

Implementation of Music Copyright Protection Policy in the Era of Digital Transformation at the Ministry of Law and Human Rights

Rizka Selvira¹, Izzatusolekha², Rahmat Salam³

^{1,2,3}Universitas Muhammadiyah Jakarta, Indonesia

Email: rizka_s.22010500011@student.umj.ac.id

Abstract

The implementation of music copyright protection policies has experienced significant shifts during the digital transformation. Digitalization impacts the economy, society, and government services, creating gaps that can render policies irrelevant. In the music industry, the proliferation of pirated content harms not only creators but also the country's creative sector. This research aims to address copyright protection for songwriters amid digitalization and the challenges in enforcing copyright law. Using qualitative descriptive methods, the study hypothesizes that certain underlying factors contribute to the failure of copyright enforcement. Results, analyzed through Van Meter and Van Horn's theory, reveal weaknesses in ambiguous policy standards, inadequate examination by policymakers, non-compliance with SOPs by implementing organizations, and a lack of synchronization among stakeholders, leading to ineffective enforcement and weak government protection for copyright holders. Therefore, it is essential to conduct factual studies to reassess standards, involved organizations, and active stakeholders in policy implementation. Expanding regional and national initiatives through workshops to raise public awareness about copyright is crucial, alongside comprehensive socialization efforts targeting policymakers, musicians, and consumers.

Keywords: Policy Implementation, Copyright, Digitalization.

A. INTRODUCTION

In Asia Pacific, a BSA global survey (CNBC, 2020) showed that 83% of software in Indonesia is pirated, far above the regional average of 57%. Jared Ragland, Senior Director of Asia Pacific Policy, stated that Indonesia has related laws but is less active in enforcing them, so it needs to learn from other countries in combating piracy. Digital transformation has changed many aspects, with digital technology penetrating various economic sectors (Ptashkina & Ciuriak, 2019). In addition to driving economic growth, digitalization brings social and political disruption (Chou, 2019), and digital accessibility is now the foundation for the next generation of innovation in the global era.

With increasing digitalization in the economic, social, and political sectors, digital transformation is now being applied to government services. Australia, for example, launched the Digital Transformation Office (DTO) to integrate various professionals (Goggin & Martin, 2016). In Germany, digitalization is also applied in the energy sector and public policy issues (Berzina & Chase, 2018). Digitalization in

Indonesia continues to develop in various sectors as a step forward, although it still faces challenges, especially related to the role of digital actors.

Research by Riyanto and Winasis (2020) shows that digital transformation in banking has a negative impact on the psychological condition of employees. In the MSME sector, human resources are the main obstacle (Chaniago & Farhani, 2021). In the education sector, lack of facilities and readiness are challenges. In the music industry, digitalization has dominated, from digital downloads to music licensing for films and advertising. BTS, for example, helped the music industry achieve revenues of up to \$21 billion, according to Mark Savage.

In Indonesia, the use of digital music is increasing, impacting the accessibility of illegal music provider sites. Graph 1.3 shows that music content on YouTube is the most watched, after film content. According to the IFPI, more than 443 million people now subscribe to music streaming, with 102 million new accounts added last year, compared to 85 million in 2019 and 79 million in 2018. Despite a 29% increase in subscriptions, streaming revenues grew only 19.5% due to lower bundle prices in new markets such as India and Russia. The IFPI Global Music Report highlights the power of music to entertain and lift people's spirits during the pandemic (Frances Moore, BBC Music Reporter, 23 March 2021).

Zhafira (2021) highlighted that piracy is still a major challenge for the music industry in the digital era, especially because of the ease of converting videos to MP3. Braniko Indhyar, General Manager of ASIRI, stated that Indonesia ranks second in Southeast Asia regarding piracy rates, with around 70 percent of music obtained from streaming. This requires attention from the Ministry of Communication and Information and the Ministry of Law and Human Rights to close down piracy sites.

A survey by the Indonesian Video Streaming Association (AVISI) (2023) involving 1,000 respondents showed that piracy in Indonesia is detrimental to the country and the digital economy sector. As many as 81 percent of respondents felt that the creative industry had experienced a drastic decline due to pirated content. This study will focus on piracy of music content and copyright protection by the government. Although digitalization makes it easier for musicians to introduce their work, technological advances also have a negative impact on copyright.

According to Nistanto & Clinton (2020), a survey by the Business Software Alliance (BSA) in 2017 showed that 83% of software in Indonesia was pirated, with a commercial value reaching US\$1.095 billion (around Rp16 trillion). Tarun Sawney from BSA stated that there was no decrease in the use of pirated software between 2013 and 2017, where 84% of the software in circulation at that time was also pirated, worth US\$1.4 billion (Purnama, 2023).

To overcome pirated software, Sawney and Jared emphasized the need for cooperation between the government and software companies. Daniel noted that Indonesia ranks second in the percentage of pirated software users after Venezuela, with a commercial value of around one billion US dollars. Factors driving the use of pirated software include limited price and access, as well as low literacy regarding the benefits of original software.

