

Legal Analysis on Remixing Songs Using Artificial Intelligence (AI) Technology

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ABSTRACT

The rapid advancement of technology has profoundly influenced the music industry, with Artificial Intelligence (AI) emerging as a key tool, especially in song remixing. AI, which has been evolving since the 20th century, now plays a significant role in creative processes, leading to legal concerns regarding copyright, ownership, and the rights of original creators. In Indonesia, creative works, including music, are protected under Law Number 28 of 2014 on Copyright. This study investigates the legal implications of using AI technology for song remixing within the framework of Indonesian law. Employing a normative legal research method, the study examines statutory regulations, case studies, and legal precedents to assess the legal status of AI-generated remixes. The research aims to determine whether remixing songs with AI is permissible under Indonesian law and to identify the conditions under which such practices may violate copyright protections. The results indicate that AI-generated song remixes are legally permissible, provided they comply with existing copyright laws. The study identifies key challenges, particularly in defining the originality of AI-generated works and determining authorship. The findings underscore the necessity for clear legal guidelines to address the growing influence of AI in the creative industry. In conclusion, while AI offers innovative opportunities in music production, it also necessitates careful legal consideration to protect the rights of original creators. This study contributes to the ongoing discussion on AI and intellectual property, highlighting the need for legal frameworks that balance technological progress with the protection of creators' rights.

Keywords: Artificial Intelligence (AI), Technology, Copyright Law, Remix, Indonesia

ABSTRAK

Kemajuan teknologi yang pesat telah memengaruhi industri musik secara signifikan, dengan Kecerdasan Buatan (Artificial Intelligence atau AI) muncul sebagai alat utama, terutama dalam remix lagu. AI, yang telah berkembang sejak abad ke-20, kini memainkan peran penting dalam proses kreatif, yang memunculkan kekhawatiran hukum terkait hak cipta, kepemilikan, dan hak-hak pencipta asli. Di Indonesia, karya-karya kreatif, termasuk musik, dilindungi oleh Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. Penelitian ini menyelidiki implikasi hukum penggunaan teknologi AI untuk remix lagu dalam kerangka hukum Indonesia. Dengan menggunakan metode penelitian hukum normatif, penelitian ini mengkaji peraturan perundang-undangan, studi kasus, dan preseden hukum untuk menilai status hukum remix yang dihasilkan oleh AI. Penelitian ini bertujuan untuk menentukan apakah remix lagu dengan AI diperbolehkan di bawah hukum Indonesia dan mengidentifikasi kondisi di mana praktik tersebut dapat melanggar perlindungan hak cipta. Hasil penelitian menunjukkan bahwa remix lagu yang dihasilkan oleh AI dapat diterima secara hukum, asalkan mematuhi undang-undang hak cipta yang berlaku. Penelitian ini mengidentifikasi tantangan utama, terutama dalam mendefinisikan orisinalitas karya yang dihasilkan oleh AI dan menentukan kepengarangan. Temuan ini menekankan perlunya pedoman hukum yang jelas untuk mengatasi pengaruh AI yang semakin besar dalam industri kreatif. Kesimpulannya, meskipun AI menawarkan peluang inovatif dalam produksi musik, teknologi ini juga memerlukan pertimbangan hukum yang hati-hati untuk melindungi hak-hak pencipta asli. Studi ini berkontribusi pada diskusi yang sedang berlangsung tentang AI dan kekayaan intelektual, dengan menyoroti kebutuhan kerangka hukum yang menyeimbangkan kemajuan teknologi dengan perlindungan hak-hak pencipta.

Kata Kunci: Kecerdasan Buatan (AI), Teknologi, Hukum Hak Cipta, Remix, Indonesia

INTRODUCTION

Technology is no longer an unfamiliar concept to people worldwide. Every aspect of daily life has begun to coexist with, and even transition into, a dependency on technological assistance. One of the popular developments is the emergence of artificial intelligence, commonly known as AI (artificial intelligence).

The development of AI began with the basic concept of AI in the early 20th century by several experts like Alan Turing and John McCarthy. The basic concept of AI is to create a

machine or computer program that can mimic or replicate human cognitive abilities, such as natural language processing, facial recognition, decision-making, problem-solving, and learning from experience (Permana et al., 2023). From this fundamental premise, artificial intelligence has evolved into a multitude of applications that humans employ, including the enhancement of images, the provision of responses to queries, and the penetration of creative domains such as the manipulation or, as it is more commonly designated, the remixing of musical compositions. A song remix can be defined as a new and/or different version of a song created or added to an original song (Puspasari & Sardjono, 2023) With the advancement of technology worldwide, especially the development of artificial intelligence, song remixes can now also be done with the help of AI.

