

The Legal Review Regarding Copyright Protection of Songs from Unauthorized Song Cover Actions

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Article	Abstract.
Keywords: Copyright; Cover; Protection; Song..	The copyright infringement is an act prohibited by the law, in practice copyright infringement is divided into several forms of song piracy in Indonesia which results in losses from the creator and the state, therefore the government tries to enforce copyright law. Problems in writing this scientific paper are related to forms of violations, arrangements and legal protection efforts for the rights of songwriters in Indonesia. This research uses a normative juridical approach. Meanwhile, the conclusion of this study is that an activity does not include copyright infringement as long as the acts and covers related to the song's artwork are noncommercial and the creator also gets benefits without objection to the activity. On the other hand, we also need to know that there are a lot of Indonesians who cover and upload it on social media in the form of Youtube, Instagram and Tiktok. Article 43 and Article 44 of the Copyright Act explain the criteria for whether the activity meets the elements of copyright infringement or not. As for legal protection efforts, one of them is by preventing (preventive) and cracking down (repressive). One way is by socializing with the community. Although of course the government has also taken many related actions, with maximum results. But for us, it is not the wrong thing to remind each other about copyright infringement.
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1. Introduction

The development of the times is a development that cannot be avoided especially with the rapid development of the technology sector, this is where many people use technology in a positive way as additional land to get fortune but on the other hand it cannot be denied by the many people who use technology as a crime.¹ Because it returns to the basis of making technology itself as a tool to make it easier for users to be able to complete complex affairs and activities for their daily lives.²

Talking about the positive impact with the development of technology and information that is increasingly advanced from time to time, this is used for people to lift their economy from simple to modern and fast-paced. Discussing the creative economy can be explained as a product that comes from ideas, which arise from human

¹Thalib, (2016), *Perkembangan Hukum Kontrak Modern*, UIR, Pekanbaru, p. 19.

²Vina Maulani, (2015), *Perlindungan Hak Ekonomi Penciptaan Buku Terhadap Budaya Hukum Right to Copy Dengan Mesin Fotokopi*, UNBRAW, Malang, p.8.

thought and knowledge, as well as cultural and technological heritage.³ This is also supported by the Presidential Instruction Number 6 of 2009 concerning Creative Economy Development instructing ministers and officials to continue to support Creative Economy Development in 2009-2015, in the areas of creativity, skills, and individual talents as long as these activities have positive and positive goals to support community welfare.

A work is the result of an artistic mindset that has good results in the form of images, lyrics or other things which of course have artistic value and benefits for other humans. This is referred to as Intellectual Property, and is contained in Intellectual Property Law (IPR) as the regulatory norm. Intellectual Property Rights (IPR) itself means the rights (authorities) to do something on the intellectual property, which is regulated in the norms or applicable laws.⁴ As a form of creative economy form of Intellectual Property Rights is Copyright, which is Copyright, where Copyright is a regulation that protects intellectual works in the fields of art, science and literature in a distinctive form. It is explained in Act No. 28 of 2014 concerning Copyright in article 1 number 1, namely "Copyright as the exclusive right of the creator which arises automatically based on declarative principles after a work is manifested in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations".

Exclusive rights also provide an explanation that other parties cannot immediately take advantage of someone's creation unless permission has been given from the creator and must comply with statutory regulations. However, in practice, regulations regarding the author's permission are often ignored because they are not deemed necessary.⁵

Talking about copyright regulations, there have been several changes starting from Act No. 7 of 1987 to undergoing 3 changes and finally in 2014 with the issuance of an update on copyright in Act No. 28 of 2014 concerning Copyright. Although there has been no significant change related after its enactment in Indonesian society. In article 40 of the copyright law, there are several types of works that are protected, one of which is a song. The definition of a song is a collection of words that are beautifully arranged and have the rhythm and tempo of a musical instrument. So as a note that there are changes in several points regarding ordinary offenses into complaint offenses. Furthermore, there is an important part in Act No. 28 of 2014 are:⁶

- First, with the change in the period of time related to Copyright which was previously shorter, now the period of protection is valid for the life of the creator plus 70 (seventy) years after the author's death.