Intellectual Property Rights (IPR) play an important role in life, related to technology, economy, and arts and culture. Protection of IPR, especially music copyright, is very important because musical works are produced through sacrifice of time, effort, and cost. Indonesia has laws to protect copyright. Music copyright is divided into three categories according to the Indonesian Ministry of Tourism and Creative Economy (2022): 1) Mechanical Rights: royalty rights from song production; 2) Performance Rights: royalty rights from song performances; 3) Synchronization Rights: royalty rights when songs are used in films or advertisements. The 2019 Public Satisfaction Index Survey showed an increase in satisfaction regarding IPR, with a score of 3.3 compared to 3.26 in 2018 (Annual Report of the Directorate General of Intellectual Property, 2019).

Copyright law in Indonesia was first regulated by Presidential Decree No. 17/1988, followed by Law No. 19 of 2002, and updated by Law No. 28 of 2014. In 2021, the government issued Government Regulation (PP) No. 56 of 2021 concerning the Management of Copyright Royalties for Songs and/or Music, which regulates the obligation to pay royalties for the use of songs and music commercially or for public services.

However, with the increasing number of regulations to protect copyright, the issue of piracy has also increased. The Directorate General of Intellectual Property (2022) noted an acceleration in copyright registration through the Automatic Copyright Registration Approval Service (POP HC), but content on platforms such as TikTok and YouTube that is monetized without copyright remains a problem.

Setiawan (2021) explains that digitalization, especially on social media, has increased piracy with many cover songs being recycled and consumed more widely than original songs. In this context, the gap between copyright laws, PP, and government efforts to combat song piracy is a major concern.

The issue of policy implementation is also important to review. According to Van Meter and Van Horn (Siregar, 2022), the effectiveness and performance of policy implementation are measured based on the achievement of certain standards and targets. This study aims to analyze government policies in protecting musical creations in the era of digital transformation. The Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights faces many obstacles in controlling digital content, so consolidating the government's role in protecting copyright is crucial. The government is caught between demands for copyright protection from musical creators and the challenges of the increasingly rapid digital transition.

B. LITERATURE REVIEW

1. Policy

Policies are decisions taken for the benefit of the wider community. Policies refer to a series of purposeful actions. Policies have outcomes in the future. Policies also refer to a series of actions, emerging from a process involving organizational relationships. Policies also involve the role of policy agents. There are many opinions

about the definition of policy according to experts. The three theories of policy implementation above illustrate some similarities in the variables in the policy implementation process. The first point is that in the policy implementation process, there needs to be an appropriate policy target, in this study, it is the individual songwriter who owns the copyright.

The second point is the policy organization, which in terms of policy makers is the Government that implements the policies that have been formulated. While in terms of policy, targets are private organizations that carry out policy implementation. The third point is disposition and compliance in the policy implementation process. This involves individuals who are the target of the policy, the success of a policy is very dependent on the alignment of the disposition of the target individuals of the policy, piracy occurs due to the lack of disposition of these individuals towards copyright policies.

Hogwood and Gunn in their book mention 10 uses of the term policy, namely: as a label for a field of activity, as an expression of general goals or expected state activities, as a specific proposal, as a government decision, as formal authorization, as a program, as output, as an outcome, as a theory or model, and as a process. From several definitions and opinions above, it can be concluded that policy is a decision made by authorized officials for the public interest which is arranged in such a way as to be implemented and accounted for as a logical consequence in actions and statements by the government.

2. Public Policy

The terminology of public policy refers to a series of implementation tools that are broader than legislation, including aspects of the budget and implementing structure. The public policy cycle can be associated with policy making, policy implementation, and policy evaluation. Public involvement in each stage of the policy can be a measure of the level of state compliance with the mandate of the people who are sovereign over it.

In solving a problem, the government has a tool, namely a policy. Dewey said that public policy focuses on the public and its problems. Heiden Heimer said that public policy discusses how these issues and problems are formulated and defined, and how all of them are placed on the policy agenda and political agenda. In addition, public policy is also a study of how, why, and what the effects of active (action) and passive (inaction) government actions are.

In his book Thomas R. Dye states public policy is whatever the government chooses to do something or not to do something. According to Dye, if the government chooses to do something, of course, there is a purpose because public policy is an "action" of the government. If the government chooses not to do something, it is also a public policy that has a purpose. Easton defines public policy as the authoritative allocation of values for the whole society or as the forced allocation of values to all members of society. Laswell and Kaplan also define public policy as a projected

program of goals, values, and practices or a program to achieve goals, and values in directed practices.

A policy is produced through a series of activities carried out by policy actors through the public policy process. The public policy process is a series of intellectual activities carried out in a political activity process. Political activities in the public policy process according to William N. Dunn go through 5 stages which include:

- a. The stage of formulating the problem by collecting information about the conditions that cause the problem;
- b. The forecasting stage provides information about what will happen in the future from the implementation of policy alternatives, including if no policy is made;
- c. The policy recommendation stage provides information about the net benefits of each alternative, and recommends the policy alternative that provides the highest net benefits;
- d. The policy monitoring stage provides information about the current and past consequences of the implementation of policy alternatives including their constraints;
- e. The policy evaluation stage provides information about the performance or results of a policy.

