



## Legal Certainty Against Self Claiming Actions on Covered and Rearranged Songs

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### **Abstract**

The practice of re-singing or covering songs with different arrangements and then uploading them on digital platforms without the permission of the copyright owner is increasingly prevalent. Cover and rearrangement of songs often trigger controversy when a perpetrator claims ownership (Self-Claiming) because he feels entitled to be one of the Copyright Holders of his new work, and other parties feel harmed because of the action. The purpose of this study is to examine the suitability of Self-Claiming actions as copyright holders of songs covered and rearranged based on the elements of the creator in Article 1 Point (2) of the UUHC, as well as examine related to the legal implications of the application of the UUHC to address disputes when they occur between the original Copyright Holder and the Creator of the cover or rearrangement. The research method used is a juridical-normative type of research with a statutory approach and a conceptual approach. The results of the study show that a person who performs a self-claiming action on a derivative work, if it is based on the elements of the Creator in the form of acting out his ideas or creativity in the form of a new work that is distinctive and different from other works, the cover and re-arrangement performer can have claim rights to his new work if he has a licence from the original Creator. Whereas if there is no licence then it becomes an act of copyright infringement that has no certainty and legal basis. Self-claiming without a licence can lead to legal consequences in the form of lawsuits and financial losses, so the UUHC has implications as a basis for dispute resolution to maintain a balance between copyright protection and the development of creativity.

**Keywords:** *Legal Certainty; Self-Claiming, Creator; Cover; Re-arrangement*

### **Introduction**

Advances in thinking capacity and individual intelligence in the era of society 5.0 produce a variety of unique works, ranging from works of art, science to new technologies that are able to keep up with the progress of civilisation. The works produced are generally intangible objects resulting from intellectual abilities that contain moral value and economic value. Article 499 of the Civil Code explains that objects are every item and every right that can be controlled through ownership rights.<sup>1</sup> Copyright has

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<sup>1</sup> Niken Widya Intan Permatasari, dan HR Adianto Mardijono, *Status Hak Kebendaan Terhadap Tencent Selaku Pemegang Hak Milik Kebebasan Yang Mutlak Atas Game Pubg Mobile Dalam Hukum Perdata*, Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance, Vol. 3, No. 1, 2023, p. 724-725.

two rights inherent in the creator in the form of moral rights that have a declarative nature and economic rights to obtain financial benefits from the work.<sup>2</sup>

The government provides legal certainty to creators through the enactment of Law No. 28 of 2014 on Copyright ('UUHC') in the form of inherent moral rights and economic rights in the form of compensation from the use of copyrighted works by other parties. The UUHC is designed to protect the rights of creators and ensure recognition and protection of the works produced, especially in the digital era, because in this era the ease of access to copyrighted works causes an increased risk of unilateral recognition or piracy of other people's works. Currently, the practice of re-singing or covering songs with different arrangements and then uploading them on digital platforms without the permission of the copyright owner is increasingly prevalent. Based on data from the Government's handling of IPR infringement cases from 2015 to 2021, there were a total of 1,184 cases of IPR infringement with 243 copyright cases.<sup>3</sup>

The flow of piracy usually starts when a pirate uploads rearranged and re-covered songs to a Digital Service Provider (DSP). When someone opens the upload and listens to the song, the song pirate will gain economic benefits. The most recent piracy case occurred for Mahalini's song 'Sial', which was revealed through a post on an Instagram story on 7 January 2024. The chronology of the case began when Mahalini revealed evidence that a party named Rama Chan made a fake conversation regarding a request for permission to republish the song 'Sial' on digital platforms. Chan then added his name to the list of song writers, performers, and producers on the Spotify music app.<sup>4</sup>

In the case of Rama Chan's cover of the song 'Sial'. Rama Chan feels that he deserves to be recognised as part of the song's writer, performer and producer because he has produced a new work that is different from the original. In addition, Chan also felt that he had asked permission from Mahalini through Instagram messages, but there was no reply from Mahalini. Mahalini's silence was interpreted by Rama Chan as a form of consent to cover and re-arrange the song. The cover and re-arrangement of the song creates a new formation with various measures of change in the form of melodic changes with additional chords, stylistic interpretations in music with the use of different instruments in the pop genre music style into the jazz genre, and other changes in the form of vocal interpretations that are different from the original.