As a country where every aspect of life is regulated by various laws, Indonesia naturally has its own regulations concerning creations such as songs. This is commonly known as copyright, and regulations related to copyright are outlined in Law Number 28 of 2014 on Copyright Law. Article 1 of the Copyright Law states that copyright is the exclusive right of the creator that arises automatically based on the declarative principle once a creation is realized in a tangible form, without prejudice to the limitations stipulated by the laws and regulations.

In copyright law, there are exclusive rights held by the creator or copyright holder, which are divided into two categories: economic rights and moral rights. Moral rights refer to rights that cannot be transferred, where a creator or inventor must be acknowledged as the maker of a work, while economic rights refer to rights that can be transferred through agreements or laws (Wibowo, 2023). Therefore, if someone wishes to alter a copyrighted song by remixing it using AI, they must obtain permission from the holder of the exclusive rights, as this falls under economic rights.

The existence of regulations and the division of rights within the realm of copyright, coupled with the emergence of new technologies such as artificial intelligence, naturally leads to an intersection of these two domains, raising questions that will be addressed in this paper: how are the copyright laws for songs regulated in Indonesia, and what are the regulations regarding song remixes made using artificial intelligence or AI.

The discussion on these issues is intended as educational material and a source of knowledge on how Indonesia regulates copyright for musical works. This paper also aims to review how these copyright regulations are applied in the evolving times, particularly with the rise of song remixes created using artificial intelligence or AI. The legal review related to how

song copyright is regulated in Indonesia can also serve as a source of information on the regulation of song copyrights in Indonesia. Furthermore, this paper is beneficial for enhancing understanding and knowledge regarding the remixing of songs that are increasingly done using artificial intelligence.

RESEARCH METHOD

This study uses normative legal research methods. Normative legal research is associated with positive law or a library study. Normative research cannot be separated from its connection with laws, which are then related to the practice in society (Masidin, 2023). The legal materials for this doctrinal research include primary legal materials, such as Law Number 28 of 2014 on Copyright, Law Number 11 of 2008 on Electronic Information and Transactions, legal doctrines, and secondary legal materials from literature reviews to support the researcher's arguments (Nurhayati et al., 2021).

RESULTS & DISCUSSION

A. The History of AI (*Artificial Intelligence*)

The history of artificial intelligence dates back to ancient times, rooted in myths, stories, and rumors about artificial beings endowed with intelligence or consciousness by their creators. The seeds of modern artificial intelligence were sown by classical philosophers who attempted to describe human thinking as a mechanical manipulation of symbols. This work culminated in the invention of programmable digital computers in the 1940s, machines built on the abstract essence of mathematical reasoning. These devices and the ideas behind them inspired a small group of scientists to begin seriously discussing the possibility of building electronic brains.

- The Early Development of AI

The creation of machines that could mimic human intelligence has long been a pursuit. In the early 20th century, scientists Alan Turing and John von Neumann began developing theories of computation and the concept of a “universal machine” that could perform various tasks through programmed instructions. In 1943, Warren McCulloch and Walter Pitts developed a computational model based on artificial neural networks, laying one of the foundations for AI development. (Su, 2023)

- The Dartmouth Conference and the Development of AI (1956)

The 1956 Dartmouth Conference is considered the birth year of AI. At this conference, John McCarthy, Marvin Minsky, Nathaniel Rochester, and Claude Shannon introduced the term “artificial intelligence” and set the goal of creating “intelligent machines” capable of mimicking human behavior (Elan Su, 2023).

