijakan.2023.v17.269-288>.
- Annastasyia Mukrimah Yusuf, Ma'ruf Hafidz, Hasbuddin Khalid. "Journal of Lex Philosophy (JLP)." *Journal of Lex Philosophy (JLP)* 5, no. 1 (2024): 260–75.
- Cipta, Hak. Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta (2014).
- Daly, Angela, Thilo Hagendorff, Li Hui, Monique Mann, Vidushi Marda, Ben Wagner, and Wayne Wei Wang. "AI, Governance and Ethics." *Constitutional Challenges in the Algorithmic Society*, no. June (2021): 182–201. <https://doi.org/10.1017/9781108914857.010>.
- Disemadi, Hari Sutra. "Urgensi Regulasi Khusus Dan Pemanfaatan Artificial Intelligence Dalam Mewujudkan Perlindungan Data Pribadi Di Indonesia." *Jurnal Wawasan Yuridika* 5, no. 2 (2021): 177. <https://doi.org/10.25072/jwy.v5i2.460>.
- Djaafara, Aryuni Fitri, and R Rahaditya. "Perlindungan Hukum Terhadap Hak Cipta Penyanyi Dalam Era Digital : Studi Kasus Penipuan Penjualan Lagu Palsu" 5, no. 12 (2024): 1599–1605.
- Entjarau, Valencia Gabriella, Meiske T Sondakh, and Nurhikmah Nachrawy. "Tinjauan Yuridis Pengalihan Hak Moral Dan Hak Ekonomi Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta." *Lex Privatum* 9, no. 6 (2021): 221–31.
- Gaffar, Hafiz, and Saleh Albarashdi. "Copyright Protection for AI-Generated Works: Exploring Originality and Ownership in a Digital Landscape." *Asian Journal of International Law*, 2024, 1–24. <https://doi.org/10.1017/S2044251323000735>.
- Gervais, Daniel. "_____ Act of the Berne Convention for the Protection of Literary and Artistic Works." *(Re)Structuring Copyright*, 2017, 299–313. <https://doi.org/10.4337/9781785369506.00028>.
- Inakyora, Basilla, Nalya Arimbi, Made Aditya, Pramana Putra, Universitas Udayana, and Kabupaten Badung. "Implikasi Hukum Hak Cipta Dalam Komersialisasi Karya-Karya Artificial Intelligence Dalam Implikasi Hukum Hak Cipta Dalam Komersialisasi Karya-

- Karya Artificial Intelligence Dalam” 2, no. 11 (2024).
- Inayah, Nida, Rizal Maulana, Resistania Anggita Putri, Shania Salsabilla, and Ahmad Muslim. *Hak Kekayaan Intelektual Definisi Kekayaan Intelektual*, 2022.
- Kanada, D A N, Studi Komparatif, D I Indonesia, D A N Kanada, Fakultas Hukum, Universitas Pembangunan, Nasional Veteran, and Jawa Timur. “Analisis Perlindungan Hukum Hak Cipta Karya Seni Buatan Artificial Intelligence Ditinjau Pada Negara Indonesia , Inggris ,” 9, no. 14 (2024): 132–43.
- Kedua, Perubahan, Atas Undang-undang Nomor, and I Tahun. Undang-undang (UU) Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (2024).
- License, International. “The 2019 Directive on Copyright in the Digital Single Market : Some Progress , a Few Bad Choices , and an Overall Failed Ambition Séverine Dusollier To Cite This Version : HAL Id : Hal-03230170,” 2021.
- Muhaimin. *Metode Penelitian Hukum. Mataram University Press *. Vol. 11. Mataram, 2019. http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MELESTARI.
- Nauval Fadillah, Rafly. “Perlindungan Hak Atas Kekayaan Intelektual Artificial Intelligence (AI) Dari Perspektif Hak Cipta Dan Paten.” *Das Sollen* 2, no. 2 (2023): 1–25. <https://doi.org/10.11111/dassollen.xxxxxxx>.
