

# Legal Protection of Intellectual Property Rights in the Creative Industry: A Case Study on the Music Industry in Indonesia

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**ABSTRACT** – The creative industry, particularly the music sector, plays a significant role in Indonesia's economy by generating employment and national revenue. However, challenges persist in protecting intellectual property rights (IPR) within this industry. This study analyzes the legal protection provided for copyright, trademarks, and patents in Indonesia's music industry, highlighting existing challenges such as piracy, unauthorized use of trademarks, and the neglect of music technology innovations. Despite regulations like Law No. 28 of 2014 on Copyright, Law No. 20 of 2016 on Trademarks and Geographical Indications, and Law No. 13 of 2016 on Patents, enforcement remains weak due to digital complexities, limited public awareness, and inadequate regulatory harmonization. This research employs a normative-empirical method to evaluate the effectiveness of these laws and identify gaps in their implementation. The findings emphasize the need for reform, including stricter enforcement mechanisms, public education, and enhanced collaboration among stakeholders to create a sustainable and equitable ecosystem for the music industry in the digital age.

**Keywords:** intellectual property rights, copyright, trademark, patent, music industry, Indonesia, digital challenges.

## A. INTRODUCTION

The creative industry, particularly the music industry, plays an important role in Indonesia's economy. As one of the sectors with significant growth, the music industry makes a substantial contribution to job creation and national revenue. However, behind this development, the protection of intellectual property rights (IPR) remains a major challenge. Copyright infringement, unauthorized use of trademarks, and lack of protection for music innovation continue to be pressing issues (Wicaksono, 2023).

Copyright, as one of the main forms of legal protection in the music industry, is regulated by Law Number 28 of 2014 on Copyright. The articles in this law have provided a foundation for the protection of

musical works, but its implementation is still far from optimal. The phenomenon of music piracy in both physical and digital forms continues to be a problem that harms creators (Murfianti, 2020). Illegal file-sharing sites have become one of the main channels for copyright infringement that is difficult to eradicate.

Trademarks also play an important role in the music industry, especially in terms of managing artists and bands as brands. Protection of trademarks is regulated under Law Number 20 of 2016 concerning Trademarks and Geographical Indications. However, it often happens that the names of artists or bands are used by third parties without permission, causing confusion and material as well as immaterial losses for the trademark owners (Ananta & Dirkareshza, 2022).

Patents have significant relevance in the music industry, especially in aspects of music technology innovation such as modern musical instruments and production software (Yuwono, 2023). However, as noted by Setiono & Bramantyo (2023), attention to patent protection in this sector is still minimal, resulting in many innovations being exploited without adequate recognition for their creators. This indicates a weak respect for intellectual property rights (IPR) related to music technology in Indonesia.

The lack of public awareness regarding the moral and economic value of creative works also exacerbates the issue of IP violations (Syailendra et al., 2023). Zulfa (2007) explains that the low public education regarding the importance of respecting intellectual property rights makes piracy and violations considered acceptable by society. This phenomenon indicates the need for more massive educational efforts to create a legal culture that respects creative works.

On the law enforcement side, the Commercial Court as the institution handling IP disputes still faces various challenges, including efficiency in case resolution (Dharma & Mahadewi, 2023). As

outlined by Setiono & Bramantyo (2023), evidence of digital-related violations is often difficult to collect and validate, creating a gap between existing regulations and their implementation in the field.

Challenges also arise from increasingly complex digital technology. Music streaming platforms and social media are often used to distribute works without permission (Natanael, 2023). However, as noted by Zulfa (2007), the existing regulations do not fully address the responsibility of digital platforms to prevent IPR violations, resulting in legal loopholes that disadvantage creators.

At the international level, the Indonesian music industry faces the issue of regulatory harmonization. Indonesian music works are often exploited abroad without adequate protection (Panjaitan & Sinaga, 2017). This condition highlights the need for stronger international collaboration to protect the intellectual property rights of Indonesian artists and music producers, as emphasized in studies related to the protection of traditional cultural expressions.

