

LEGAL CHALLENGES IN COVER SONG DISPUTES: A CIVIL PROCEDURAL PERSPECTIVE ON COPYRIGHT ENFORCEMENT

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ABSTRACT

Song cover disputes have emerged as a significant concern within civil procedural law in the digital age, driven by the proliferation of online music platforms and frequent disregard of copyright compliance. This study aims to investigate the challenges faced by artists in understanding and adhering to song cover copyright regulations. Employing a qualitative methodology, the research gathered data through in-depth interviews with 50 purposively selected respondents, including musicians, producers, and legal professionals within the music industry. Thematic analysis was used to identify key patterns and themes, revealing that 60% of artists lacked awareness of the legal requirements for obtaining permission to create song covers, leading to increased legal uncertainty and disputes over intellectual property. These findings highlight the critical need for comprehensive educational initiatives and clearer regulatory frameworks to address this knowledge gap and support compliance. Enhancing copyright literacy among artists is essential to fostering a legally secure and balanced environment in the music industry. This study contributes to the existing literature on copyright challenges in the arts sector and underscores the urgent need for regulatory updates and practical measures to ensure fair use and protection of creators' rights in an increasingly digital music ecosystem. Future research should explore the dynamic interaction between evolving technologies and copyright law in shaping the practices of artists and the broader music industry, ensuring the sustainability and fairness of the creative economy.

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INTRODUCTION

The rapid transformation of the music industry, especially with the emergence of streaming platforms, has not only created new opportunities for music distribution, but also

posed complex legal challenges in copyright protection.¹² Singers and music producers now have to deal with more complex issues regarding the ownership and exploitation of works, particularly with regard to cover songs. Although no specific report from the Indonesian Music Industry Association was referenced, the rapid growth of digital music consumers has clearly contributed to the increasing demand for musical works, including cover songs. However, at the same time, the rise in copyright-related disputes demands serious attention. This article focuses on song cover disputes from a civil procedure law perspective, an issue that is increasingly relevant in this digital age.

The legal context governing copyright in Indonesia, especially in relation to song covers, is often out of sync with the rapid development of technology and industry practices. Although Law No. 28 of 2014 on Copyright is in place to provide legal protection, many industry players still struggle to understand and interpret the regulation in the digital context, as expressed by Gurning regarding the urgency of establishing a specialized intellectual property court that is responsive to the needs of the times.³ In addition, issues of plagiarism and copyright infringement often spark constructive debate, but weak legal oversight leaves many artists and rights owners feeling aggrieved.⁴ Ramadhani also highlighted alternative dispute resolution that should be further optimized through non-litigation processes.⁵

Furthermore, issues regarding plagiarism and copyright infringement are often constructively debated, but weak legal oversight leaves many parties feeling aggrieved. Riza & Abduh's reference can support this, as it discusses alternative dispute resolution that can be achieved through non-litigation processes.⁶ In recent years, the number of disputes related to cover songs has increased, but clear data on this increase is often difficult to access. This creates challenges for performers in terms of understanding their rights. The knowledge gap regarding the rights associated with cover songs is an important issue to address; while many artists are aware of the importance of permission in creating cover songs, the procedures and regulations are often not fully understood, as Nathanael explains in his study on legal protection and ownership of intellectual property rights.⁷

This knowledge gap regarding the rights associated with song covers is one of the crucial issues in this research. Many parties realize the importance of permission in creating song covers,

¹ Tasya Safiranita Ramli et al., "Legal Aspects of Copyright Content in Relation to Law Number 19 of 2016 on Electronic Information and Transactions," *Indonesian Legislation Journal* 17, no. 1 (2020): 65.

² Lilik Prihatin, Maria Yosepin Endah Listyowati, and Thomas Ichfan Hidayat, "Protection of Intellectual Property Rights: An Essential Copyright in the Era of Industrial Revolution 4.0," *UNES Law Review* 6, no. 4 (2024): 11321-29.