- Rahmahafida, Nadia Intan, and Whitney Brigitta Sinag. “Analisis Problematika Lukisan Ciptaan Artificial Intelligence Menurut Undang-Undang Hak Cipta.” *Jurnal Pendidikan Dan Konseling* 4, no. 6 (2022): 9688–96.
- Ravizki, Eka Nanda, and Lintang Yudhantaka. “Artificial Intelligence Sebagai Subjek Hukum: Tinjauan Konseptual Dan Tantangan Pengaturan Di Indonesia.” *Notaire* 5, no. 3 (2022): 351–76. <https://doi.org/10.20473/ntr.v5i3.39063>.
- Rilani, Kartika Eka, and Taupiqqurrahman Taupiqqurrahman. “Tanggung Jawab Perdata Terhadap Kreator Konten Atas Penyebaran Komik Online Di Aplikasi TikTok” 6, no. 2 (2023): 689–701.
- Rizkia, Nanda Dwi, and Hardi Ferdiansyah. *Hak Kekayaan Intelektual Suatu Pengantar. Widina Bhakti Persada*. Vol. 3, 2022. <https://medium.com/@arifwicaksanaa/pengertian-use-case-a7e576e1b6bf>.
- Rukmana, Kevin Anandita. “Perlindungan Hak Cipta Terhadap Pencipta Lagu Di Indonesia.” *JLEB: Journal of Law, Education and Business* 2, no. 1 (2024): 412–16. <https://doi.org/10.57235/jleb.v2i1.1744>.
- Sari, Eka Pratiwi. “Kebutuhan Perluasan Doktrin Orisinalitas Dan Fiksasi Dalam Undang-Undang Hak Cipta Sebagai Perlindungan Kreativitas Anak Bangsa.” *Dharmasiswa* 1, no. 10 (2021): 444–58. <https://scholarhub.ui.ac.id/dharmasiswa> Available at: <https://scholarhub.ui.ac.id/dharmasiswa/vol1/iss1/10>.
- Sari, Nuzulia Kumala, Ayu Citra Santyaningtyas, and Anisah Anisah. “Orisinalitas Karya Cipta Lagu Dan/Atau Musik Yang Dihasilkan Artificial Intelligence.” *Jurnal Ilmiah Kebijakan Hukum* 17, no. 3 (2023): 365. <https://doi.org/10.30641/kebijakan.2023.v17.365-384>.
- Setiawan, Daryanto. “Dampak Perkembangan Teknologi Informasi Dan Komunikasi Terhadap

- Budaya.” *JURNAL SIMBOLIKA: Research and Learning in Communication Study* 4, no. 1 (2018): 62. <https://doi.org/10.31289/simbollika.v4i1.1474>.
- States, United, and Copyright Office. “International Copyright Issues and Artificial Intelligence,” 2023, 1–16.
- Tangkere, Imelda A. “Regulasi Hukum Terhadap Perlindungan Karya Cipta Lagu Yang Dihasilkan Oleh Teknologi Artificial Intelligence” 12, no. 5 (2024).
- Tektona, Rahmadi Indra, Nuzulia Kumala Sari, and Maulana Reyza Alfaris. “Quo Vadis Undang-Undang Hak Cipta Indonesia: Perbandingan Konsep Ciptaan Artificial Intelligence Di Beberapa Negara.” *Negara Hukum* 12, no. 2 (2021): 285–305.
- Valentino, Nova, and Elfrida Ratnawati. “Tuntutan Pemegang Hak Cipta Atas Pelanggaran Hak Cipta Lagu/Musik Melalui Platform Youtube.” *Unes Law Review* 5, no. 4 (2023): 1654–65. <https://doi.org/10.31933/unesrev.v5i4>.
- Yenny Eta Widyanti. “Perlindungan Hukum Keris Aeng Tong-Tong Sumenep Dalam Hukum Nasional Dan Konvensi Internasional.” *NUANSA: Jurnal Penelitian Ilmu Sosial Dan Keagamaan Islam* 20, no. 1 (2023): 38–56. <https://doi.org/10.19105/nuansa.v20i1.7319>.