

## **The Urgency of Revising the Electronic Information and Transactions Law to Ensure Copyright Protection of Music in Digital Transmission Within the Creative Economy Era**

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### **Abstract**

The digital transformation has significantly reshaped the music industry in Indonesia, enabling music to be easily accessed, shared, and enjoyed through various digital platforms. However, this convenience is not matched by adequate legal protection for music copyrights, especially in the context of digital transmission. The *Undang-Undang Informasi dan Transaksi Elektronik* (ITE Law) does not explicitly address the protection of musical works against violations in the digital realm. This paper examines the urgent need to reform the ITE Law to ensure proper legal protection for music copyrights. A normative approach is employed, analyzing relevant laws, regulations, and scientific literature. The findings of this study indicate that revising the ITE Law is essential to keep pace with technological advancements and the growing creative economy, while also providing legal certainty for music industry creators and stakeholders. Such a reform would ensure that copyright protection in the digital age is robust and effective, safeguarding the rights of music creators in Indonesia's evolving digital landscape.

**Keywords:** ITE Law, Copyright, Music, Digital Transmission, Creative Economy

### **INTRODUCTION**

The development of information technology has brought profound transformations in the way society accesses, enjoys, and distributes musical works (Hernandez & Prieto, 2020). The digitalization of content allows music to be widely transmitted through various platforms such as YouTube, Spotify, Joox, TikTok, and other social media (Li & Yang, 2021). This digital transmission not only facilitates public access to music but also opens up significant opportunities within the creative economy, particularly in creating a digital-based music industry ecosystem (Cohen, 2020). In this context, music has become a form of intellectual property with high economic and cultural value (Saha & Gupta, 2021). Moreover, the rise of digital platforms has introduced new dynamics in music consumption, leading to innovative business models and greater interaction between artists and their audiences (Keller & Krawczyk, 2021).

However, behind these advancements, reality shows that musical works have become increasingly vulnerable to copyright infringement (Smith & Johnson, 2020). Music disseminated through digital channels is often used without the creator's permission, without acknowledgment of moral or commercial rights, and even reproduced and commercially exploited by third parties illegally (Gassmann & Yu, 2021). This phenomenon reflects a gap between expectations and reality in the legal protection system for copyright in the digital space (Zhang, 2021). The rise of online platforms has complicated the enforcement of copyright, as it becomes more challenging to monitor and control the unauthorized distribution of music (Kang & Lee, 2021). Furthermore, the legal

framework surrounding digital copyright often struggles to adapt to rapid technological changes, leading to inconsistent protection (Cui et al., 2020). As a result, there is a growing need for stronger, more dynamic copyright policies to protect the rights of music creators in the digital age (Li & Zhang, 2020).

Ideally, the law should provide strong and adaptive protection for creative works in the digital era, in line with the principles of legal certainty and justice. However, in practice, existing regulations—particularly the *Undang-Undang Informasi dan Transaksi Elektronik* (ITE Law)—do not explicitly regulate the protection of music copyrights in the context of digital transmission. The ITE Law focuses more on the regulation of electronic information and digital transactions in general, as well as defamation or hate speech offenses, rather than on intellectual property protection.

According to Susanti Adi Nugroho, "the role of law in the digital era must be able to adapt to the rapid and dynamic development of information technology" (Nugroho, 2014). However, in practice, there has yet to be optimal synchronization between the Electronic Information and Transactions Law (ITE Law) and Law No. 28 of 2014 on Copyright. This creates a legal vacuum in the protection of digital transmission of musical works (Ramli et al., 2023). As a result, actors in the creative industry often face legal uncertainty in enforcing their exclusive rights (Tjan, 2023). The existing copyright law does not adequately address the rapid advancements in digital transmission, leading to challenges in enforcing rights for musical works distributed online (Panjaitan et al., 2025). Furthermore, the development of artificial intelligence and machine learning technologies adds further complexity to the protection of digital works (Rilani & Wendur, 2024). Solutions to these challenges, including new regulatory frameworks, are necessary to ensure that copyright laws remain relevant in the digital era (Ismantara et al., 2024).

As *Budi Santoso* emphasizes, "technological development should not only be the object of regulation but should also serve as a tool to build a legal system that is responsive to digital justice (Donoghue, 2017)." Unfortunately, Indonesia's current positive law has not fully integrated intellectual property protection principles within its digital regulatory framework.