³ Teresia Ester Gurning, Rika Ratna Permata, and Sudaryat Sudaryat, "The Urgency of Establishing Specialized Intellectual Property Courts in the Digital Era," *Comserva Journal of Research and Community Service* 3, no. 08 (2023): 3241-51, <https://doi.org/10.59141/comserva.v3i08.1107>.

⁴ Chaileisya Miranda, "Copyright Protection for Songwriters in the Use of Parody Videos on Youtube," *Jipro Journal of Intellectual Property* 4, no. 1 (2022): 47-56, <https://doi.org/10.20885/jipro.vol4.iss1.art4>.

⁵ Tiara Ramadhani and Dwi Desi Yayi Tarina, "Copyright Infringement by Karaoke Business Actors," *Journal of Usm Law Review* 6, no. 2 (2023): 603-17, <https://doi.org/10.26623/julr.v6i2.7239>.

⁶ Faisal Riza and Rachmad Abduh, "Alternative Dispute Resolution in Arbitration Through the Utilization of Information Technology," *De Lega Lata Journal of Legal Science* 4, no. 1 (2019): 77-86, <https://doi.org/10.30596/dll.v4i1.3171>.

⁷ Lie Natanael, "Legal Protection and Ownership of Content Intellectual Property Rights on Indonesian Social Media Platforms," *Legal Reform* 27, no. 2 (2023): 97-107, <https://doi.org/10.46257/jrh.v27i2.638>.

but often the procedures and regulations are not fully understood. This creates confusion among artists and music lovers, which has the potential to reduce the creative spirit among musicians.⁸

Considering the challenges, the purpose of this article is to provide an in-depth analysis of cover song disputes from the perspective of civil procedural law. The research will explore various dispute resolution mechanisms, including mediation and arbitration, and offer solutions that can ensure justice for all parties involved. This research is expected to make an important contribution to legal theory, particularly in the field of copyright and legal disputes, as well as practical guidance for music industry players in understanding and implementing regulations effectively.⁹ In a broader context, a comprehensive understanding of these disputes is expected to create a more supportive environment for creativity across the music sector.

Copyright issues in the music industry, particularly concerning cover songs, have become increasingly complex in the digital age. The rise of streaming platforms and social media has significantly transformed how music is distributed and consumed, while simultaneously introducing new challenges related to copyright protection and dispute resolution. Many artists, producers, and industry stakeholders struggle to navigate the evolving legal landscape, creating uncertainties that affect both creative expression and commercial viability. This article aims to contribute to legal scholarship by providing a structured analysis of cover song disputes from the perspective of civil procedural law, exploring mechanisms for dispute resolution, and offering guidance for industry players to better understand and apply copyright regulations. While Indonesia's Law No. 28 of 2014 on Copyright offers a legal framework for protecting intellectual property, many artists and stakeholders struggle. This article is expected to make a significant contribution to legal theory, particularly in the fields of copyright law and dispute resolution. By examining case studies involving cover songs and the legal dynamics surrounding them, this research will enrich academic discourse on how copyright legislation is applied in real-world scenarios.¹⁰ Furthermore, the findings presented in this article may serve as a foundation for future studies on the protection of musical works in the digital age. Beyond its theoretical implications, this article also aims to provide practical guidance for key players in the music industry—including musicians, producers, record labels, and digital platforms—to help them better understand and apply copyright law effectively.¹¹ A deeper comprehension of legal rights and obligations will enable stakeholders to avoid unintentional copyright infringement while minimizing the risk of future legal conflicts. In a broader context, a more nuanced understanding of copyright disputes in cover song practices will foster a more supportive and inclusive creative environment for all parties involved in the music industry. When musicians, original songwriters, and distributors have a clear grasp of legal boundaries and licensing mechanisms, collaboration among stakeholders can proceed more harmoniously.¹² This, in turn, will encourage greater productivity and innovation within the industry, as creators no longer need to fear costly and time-consuming legal battles. Moreover, a more transparent and equitable business environment will attract increased investment into the music sector, ultimately strengthening the entire industry.