So it can be concluded according to experts that public policy is a set of government actions designed to achieve certain results expected by the public as government constituents. Public policy is a legal and legitimate choice of action because public policy is made by an institution that has legitimacy in the government system.

3. Copyright

Research Institute-LP2M (2021) defines copyright as "a special right for creators to announce or reproduce their creations." Protected creations include works in the fields of science, literature, and art, where copyright is granted exclusively to creators, namely individuals or groups who produce works based on their thoughts, imagination, skills, and expertise.

The Indonesian government has issued Law No. 19 of 2002 concerning Copyright, which regulates intellectual works in the fields of science, art, and literature. This copyright not only protects the form of the work, but also ideas, procedures, methods, or concepts that are expressed in a fixed form. Copyright protection aims to provide space for the development of the spirit of creation (Institute for Science and Technology Areas, IPB Innovation). Copyright registration is not an absolute requirement to obtain protection, but rather as proof, with provisions regarding the scope of copyright, duration of protection, and penalties for violations.

The era of digital transformation brings new challenges for the government in protecting copyright. Collaboration with technology is an important trend in this protection effort (Simatupang, 2021). This transition requires the government to take action that is not only appropriate but also fast, considering the challenges of piracy

which are now not only physical, but also virtual, so that the number of violations is increasing.

Copyright Law Number 19 of 2002 Article 1 paragraph 1 defines copyright as "the exclusive right for the creator or recipient to announce or reproduce his creation or grant permission for it without reducing the restrictions according to applicable laws and regulations." Meanwhile, Copyright Law Number 28 of 2014 which was enacted on September 16, 2014, explains that copyright is the exclusive right of the creator that arises automatically based on the declarative principle after the creation is manifested in a tangible form.

Based on this understanding, it can be concluded that copyright is "a special right owned by the creator over works in the fields of science, art, and literature that can be defended against anyone who violates these rights following the provisions of applicable laws." Examples of works protected by copyright include books, music, films, computer programs, dramas, and paintings.

The limitations of copyright coverage are explained in Law Number 28 of 2014 Chapter 1 Article 1, which states that copyrighted works are works that have been registered through Intellectual Property Rights (HKI) or other institutions such as LKMN. In this context, copyright protection regulated by laws and government regulations becomes more challenging, especially with the increase in piracy facilitated by digitalization.

C. METHOD

This study uses a descriptive qualitative method to analyze the copyright protection policy implemented by the Government, which is considered ineffective in overcoming music piracy in the digital era. This approach is relevant because the policy dimension is highly dependent on cultural conditions. Piracy is caused by various factors, and the ineffectiveness of copyright protection is also influenced by many elements. Using Van Meter Van Horn's theory, this study identifies that the current policy does not explain in detail and has ambiguous goals, so efforts to eliminate piracy have not been successful. Some variables hinder implementation, which has an impact on policy targets. This study will also examine the issue of piracy and the impact of digitalization, with primary data obtained through interviews with related parties. The conclusion of this study shows that piracy can be overcome with more effective copyright protection and up-to-date policies.

D. RESULT AND DISCUSSION

The results of this study are based on data and facts in the field based on the results of interviews with informants referring to the implementation indicators of the Van Meter Van Horn Policy on the Implementation of Musical Copyright Protection. These indicators are used as a benchmark for how successful the coordination is or is not. So that the results of this study can be used as a consideration by related agencies to achieve the desired goals. This study found a lot of information and facts in the field from informants regarding the implementation of the policy. The results of the study

include documents or policies, results of field interviews, and observations made in the field.

1. Policy Standards and Targets/Policy Measures and Objectives

The law provides legal protection for creations in the form of song artwork, music, and songs intellectual property that must be registered with the Directorate General of Intellectual Property (DJKI). Song copyright is an exclusive right obtained by musicians from the creation of the artwork. The performance of policy implementation must be assessed based on clear standards and targets so that success can be measured from realistic policy objectives and following the social and cultural context (Witaradya, 2010).

However, technological developments have led to an increase in copyright infringement, raising questions about the targets of the policy itself (Manurung & Angelita, 2013). The issue of ignoring moral rights and economic rights is a major problem for musicians in the digital era.

In Law Number 28 of 2014, the lack of proportionality between targets and policy standards creates ambiguity in implementation (Sugihono, et al., 2024). The government only protects registered copyrights through institutions such as LMK. In addition, law enforcement, transparency of the royalty distribution system, and unclear supervision indicate that the targets of the policy are not well defined, making it difficult to achieve the targets (Pangestu, et al., 2023). Enforcement of unregistered infringements is also a challenge because the law only regulates registered works. Negligence in implementation is caused by unclear targets and policy standards. An overview of copyright law shows that the policy process is based on three aspects: response to technological developments, protection of the creative economy, and protection of the economic rights of creators. Copyright alignment must adapt to technology, and copyright registration is a way to protect works and provide taxes for the state, while the economic rights of creators are protected if their works are registered to avoid piracy and plagiarism.