The use of the principle of fair use for the purpose of maintaining a proper and fair balance between the interests of the rights holders and users of copyrighted works, but the use of this principle is still based on holistic considerations regarding copyright restrictions as stipulated in Article 43 to Article 51 of the UUHC. The article explains that the act of dissemination of copyrighted works through technological media that is not classified as an infringement is not intended for commercial purposes, where the Creator states no objection, and includes the original source in full.<sup>5</sup> Based on copyright regulations and the phenomenon of recognition of ownership of copyrighted works on a cover song and re-arrangement, it shows that the development of technology brings the limits of fair use in the legal concept is still a source of debate.

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<sup>2</sup> Sofyan Jafar, *Hak Moral Dan Hak Ekonomi Dalam Hak Cipta: Kajian Terhadap Industri Lagu Atau Musik Di Aceh* (Aceh: BieNaEdukasi, 2013), p. 98-100.

<sup>3</sup> Wibi Pangestu Pratama, *Ada 1.184 Kasus Pelanggaran Hak Ditindak di RI Sejak 2015*. *Bisnis.com* 2021 <https://ekonomi.bisnis.com/read/20211006/9/1451327/ada-1184-kasus-pelanggaran-haki-ditindak-di-ri-sejak-2015> accessed on 10 September 2024, at 14.45 WIB

<sup>4</sup> Surya Hadiansyah, *Mahalini Geram Lagu Sial Miliknya Diduga Diklaim Orang Lain hingga Palsukan Izin: Capek-Capek Bikin Malah Dibajak*. *Liputan6.com* 2024 <https://www.liputan6.com/showbiz/read/5499793/mahalini-geram-lagu-sial-miliknya-diduga-diklaim-orang-lain-hingga-palsukan-izin-capek-capek-bikin-malah-dibajak> accessed on 10 september at 14.00 WIB

<sup>5</sup> Iswi Hariyani, *Buku Pintar HAKI dan Warisan Budaya Edisi Revisi*, (Yogyakarta: Gadjah Mada University Press, 2023), p. 52-54

## Research Methods

Research methods in scientific work are used as a tool to find answers to the object of legal problems being studied, through data processing, legal development and analysis, which are then adjusted based on essential principles in law. In this research, the type of research used is the juridical-normative type (Legal Research) which is carried out by examining legal regulations, principles or doctrines to produce new arguments, theories or concepts to answer legal problems. The approach used is a statutory approach by analysing primary legal materials to assess related self-claiming actions taken by someone after modifying and rearranging the song, whether the person is eligible and can be said to be the Copyright Owner or not. As well as examining the settlement efforts in the event of a dispute about the composition of the song that has been performed again. The conceptual approach is carried out by focusing on the existence of doctrines and views of relevant legal experts. Legal materials for the basis of research are sourced from primary legal materials, secondary legal materials, and nonlegal materials.<sup>6</sup> Primary legal materials are Law No. 28 of 2014, Government Regulation No. 36 of 2018, Government Regulation No. 56 of 2021, and Government Regulation No. 24 of 2022. For secondary legal materials from books related to the problems studied, with the method of collecting legal materials in the form of a literature study method.

## Discussion

### 1. Implementation of the Elements of the Creator in UUHC towards the Act of Self-Claiming of Cover Songs and Rearrangements and the Use of Fair Use Principles

Copyright is classified in the category of immaterial property rights sourced from ideas and imagination of a person who then poured in various forms of copyrighted works so as to give rise to private rights for the Creator. Article 1 number 1 of the UUHC defines copyright as an exclusive right in the form of moral rights with inherent nature with the work without time limit and economic rights to obtain financial benefits for the Creator, Copyright Holder or Related Parties. The UUHC defines copyright regulation as a provision that a person can be said to be the creator if he can prove that he actually created his own creation as stipulated in Article 31 of the UUHC which explains that a person can be said to be the creator if the person's name is mentioned, recognised as the creator, mentioned and listed in the work registration document.<sup>7</sup>

The principle of creativity is the basis for the issuance of Government Regulation No. 24 Year 2022 on Creative Economy is useful to recognise every individual has the right to create legal derivative works. The development of the creative industry is characterised by a wider range of jobs that also involve the reuse of other people's works such as covers and re-arrangements of songs, but this development causes confusion regarding the perspective of legal certainty as a Copyright Holder for the reuse of copyrighted works and the risk of infringement in the form of ownership claims over derivative works created. Such is the case of the Self-Claiming action on Mahalini's unlucky song which was recognised by Rama Chan after re-using the song without a written licence. Self-claiming actions can still occur even though digital platforms have operational standards in the form of provisions or policies designed to ensure certainty of rights for each related party. This shows that the policy of a digital platform still has loopholes that can be used by irresponsible parties to manually claim ownership of copyrighted works.