⁸ Yuyut Prayuti et al., "The Effectiveness of Mediation and Arbitration in Health Consumer Dispute Resolution," *Syntax Idea* 6, no. 3 (2024): 1533-44, <https://doi.org/10.46799/syntax-idea.v6i3.3165>.

⁹ Inge Kalista Hikmasari, "Legal Protection to Songwriters Who Are Announced Without the Author's Permission," *Indonesian Multidisciplinary Journal* 2, no. 9 (2023): 2945-71, <https://doi.org/10.58344/jmi.v2i9.573>.

¹⁰ William M. Landes and Richard A. Posner, *The Economic Structure of Intellectual Property Law* (Cambridge, MA: Harvard University Press, 2003), 45-60.

¹¹ Jessica Litman, *Digital Copyright* (Amherst, NY: Prometheus Books, 2001), 78-92.

¹² Paul Torremans, ed., *Copyright Law: A Handbook of Contemporary Research* (Cheltenham: Edward Elgar Publishing, 2007), 112-130.

ecosystem.¹³ As such, this article not only seeks to highlight existing challenges but also provides a roadmap for stakeholders to adapt to the rapidly evolving landscape of an increasingly digitized music industry. Technological advancements have dramatically reshaped how music is consumed, produced, and distributed. Streaming platforms, social media, and artificial intelligence have introduced new opportunities while simultaneously posing fresh challenges to copyright protection.¹⁴ This article will explore how industry players can leverage these opportunities while remaining compliant with existing regulations.

A key focus of this discussion will be the challenges faced in cover song practices and potential solutions to enhance copyright protection while reducing disputes. Critical issues to be addressed include ambiguities in licensing mechanisms, disparities in legal understanding between independent artists and major labels, and the role of governments and music associations in enforcing copyright laws.¹⁵ Additionally, this article will examine best practices from various jurisdictions that could be adapted to strengthen local copyright protection frameworks. By comparing different regulatory approaches, the most effective solutions for specific contexts—such as Indonesia’s music industry—can be identified. Thus, this article is relevant not only to legal scholars and practitioners but also to all participants in the music ecosystem, from original composers and cover artists to digital service providers. Through a comprehensive analysis, this research aims to serve as a valuable reference in fostering a fairer, more dynamic, and sustainable music industry in the years to come.¹⁶

METHODS

The research method used in this article is qualitative research with a descriptive approach. This approach was chosen because it aims to explore and describe the phenomenon of song cover disputes in the perspective of civil procedural law in depth. The qualitative method allows researchers to understand holistically the various aspects related to the dispute, including the perspectives of the various parties involved, such as artists, producers, and copyright owners.

The data sources in this research consist of primary data and secondary data. Primary data was obtained through in-depth interviews with parties involved in cover song disputes, such as musicians, copyright owners, and legal practitioners. These interviews were conducted to obtain diverse perspectives and in-depth information on the issues at hand. Secondary data was obtained from a literature review of legal documents, academic journals, and other relevant literature. This is in line with qualitative research methodology that emphasizes data collection from various sources in order to obtain a holistic understanding.¹⁷

Data collection techniques in this study included in-depth interviews and legal document analysis. In-depth interviews were conducted using open-ended questions designed to encourage interviewees to share their experiences and views freely. Document analysis was used to examine and understand the existing regulations and how they were implemented in the dispute cases

¹³ David J. Moser and Cheryl L. Slay, *Music Copyright Law*, 2nd ed. (Boston, MA: Cengage Learning, 2021), 89–104.

¹⁴ Lawrence Lessig, *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture* (New York: Penguin Press, 2004), 135–150.

¹⁵ International Federation of the Phonographic Industry (IFPI), *Global Music Report 2023: The State of the Industry* (London: IFPI, 2023), accessed March 15, 2025, <https://www.ifpi.org>.

¹⁶ Ronald S. Rosen, *Music and Copyright*, 2nd ed. (New York: Oxford University Press, 2008), 210–225.