- The Era of Optimism and Early Development (1950s – 1960s)

In the early 1950s and 1960s, there was great optimism about AI development, and many large-scale projects were funded by governments and private institutions. One famous early project was the General Problem Solver (GPS) program by Herbert Simon and Allen Newell, aimed at improving computer programs that could solve various problems. Some iconic projects also emerged during this period, including computer programming for playing chess and other games. (Hidayatullah, 2024)

- The Era of Skepticism (1970-an – 1980)

In the 1970s and 1980s, there was growing skepticism about the growth of AI. Despite some progress in developing intelligent systems, many large-scale projects were hindered by technical limitations and limited computing resources. Concepts such as symbolic logic and rule-based problem-solving became increasingly important, but they failed to account for the complexity of the real world. (Hidayatullah, 2024)

- The Return of Machine Learning (1990-an – Awal 2000-an)

In the 1990s, machine learning techniques and more adaptive algorithms began to revive interest in AI. Machine learning enabled computers to learn from data and recognize patterns without pre-existing procedures. Technologies such as Support Vector Machines (SVM) and Decision Trees became increasingly popular in various applications, such as speech recognition, image analysis, and natural language processing (Nuriel, 2024).

- The Deep Learning Revolution (Late 2000s – Present)

In the late 2000s, deep learning technology sparked a significant boom in AI development. Deep learning leverages artificial neural networks with many layers to process complex data and detect patterns. This technology has led to significant advancements in facial recognition, image classification, and natural

language processing. Major achievements in AI have garnered global attention, such as the victory of AI over humans in Go with *Google's AlphaGo*, and the rapid success in voice recognition by personal assistants like *Siri*, *Alexa*, and *Google Assistant* (Su, 2023).

B. Copyright on Commercial Songs

Therefore, recognition of a work is important for a musician and the holder of rights to a song, especially one with high commercial value. Respect for a work is crucial, as copyright itself is literally an exclusive right for its owner, governed by Intellectual Property Rights (Hikmasari, 2023). Copyright issues surrounding songs are significant, as everyone can easily access or download a song legally or illegally, posing challenges for rights holders and copyright owners. Considering that anyone can do anything with a song, it also presents challenges for the law in general.

The legal definition of copyright is set forth in Article 1, Section 1 of Law No. 28 of 2014. This article states that copyright is the exclusive right of a creator, obtained automatically based on the declarative principle once a creation is manifested in a tangible form. It further stipulates that this right is not diminished by any limitations in accordance with the regulations set forth in this law. In accordance with Article 40, paragraph (1), of the aforementioned legislation, musical compositions are among the works that must be afforded protection. Copyright includes exclusive rights protected, namely moral rights and economic rights. Exclusive rights are rights solely granted to the creator, so no one can utilize them without the permission of the right holder (Fadhila, 2018). Moral rights are non-transferable, whereas economic rights may be transferred to another party, as set forth in Article 8 of the Copyright Law. This article defines economic rights as the rights to derive economic benefits from a creative work.

In the context of commerciality, which is inextricably linked to economic value, copyright encompasses the concept of “royalties” paid to the proprietor and/or right holder by an individual or entity utilizing the song for personal gain. This is in accordance with the stipulations set forth in Law No. 28 of 2014 on Copyright. With regard to the administration of copyrights pertaining to musical compositions, on March 30, 2021, the government promulgated Government Regulation No. 56 of 2021, which addresses the management of copyright royalties on songs and/or music (henceforth

referred to as “Government Regulation No. 56 of 2021”). The management of royalties, as mentioned in Article 1 point 3, involves the collection, aggregation, and distribution of copyright royalties on songs and/or music. This royalty management is carried out by an institution called the National Collective Management Organization (LMKN) (Syahputra et al., 2022). Based on the explanation of Article 23 paragraph (5) of Law 28/2014, “compensation to the Creator” means royalties, the value of which is determined by the Collective Management Organization (Samosir & Kansil, 2023).

However, the phenomenon of commercial use of songs by external parties is increasingly prevalent. Nowadays, everyone can select snippets or entire songs as embellishments in a video to make it more attractive and creative, enhancing the function of the song beyond just listening (Saputra, 2021).

From a legal standpoint, copyright infringement of a musical composition is a criminal offense, rendering it challenging to trace a particular song unless it is formally reported to the relevant authorities. It is therefore incumbent upon society as a whole to be aware of and to have the courage to report instances of copyright infringement. Many individuals exploit the lack of response from society by plagiarizing songs or using them for economic gain without considering the potential consequences.