Research by *Nugroho* (2018) highlights the challenges of adapting existing laws to the rapid growth of digital technology, particularly in the context of intellectual property protection. Nugroho argues that the current legal frameworks fail to keep pace with the evolving digital landscape, leaving creative industries vulnerable to copyright violations. While Nugroho emphasizes the need for legal adaptation, the study does not provide a detailed examination of the specific shortcomings of the ITE Law in the context of music copyright. This research fills that gap by focusing specifically on the need to revise the ITE Law to ensure proper legal protection for digital music transmission, providing a more targeted analysis of the regulatory inadequacies within the existing system.

Similarly, *Santoso* (2020) discusses the importance of aligning technological advancements with responsive legal systems to achieve digital justice. Santoso's study points to the growing disconnect between technological progress and the legal protection mechanisms for intellectual property. However, the study does not explore the intersection between digital law and music copyright in depth. This research contributes to this gap by analyzing how the ITE Law can be revised to accommodate the growing music industry's digital ecosystem, specifically addressing the protection of music creators' rights in the digital era.

Given this background, it is crucial to re-examine the urgency of revising the *Undang-Undang Informasi dan Transaksi Elektronik* (ITE Law) to effectively ensure

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copyright protection of music in digital transmission amid the ongoing development of the creative economy. Therefore, the research problem in this study is formulated based on the gap between expectations for adaptive legal protection and the reality of weak existing regulations. This study aims to examine the urgency of revising the *Undang-Undang Informasi dan Transaksi Elektronik* (ITE Law) to provide stronger legal protection for music copyright in the context of digital transmission. This research benefits policymakers by offering recommendations for law reforms that align with digital justice principles, while also benefiting the music industry by addressing legal uncertainties surrounding digital music distribution.

## RESEARCH METHOD

This research employs a doctrinal analysis method, which is commonly used in normative legal studies. Doctrinal analysis focuses on examining legal doctrines, statutory regulations, and academic literature to assess and interpret the existing laws and their adequacy in addressing specific legal issues. In this case, the research focuses on evaluating the current legal framework, particularly the *Undang-Undang Informasi dan Transaksi Elektronik* (ITE Law), and its effectiveness in providing copyright protection for music in the digital era.

The justification for choosing doctrinal analysis lies in the need to critically review and interpret the existing legal rules and principles to identify gaps and inadequacies in the current regulatory framework. As the research explores how the ITE Law aligns with the evolving digital landscape and the growing need for copyright protection in the music industry, doctrinal analysis allows for a thorough examination of the relevant statutes, legal literature, and judicial interpretations. This approach helps in understanding how the law can be reformed to better address the challenges posed by digital transmission of music and ensure the protection of creators' rights.

## RESULT AND DISCUSSION

### Provisions and Scope of Copyright Protection for Music in the Electronic Information and Transactions Law (ITE Law)

Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law), as amended by Law No. 19 of 2016, serves as the main regulation governing digital activities and cyberspace in Indonesia. However, the ITE Law does not explicitly regulate copyright protection for works of art, including music, within the context of digital transmission. Its primary focus lies on regulating electronic information traffic, data protection, cybersecurity, and the prevention of illegal or disturbing content.

Articles 25 to 27 of the ITE Law may be considered relevant to digital copyright protection of music, as they prohibit the dissemination of content that violates decency, defamation, extortion, and other legal violations. Nevertheless, no provisions directly address illegal transmission of musical works, unauthorized digital reproduction, or mechanisms to protect creators on digital platforms.

Fitriani emphasizes that "the ITE Law should provide explicit legal protection for all forms of digital works, including music, in the platform era." This aligns with the reality that music dissemination today primarily occurs through digital media such as YouTube, Spotify, TikTok, and other applications that rely on data transmission systems and algorithms. In this context, music is no longer merely entertainment content but also a

digital asset requiring comprehensive legal protection.

Copyright regulation remains centralized under Law No. 28 of 2014 on Copyright, which grants exclusive rights to creators for both physical and digital works. However, the separation between the Copyright Law and the ITE Law creates a legal gap in technical-operational protection. As Hadi Saputra states, "the integration of digital regulation and intellectual property remains a challenge within Indonesia's sectoral legal system." Without integrated norms, legal protection for music copyrights in the digital sphere cannot be effectively enforced.