However, from the perspective of Van Meter Van Horn's theory, the ambiguity of the policy's targets is visible. First, copyright formulated by the Government does not have clear target specifications for protecting creative works. Second, although the state hopes that this policy will benefit the implementers, the country's economy will benefit. The role of the implementers of the policy as the actual target is less considered, so the policy is unrealistic and does not match the socio-cultural context. Third, if copyright protection only covers those registered, who protects creators who do not register their works? This creates an imbalance in protection.

Furthermore, the CEO and Founder of Musik Blast emphasized that the law and implementation process are irrelevant because the policy targets do not meet the needs of the implementers. Existing policies do not regulate the rights and obligations between consumers and creators. This ambiguity leads to ineffective policy enforcement, and piracy is not a target addressed by copyright policy.

The CEO and Founder of Musik Blast identified several weaknesses in music copyright regulations in Indonesia that hinder the achievement of standards and policy targets. First, the lack of law enforcement even though the government provides forums such as LMKN and LMK, weak legal sanctions make copyright infringement and non-compliance with royalty distribution still common. Second, the non-transparent royalty distribution system such as the WAMI case shows a lack of clear parameters, thus creating injustice for songwriters. Third, the lack of supervision and audit by authorities, including the government and the Directorate General of Copyright, results in a lack of accountability in the management of royalties. Finally, the lack of direct government involvement in ensuring that the functions of institutions such as LMKN and LMK are following regulations is an additional obstacle to the effectiveness of copyright regulations.

2. Resource

According to the Director of Copyright and Industrial Design of the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights, a basic understanding of song copyright needs to be known by songwriters and musicians, including:

- a. Mechanical rights authorize record labels to make physical releases of songs after arranging a contract with the creator regarding royalties.
- b. Synchronization rights give creators exclusive rights to issue licenses for their work so that it can be used in films, advertisements, and TV programs, with royalties obtained from such use.
- c. Electrical transcription rights allow song works to be transcribed in electrical form for purposes such as games and karaoke.
- d. Master usage rights relate to the original recording of the song; these rights can be owned by the record label or the musician depending on who does the mastering.
- e. Grand rights authorize creators to allow the use of their work in performances, such as opera and theater, with the necessary permission.
- f. Print rights regulate the printing of works in print media, which also requires permission from the copyright holder.

The success of implementing policies to realize these rights is highly dependent on the ability to utilize available resources. Humans are the most important resource in determining the success of a policy implementation. Each stage of policy implementation requires qualified human resources following the work required by the policy that has been politically determined (Witaradya, 2010). However, in the article of the Ministry of Tourism and Creative Economy/Baparekraf RI (2023) it is stated that the lack of awareness of musicians and songwriters results in deprivation of their economic and moral rights. It is emphasized that many musicians do not understand how to register the copyright for the works or music they produce.

The phenomenon of the failure of copyright policy implementation in Indonesia shows a lack of adequate resources to understand and implement it. Idrus

et al. (2023) emphasized that human resources are an important factor in the success of policy implementation. Technological advances also facilitate access to music platforms, but this increases piracy in the digital era, resulting in copyright protection issues. Jaman et al. (2021) stated that "the spread of the internet has led to increased violations of creations, and it is difficult to identify violators."

This issue has an impact on copyright policy, where the government must consider technology in formulating and implementing policies. In addition to human resources and technology, financial resources and time are also crucial for the smooth administration of policies, including the necessary budget and incentives. According to the Director of Copyright and Industrial Design, Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights, the implementation of copyright policy in Indonesia has not been optimal even though the music industry contributed up to 6.8 trillion to the economy in 2021. Many musicians do not understand the importance of copyright, which causes them not to register their works and not get proper financial welfare.

This lack of knowledge is a major obstacle to copyright protection, as a license from the copyright holder is required to display artwork in print media. Policy analysis shows that a lack of technological and digital skills hampers policy formulation and implementation. The speed of music distribution and digital infringement poses challenges for policy makers and implementers, who are often unable to cope with demand due to limited digital skills. In addition, copyright law does not set time targets or financial provisions for achieving policy implementation, hampering its effectiveness.

3. Relationship between Organizations and Implementation Activities

Currently, the government has provided a forum for claiming royalties through the Collective Management Institution (LMK) or Wahana Musik Indonesia (WAMI) following Copyright Law Number 28 of 2014. LMK is responsible for managing copyright royalties in the field of songs and music, including attracting, collecting, and distributing royalties from commercial users (Respati et al., 2016).

In the digital era, digital streaming platforms (DSPs) play a positive role in protecting musical works from piracy. By registering works on the DSP, automatic protection is provided, but the main challenge now shifts to the regulation of royalty distribution. Many argue that the law on royalties is not optimal, often late in providing fair compensation for music creators. On the other hand, the system in the DSP is considered adequate to protect copyright, so government intervention is less necessary. The system in the DSP must be strengthened to ensure fair distribution of royalties, allowing musicians and songwriters to receive proper compensation without depending on government regulations.