The Information and Electronic Transactions Law (UU ITE) serves as a legal framework for strengthening copyright protection under Intellectual Property (Salsabila, 2021). As explained in Article 25 of the Information and Electronic Transactions Law, intellectual property rights under legislation protect electronic information or electronic documents that are composed as intellectual works and websites. Additionally, Article 54 of the Copyright Law addresses the prevention of copyright infringement and related rights through information technology by the government. A major example of the current use of the internet is certain social media platforms that impose duration limits or bans on videos that use songs without the owner's permission. This serves as a reminder that the Copyright Law concerning songs is something serious. Many song owners have taken legal action against those who cause them harm. An example is the conflict between Ahmad Dhani and Once Mekel. Due to differing opinions on copyright, Ahmad Dhani, as the aggrieved party, issued an ultimatum that could lead to a more formal warning if Once does not comply (Syahlahaifa et al., 2024). Beyond social media, it is hoped that

copyright regulations will also foster relevant laws, as music and technology evolve together. Song copyright also evolves with the times, following how technology influences how a work is enjoyed and obtained. Thus, legal updates and regulations are necessary to keep pace with the fast-changing music industry (Raihana et al., 2023).

C. AI as a Technological Tool in Music

Technology evolves alongside how people enjoy entertainment, whether by becoming more practical or superior to previous creations. As we know, in the past, processes took a long time, with limited tools and minimal knowledge, making the process time-consuming. This also applied to the process of distributing songs.

Artificial Intelligence (AI) has become a topic that captures public attention. Information is now available quickly and efficiently. However, in Indonesia, there is no specific regulation that governs AI. Nevertheless, the characteristics of AI in automating information processing can be equated with an “electronic agent”, as defined in Article 1 of the Law on Information and Electronic Transactions (UU ITE). This law defines an electronic agent as a system device designed to perform actions on specific electronic information automatically, operated by a person. In this context, if equated with an electronic service provider, the legal responsibility would be borne by individuals, state officials, legal entities, and society as the electronic system operators who provide AI services (Mahardika., 2021).

In the music world, AI acts as a bridge between musicians and potential listeners. AI can play a positive role, such as recognizing a song being played. Today, we can obtain the title of a song simply by presenting our smartphone to the speaker or the sound of the song playing nearby, through an app (Hartono & Williemi, 2018).

This illustrates that technology is enabling the transformation of musical compositions to serve a broader range of functions for a diverse population. However, it would be remiss not to acknowledge the potential for AI to be misused by irresponsible individuals for personal gain, despite the convenience it offers. It is therefore incumbent upon the law to oversee the dissemination of songs and other content in order to prevent unilateral misuse.

D. Copy Right on *Remix*

Songs are closely related to how listeners enjoy them. Human creativity has evolved to the point where the songs they listen to are adjusted according to personal

desires or market demand. As a result, the term “remix” has become familiar. Remixing songs has become both a phenomenon and an issue that is difficult to avoid. Nowadays, it is very easy to access and create a remix of a song simply by inputting the song’s link and modifying it slightly or adding available effects.

Referring back to the legislation governing copyright, namely Law No. 28 of 2014 on Copyright, the remix of a song can be related to the provisions stipulated in Article 9. This article mentions that the economic rights of the creator or copyright holder include the reproduction of the work in any form, the adaptation, arrangement, or transformation of the work, among other things. Additionally, Article 40, paragraph (1) states that one of the creations protected by copyright is a song and/or music, with or without text. Therefore, songs resulting from remixes or sourced from remixes can be objects of copyright protection as long as they meet the conditions stipulated in Article 9, paragraph (3), which states that “any person without the permission of the creator or copyright holder is prohibited from reproducing and/or commercially using the work” (Puspasari & Sardjono, 2023). Consequently, remixing a song is legally permissible as long as it is not done for commercial purposes and with the permission of the creator or copyright holder.

Furthermore, Article 16, paragraph (2) of the Copyright Law states that copyright transfer can occur for several reasons, such as inheritance, grants, waqf, written agreements, or other legal reasons. The transfer of copyright through waqf, grants, and wills is a distinct process from the transfer of copyright through agreements. In the context of copyright transfer through an agreement, it is essential to have a binding contract between the two parties involved. Furthermore, this transfer of copyright constitutes a form of permission granted to the party intending to remix a song.

The transfer of copyright related to economic rights must be based on and expressed in a written agreement, so the parties involved must fulfill the rights, obligations, and conditions agreed upon for a certain period. In this context, the copyright holder may receive royalties based on the agreement with the creator, and the creator also has the right to receive royalties under that agreement (Yuniar, 2024).