Rama Chan is self-claiming as a copyright holder on the Spotify platform with the aim of obtaining legal certainty over the modification of the melody and reinterpretation of the original pop music genre of the song Sial into the jazz genre. The protection intended by Rama Chan is based on the

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<sup>6</sup> *Ibid*, p. 181-184

<sup>7</sup> Iswi Hariyani, Op.Cit, p. 55

UUHC as a national jurisdiction. The UUHC contains an automatic grant of rights to a person upon the creation of a new copyrighted work without having to make a formal registration. However, in his actions, Rama Chan did not pay attention to the provisions of legal certainty for cover and re-arrangement works. In the cover and re-arrangement of copyrighted works, the licence provisions apply absolutely to any changes made from the original copyright holder, so this makes his self-claiming action an act of copyright infringement because it does not respect the rights of the original creator.

The UUHC does not justify the act of self-claiming if it is not based on a licence from the original creator on the grounds that this action violates the exclusive rights of the creator and is contrary to the principles of copyright law. Unless there is clearly an explicit situation rule in the form of a limited licence permission between the cover artist and the original creator for the right to make limited claims to the cover and re-arrangement with the provision of continuing to include the original creator as the copyright owner of the composition of the work. Self-claiming action on the re-use of a copyrighted work can be categorised as part of the recognition of derivative copyrighted works if it meets the conditions of permission from the copyright holder in accordance with Article 9 of the UUHC. The copyright provisions state that the work is classified within the scope of derivative works is any act of adaptation, modification, or change of an original work that respects and recognises the rights of the creator of the original work, then will get legal protection and is not classified as an illegal act of infringement of the exclusive rights of the creator. As in Jan M. Otto's theory which emphasises that the law must have certainty in the application of the balance between the interests of the creator and the public interest.<sup>8</sup> To ensure that self-claiming does not eliminate the legal certainty of the original creator, the cover and re-arrangement actors must continue to provide space for the original creator to continue to get recognition and fair compensation from the re-use of their work.

The act of self-claiming without a licence hinders the development of one's innovation, and its application is contrary to the principle of copyright creativity as embodied in the concept of creative economy which is intended to provide space for new creativity to each individual, such as the act of covering songs or rearrangements with a certain licence. The legal implications of UUHC state that if an arranger does not obtain permission from the copyright holder to make changes to a song, then the arrangement is considered an infringement of copyright. Unlike the case if the arranger makes significant changes to the original composition with the clarity of the licence, then the arrangement can be said to be a new work and the arranger can claim ownership and obtain economic rights to the work because there are elements of characteristics that are different from the original work, which means it has met the requirements to be protected as a new copyright.

Article 1 Point 20 of the UUHC explains the notion of licence which is the granting of permission from the copyright holder to another party to exercise economic rights over his creation under certain conditions. Licensing rules are contained in Article 80 Paragraph 4 of the UUHC with implementing provisions based on Government Regulation No. 36 of 2018. The Government Regulation guides the systematic way of recording transparent licensing agreements to ensure the rights of copyright holders and to reinforce that the act of covering and re-arranging with a licence will provide legal certainty that maintains the economic and moral rights of the original creation but other parties can enjoy or make use of derivative works without violating the rule of law. The context of licensing permission to reuse songs in the form of covers and arrangements is usually given for modification of lyrics, melodies or other parts of a work but still recognises the original creator as the owner of the work so that the original creator will get compensation for the results of economic use. The licensing provisions that can be granted by the

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<sup>8</sup> Jan. M., Otto, Bedner A.W., Irianto S., Wirastri T.D, *Kepastian hukum yang nyata di negara berkembang (Real Legal Certainty in Developing Countries) Kajian Socio-Legal (Socio-Legal Studies)*, (Bali: Pustaka Larasan, 2012), p. 142-145