An example in 2016 showed success in East Java in combating CD piracy, especially for dangdut and campursari songs, which were allegedly protected due to association with pirates. However, weaknesses in the system remain, as revealed in

Kusumaningsih's (2024) research that copyright law focuses more on dispute resolution than on protecting works on digital platforms.

Effective policy implementation depends on understanding and communicating the standard objectives of the policy to implementers. The key to success lies in the consistency and uniformity of information from various sources (Witaradya, 2010). An interview with the CEO and Founder of Musik Blast revealed that copyright laws, especially those related to the piracy of musical works, are considered irrelevant in the digital era. Some of the reasons given for the ineffectiveness of this policy include:

- a. The rapid development of technology and digital distribution is not in line with existing regulations, creating legal loopholes that can be exploited.
- b. Old laws do not properly regulate monetization models on platforms such as YouTube and streaming services, which are complex, such as revenue from advertising, donations, and paid subscriptions.
- c. Enforcing copyright laws is difficult across countries, considering that music content can be accessed globally in seconds.
- d. Digital technology makes piracy easier, creating challenges for law enforcement to deal with violations that occur massively and quickly.
- e. Legal uncertainty arises because the rights and obligations of consumers and creators are not regulated.

The position of copyright law in the implementation process has declined because the object of the policy does not match the implementation activities of the policy (Noviantori, 2024). The content of the copyright law only covers certain areas and does not address technological developments.

The CEO of Musik Blast thinks that full protection must be supported by the Government through Digital Rights Management (DRM) and increasing legal awareness regarding the use of technology is very necessary to protect copyright. Furthermore, regulation of the use of song copyrights in events such as hotels, restaurants, cafes, and other events is very important. The government should be more active in socializing the importance of song creation and holding collaborative programs with FESMI (Federation of Indonesian Musicians Union) and PAPRI (Association of Indonesian Singers, Songwriters and Recording Music Arrangers) to help handle cases of piracy or theft of songs.

In Indonesia, music copyright and royalties are regulated by law. Royalty distribution is carried out through the National Collective Management Institution (LMKN), which is tasked with collecting royalties from the use of musical works, such as in hotels, restaurants, and events, to be distributed to various Collective Management Institutions (LMK). The royalty distribution process includes three stages:

- a. Royalty Collection: LMKN collects royalties from various sources of use of musical works.
- b. Distribution to LMK: The collected royalties are distributed to LMK.

- c. Distribution to Copyright Holders: LMK distributes royalties to copyright holders according to their rights.

Although this system provides better protection for music copyright in Indonesia, there are still challenges in the socialization and effectiveness of this system. Communication within public organizations, such as local governments, is often complex and can be distorted, affecting the consistency and objectives of the policy.

In an interview with the Director of Copyright and Industrial Design, Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights, it was explained that to obtain copyright protection, musicians need to register their works. However, many have not done so, indicating a lack of policy communication to creators. Although copyright infringement has sanctions, such as fines and imprisonment, violations still occur, indicating a communication gap.

The transfer of information between the central and regional governments is often not well received, because the content of the policy is not contextual. Legal protection only applies to registered works, which creates a gap in protection for creators who have not registered. Stakeholders in the implementation of copyright policies include the Ministry of Law and Human Rights, LMK, FESMI, and WAMI, which represents musicians. The function of non-governmental government organizations is to accommodate the aspirations of music creators, while government institutions are tasked with ensuring the protection of copyrighted works by maximizing SOPs and performance. The main issue is the alignment of communication between laws and other organizations, such as WAMI and LMKN, to achieve a common understanding of the importance of protecting musical copyrighted works.

4. Characteristics of Agents, Implementing Organizations

To achieve the objectives of policy implementation, both formal and informal implementing agents need to be involved. The performance of policy implementation is greatly influenced by the characteristics that match the implementing agent, as well as the demands of discipline in implementing the policy (Witaradya, 2010).

The main characteristics of the bureaucratic structure include the following:

- a. Standard Work Procedures (SOPs): SOPs are developed in response to time and resource constraints, as well as the need for uniformity in complex organizations. However, in the context of implementing new policies that require new ways of working or types of personnel, the role of SOPs is often considered irrelevant.
- b. Fragmentation: Fragmentation arises from external pressures such as legislative committees, interest groups, and executive officials that influence bureaucratic organizations. Fragmentation means that responsibility for a policy is divided among several organizational units, which can result in a lack of coordination.

In the implementation of copyright, both government and non-government institutions, such as the Digital Streaming Platform (DSP), Collective Management Institution (LMK), National Collective Management Institution (LKMN), FESMI, PAPRI, Directorate General of Intellectual Property (DJKI), and Wahana Musik Indonesia (WAMI), show a lack of discipline.