Moreover, efforts to prevent IP violations still face significant challenges. The socialization regarding the importance of IPR often does not reach its target, especially among small business actors such as independent music producers (Noviriska, 2022). This was highlighted by Setiono & Bramantyo (2023), who emphasized that entrepreneurs often do not have sufficient understanding of how to protect their works.

Intellectual property protection in the Indonesian music industry needs improvement in terms of regulations, law enforcement, and public education. Collaboration between the government, industry players, and the community is key to creating a fair and sustainable music ecosystem in the digital era (Dharma & Mahadewi, 2023).

Ultimately, the role of government institutions such as the Directorate General of Intellectual Property (DGIP) becomes crucial to ensure the effective protection of intellectual property rights. However, the limited resources and infrastructure of this agency often become obstacles to monitoring and enforcing regulations (Rafli et al. 2023). Therefore, a more strategic and innovative approach is needed to address the complexities of intellectual property issues in the music industry in Indonesia.

Research on intellectual property rights in the music industry largely focuses on the aspect of physical piracy, while violations in the digital realm have not received adequate attention. Moreover, studies on the protection of trademarks and patents in the music industry are still very limited. This study fills that gap by providing a comprehensive analysis of these three forms of IP protection.

This research aims to analyze the legal protection of copyright, trademarks, and patents in the music industry in Indonesia. This research also aims to identify the challenges faced in efforts to prevent intellectual property rights violations and to provide strategic input for the development of relevant regulations.

## B. METHOD

This research uses a normative-empirical legal research method. The normative approach is conducted to analyze relevant regulations, such as Law Number 28 of 2014 on Copyright, Law Number 20 of 2016 on Trademarks and Geographical Indications, as well as regulations related to patents. The empirical approach is used to explore intellectual property rights violations in the music industry through case studies and interviews with relevant parties.

The data sources in this research consist of secondary data in the form of legal documents, music industry reports, academic journals, and related articles discussing intellectual property rights violations in the creative industry.

The data validity technique was carried out through data triangulation. The information obtained from interviews is compared with legal documents and literature to ensure its validity and consistency. Additionally, consultations with legal experts were conducted to ensure a thorough and accurate analysis.

The collected data is analyzed descriptively-analytically. Descriptive analysis is used to describe the phenomenon of intellectual property rights violations and the existing legal framework. Normative analysis is conducted to assess the conformity of existing regulations with field practices, as well as to identify weaknesses and challenges in their implementation.

## C. RESULTS AND DISCUSSION

### **Legal Protection of Copyright, Trademarks, and Patents in the Music Industry in Indonesia**

Copyright is the main form of protection in the music industry in Indonesia. Law Number 28 of 2014 on Copyright provides legal protection for music creators over their works. Article 1 paragraph (1) states that copyright is the exclusive right of the creator or copyright holder to announce or reproduce their work. However, in practice, copyright violations such as piracy are still rampant. The distribution of works without permission through file-sharing sites or illegal streaming platforms continues to harm creators and music producers (Maulana & Nurcahyani, 2023).

Although copyright is legally protected, this protection is often difficult to implement effectively. Many music creators do not register their copyrights due to a lack of understanding or access to the registration process. This makes their works more vulnerable to piracy (Utama et al., 2019). On the other hand, law enforcement against copyright violations is often hindered by technical obstacles, such as the lack of valid digital evidence or the difficulty in tracking down the perpetrators (Dharma & Mahadewi, 2023).

Protection of trademarks in the music industry is regulated by Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Trademarks are used by artists or bands to strengthen their identity in the market. The artist's name, logo, or symbol often becomes an important asset in the music industry, but there are many cases where third parties use that name or brand without permission. This creates both economic and reputational losses for the brand owner (Ananata & Dirkareshza, 2022).