Internationally, several countries have incorporated copyright protection into their digital regulations. For instance, the European Union's Directive on Copyright in the Digital Single Market (EU Directive 2019/790) holds content-sharing platforms like YouTube accountable for copyright-infringing content, requiring filtering systems and compensation mechanisms for creators. This demonstrates that modern copyright protection cannot be separated from comprehensive digital regulation.

In Indonesia, the absence of similar provisions in the ITE Law creates legal grey areas in law enforcement. For example, when someone uploads copyrighted songs to digital platforms without permission, law enforcement often struggles to prosecute due to the difficulty in proving commercial intent or tangible economic loss, which is not easily measurable in digital terms. Therefore, the ITE Law needs to expand its scope with explicit norms protecting musical works in digital transmission, including uploading, downloading, distributing, and reuse through emerging technologies such as AI and recommendation algorithms.

The ITE Law also needs to strengthen platform provider responsibilities. Currently, there are no binding provisions requiring digital platforms to filter or remove illegal music content. This highlights the urgency of integrating principles such as notice and takedown, digital fingerprinting, and automated copyright enforcement systems into Indonesia's legal framework.

Thus, protecting music copyrights in the digital era cannot rely solely on the Copyright Law but must be supported by the ITE Law as a technical-informative legal framework. Amending the ITE Law by adding provisions on digital intellectual property is a strategic step toward creating responsive legal justice in line with technological advancements.

### **Normative and Practical Obstacles in Protecting Music Copyright in Digital Transmission**

In the context of music copyright protection, legal obstacles fall into two main categories: normative obstacles (legislation) and practical obstacles (law enforcement and public legal awareness). These two aspects are interrelated and compound the complexity of protecting musical works in the digital space.

Normatively, the primary obstacle lies in the lack of synchronization between the ITE Law and Law No. 28 of 2014 on Copyright. The ITE Law serves as a general legal framework for electronic and cyber activities but does not specifically accommodate music copyright protection. Conversely, the Copyright Law emphasizes ownership and exclusive protection but does not regulate technical mechanisms for digital distribution and protection. This disharmony creates a legal vacuum in addressing new phenomena such as cross-platform digital transmission and real-time music reproduction via streaming and social media.

Astari and Mahendra note that "enforcing digital copyright law is often hindered

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because electronic evidence is easily manipulated and violations involve cross-border jurisdiction." This highlights that beyond normative gaps, law enforcement faces significant technical challenges, particularly in proving digital copyright violations. Infringements occurring on foreign platforms like YouTube, TikTok, or SoundCloud often fall beyond Indonesia's jurisdiction, making enforcement difficult even when economic losses are clear.

Practically, weak institutional capacity among law enforcement agencies and low public digital literacy further hinder protection. Many individuals, especially the younger generation, are unaware that re-uploading songs, creating unauthorized remixes, or distributing illegal download links constitutes copyright infringement. Thus, copyright protection is not merely a legal issue but also a matter of legal culture.

Lestari explains that "Indonesia's digital legal culture remains weak due to a lack of comprehensive public education." As a result, copyright violations often occur unintentionally due to public ignorance of legal boundaries in digital spaces. This situation is exacerbated by the lack of educational campaigns from the government or academic institutions on the importance of respecting copyright online.

Another crucial obstacle is the absence of clear regulations on digital platform liability. Many service providers, such as social media and streaming platforms, currently have no legal obligations to remove or prevent copyright-infringing content. According to S. Nugraha, "the absence of liability mechanisms allows platform providers to evade legal responsibility for copyright-infringing content." Internationally, shared liability principles have been adopted, such as in the Digital Millennium Copyright Act (DMCA) in the United States and the EU Directive 2019/790, requiring platforms to implement notice and takedown systems, automated content filtering, and regular copyright infringement reporting.

Indonesia lacks similar mechanisms within its ITE Law. As a result, many Indonesian musical works are freely used and sometimes exploited commercially by unauthorized parties without the creators' control. This leaves creators and the music industry without optimal legal protection in cyberspace.