The existence of DSP and LMK contributes to encouraging royalty payments, which in turn increases creativity and innovation in the music industry. However, the main challenge is determining a fair royalty amount, considering changes in technology and digital music business models (Raihana et al., 2023).

Digital developments demand changes in SOPs and require more adaptive government organizations. Research by Handradjasa et al. (2023) shows that LKMN, as a government institution that protects music creators, is still ineffective in distributing royalties. The ambiguity in the SOP for distributing royalties and pressure from policy makers can rob music creators of their rights.

The Deputy Chairperson of the Federation of Indonesian Musicians Unions (FESMI) acknowledged that FESMI's role is very limited, functioning only as a mediation forum for musicians in conflict and advocacy related to copyright. FESMI does not have the authority to collect royalties. The Chairperson of FESMI emphasized that although collective institutions have complete technical regulations, the implementation of these regulations is often not on target. Therefore, audits by musicians and songwriters are needed to ensure that their interests are represented.

The failure to implement these regulations results in copyright violations, such as duplication and exploitation without permission. This often occurs on User Generated Content (UGC)-based Digital Service Platforms, which manipulate users to upload material without permission, thus triggering further violations.

The CEO Founder of Music Blast argued that although Digital Streaming Platforms (DSPs) have protected copyright from piracy, the government tends to ignore royalty distribution regulations and is late in regulating related laws. The Head of the WAMI Management Board (Head of Operation) highlighted that informal organizations such as WAMI are only available in Jakarta, which should be present in other regions to support the distribution of royalties more transparently and following SOP.

5. Social, Political, and Economic Environmental Conditions

One of the assessments of policy implementation performance is the external environment that supports the success of public policy. A conducive social, economic, and political environment plays an important role in achieving policy goals and objectives (Witaradya, 2010). Furlong & Kraft (2021) in their book *Public Policy: Politics, Analysis, and Alternatives* emphasize that policy implementation is influenced by the social context, such as demographics and educational background, as well as economic conditions that can trigger problems such as unemployment and copyright piracy. In addition, the political context also involves conflicts of interest between policy makers, the government, policy implementers, and copyright owners.

In the context of implementing copyright policies, the Chairperson of the Wahana Musik Indonesia (WAMI) Board of Directors explained that WAMI as a National Collective Institution (LMK) is responsible for managing the announcement rights for its members' songs and musical compositions. WAMI collects royalties from music users, such as radio and television stations, and distributes them to songwriters and related rights holders. However, WAMI's role in implementing copyright policies is limited because its institutional structure only focuses on collecting and distributing royalties, without an executive function to address piracy, which is beyond the reach and responsibility of the institution.

Wahana Musik Indonesia (WAMI) has around 1,500 songwriter members who have registered their works. According to the regulation, WAMI can only take a maximum of 20% of the royalty value as an administration fee, while 80% is distributed to songwriters and copyright holders. However, political conditions can create a conflict of interest, where WAMI, which should accommodate the interests of songwriters, also acts as a profiteer. This dual role can hinder the implementation of copyright policies.

As an intermediary, WAMI facilitates the licensing process for the use of musical works to radio stations, television stations, and entertainment venues, and manages the collection and distribution of royalties. Under Indonesian copyright law, the economic rights of creators are valid for life and continue for 70 years after death. For works with a sale agreement, economic rights are valid for 25 years. This regulation provides long-term protection for creators and copyright holders, ensuring that they and their families can continue to benefit from their works.

Copyright policy has failed due to a lack of regional expansion, caused by limited facilities and infrastructure for formal and informal institutions. Copyright violations often reflect individual irresponsibility triggered by economic limitations. In terms of politics, the government's role in supervising royalty distribution institutions, such as LMK and LMKN, is not optimal, so that the function of these institutions does not run optimally. As a result, non-compliance in royalty distribution continues to occur. In addition, the lack of international collaboration exacerbates violations on global digital platforms.

6. Implementor Disposition

The acceptance and rejection attitudes of implementing agents have a significant impact on the success of public policy implementation. The disposition of implementers can influence policy implementation, especially in the context of top-down policies, where decision-makers often do not understand the needs and problems faced. The limitations of organizations such as the Ministry of Law and Human Rights in implementing copyright laws arise from the minimal involvement of non-governmental organizations, such as WAMI and LKMN, which operate with their own standards and SOPs, without direct direction from the Ministry of Law and Human Rights.

One of the speakers, a musician and songwriter, explained that the challenges of the digitalization era since 2019 have changed the music industry. The ease of access and distribution of music digitally has led to copyright infringement, such as illegal uploading and copyright theft, which is detrimental to songwriters and copyright owners. This act of piracy not only reduces the creator's income but also has negative mental and moral impacts. Seeing their work stolen without permission becomes an emotional burden, and copyright theft hinders innovation and creativity because creators do not get the credit they deserve.