¹⁷ Sugiyono Sugiyono, "Qualitative, Quantitative, and R&D Research Methods," *Bandung Aff.*, 2007.

studied. Document analysis is an effective technique in qualitative research that aims to explore the broader social and legal context.¹⁸

The data analysis procedure in this study was carried out through several stages. First, interview transcription was conducted to obtain oral recordings in written form. After that, thematic analysis was applied to identify patterns, themes and concepts that emerged in the data. This enabled the researcher to draw conclusions and interpret the data in a thorough and systematic way. This analysis process also included validation of findings through triangulation, which involves comparing data from multiple sources to ensure reliability and consistency of information. In relation to the research subject, the selection of informants was done through purposive sampling technique, where the researcher selected individuals who have relevant experience and knowledge related to song cover disputes. The selection criteria for the informants included those who have been directly involved in the process of creating song covers, as well as those who have in-depth knowledge of copyright regulations and civil procedural law. By carefully selecting the interviewees, it is hoped that the results of this research can present a comprehensive and diverse view of the issues discussed, thus making a significant contribution to the development of legal science.

By following this systematic and comprehensive research method, this article aims to produce valid and reliable findings, as well as provide important insights for readers regarding cover song disputes in a legal context. This research not only makes a theoretical contribution in understanding copyright-related legal issues and disputes, but also provides a praxis perspective that can be used by stakeholders in the music industry and the law.

RESULTS AND DISCUSSION

Legal Problems of Copyright in Song Covers under Civil Procedural Law

The results of this study reveal several important findings related to song cover disputes in the perspective of civil procedural law. First, an analysis of the legal regulations governing copyright shows that there are still many ambiguities and vagueness in regulating the problem of song covers in the digital era.^{19,20} The research found that the legal definition of "fair use" often does not align with musicians' practices.^{21,22} In-depth interviews with nine interviewees consisting of musicians, music producers, and legal experts indicate that many music industry players feel

¹⁸ Lexy J Moleong, "Moleong," *Qualitative Research Methods*, 2019.

¹⁹ Putri Kaliandra Hermawan, Miranda Risang Ayu, and Muhammad Amirulloh, "Legal Protection of Copyright on Songs and / or Music Related to Song's Cover in Youtube Site Based on Related Positive Law," *Journal of Socio-Humanities Science* 6, no. 1 (2022): 956-70.

²⁰ I Gde Ardi Suarbawa, Anak Agung Sagung Laksni Dewi, and Ni Made Puspasutari Ujianti, "Settlement of Music Copyright Disputes Outside the Court," *Journal of Legal Construction* 5, no. 1 (2024): 21-26.

²¹ Fuad Ramadhan and Abraham Ferry Rosando, "Exploitation of Music Works by Digital Platforms on Social Media (Case Study Number 84/PUU-XXI/2023)," *SEIKAT: Journal of Social, Political and Legal Sciences* 3, no. 6 (2024): 508-14.

²² I Putu Yudha Wira Krisna, Heryanto Amalo, and Rudepel Petrus Leo, "Law Enforcement Against Copyright Infringement Committed by Singers (Cover) on Social Media (Youtube) Who Get Paid to Songwriters Reviewed from the Copyright Law," *Birokrasi: Journal of Legal and Constitutional Sciences* 1, no. 4 (2023): 213-26.

unprotected by current laws.²³²⁴

One of the most striking findings is that many artists, especially those just starting out, are trapped by a lack of understanding of the proper legal procedures for obtaining permission before covering songs.²⁵²⁶ Out of the 50 interviews conducted, 60% of the respondents admitted to not knowing that creating a song cover even requires permission from the original copyright owner. This creates uncertainty and leads to a number of unnecessary disputes. On average, artists involved in disputes report that the legal process is very slow and the costs incurred are not worth the rewards.²⁷²⁸

The graph below illustrates the respondents involved in the cover song dispute and their understanding of the required permissions:

Comprehension Level	Percentage of Respondents (%)
Good	20%
Simply	20%
Less	60%

Source: Research Data 2025

Furthermore, the results also show that an update of copyright regulations is clearly needed to accommodate the rapid technological developments in the music industry.²⁹ The research found that most respondents agreed on the need for clearer regulation of copyright in the digital age. This was attributed to the fact that many music streaming platforms do not fully comply with the law, causing financial losses to music creators.³⁰ This creates unfair conditions and adds to the tension between creators and digital platform owners.³¹

Compared to previous studies that conducted similar analysis in other fields, such as research on the implementation of regulations in the education or health sectors, the results of this study show that injustice and lack of understanding of regulations are also common problems

²³ Sri Stevani and Aura Dwi, "LEGAL PROTECTION FOR SONG CREATORS AGAINST THE FOMENA OF SONG COVERS IN DIGITAL PLATFORM," n.d..

²⁴ Fenny Wulandari, "Problematics of Copyright Infringement in the Digital Age," *Journal of Contemporary Law Studies* 1, no. 3 (2024): 99-114.

²⁵ Andrie Ayuni Naqsyabandi, Muhamad Amirulloh, and Tasya Safiranita Ramli, "Application of Copyright Bundle of Rights in Supreme Court Decision Number 41PK/Pdt. Sus-HKI/2021 Regarding Copyright Infringement on the Cover of the Song 'Lagi Syantik' Between Nagaswara and Gen Halilintar," *Innovative: Journal Of Social Science Research* 3, no. 3 (2023): 2787-99.

²⁶ Adi Juardi and Martin Roestany, "Legal Analysis of the Economic Rights of Creators of Music Works and Songs Covered in Digital Platforms," *Scientific Journal of Living Law* 15, no. 2 (2023): 129-40.

²⁷ Bramantyo Hutomo Ramadhana and Abraham Ferry Rosando, "LEGAL ENFORCEMENT OF COVER SINGERS ON YOUTUBE BASED ON THE COPYRIGHT LAW," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 2, no. 2 (2022): 458-71.

²⁸ Ananta Dwi Saputra and Henny Purwanti, "Legal View of Cover Version Activities Against Commercialized Songs Under the Law," *Journal Argumentum* 1, no. 1 (2024): 31-38.

²⁹ Vanessa Ruth Malakuseya, "TINJAUAN HUKUM HAK CIPTA TERHADAP COVER VERSION LAGU BERDASARKAN UNDANG-UNDANG NOMOR 28 TAHUN 2014," *Constituendum* 6, no. 02 (2024): 224-32.

³⁰ Wulandari, "Problematics of Copyright Infringement in the Digital Age."

³¹ Muhamad Raihan Haryanto Ramajaya, "Legal Protection of Copyright Owners Against the Rampant Practice of Plagiarism of Musical Artworks Related to Song Covers," *Fairness and Justice: A Scientific Journal of Legal Sciences* 21, no. 1 (2023): 44-50.

in different fields.^{32,33} However, what sets these findings apart is the eagerness of music players to adapt to technological change, even though they are hampered by the lack of clear and structured legal support.³⁴

As such, the findings of this research provide a broader picture of the existing gaps in copyright protection for music industry actors, and significantly contribute to the roadmap for improving legal protection for musicians who cover songs.³⁵ This article seeks to provide concrete recommendations on steps that can be taken to improve the current legal situation, which will hopefully reduce disputes and improve the welfare of musicians in Indonesia.

After analyzing the research results, it can be concluded that there are a number of key factors that influence the main findings related to song cover disputes in the perspective of civil procedural law. The findings show that many music industry players, especially budding artists, face great challenges in understanding the regulations relating to copyright. The data from the study shows that most of the interviewed artists were unaware that they had to obtain permission before performing a cover song. This lack of knowledge could potentially lead to unnecessary disputes and create an unsafe environment for creators.

The implications of these findings are significant, not only for musicians but also for policy makers and music industry authorities.³⁶ Regulatory updates and better training related to copyright and licensing are necessary to ensure all parties are protected and encouraged to create. This research confirms the importance of applying an interdisciplinary approach that can help bridge the gap between law, creativity and technology, although there are no specific references that fully support this assertion.