Creator/Copyright Holder to the arranger under the UUHC are divided into two, which include the Licence of Mechanical Rights and the licence of the Right to Announce.<sup>9</sup>

The validity of the licence provides legal certainty for cover artists and arrangers including the right to obtain royalties from derivative works created. The provision of royalty distribution is collected by the national collective management institution or LMKM as stipulated in Government Regulation No. 56 of 2021 to accommodate legal protection for each right to copyrighted works from the risk of copyright infringement. Article 2 Paragraph (1) of Government Regulation No. 56 of 2021 states that the use of commercial public services for creators or copyright holders includes public performances of creations, announcements of creations, and communications of creations.<sup>10</sup>

### Use of the Fair Use Principle

Copyright recognises the antithesis of fair use of a copyrighted work through the principle of fair use. The definition of fair use is a doctrine of exception with the freedom to make limited use of another's work without the need to ask permission from the Copyright Owner with the aim of balancing protection for the Creator or Copyright Holder, or to access the public interest and use the work in a particular context. Cover and re-arrangement activities do not directly fall under the fair use exception, depending on the purpose, impact, and procedure of re-using a work.<sup>11</sup> In many cases, the performance of cover songs by re-singing without changing the elements of the original work cannot be considered as fair use because there is no element of creative interpretation, especially if the purpose of commercial use and impact on the market is automatically a violation of copyright. Whereas for re-arrangements performed with transformational additions in the form of new meanings or different contexts of the original work have more opportunities that allow it to be categorised as fair use, while still complying with the provisions in Article 43 to Article 51 of the UUHC which provide fair use limits for such actions so as not to be classified as copyright infringement.<sup>12</sup>

The application of fair use in copyright is not always the same between national and international law. Internationally, the principle of fair use is not uniformly regulated. The Berne Convention and TRIPs only provide a framework for copyright protection and do not specifically provide rules of fair use, which in the Berne Convention and TRIPs the application of fair use applies to activities of reuse of copyrighted works as long as such use does not conflict with the rules of normal exploitation, and does not cause harm to the moral and economic interests of copyright holders. So that the WIPO Copyright Treaty gives each member country the right to form and develop its own rules related to fair use with consideration of technological developments as long as it does not conflict with international rules.

The United States for example, rules related to fair use are explicitly regulated by this country in the Copyright Act since 1976. Fair use in this country is permitted for four qualifying factors including purpose, nature, substantial or amount, and impact on the potential market for reuse activities of a copyrighted work.<sup>13</sup> The United States uses a 10% fair use reuse change factor qualification by measuring elements of the original work such as lyrics, melody, duration, or overall structure. This principle is used to determine how much modification is allowed so that the new work is considered different, although

<sup>9</sup> Destiara Meisita Fafitrasari, Kholis Roisah, and Mujiono Hafidh Prasetyo. *Perlindungan Hukum Lagu Yang Diaransemen Ulang Berdasarkan Undang-Undang Hak Cipta*, Notarius, Vol. 14, No. 2, 2021, p. 781-782

<sup>10</sup> Gabriel Indarsen, *Konsekuensi Hadirnya Peraturan Pemerintah Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/Atau Musik Terhadap Pemungutan Royalti Lagu Dan/Atau Musik*, *Locus: Jurnal Konsep Ilmu Hukum*, Vol. 3, No. 2, 2023, p. 106

<sup>11</sup> Aini, Fatimah Nurul, dan Indirani Wauran, *Pemenuhan prinsip fair use dalam cover lagu berdasar hukum hak cipta Indonesia*, *Jurnal Ilmiah Kebijakan Hukum*, Vol. 15, No. 1, 2021, p.121-129

<sup>12</sup> Anastasia Theresia Puspasari., dan Agus Sardjono, *Pembatasan Hak Cipta Terkait Remix Lagu Berdasarkan Doktrin Fair Use Dan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta*, *Technology and Economics Law Journal*, Vol. 2, No. 2, 2023, p. 277-278

<sup>13</sup> MountHloyoke, *Copyright: Fair Use and The Four Factors Explained*, <https://guides.mtholyoke.edu/copyright/fair-use>, accessed on 08 November 2024 at 08.07 WIB

still related to the original work. As for Indonesia, there is no explicit rule about the 10% change limit in the fair use principle. The qualification of fair use only focuses on the licensing principle, moral rights, and economic rights of the original creator. So that this is used as a quantitative limit for the use of a small part of the protected copyrighted work as long as it does not interfere with the reasonable interests of the creator and does not exceed the limits of fair use as stipulated in the UUHC.<sup>14</sup> A reasonable interest in the context of Fair Use is interpreted as a potential gain or loss both economically and otherwise for the Copyright holder. Thus, fair use of the use, retrieval, duplication, and/or alteration of a work without permission must take into account the potential economic and other losses that may be suffered by the Copyright holder.