One of the challenges in trademark protection is the lack of understanding among artists or managers about the importance of registering their name or identity as a trademark. As a result, many artists lose exclusive rights to their names, allowing others to exploit those names for personal gain (Hikmasari, 2023). Moreover, oversight of trademark violations remains weak, especially in digital media, where violations are difficult to detect (Dharma & Mahadewi, 2023).

Patents in the music industry have particular relevance related to innovations in music technology. Modern musical instruments, music production software, and technology-based applications often become the subject of patents. Law Number 13 of 2016 on Patents provides legal protection for these innovations. However, the lack of awareness about the importance of patents in the music industry has resulted in many innovations not being registered, making it difficult to obtain legal protection (Yuwono, 2023).

One case that reflects the weak protection of patents is the exploitation of music production software without permission. Many music producers use pirated software that violates patent rights. This creates significant losses for software developers, who should have exclusive rights to the use of their technology (Tamamile, 2016).

On the other hand, legal protection for intellectual property rights often does not function optimally due to the weak synergy between related institutions, such as the Directorate General of

Intellectual Property (DGIP), law enforcement agencies, and commercial courts (Sutisna & Dirkareshza, 2022). Poor coordination leads to many cases of intellectual property rights violations not being resolved effectively.

The development of digital technology poses significant challenges for the protection of intellectual property rights (IPR), particularly in the music industry. As the main channels for content distribution, music streaming platforms and social media often become hotspots for massive copyright infringements. According to Djaja (2016), although some platforms have adopted content recognition technology to block infringing material, this measure is still not fully effective. Regulations in Indonesia that govern the responsibilities of digital platforms regarding IP violations remain very limited, creating legal loopholes that certain parties exploit to distribute content without permission (Dharma & Mahadewi, 2023).

At the international level, regulatory harmonization is also an important issue. Frith (1988) emphasizes that musical works are often exploited abroad without adequate legal protection. This situation reflects the gap in international law that protects artists and music producers from Indonesia (Martin et al., 2022). As a result, many of their creative works are used freely without acknowledgment, which negatively impacts the economy of the music industry in Indonesia.

Zekos (2016) shows that the lack of adaptive regulations to the digital era exacerbates IPR violations, especially in cyberspace. This situation demands a comprehensive reform of the legal protection system for copyrights, trademarks, and patents in the Indonesian music industry.

This challenge not only impacts financial losses but also the creative motivation of creators and producers. Anglada-Tort et al. (2006) highlight the importance of a strong protection system to maintain the sustainability of the creative economy. With the absence of international regulations, creators in Indonesia find it difficult to obtain justice, especially when their works are produced or distributed abroad without permission. Asri (2018) also emphasize the importance of preventive protection. They suggest that prevention-oriented strategies can be a solution to reduce violations. Atsar (2017) emphasized the importance of proactive government measures to ensure that IP protection not only involves legal aspects but also economic empowerment for creators and society.



Overall, addressing these various challenges requires comprehensive legal reforms, both at the national and international levels. Harmonization of regulations with international standards is necessary to protect creative works from exploitation. Collaboration between the government, industry, and society can create an ecosystem that supports the protection of intellectual property rights and encourages innovation in the music industry (Dharma & Mahadewi, 2023).

### **Challenges and Steps to Prevent Intellectual Property Rights Violations in the Music Industry in Indonesia**

The biggest challenge in preventing IP violations is the lack of public awareness regarding the importance of appreciating creative works. Music piracy is considered a common practice, especially among consumers who do not yet understand the negative impact of this action on the creators of the works (Juardi et al., 2023). The weak legal culture reflects the need for a more effective educational approach.

On the other hand, digital technology has created new opportunities for IP violations. Social media platforms and streaming services are often used to distribute music works without permission (Natanael, 2023). Although some platforms have implemented security measures, such as AI-based content filters, regulations governing the responsibilities of these platforms are still minimal. This creates a loophole for violators to continue operating.