³Sukarmi, Yudhi Tri Permono, *Perlindungan Hukum Konsumen Dalam Transaksi Secara Online*, Jurnal Hukum UNISSULA, Volume. 35 No.1 (2019), url: <http://jurnal.unissula.ac.id/index.php/jurnalhukum/article/viewFile/11046/4243>, p.78

⁴Mahadiana Risa Assyifa, Siti Ummu Adillah, *Perlindungan Hukum PT. Inter Sporst Marketing Sebagai Pemegang Hak Cipta Atas Penyiaran Piala Dunia Brazil 2014 Berdasarkan UU No.28 Tahun 2014 Tentang Hak Cipta*, Konfrensi Ilmiah Mahasiswa UNISSULA (KIMU)4, Semarang, <http://jurnal.unissula.ac.id/index.php/kimuh/article/view/11875/4796>

⁵Riswandi, (2017), *Pembatasan dan Pengecualian Hak Cipta di Era Digital*, Citra Aditya Bakti, Bandung.p.32

⁶H.Ahmad M. Ramli, (2021), *Hak Cipta, Disrupsi Digital, Ekonomi Kreatif*, PT. Alumni, Bandung. p. 22

- Provide related restrictions on the economic rights of the creator, by implementing economic rights in the form of a solvable flat.
- Disputes can be resolved more effectively by allowing mediation, arbitration and courts, as well as the application of complaint offenses for criminal charges.
- Giving responsibility for the management of the trading place for the sale or copyright infringement in the center of the shopping place they manage.
- Copyright can be used as a fiduciary guarantee

From several important points related to copyright protection of the song, it is appropriate for us as the general public to respect works of art in this case songs by not doing piracy or other things that are intended only for personal interests. Seeing the very rapid development of electronic media also adds to the difficulty in terms of supervision where in practice it is still common for a song art work to be modified without permission for personal gain. Although the interests of expression are also protected, a creativity that is created is a part that has a private nature and needs to be valued morally and materially in this case from an economic point of view.⁷

In its development, in line with the increasingly rapid technology, in practice the number of lawsuits by the parties involved in the digital music industry is increasing at this time. The number of lawsuits is due to the increase in media content for creations, including music, which has experienced a lot of progress. Violations of song copyrights are also growing, which can be seen where previously it was only in the form of song piracy, related to licenses and royalties for songs sung at karaoke places.

In this era of digital technology, there are many violations related to copyright, one of which is the cover version of songs on social media applications such as Youtube, Instagram and Tiktok. It can be seen with Covering activities which seem to be commonplace and popular among the public, especially around the world. With this technology, social media users can easily listen, download via this internet media. By counting people who do this a lot, this can lead to violations of the copyright economic rights sector in the field of songs in the digital era. The law has clearly regulated both civil and criminal regulations for these violations. If from a criminal point of view it is stated in Article 112 – Article 120 of the Copyright Law.

The situation in the field regarding the Cover Version is that there are many people who cover certain songs and make the cover of the song more famous than the song that was sung by its creator. From this, it can be seen that many new artists are trying to cover certain songs with the intention of making themselves more famous and successful. One example is the case where the Halilintar family on their YouTube channel Gen Halilintar with 21 million subscribers covered a song with the title Lagi Syantik which was popularized by Siti Badriah, then published on the Youtube account. So by Nagaswara as the company that holds the rights to the song,

From one of these cases, it can be seen that there are many music companies who feel aggrieved due to the act of covering songs which is very widespread among the public and it should be remembered that there are still many models of copyright infringement that have been going on for a long time until now, they are growing. They easily upload the cover of their song on social media by plagiarizing and even modifying

⁷Hawin and Riswandi, (2020), *Isu-Isu Penting Hak Kekayaan Intelektual di Indonesia*, UGM Press, Yogyakarta, p.22

it without first asking permission and without giving royalties. There are still many problems related to Intellectual Property Rights, especially in the Copyright sector which is still unclear. So the author is interested in conducting research in the form of this scientific paper with the title: "Legal Review Related to Copyright Protection for Songs from Unlicensed Song Cover Actions"

2. Research Methods

The research method used is normative juridical. Legal literature research is legal research that is carried out by examining library materials or secondary data, then to be applied to research problems, namely Legal Reviews Related to Copyright Protection of Songs from Unlicensed Song Cover Actions so that the presentation is based on the principles of applicable legislation.⁸ The specification of this research has a descriptive nature according to the problem and purpose of the research. In this study, it can be described by the presence of a number of variables relating to the problem under study. In other words, this research is only limited to the description of one or more of the Legal Protection of Copyrights of a work of art, in this case is a song that many people cover and publish on social media.