The creative space on the principle of fair use allows creators to innovate in using other people's works through the inspiration of the original work without copying key elements and in a way that does not harm the rights of the original creator. In the context analysis of the reuse of copyrighted works by Rama Chan on Mahalini's Sial song cannot be classified as fair use under the UUHC, because the reuse causes changes to the market potential of the original song, the cover and re-arrangement done by Rama Chan attracts public interest to be used as a background for their uploads starting on TikTok and on other social media. This makes the derivative work cause an influence on the popularity and commercial appeal of the original work in the music market and cause financial injury to the Copyright Holder so that it is more considered an infringement of copyright and cannot be classified as a fair use qualification.

The legal certainty and balance of the actions of cover and re-arrangement actors are applied with the principle of justice to protect the original creator while giving respect to the creative contributions of others. The context of balance referred to in the act of Self-Claiming is that the original performer and creator both get recognition and proper compensation when the re-arranged song is enjoyed by others. So that both parties benefit from each other, starting from the original creators who have a sense of security and their rights are guaranteed and those who make arrangements get protection in accordance with the limits of creative freedom without being categorised as copyright infringement. Legal certainty will be obtained if the law is clear, predictable, and fair. Although legal certainty is very important, justice must also remain a major consideration in the application of the law.

## **2. Legal Implications of Implementing Indonesia's Copyright Law (UUHC) for Disputes Between Original Copyright Holders and Cover or Rearrangement Creators**

Copyright has a limited period of protection, which means that once the protection period expires, the work enters the public domain. In the context of creations, there are fundamental principles that must be fulfilled to obtain copyright, namely:<sup>15</sup>

1. Works protected consist of the manifestation of a person's original ideas and inspiration.
2. Copyright arises automatically when a creation is made public in accordance with its declarative nature.
3. Copyright is recognised as a legal right, separate and distinct from physical ownership of the creation.
4. Copyright is not an absolute right but rather a limited monopoly.

The Indonesian Copyright Law (UUHC) provides exclusive protection for the personal relationship between a Creator and their work in the form of perpetual moral rights. These rights can only be passed on to heirs upon the Creator's death, ensuring protection of the work's attribution and integrity,

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<sup>14</sup> Margaritha Rami Ndoen, dan Hesti Monika. *Prinsip Fair use Terhadap Cover Version Lagu Dalam Perspektif Perlindungan Hak Cipta (Perbandingan Antara Undang-Undang Hak Cipta Indonesia Dengan Amerika Serikat)*. Paulus Law Journal Vol. 1, No. 1, 2019, p. 6

<sup>15</sup> Magdariza, *Analisa Yuridis Terhadap Hak Ekonomi Dan Hak Moral Berdasarkan Undang-Undang Hak Cipta Dalam Rangka Liberalisasi Perdagangan*, UNES Law Review, Vol. 5, No. 4, 2023, p. 2154

and preventing modifications that could damage the Creator's reputation. Copyright protection is granted for creations in the form of specific ideas, not general concepts, encompassing works of science, art, and literature expressed in tangible forms. However, ideas not yet realised in tangible forms are not eligible for copyright protection. Similarly, ideas materialised outside the scope of science, art, and literature are also excluded from copyright protection.

Exclusive rights grant the Rights Holder authority over full usage of the work, reproduction, adaptation, or distribution. Based on case handling data related to intellectual property violations by the government, copyright infringement categories include acts of misuse or reuse, reproduction, distribution, commercial exploitation, claiming ownership of modifications, and broadcasting a copyrighted work in mass media without licensing or fulfilling royalty obligations.<sup>16</sup> The legal implications of self-claiming actions on covered and rearranged songs, as in the case of *Sial* by Mahalini, can have significant consequences for the music industry, original creators, and individuals involved in covering or rearranging songs. Self-claiming by users who reuse songs without proper licensing raises several legal issues as governed by Government Regulation No. 36 of 2018.