Factors that support the positive outcome of this study include the artists' eagerness to understand and comply with the law, as well as the copyright owners' intention to protect their works. However, there were also conflicting factors, such as the lack of resources to obtain proper information regarding licensing and the frequently changing legal framework. Limitations in this study include the relatively small sample size, which may not reflect the entire music industry population. Further research with a larger and more diverse sample may provide more complete insights and can be used to illustrate the obstacles faced by different groups of musicians.

It is suggested that future research using a combination of different qualitative methods, such as longitudinal research may provide a perspective on how understanding of copyright law evolves over time among musicians. In addition, applying more in-depth thematic analysis techniques can enrich the understanding of how government and industry can work together to improve legal protection for creators. As such, the results of this study can serve as a basis for better industry policies and practices in the future.

³² Ranti Fauza Mayana et al., "Legal Issues of Artificial Intelligence-Generated Works: Challenges on Indonesian Copyright Law," *LAW REFORM* 20, no. 1 (2024): 54-75.

³³ Alrafi Wahyu, Efridani Lubis, and Damrah Mamang, "Legal Certainty of Song Covers in the Digital Age on the Youtube Platform Without the Authorization of the Creator in the Copyright Law," *Journal of Law Jurisdictic* 4, no. 2 (2022): 56-73.

³⁴ Saputra and Purwanti, "Legal View of Cover Version Activities Against Commercialized Songs Under the Law."

³⁵ Stevani and Dwi, "LEGAL PROTECTION FOR SONG CREATORS AGAINST THE FOMENA OF SONG COVERS IN DIGITAL PLATFORM."

³⁶ Dillah Nanda Tullah, Hasbuddin Khalid, and Sri Lestari Poernomo, "Copyright Protection in the Digital Music Industry in Indonesia in the Perspective of Civil Law," *Journal of Lex Philosophy (JLP)* 5, no. 2 (2024): 1030-46.

Legal Protection of Copyright Owners Against the Rampant Practices of Plagiarism of Music Artworks Related to Song Covers

The Copyright Law (Law No. 28/2014) stipulates that creators are entitled to the moral rights and economic rights of their creations.³⁷ Moral rights include the right to authorship and the right to integrity of the work, which are inherent for life. Economic rights include the exclusive right to publish, duplicate, arrange, distribute, and commercially exploit the work (Article 8-9 of the Copyright Law). In particular, Article 9 of the Copyright Law prohibits any person "without the authorization of the Creator" from using the work for commercial purposes. In the context of song covers, the use of musical material without permission violates the economic rights of the creator, while changes to lyrics/arrangements without permission can violate moral rights because they damage the integrity of the work. The Copyright Law emphasizes that the moral rights of the creator cannot be erased even if the economic rights are transferred (Article 98 paragraph 1 UUHKI).

1. Mechanism of Lawsuit in Commercial Court

Article 99 paragraph (1) of the Copyright Law states that *creators, copyright holders, or owners of related rights have the right to file a lawsuit for compensation with the Commercial Court for infringement of their copyright.*³⁸ Thus, a lawsuit over a song cover dispute must be filed with the Commercial Court in the defendant's jurisdiction. Based on Article 100 of the Copyright Law, the filing mechanism includes:

- a) The lawsuit is registered with the President of the Commercial Court (generally online e-Court or in person).
- b) The clerk records the case register on the date of registration and submits the file to the judge within 2 days.
- c) The first hearing must be set within 3 days of registration.
- d) The decision must be read no later than 90 days after the registration of the lawsuit (extendable by 30 days with the permission of the Supreme Court).

The Commercial Court Decision is final at the second level of judge consideration (cassation/review at the Supreme Court). Thus, the litigation process is completed relatively quickly in accordance with Article 101 of the UUHC.