3. Result and Discussion

3.1. Covering songs are a form of song copyright infringement according to Act No. 28 of 2014 concerning Copyright

An act committed by a person can be declared a copyright infringement if it mentions several factors, such as violating the exclusive rights of the creator or the copyright owner of a work. Exclusive rights are rights that are given to the owner of the work so that it cannot be used by other parties, without the consent of the holder. Exclusive rights consist of 2 (two) rights, namely, moral rights and economic rights.⁹

Moral rights are rights that are inherent in a person, a creator or rights owner, without being able to be deleted or removed for any reason, even though the copyright has been transferred.¹⁰ So there are also points that categorize copyright infringement on songs, in terms of moral rights, among others in the form of: (Copyright Act No. 28 of 2014)

- Eliminating or not mentioning the name of the songwriter when published (for example in a sound recording product or in a printed product);
- Change or change the song title;
- Include his name as the songwriter even though he is not the composer of the song (for example, there are people who claim to be the composer of a particular song to be recorded or reproduced, even though the song is not his creation); and

⁸Lathifah Hanim, *Perlindungan Hukum Bagi Para Pihak Dalam E-commerce Sebagai Akibat Dari Globalisasi Ekonomi*. Jurnal Pembaruan Hukum, Volume 1 No. 2 May – August 2014, url: <http://jurnal.unissula.ac.id/index.php/PH/article/view/1476/1144>

⁹Hendra Tanu, *Konsep Hak Ekonomi dan Hak Moral Pencipta Menurut Sistem Civil Law dan Common Law*, Jurnal Hukum. No.23, 10 May 2003, (Yogyakarta: UII Press, 2003), url: <https://journal.uui.ac.id/IUSTUM/article/download/4763/4201/7556>

¹⁰Ibid.

- Change the content of the song (one or more of the song elements consisting of melody, lyrics, arrangement and notation).¹¹

Second, economic rights are the rights to obtain material benefits to support the economy resulting from their copyrighted works.¹² The form of violation in terms of economic rights, namely carrying out commercial actions without the consent of the right owner or creator, which is stated in Article 8 of Act No. 28 of 2014 concerning Copyright is written as follows: "Economic rights are the exclusive rights of the Creator or Rights Holder. Copyright to obtain economic benefits from Creation." Furthermore, Article 9 paragraph (1), paragraph (2) and paragraph (3) states as follows:

- Publisher of creation;
- Reproduction of creation in all its forms;
- Creation translation;
- Adapting, arranging or transforming creations;
- Distribution of works or copies thereof;
- Creation show;
- Announcement of creation;
- Creation communication; and rental of creations.

Paragraph (2) Everyone exercising economic rights as referred to in paragraph (1) is required to obtain permission from the creator or copyright holder. Paragraph (3) Anyone without the permission of the creator or copyright holder is prohibited from duplicating and/or commercially using the work.¹³

Some of the explanations of the article above, it can be concluded that actions that include copyright infringement are:

- Exploiting (copying, distributing and disseminating) a particular work that is intended to be commercialized and achieve certain profits and without permission or license from the owner or his heirs. This action is plagiarism.
- Eliminate the identity of the creator of the artwork;
- Change the identity of the creator of the artwork without the permission of the copyright owner.
- Change the title of the artwork without the permission of the creator or heirs.

Article 99 paragraph (1) also explains that "Creators, Copyright Holders, or Related Rights owners have the right to file a claim for compensation to the Commercial Court for infringement of Copyrights related to the related artworks."

Copyright has a special or special character, where the rules are generally the same as other property rights regarding the limitations. In addition, according to Suyud Margono, the notion that copyright has a special nature is that the law places special

¹¹Dimas Hamdani, Akhmad Khisni, *Kajian Hak Cipta Penggunaan Audio Populer Dalam Pembuatan Video Menggunakan Aplikasi Dubsmash*, Jurnal Akta. Volume 5 No 1 March 2018, (Semarang: UNISSULA), url : <http://jurnal.unissula.ac.id/index.php/akta/article/view/2541/1902>

¹²Hendra Tanu, Op.cit

¹³Nukhamid Widi Nugroho, Sri Endah Wahyuningsih, *Efektifitas Pelaksanaan Pasal 120 Undang-Undang Nomor 28 Tahun 2014 Dalam Memberantas Tindak Pidana Hak Cipta Di Kota Semarang*. Jurnal Hukum Khaira Ummah Volume 13 No.1 March 2018 (Semarang: UNISSULA), url: <http://jurnal.unissula.ac.id/index.php/jhku/article/download/2578/1934>

characteristics on the creator or the owner of the right because the work is the result of the creator's thinking until a work is born.¹⁴

Furthermore, Article 26 of the Copyright Law explains that there are several restrictions related to copyright protection. However, this protection does not apply to the following points:

- As a brief excerpt of Creation of funds or Related Rights products for reporting on actual events which are for informational purposes only;
- Copyright related to the field of art, used for scientific research purposes;
- As one of the elements for teaching and learning activities in the education sector, except for performances and phonograms which have been announced as teaching materials.