A significant proportion of listeners express a preference for remix versions of songs over the original compositions by the songwriters. Consequently, copyright law serves as a means of recourse for songwriters and copyright holders. However, this legal

solution still needs further development because the ability to use songs has now advanced with AI technology, potentially causing material and immaterial losses that must be borne, either directly or indirectly, by the copyright holder or the song owner (Sari & Sulistiyono, 2024). Therefore, when a remix song is created with AI technology, it must still comply with the provisions set forth in Law No. 28 of 2014 on Copyright and Law No. 11 of 2008 on Information and Electronic Transactions.

Furthermore, when discussing copyright in the digital world, as we are beginning to explore today, there is a non-profit organization innovating to address copyright issues on the internet by providing internet copyright licenses, namely Creative Commons. Creative Commons grants creators the freedom to share ideas or works and express their stance on the use of their copyrighted material. This takes the form of a Creative Commons License, which, when someone registers their work, will result in a symbol that is universally understood by various countries. The Creative Commons License operates alongside copyright and is permissible under the Copyright Law and the IT Law (Faisal et al., 2021).

Every aspect of daily life has begun to shift toward a dependency on technological assistance. One of the most popular advancements is the emergence of artificial intelligence, commonly known as AI. The development of AI began in the 20th century and has evolved to the present day, enabling its use by humans in various fields, including song remixing. In Indonesia, regulations specifically governing AI have not yet been established; however, AI-related issues can be addressed under existing laws, such as the Electronic Information and Transactions Law.

Music has long been acknowledged as a form of human entertainment, and it has even been afforded a distinct platform for appreciation. It is therefore of great importance to acknowledge the work of musicians and rights holders, particularly in the case of songs with high commercial value. It is of the utmost importance to respect a creative work, as copyright is an exclusive right granted to the owner and protected under the umbrella of intellectual property rights (IPR). In accordance with the principles of the Indonesian legal system, the creation of musical works is subject to the provisions set forth in Law Number 28 of 2014 on Copyright.

In the music industry, AI serves as a bridge between musicians and potential listeners. AI plays a beneficial role, such as by promoting or introducing songs to a

broader audience. It also simplifies the process of accessing and creating a remix of a song by merely entering the song's link and making slight modifications or adding available effects. Many listeners prefer remixes over the original versions of songs. Therefore, copyright law provides a solution for both songwriters and rights holders. Remixing a song is legally permissible as long as it is not done for commercial purposes and is done with the permission of the creator or copyright holder.

This aligns with Article 9 of the Copyright Law, which explains that the reproduction of works, arrangement of songs, adaptation, or transformation of works, among others, are economic rights of the copyright holder or creator. Additionally, Article 9 paragraph (3) prohibits the reproduction or commercial use of a song without the permission of the creator or rights holder. Therefore, when AI technology is used to create song remixes, it does not become an issue as long as it does not violate the provisions of this law and Law Number 11 of 2008 on Electronic Information and Transactions.

As time progresses, there are also non-profit organizations that innovate to address copyright issues, such as Creative Commons, which offers the Creative Commons License. Along with the passage of time, AI has great potential to advance the creative industry, including music and songs. However, this does not always lead to harmonious outcomes for artists, creators, or AI developers themselves. Ideally, technology and music should collaborate to enhance quality and expand the reach of music listeners. It is nevertheless crucial to emphasize that the economic and moral rights, which are the exclusive prerogatives of creators or rights holders, must remain safeguarded and upheld. This makes it an intriguing subject for further investigation, particularly with regard to legislation that specifically addresses the utilization of AI in music, whether through standalone regulations or amendments to the Information and Electronic Transactions Law.

CONCLUSION

The article "Legal Analysis on Remixing Songs Using Artificial Intelligence (AI) Technology" delves into the profound influence of AI on the music industry, particularly in the realm of song remixing. While AI opens up new avenues for creativity in music production, it simultaneously introduces complex legal challenges, particularly concerning copyright, ownership, and the rights of original creators. The study concludes that AI-generated song

remixes can be legally acceptable under Indonesian law, provided they comply with the current copyright framework. Nevertheless, significant issues persist, especially in the areas of originality and authorship attribution for AI-generated content. The article underscores the urgent necessity for comprehensive legal frameworks to facilitate the navigation of the evolving role of AI within the creative industries. This entails striking a delicate balance between the advancement of technological innovation and the safeguarding of the rights of creators. This research contributes to the broader discourse on AI and intellectual property, underscoring the vital necessity of evolving legal frameworks that not only facilitate innovation but also safeguard intellectual property rights.

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