Firstly, such actions may constitute copyright infringement if clear permission from the original creator is absent, potentially leading to legal claims from the original creator or other copyright holders. Secondly, financial consequences may arise in the form of compensation payable to the aggrieved party, alongside potential administrative fines. Furthermore, reputational damage could affect both the original copyright holder and those performing covers or rearrangements, as non-compliance with regulations could tarnish their image within the industry. The legal consequences of publishing a copyrighted work resulting from a cover or rearrangement without the original creator's permission may lead to civil lawsuits filed in commercial courts or criminal prosecution. In such cases, copyright holders may petition the commercial court to seize items related to copyright violations as evidence in legal proceedings. They may also request the court to halt the unauthorised publication of their work. Copyright holders retain the right to file civil or criminal claims for compensation, seeking redress for financial losses or unpaid royalties resulting from unauthorised use.

Preventive measures to avoid disputes include registering musical works with the Ministry of Law and Human Rights and implementing digital watermarking systems. This involves embedding unique or invisible identifiers within audio files, as applied to Taylor Swift's song *Shake It Off*, distributed by Republic Records. Such measures support the economic and moral rights of copyright holders and facilitate dispute resolution in Indonesia. In cases where disputes arise, the Copyright Act (UUHC) provides several repressive measures, such as mediation, negotiation, or legal action through civil or criminal proceedings against violators of the creator's economic rights. The legal framework for copyright protection in Indonesia recognises *secondary musical works* as outlined in Article 40(2), with original works requiring the consent and approval of the original creator. In disputes between creators of original works and creators of secondary musical works, the original creator, copyright holder, or their heirs, alongside the compliant creators of secondary works, may file claims in the commercial court to protect their rights to derivative works under the UUHC, depending on the evidence and harm caused.

## Conclusion

A creator, based on the definition of a creator in Article 1, Point (2) of Indonesia's Copyright Law (UUHC), is an individual who holds exclusive rights over the realisation of ideas or creativity in the form of a distinctive and original new work. Cover performers and rearrangers can obtain claim rights over their new works if they are licensed by the original creator. In the case of Rama Chan's rearrangement of the song *Sial*, the transformation from the pop genre to jazz introduces a new element. However, the legal

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<sup>16</sup> Hara Dongan Simamora., Yuhelson Yuhelson., dan Anriz Nazaruddin Halim, *Kepastian Hukum Bagi Pencipta Lagu Terkait Larangan Membawakan Lagu Oleh Pihak Tertentu*, SENTRI: Jurnal Riset Ilmiah, Vol. 3, No. 5, 2024, p.2234

certainty and protection of this new work cannot be recognised as it fails to meet the licensing requirements for reusing copyrighted works. Consequently, Rama Chan's self-claiming constitutes copyright infringement, as it results in losses for the original creator and does not qualify as fair use. This is because such actions potentially harm the market for the original work, with the qualifications heavily reliant on licensing principles, as well as the original creator's moral and economic rights. The legal implications of applying the UUHC to resolve disputes between the original copyright holder and cover or rearrangement creators form the basis for each rights holder to defend their rights. Self-claiming by cover performers or rearrangers without permission carries legal consequences, including court litigation and financial losses. Should a dispute arise between the original copyright holder and cover or rearrangement creators, Article 95 of the UUHC serves as a guideline for resolution, clarifying the rights and obligations of both parties to ensure balance in the development of creativity within the music industry.

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### Appendix

#### **Mahalini Furious as Her Song "Sial" is Allegedly Claimed by Someone Else and Permission Forged: "I Worked Hard, only for It to Be Pirated"**

Liputan6.com, 8 January 2024



Figure 1. Source: liputan6.com, accessed on 10th September 2024 at 14:00 WIB

**Mahalini Raharja is currently facing a serious issue regarding her creative work, which is allegedly being claimed by another singer, Rama Chan. The song titled "Sial," created by Mahalini, has been pirated by Rama Chan, and even more shockingly, Rama Chan has added his name as the song's creator.**

Mahalini shared her frustration through a post on her Instagram Story some time ago. She provided evidence that her song was uploaded by Rama Chan to a digital music platform, with the added detail that Rama Chan listed his name as the creator of "Sial."