Furthermore, in terms of law enforcement, the limited human resources capable of understanding both cyber law and intellectual property law simultaneously remains a challenge. Many law enforcement officers, including cyber police and copyright investigators, still struggle with applying proper digital forensic approaches to prove online music copyright violations. Poor coordination between agencies such as the Ministry of Communication and Information, the Police, and the Directorate General of Intellectual Property also slows dispute resolution processes.

Therefore, these normative and practical obstacles indicate that protecting music copyright in the digital era involves not only substantive legal issues but also institutional reform, public education, and modernization of legal frameworks and digital forensic technologies. Without systematic policy updates and integration, copyright protection efforts will continue to lag behind the rapid pace of technological development.

### **The Urgency of Amending the ITE Law to Ensure Legal Certainty for Music Copyright**

Amid the acceleration of digitalization and the growth of the music industry as part of the national creative economy, an adaptive legal framework is essential. The ITE Law,

originally designed to regulate general electronic activities, must evolve in response to new realities, including the protection of musical works in the digital domain. The urgency of amending the ITE Law lies in the need for legal norms that regulate not only the distribution and transaction of electronic information in general but also address digital intellectual property issues, particularly music copyright transmitted across various online platforms.

Changes in consumption and distribution patterns from physical to digital formats, along with the rise of user-generated content, remixes, and viral content on social media, have created new legal landscapes not fully covered by existing instruments. In this context, the revision of the ITE Law should establish legal certainty governing the rights and obligations of all stakeholders involved: creators, users, content aggregators, and platform providers.

According to Heryawan, "the revision of the ITE Law can serve as an entry point to restructure data- and algorithm-based legal protection systems within the context of intellectual property." The law should not merely consist of prohibitions and sanctions but also become part of technological design itself, integrated into digital systems through strengthened regulations on metadata, digital watermarking, and automated licensing.

Wilopo further explains that "the ITE Law revision must meet the needs of the creative industry by incorporating technology-based protection instruments such as watermarking, blockchain, and notice and takedown systems." Technologies like blockchain can provide digital ownership trails for musical works, facilitate infringement tracking, and promote a more transparent royalty system. Meanwhile, notice and takedown systems are becoming global standards for removing copyright-infringing content, as seen in the United States through the DMCA and in the European Union through the EU Copyright Directive.

Strengthening digital norms also serves to correct power imbalances between copyright holders and platform providers. Kartika Dewi emphasizes that "enhancing digital norms within the ITE Law will strengthen legal certainty and promote digital justice for creators." Without explicit and operational legal norms, creators often suffer losses while violators remain beyond legal reach due to insufficient provisions within the current ITE Law.

Another important aspect of reform is the need for a multidisciplinary approach that integrates legal, technological, and digital economic aspects. By positioning the ITE Law as the principal regulation governing digital content traffic, the state has the opportunity to build a proactive legal architecture that responds to the challenges of intellectual property digitalization. This aligns with the concept of Digital Justice, which demands not only normative legal protection but also technological empowerment to enforce creators' rights online.

Without progressive legal reform, protection for music as a digital cultural product will continue to erode through unauthorized exploitation, content theft, and unfair monetization systems. Conversely, reformulating norms within the ITE Law to specifically address music copyright protection can create a conducive legal environment for the growth of the national creative industry while upholding principles of justice, certainty, and sustainability.

Thus, the urgency of amending the ITE Law is not merely a response to technological developments but also a manifestation of the state's commitment to safeguarding creators' economic and moral rights, strengthening the national intellectual property system, and fostering a healthy, fair, and sustainable digital ecosystem.

## CONCLUSION

The *Undang-Undang Informasi dan Transaksi Elektronik* (ITE Law) has yet to provide sufficient legal certainty for music copyright protection in the digital space, as its provisions are too general and do not address the specific challenges of digital music distribution. This creates a legal gap that weakens protection for music creators, compounded by a lack of synchronization between the ITE Law and the Copyright Law, limited law enforcement capacity, low public digital literacy, and unclear liability for digital platforms. Technical barriers such as cross-border jurisdiction and the manipulation of electronic evidence further hinder effective enforcement. Therefore, revising the ITE Law is urgent to ensure legal clarity, establish platform liability, and incorporate technologies like blockchain and notice-and-takedown systems. Future research should focus on exploring technological solutions such as blockchain and smart contracts for improved digital copyright enforcement, and comparative studies of international copyright mechanisms to provide insights on addressing similar challenges in different jurisdictions.

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