Furthermore, related to acts that are not included in the form of copyright infringement, it has been regulated in Articles 43 and 44(1) letter a of Act No. 28 of 2014 which explains as follows:¹⁵

- Announcements, distribution, communication, and procurement that have a correlation with on behalf of the government, unless stated in law, in the said copyrighted work, or when the copyrighted work is related to announcements, communications, funds or procurement.
- Announcement, distribution and communication concerning the state symbol and national anthem;
- Retrieval of news either in whole or in part from news agencies, Broadcasting Institutions and newspapers which are required to state the source in full;
- Dissemination of certain content on internet media that has a non-commercial nature or there are other parties who benefit or the creator of the artwork does not object to his work being disseminated.
- Procurement, announcement, funding or distribution of photos of the President, Vice President, former President, former Vice President, National Heroes and all government officials with due regard to dignity and fairness according to the Act.

Related to the next factor, moral rights are feelings that arise from a sense of pride and satisfaction related to an art that we make that can be accepted and even liked by the wider community.¹⁶ Moral rights also have 2 (two) important meals, namely:

- The right of recognition of the work, namely the right that comes from the Creator to be announced as the Creator of his creation, so that no other party can claim his creation.
- The right of integrity is a right that cannot be contested and the right to object to the deviation of the author's work or other modifications or actions that can degrade the quality of the work of his creation.

In connection with the act of covering songs where someone sings or rearranges a song created by someone else, then intends to publish it on social media such as

¹⁴Suyud Margono, (2003), *Hukum Perlindungan Hak Cipta*, CV. Novindo Pustaka Mandiri, Jakarta, p.28.

¹⁵Raden Ayu Putu Wahyu, Dewa Gede Sudika, I Negah Suatika, *Akibat Hukum Terhadap Pelaku Pelanggaran Hak Cipta Karya Cipta Lagu Dikaji Berdasarkan Undang-Undang Hak Cipta Nomor 28 Tahun 2014 Dan Copyright Act*, Volume 2 Issue2, November 2020, (Bali: Ganesha Law Review, 2020), url: <https://ejournal2.undiksha.ac.id/index.php/GLR/article/view/209/160>, p.188

¹⁶Hamzah Rosyidi, dkk, (2017), *Problematika Hukum Indonesia Teori Dan Praktek*, UIR, Pekanbaru, p.53

Instagram, Youtube, Tiktok, etc. In the Copyright Law it is not written the word Cover but there is the word doubling which, if withdrawn is implicitly stated in Article 1 number 12 of the Copyright Law which reads: "Reproduction is the process, act or method of duplicating one or more Copies of Works and/or phonograms in any way and in any form, permanently or temporarily."

However, if it is not seen from the definition of the two words Cover and duplicating are two different things. Therefore, to respond to the rise of song cover in the community where the act is included in the copyright infringer or not, it can be seen in Article 44 paragraph 1 of the Copyright Law which explains that the use, retrieval, copying, and modification of a work of art is good as a whole. or in part; it cannot be declared as an act of Copyright infringement if the original source is written down or included in detail for the purposes of:¹⁷

- Such action does not harm the interests of the Creator or Copyright Holder in the education sector, research, scientific writing, report preparation or problem review;
- Security in the administration of government, legislature and judiciary;
- Lecture activities intended for the benefit of education and science;
- Such action does not have the effect of harming the interests of the Copyright owner or Creator of the performance or performance that is free of charge.

Of the 4 (four) explanations of the article above, it is related to the act of covering songs, clearly acknowledging the source, not harming the interests of the creator of the work, and not for commercial interests.