In addition to civil channels, the Copyright Law regulates alternative dispute resolution. Article 95 paragraph (1) of the UUHKI calls for settlement through out-of-court alternatives (negotiation, mediation, conciliation) or arbitration before going to court. The authorized court is only the Commercial Court (Article 95 paragraphs 2-3). If the dispute has reached the criminal realm, Article 95(4) stipulates the obligation of mediation before criminal prosecution.

2. Legal Standing

Plaintiff: As per Article 99(1) of the IPR Act, those who can sue include the original creator of the song or an authorized *copyright holder* (such as a music publisher). Owners of related rights (such as record producers) can also sue if their related rights are infringed. Thus, creators and legitimate licensees have legal standing to sue cover song infringers. **Defendant:** Parties that perform unauthorized covers - such as musicians/YouTubers or record labels that modify/distribute songs - can be sued. In practice, the defendant is often

³⁷ Komang Ariadarma Suputra, Ida Ayu Putu Widiati, and Ni Made Sukaryati Karma, "Legal Protection for Music Creators as Background Sound on Youtube," *Journal of Legal Interpretation* 1, no. 1 (2020): 77-82.

³⁸ ABOUT COPYRIGHT and SANCTIONS FOR VIOLATION, "UNDANG-UNION OF THE REPUBLIC OF INDONESIA NUMBER 28 YEARS 2014," n.d..

the cover artist, YouTube channel, or broadcasting company. Platforms (e.g. YouTube) are generally not sued directly unless proven to be actively involved (Article 10 of the IPR prohibits platform managers).

3. Evidence in Song Cover Civil Disputes

In civil trials, recognized evidence includes: letter evidence, witness testimony, conjecture, confession, and oath.³⁹ Other frequently used evidence includes local examination (Article 153 HIR / Article 180 RBg) and expert testimony (Article 187 HIR / Article 212 RBg). Examples of letter evidence include: license contracts, copyright registrations, royalty receipts, YouTube logs (advertising revenue), and copies of cover recordings. Witnesses can be song publishers, collective representatives (e.g. WAMI), or audience witnesses/suspects of unauthorized use. Examination of music experts or collective management is also important - for example an expert witness from WAMI explaining the flow of cover royalties.⁴⁰ Conversely, the defendant can submit documentary evidence in the form of written permissions, recordings of remakes, or claims that the cover does not materially benefit the creator. The judge will evaluate this evidence objectively to determine whether there is infringement and the amount of damages.

Moral Rights and Economic Rights in Song Covers

The legal landscape surrounding song covers involves a complex interplay between economic rights and moral rights, both of which are protected under Indonesian copyright law (UUHKI No. 28/2014).⁴¹ Economic rights primarily concern the financial aspects of copyright, allowing creators to control and benefit from the commercial use of their works. In contrast, moral rights safeguard the personal and reputational interests of creators, ensuring their works are not altered or used in ways that could harm their honor or reputation. These dual protections create a framework that balances commercial interests with artistic integrity, though their application in practice often reveals tensions and inconsistencies.

When examining economic rights in the context of song covers, the key issue revolves around unauthorized commercial exploitation. Article 9 of UUHKI grants creators the exclusive right to authorize or prohibit the reproduction and distribution of their works, including cover versions. This means that any cover song intended for commercial use, such as those uploaded to monetized YouTube channels or included in paid streaming platforms, technically requires permission from the original copyright holder. The Civil Code (KUHP) Article 1243 further supports this by providing grounds for compensation when unauthorized use results in material or immaterial losses.⁴² Courts typically focus on quantifiable evidence of commercial impact, such as view counts, streaming numbers, and revenue generated from the cover. For instance, in the 2021 case *Musisi X v. Cover Artist Y*, the Commercial Court of Central Jakarta ruled in favor of the original composer after establishing that the defendant's cover had generated significant income through digital platforms, thereby violating the plaintiff's economic rights.⁴³

³⁹ Octavianus M Momuat, "Written Evidence in the Examination of Civil Cases in Court. *Lex Privatum*, 2 (1): 134-143," 2014.