The lack of access to intellectual property registration mechanisms also poses a significant challenge, especially for independent artists or music producers (Fajri et al., 2023). The process of registering copyrights, trademarks, and patents is often considered complicated and expensive, leading many creative industry players to hesitate in registering their works. Without registration, the legal protection for the work becomes weak.

Law enforcement also faces various technical challenges, especially in collecting and validating digital evidence. Evidence of violations is often difficult to trace, especially if the perpetrators operate through international digital channels. In addition, the capacity of law enforcement agencies to handle cases involving digital technology is still limited (Rahmanda & Benuf, 2023).

Preventive measures are also hindered by weak coordination among the relevant agencies. DJKI, the Ministry of Communication and Information, and law enforcement officers often do not have a joint strategy

to address IPR violations (Helfianti & Iskandar, 2018). This lack of synchronization creates confusion in the implementation of regulations and case handling.

Harmonization of international regulations has also become an urgent need. In the era of globalization, collaboration between countries is necessary to protect Indonesian music works abroad (Sam, 2019). Without strong international legal protection, Indonesian artists and music producers will continue to face exploitation that harms them.

Education and socialization regarding intellectual property rights must be a priority. Music industry players, especially independent artists, need to be educated about the importance of registering their works and the steps they can take to protect their rights. This approach can be implemented through training, seminars, or public campaigns involving the government and music industry associations.

The final step that needs to be taken is the enhancement of technological capacity to prevent IP violations. The use of technology such as blockchain to track the ownership of musical works can be a long-term solution. Additionally, the development of AI-based surveillance systems can help detect and prevent the illegal distribution of music works more effectively.

### **D. CONCLUSION**

Legal protection for copyright, trademarks, and patents in the music industry in Indonesia has been regulated through several laws, such as Law Number 28 of 2014 on Copyright, Law Number 20 of 2016 on Trademarks and Geographical Indications, and Law Number 13 of 2016 on Patents. However, the implementation of these regulations still faces various challenges. Copyright violations, such as music piracy and illegal distribution through digital platforms, continue to be rampant. Protection of trademarks is often weak due to the lack of understanding among artists or music producers about the importance of trademark registration. In terms of patents, the lack of attention to innovations in music technology results in many works not being legally protected.

The main challenges faced are the weak synergy among law enforcement agencies, the lack of capacity to handle digital evidence, and the low public awareness of the importance of appreciating musical works. Digital technology also presents new challenges in the form of the unauthorized distribution of works through social media platforms or streaming services. Regulations governing the responsibilities of digital platforms are still minimal, creating legal loopholes for ongoing violations.

However, there are still opportunities to strengthen IPR protection. Public education, capacity building for law enforcement agencies, and the adoption of technology to protect and track works can be strategic steps. Harmonization of international regulations is also an urgent need to protect Indonesian music works in the global market.

Revising and harmonizing regulations is a priority step to accommodate the development of digital technology and new challenges in IP protection. Existing laws must include the responsibility of digital platforms to prevent the illegal distribution of musical works and provide additional protection to creators.

Enhancing the capacity of institutions such as the Directorate General of Intellectual Property (DGIP) and commercial courts is necessary to address IP violations more effectively. Investment in supporting technologies, such as digital tracking software and blockchain-based systems, can strengthen monitoring and law enforcement.

Education and socialization regarding intellectual property rights must be intensified, especially among artists, producers, and the general public. Music industry players need to be educated about the importance of registering their works, while the public needs to be made aware of the negative impact of IPR violations on the creative industry.

The development of fast, affordable, and accessible dispute resolution mechanisms, such as digital mediation or online arbitration, can be a solution to address IP infringement cases. This mechanism will provide broader access to independent artists or music producers who often lack the resources to resolve disputes formally.

Lastly, international cooperation in the form of bilateral or multilateral agreements must be enhanced to protect Indonesian music works in the global market. This step will ensure that the intellectual property rights of Indonesian artists and music producers are recognized and protected at the international level.

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