To address the challenge of copyright infringement, the resource person argued that raising awareness of the importance of respecting copyright and support for legal mechanisms for music distribution is essential. Education about the legal and ethical consequences of piracy, as well as strict enforcement of the law, are needed to protect the rights of songwriters and advance the music industry. Copyright registration through publishers such as WAMI and the National Collective Management Institute (LMKN) must be carried out by every musician to ensure they receive appropriate royalties.

However, challenges such as limited facilities and infrastructure are still significant. For example, WAMI, which is only located in Jakarta, makes it difficult for musicians in other regions to access it. Ideally, this forum should be available in every region. In addition, the effectiveness of this institution is often hampered by the lack of an audit team that focuses on copyright protection. Therefore, the government and policy makers need to be more consistent in providing attention and support for music copyright protection. Steps that can be taken include:

- a. Regional Expansion: Opening branch offices in various regions to facilitate access for musicians.
- b. Strengthening the Audit Team: Building a strong audit team to ensure transparency in copyright protection.
- c. Education and Campaign: Conducting public awareness campaigns on the importance of respecting copyright.
- d. Law Enforcement: Tightening law enforcement against copyright infringement.
- e. Technology Support: Utilizing technology to facilitate registration and distribution of royalties.

With these steps, it is hoped that music copyright protection in Indonesia will be stronger, and songwriters can receive their rights fairly. Collaboration between the government and related institutions is very important to address the problem of piracy and copyright infringement in the digital era. Although the government has established bodies such as WAMI to protect music copyrights, additional steps are needed to strengthen this protection. One important step is to work with the Ministry of Communication and Information (Kominfo) to deal with illegal uploads.

Some steps that can be taken include:

- a. Blocking Illegal Sites: Kominfo can actively monitor and close websites that upload music content illegally, in collaboration with LMK and internet service providers.
- b. Improving Monitoring Technology: Using advanced technology to identify and track copyright infringement online through automatic detection systems and algorithms.
- c. Socialization and Education: The public needs to be educated about the legal consequences of piracy and the importance of respecting copyright through public campaigns and collaboration with educational institutions.
- d. Collaboration with Digital Platforms: Collaborating with music streaming platforms and social media to ensure they have effective mechanisms in responding to copyright infringement claims.
- e. Law Enforcement: Strengthening law enforcement by imposing strict sanctions on violators, including illegal website operators and users who upload content without permission.
- f. Infrastructure Development: Increasing the capacity of LMK such as WAMI so that they can operate in all regions, not just in Jakarta.
- g. International Collaboration: Given the global nature of the internet, it is important to establish international cooperation in combating piracy and copyright infringement.

With these steps, the government can provide more effective protection for music copyrights and support songwriters in obtaining their rights.

E. CONCLUSION

Copyright protection in the perspective of implementing Law Number 28 of 2014 concerning Copyright and Government Regulation Number 56 of 2021 shows weaknesses in the implementation process in the field. Policy formulation that does not involve musicians and protection organizations results in policies that are not relevant to the challenges faced by musicians in combating piracy. This results in partial implementation, where the law only protects musicians who register their works with government agencies. The policy implementation process is hampered by the rapid pace of digitalization. The government's focus on addressing royalties and piracy does not cover broader digital issues, such as music copyright infringement on international platforms that make it easy to reproduce works in seconds. In addition, the difficulty in identifying violators and collecting sufficient evidence makes law enforcement even more difficult. Van Meter and Van Horn's analysis highlights that the implementation of copyright protection policies in Indonesia faces several significant challenges. The ambiguity in policy targets, such as economic growth and regulation of violations, results in weak law enforcement and transparency in the distribution of royalties. Many songwriters do not understand copyright and do not register their works, while the rapid development of digital technology creates legal loopholes that are difficult to overcome. Implementing organizations, such as FESMI, are limited in their functions, and legal uncertainty is further exacerbated by social,

political, and economic conditions that affect public awareness. In addition, top-down policies make implementers feel irresponsible for losses suffered by creators and the state, thus harming copyright protection as a whole.