The act of covering songs certainly has something to do with publishing on social media, where this publication activity has been regulated in Article 43(d), where it is explained that it is not included in the act of copyright infringement if the production and publication of content through social media is included in non-commercial activities, and its nature is that the Creator or the related party benefits, or as long as the Creator of the work does not express an objection to the act of producing and publishing the content. So from this explanation it can be concluded that if someone replays someone else's song without the permission of the songwriter with the intention of commercializing, in the form of modifications or arrangements and re-sung it, it is very necessary to grant permission from the songwriter or copyright owner.

The existence of economic rights and moral rights that have been regulated in the regulations of the Act is intended so that the Creators and Copyright owners can continuously develop their creations and innovations to be better. By providing a definite principle of legal certainty in the Copyright of a work, it will also promote the growth of the creative economy and also develop the welfare of the people as evidenced in European countries that have implemented regulations in the creative industry sector.

3.2. Legal protection against the rights of songwriters in Indonesia

From the contents of the legislation, there are indeed no regulations that require someone's work to be registered with copyright, but copyright occurs and is owned by

¹⁷Gede Sastrawan, *Analisis Yuruidis Pelanggaran Hak Cipta Pada Perbuatan Memfotokopi Buku Ilmu Pengetahuan*, Volume 3 Issue 1, May 2021 (Bali: Ganesha Law Review, 2021) url: <https://ejournal2.undiksha.ac.id/index.php/GLR/article/view/446/306>

the creator automatically when certain thoughts and ideas are started to be output in the form of works of art, it is necessary to know the process of song creation to form works that can be consumed by the wider community with legal regulations.¹⁸

3.2.1. *Song Creation*

A song is created from melodies put together by a musician, then begin to combine the melody with the lyrics that have been made with the same tempo. Then after the song is cooked until a satisfactory result is obtained, it will be recorded on a cassette tape with or without musical accompaniment. From here, song creations will automatically get copyright law protection. This explanation is in accordance with the principle of copyright which is known as the principle of automatic protection. From the beginning a copyrighted work is formed, indirectly the work will have copyright protection without being registered in the creation registration, as long as the copyrighted work is original and not an imitation.

3.2.2. *Song Recording*

In general, after the songwriting has been made, the songwriter will go to offer the song to the Music Producer section where if interested, the songwriter will be offered to record and enter into an agreement with the songwriter. The written agreement contains the honorarium of each party, namely, the songwriter and the producer. The honorarium itself is divided, among others:

- *Flat pay* limited or conditional;
- *Flat pay* or conditional
- Royalties
- Semi royalty

The agreement itself depends on each music producer where there is a written agreement or an unwritten (oral) agreement which will be accompanied by evidence of difference. Unlike the songwriter and singer, usually the agreement between the musician and the record producer is not stated in the form of a written agreement, but only verbally accompanied by only verbally accompanied by proof of payment of honorarium in the form of receipts. Next, the creator will make a recording where the sound will be stored on a cassette as a master recording. It is from this master recording that the Producer has the rights to the sound recording.

3.2.3. *Song Reproduction and Distribution*

The distribution of the song itself will be through cassettes, CDs, VCDs, or DVDs which will be marketed in markets and other music stores. After entering the market, the Producer will act as a distributor of the recorded song. However, the situation in the field is that there are many songwriters who play cheating, which means that after the recording procedure has reproduced the songs, they are handed over to other parties as distributors. There are 3 (three) types of agreements between song recordings and song recording distributors, including:

- Buy and sell break up
- Consignment
- Buy and sell labels

¹⁸Rachmadi Usman, (2013), *Hukum Hak Atas Kekayaan Intelektual: Perlindungan dan Dimensi Hukumnya di Indonesia*, PT.Alumni, Bandung, p.74

After the product of the song is reproduced and marketed to the public, the cassette, CD, VCD or DVD will be placed at music store agents and then from retailers to the public or consumers. To overcome the act of duplicating works of copyrighted songs illegally can be done in 2 (two) ways, namely:

- Preventive or preventive action is an action that aims to minimize the occurrence of piracy or duplication of song art that can have a detrimental impact. Preventing efforts itself is very important so that there is no illegal copying of songs.
- Repressive measures are efforts that aim to prevent duplicating acts of song art.

To carry out preventive efforts, it is necessary to first know the factors that cause this crime in order to prevent it. These factors can be direct or indirect. When viewed directly, the cause of people committing this crime is because they see the duplication of songwriting works due to weak supervision and ineffective action against perpetrators of criminal acts. So that they deliberately make a mortgage on certain works so that with the intention of getting benefits for themselves and the group. This happens because of the lack of strict regulations dealing with these illegal acts. Another factor is due to the fact that there are more and more people who are interested in buying pirated products.