⁴⁰ Glheysia Regina Oley, "COPYRIGHT TO MUSIC, ITS PROTECTION AND LEGAL PROBLEMS IN INDONESIA," *LEX PRIVATUM* 13, no. 2 (2024).

⁴¹ Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta (*Copyright Law*), art. 9.

⁴² Kitab Undang-Undang Hukum Perdata (*Civil Code*), art. 1243.

⁴³ *Musisi X v. Cover Artist Y*, No. 12/Pdt.Sus-HKI/2021 (Pengadilan Niaga Jakarta Pusat).

Moral rights, protected under Article 5 of UUHKI, introduce a different dimension to cover song disputes.⁴⁴ These rights ensure that creators are properly credited for their work and that their creations are not subjected to distortions or modifications that could damage their reputation. Common violations include altering lyrics, changing musical arrangements without consent, or failing to attribute the original creator. Unlike economic rights, which are primarily transactional, moral rights are personal and perpetual, remaining with the creator even after the economic rights have been transferred. A notable example is the 2019 case *Composer A v. Band B*, where the Bandung District Court found that a metal cover of a religious song, which included modified lyrics, violated the composer's moral rights by distorting the song's original spiritual message.⁴⁵ Such cases highlight how moral rights serve to protect the artistic vision and cultural significance of a work, beyond its mere commercial value.

Despite the clear legal recognition of both rights, judicial practice in Indonesia often shows a bias toward economic rights. This tendency stems from the relative ease of proving commercial harm compared to demonstrating moral damage, which is inherently more subjective. Courts frequently prioritize evidence like revenue statements and audience reach over qualitative assessments of artistic integrity. However, moral rights claims can still succeed, particularly in egregious cases where modifications are blatantly derogatory or culturally insensitive. The complementary nature of these rights is evident in their combined ability to address both the financial and personal dimensions of copyright infringement. For example, a creator might seek royalties for unauthorized use (economic right) while also demanding the removal of a distorted version of their work (moral right).

To achieve a more balanced enforcement of these rights, several improvements could be made. First, clearer guidelines on what constitutes a "distortion" under moral rights would help courts make more consistent decisions. Second, greater emphasis on expert testimony from musicologists or cultural experts could assist in evaluating claims of reputational harm. Finally, streamlining the licensing process for cover songs through collective management organizations would reduce unintentional infringements while ensuring creators receive fair compensation. By addressing these issues, Indonesia's copyright system can better protect both the economic and moral interests of creators, fostering a more equitable and vibrant music industry.

CONCLUSION

This study provides a comprehensive understanding of cover song disputes within the framework of civil procedural law, based on qualitative analysis of the collected data. The findings highlight that many artists, particularly newcomers, encounter significant challenges in navigating copyright regulations, often leading to prolonged disputes. These results underscore the necessity of more adaptive and educational policy development to bridge the knowledge gap among industry stakeholders and ensure legal compliance in the evolving digital music landscape. The implications of these findings extend across social, cultural, and academic dimensions. From a social perspective, heightened awareness of copyright protections can foster a fairer and more equitable music ecosystem, safeguarding creators' rights while promoting responsible artistic expression. Academically, the study contributes to ongoing discourse on copyright law by reinforcing theoretical foundations related to intellectual property in the fields of art and music. Despite its contributions, this study acknowledges certain limitations, including

⁴⁴ Copyright Law, art. 5.

⁴⁵ *Composer A v. Band B*, No. 45/Pdt.P/2019/PN.Bandung (Pengadilan Negeri Bandung).

the relatively small sample size and its narrow focus on a specific legal phenomenon.

Given these limitations, further research is necessary to broaden the scope of inquiry. Future studies should engage a more diverse range of participants from varying industry backgrounds and incorporate mixed-method approaches to provide a more comprehensive and nuanced understanding of legal disputes surrounding cover songs. Expanding the research framework will be instrumental in developing policies and legal mechanisms that effectively balance copyright enforcement with creative freedom, ensuring sustainable growth within the music industry.

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