"After all the hard work, it gets pirated, uploaded to DSP, nice job, Rama," Mahalini wrote in the post, which was also re-shared by the account @indomusikgram on Sunday (8/1/2024).

In her lengthy complaint on Instagram Story, Mahalini revealed that the song uploaded by Rama Chan on DSP actually also stole another person's cover work.

## Facts

"It seems like I'm always being asked to stay positive, but I think I shouldn't this time, haha. At first, I thought maybe the person who did the cover (AKA Ramadan, his real name) didn't know anything, so they intended to cover the song but uploaded it to DSP and added themselves as the creator. And on top of that, they didn't even sing it, they just stole someone else's cover. Haaa, it's the most ridiculous!" Mahalini wrote in another post.

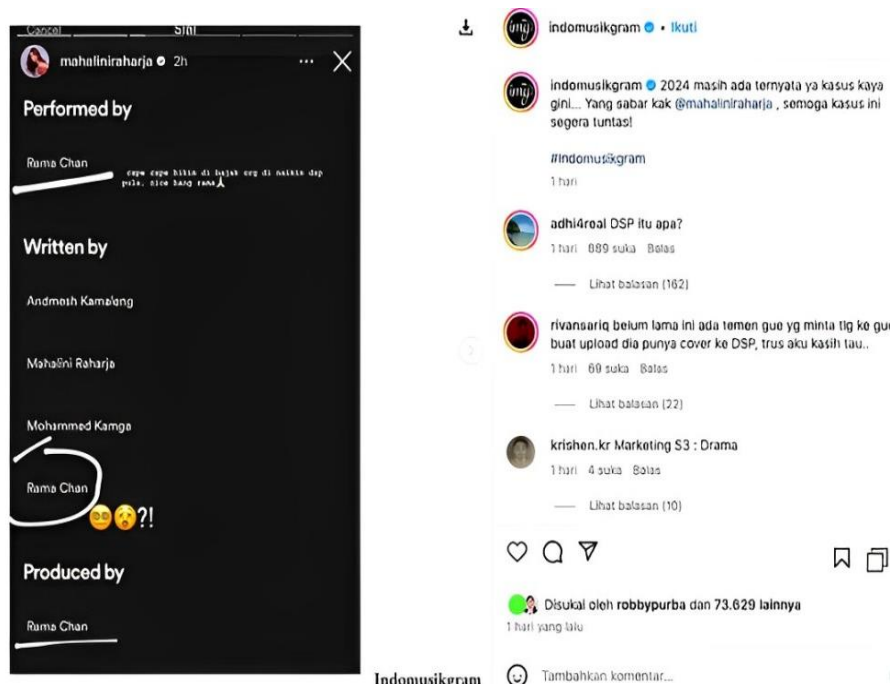


Figure 2. Screenshot of Mahalini Raharja's Instagram Story, accessed on 10th September 2024 at 14:00 WIB

## Forgery of Permission

Not only that, Mahalini also mentioned that Rama Chan allegedly fabricated a fake chat to request permission, and in that chat, Mahalini is said to have given permission for the song to be uploaded to DSPs.

"ANDDD turns out I have proof where he FAKED the permission chat to me, and in that chat, I supposedly allowed the song to be uploaded to DSPs etc... no way?! (Isn't that criminal?) WHEN IN FACT he did DM me but I didn't respond at all, and the chat was only asking permission to cover it (I didn't reply because I was inactive)," she added. Mahalini stated that she has never had an issue with anyone covering or singing her song. She admitted that she's grateful for those who have done so in a

proper and ethical way. However, regarding this issue, Mahalini expressed her disappointment. "If it's just a cover, there are many who don't ask for permission, but I never had a problem with that, like okay, just sing it, and I even thank those who have covered it, but in a good way, but this one? Hmm," said Mahalini.

Moreover, Mahalini emphasized that she has proof of the fake chat from the concerned party. Although she chose not to share the evidence publicly, Mahalini hopes that this incident can serve as a valuable lesson for fellow musicians who wish to cover songs, encouraging them to be more careful and respect copyright. She believes that all musicians are happy when their songs are covered in a proper and procedural manner.



Figure 3. Mahalini's statement that there was no permission for RamaChan's cover action, accessed on 10th September 2024 at 14:00 WIB

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