By knowing the factors that make this illegal act rampant, then we can narrow it down that what actions we can take so that this act of piracy does not recur, that is, first we start from the environmental sector of the community where we provide awareness that buying pirated goods is the same as buying pirated goods. It's just that we don't support the Indonesian music industry to be more advanced and develop in the future and provide awareness that it's important for us to respect each other's creations. Legal expert Soerjono Soekanto also gave an opinion that the problem of law enforcement lies in certain factors that have an impact on law enforcement itself.

From the explanation of the factors that affect law enforcement are factors that have a general nature depending on certain situations and conditions whether it is included in the positive or negative part. These factors include:¹⁹

- Regulatory factors of a country;
- Factors from law enforcement officials, as those who carry out the law to the community
- Supporting factors to speed up the law enforcement process
- Community factors, which look at the nature and environment of the community for the enactment of the law;
- Cultural factors, which look at the habits of the association of each community in a particular area. From these five factors, each of the essence of law enforcement can be seen and as a measure of the effectiveness of law enforcement.

Efforts that can be applied if the creator or rights holder sees a person or group committing a Copyright infringement:²⁰

- May apply for a temporary determination by bringing evidence of copyright infringement and proof of the copyright holder of the work at the Commercial Court

¹⁹Soerjono Soekanto, (2008), *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, Rajawali Pers, Jakarta.p.5

²⁰ <https://business-law.binus.ac.id/2015/04/09/effort-law-creator-facing-violation-cipa-hak-cipa/> accessed on 11 May 2022

where we are domiciled. The temporary determination itself aims to: Prevent the continuation of copyright infringement, Prevent the circulation of goods or other things that violate copyrights are widely traded, and As a place to store evidence in order to minimize the loss of evidence.

- File a claim for compensation to the party who infringes copyright in the Commercial Court and request the Court to confiscate the duplicated goods. In addition, if it is felt that the party's actions have caused the copyright owner or the creator of the work to experience greater losses, the Judge may request to stop production/information which is part of copyright infringement.
- Report the violation to the POLRI investigators and/or the DJHKI PPNS.

Seeing the number of people who violate copyright and cause harm to the copyright owner or creator of the work, the government makes IPR legal protection regulations in the territory of Indonesia, where laws and regulations authorize certain institutions to resolve disputes. In addition, each institution has different tasks according to the type of dispute submitted by the community. Normatively, IPR disputes are grouped into 3 (three), namely:²¹

- Administrative dispute
- civil disputes;
- Criminal dispute.

From the explanation above, according to the analysis by referring to Act No. 28 of 2014 concerning Copyright, it means that copyright is a work that is legally protected, but because many people do not understand/understand this regulation, the person or group intentionally or unintentionally commit copyright infringement, thus building the stigma that this regulation is only fictitious, which means that people are considered to know the law, so that if a person violates the law, they cannot argue with the reason that they do not know the law. From here, if there are 2 (two) ways for the creator to take legal action against copyright infringement, whether it is resolved by civil or criminal means,

In the area of civil infringement itself, of course, it is related to the violation of moral rights which is an act without the consent of the creator or his heirs eliminating the name of the listed creator, replacing or changing the title of the work and while the violation of economic rights is in the form of activities to reproduce works of art without prior permission by the party who owns the copyright to his work.

4. Conclusion

The song cover activities are included in the form of copyright infringement, if the song cover action does not include the author's complete source of information, is made without prior permission from the creator or copyright holder of the related work and there is a form of loss felt by the creator or the owner of the rights, where all these actions with the nature of wanting to commercialize. On the other hand, such action is not classified as a form of copyright infringement when the creation and dissemination of such content is through information and electronic media that have a non-commercial nature, as long as the action does not make the creator object to it and get

²¹Adi Sulistiyono, (2004), *Mekanisme Penyelesaian Sengketa HKI Ha katas Kekayaan Intelektual*, UNS Press, Surakarta, p. 39-68

more benefits. An activity can be said to be a copyright infringement if it fulfills the elements contained in Articles 43 and 44, then it is included in copyright infringement. So in essence, if there is someone who does song cover activities, then modifies, and fixes it in the form of videos, where the video is uploaded on social media be it Youtube, Instagram, Tiktok, etc. Without permission from the creator or copyright owner in the upload and having a commercial nature, it is considered a copyright infringement.

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