REFERENCES

- Chase, P., & Berzina, K. (2022). *Transatlantic Policy Challenges of the Digital Energy Nexus*. German Marshall Fund of the United States.
- Chou, S. Y. (2019). The Fourth Industrial Revolution. *Journal of International Affairs*, 72(1).
- Ciuriak, D., & Ptashkina, M. (2019). Leveraging the digital transformation for development: a global south strategy for the data-driven economy.
- Farhani, I., & Chaniago, H. (2021, September). Faktor Penentu Transformasi Digital UMKM: Bukti dari Indonesia. In *Prosiding Industrial Research Workshop and National Seminar* (Vol. 12, pp. 1010-1015).
- Goggin, G., & Martin, F. R. (2016). Digital Transformations? Gendering the End User in Digital Government Policy.
- Handradjasa, J. L., Ismail, I., & Iryani, D. (2023). Tinjauan Yuridis Terhadap Peran Lembaga Manajemen Kolektif Nasional (LMKN) Dalam Pendistribusian Royalti Untuk Pencipta Pada Pemutaran Lagu Pada Aplikasi Musik Berbasis Streaming Spotify. *Action Research Literate*, 7(10), 94-101.
- Idrus, S., Ruhana, F., Amalia, M. R., Rosyid, A. F., & Kuswandi, D. (2023). Implementasi kebijakan manajemen sumber daya manusia yang efektif dalam meningkatkan kinerja organisasi di era bisnis global. *Jurnal Ilmiah Manajemen, Ekonomi, & Akuntansi (MEA)*, 7(1), 72-89.
- Jaman, U. B., Putri, G. R., & Anzani, T. A. (2021). Urgensi Perlindungan Hukum Terhadap Hak Cipta Karya Digital. *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia*, 3(1), 9-17.
- Kraft, M. E., & Furlong, S. R. (2020). *Public Policy: Politics, Analysis, and Alternatives*. Cq Press.
- Kusumaningsih, R. (2024). Perizinan Pendistribusian Musik Melalui Platform Digital di Indonesia Ditinjau Dari Undang-Undang Hak Cipta. *PLEDOI (Jurnal Hukum dan Keadilan)*, 3(1), 11-21.
- Manurung, P., & Angelita, E. (2013). Perlindungan Hukum Terhadap Hak Cipta Atas Karya Cipta Digital di Indonesia. *Premise Law Journal*, 1(2), 160369.
- Nistanto, R. K & Clinton, B. (2020). *Aliansi Perangkat Lunak BSA Buka Konsultasi Gratis*. Retrieved from: <https://tekno.kompas.com/read/2020/08/25/15035377/aliansi-perangkat-lunak-bsa-buka-konsultasi-keamanan-siber-gratis>
- Noviantori, A. (2024). Kepastian Hukum Atas Lisensi Open-Source Software Yang Bersifat Gratis Serta Perannya Dalam Membantu Mencegah Pembajakan Software Dihubungkan Dengan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta. *Kultura: Jurnal Ilmu Hukum, Sosial, dan Humaniora*, 2(9), 221-231.

- Pangestu, R. D., Mangku, D. G. S., & Yuliartini, N. P. R. (2023). Indikator Pelanggaran Hak Cipta Lagu Yang Digunakan Oleh Konten Kreator Youtube Ditinjau Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta. *Jurnal Ilmu Hukum Sui Generis*, 3(4), 48-57.
- Purnama, B. E. (2023). *BSSN Maraknya Serangan Malware Akibat Software Bajakan*. Retrieved from: <https://mediaindonesia.com/teknologi/602988/bssn-klaim-maraknya-serangan-malware-akibat-software-bajakan>
- Raihana, R., Samosir, M., Bambang, B., & Remon, F. (2023). Analisis Yuridis Keberadaan Royalti Dalam Hak Cipta (Studi Ciptaan Lagu). *Innovative: Journal Of Social Science Research*, 3(5), 7861-7868.
- Respati, Y. S. D., Susilowati, E., & Mahmudah, S. (2016). Implementasi Lembaga Manajemen Kolektif Nasional (LMKN) Sebagai Collecting Society Dalam Karya Cipta Lagu (Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta). *Diponegoro Law Journal*, 5(2), 1-16.
- Setiawan, A. (2021). *Royalti dan Akar Masalah Industri Musik*. Retrieved from: <https://news.detik.com/kolom/d-5534918/royalti-dan-akar-masalah-industri-musik>
- Simatupang, K. M. (2021). Tinjauan Yuridis Perlindungan Hak Cipta Dalam Ranah Digital. *Jurnal Ilmiah Kebijakan Hukum*, 15(1), 67.
- Siregar, N. (2022). Menentukan Model Implementasi Kebijakan Dalam Menganalisis Penyelenggaraan Pelatihan Kepemimpinan Administrator (PKA). *Jisos: Jurnal Ilmu Sosial*, 1(7), 713-722.
- Sugihono, B., Ciang, D., & Yeo, J. A. (2024). Perlindungan Hukum Konten Hak Cipta dalam Ekonomi Kreatif Berbasis Teknologi Digital-Revolusi Industri dan Bisnis Indonesia Era 5.0. *Anthology: Inside Intellectual Property Rights*, 2(1), 49-72.
- Winasis, S., & Riyanto, S. (2020). Transformasi digital di industri perbankan indonesia: impak pada stress kerja karyawan. *IQTISHADIA Jurnal Ekonomi & Perbankan Syariah*, 7(1), 55-64.
- Witaradya, K. (2010). *Implementasi Kebijakan Publik Model Van Meter Van Horn: The Policy Implementation Process*. Diunduh Pada tanggal 2 Juni2024 (<https://kertyawitaradya.wordpress.com/2010/04/13/implementasi-kebijakan-publik-model-van-meter-van-horn-the-policy-implementation-process/>)
- Zhafira, A. N. (2021). *ASIRI: Pembajakan Masih jadi Tantangan di Industri Musik*. Retrieved from: <https://www.antaraneews.com/berita/2197086/asiri-pembajakan-masih-jadi-tantangan-di-industri-musik>