

A Comparative Analysis of the Royalty Sharing Rules of the Spotify Digital Music Player Service Channel in Europe and Indonesia

Original Article

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Abstract

The development of digital technology has transformed the way music is consumed, with streaming platforms such as Spotify, YouTube Music, and Apple Music becoming the primary channels for music distribution. In Indonesia, the use of digital music services continues to grow, creating significant opportunities for the music industry while also presenting challenges related to fair royalty distribution mechanisms. This study aims to conduct a comparative analysis of royalty distribution regulations in digital music streaming services, particularly Spotify, in Europe and Indonesia. This study employs a normative juridical method with a comparative legal approach, analyzing secondary data consisting of legislation, legal documents, court decisions, and relevant literature through a descriptive-analytical framework to compare digital music royalty distribution regulations in Europe and Indonesia. The study shows that royalty distribution regulations in Indonesia, particularly those referring to Government Regulation No. 56 of 2021, still face uncertainties in implementation, especially regarding royalty distribution for independent musicians and digital service providers. Although efforts have been made to manage copyright through the National Collective Management Organization, the mechanisms for royalty collection and distribution are hindered by poor coordination between institutions and a lack of transparency in music usage reports. A comparison with regulations in the European Union indicates that Indonesia needs to adjust its regulations to better align with the complexities of the current digital music market. To establish a fair and transparent royalty distribution system in Indonesia, more comprehensive regulatory improvements and better coordination among relevant institutions are necessary.

Keywords: Comparative Law, Copyright in the Digital Era, Digital Music Royalties, Music Streaming Platforms.

1. Introduction

The development of digital technology has changed the way music is consumed. In the past, music was distributed through physical media such as vinyl records, cassettes, and CDs. However, with the advancement of the internet and digital technology, this has changed drastically. Today, music can be accessed easily through digital platforms that offer convenience and comfort to users.

In the late 1990s, Musical Instrument Digital Interface (MIDI) technology was introduced, enabling digital-based music production. This development was further advanced with the advent of the Internet, which changed the landscape of the music industry. Today, digital music playback and distribution are becoming increasingly dominant. In Indonesia, high internet penetration has contributed to the widespread use of online applications to store, play and market music. Previous research shows that the number of internet users in



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Indonesia increased from 170 million in 2018 to 196 million in 2020, showing an upward trend (Putri & Fahrozi, 2020). Platforms such as Spotify, YouTube Music, Apple Music, and Rezzo have become the main channels for accessing music. These services provide access to millions of songs from various genres and artists through internet-connected devices (Adri Putra & Dananjaya, 2024). This streaming-based business model has not only changed music distribution but also made it more affordable for the general public. APJII data in 2016 noted that online digital music users in Indonesia reached 46 million and continues to increase to date (Netti & Irwansyah, 2018).

The increase in the number of streaming service users creates a huge opportunity for the music industry. This growth has allowed artists and songwriters to reach a wider audience without geographical restrictions. However, this rapid growth also poses challenges, especially regarding royalty-sharing mechanisms (Dalimunthe et al., 2022). The growing number of users and number of streams has increased the need for a more transparent and efficient system to ensure fair royalty distribution to creators and copyright owners (Faturahman & Riswandi, 2024).

In Indonesia, regulations related to royalty distribution still face various obstacles. Law No. 28/2014 on Copyright has provided legal protection for songwriters, artists, and other copyright holders. However, its implementation in the field faces many obstacles. The government has also issued Government Regulation No. 56 of 2021 on Royalty Management of Copyrighted Songs and Music, which requires business entities to pay royalties to copyright holders when using music for commercial purposes (Arifin, 2022).

The National Collective Management Organization (LMKN) has a primary role in managing royalty collection and distribution in Indonesia. Currently, there are 11 Collective Management Organizations (LMK) operating separately, whereas ideally, royalty management should be conducted through a single channel under LMKN. Additionally, transparency in royalty management remains a major issue, with many songwriters and musicians complaining about the lack of information regarding royalty calculation and distribution.

Previous research related to copyright protection in the digital music industry has shown various challenges faced by songwriters. Widyaningrum & Sukihana (2021) discussed the legal protection that can be provided to songwriters for their work that is illegally downloaded via the internet. They revealed that although Law Number 28 of 2014 on Copyright regulates copyright protection, violations still frequently occur due to the ease of access and digital distribution of works. Furthermore, Dharma & Mahadewi (2023) highlighted the importance of copyright protection in Indonesia's rapidly growing digital music industry, which is accompanied by an increase in copyright infringement. They suggested increasing public awareness and optimizing the role of copyright institutions to address frequent violations. Meanwhile, Fahlevi (2022) discussed the challenges faced by songwriters or musicians who are not members of Collective Management Organizations (LMK) in obtaining their royalty rights. This research showed that creators who are not registered with LMK do not receive royalties collected by the National Collective Management Organization (LMKN), although royalties from their works are still collected by LMKN to protect their economic rights in the future. These studies provide a comprehensive picture of legal protection for copyright in the digital music industry and demonstrate that although regulations exist, copyright infringement remains a major problem requiring more effective law enforcement and greater awareness from all relevant parties.

Considering the complexity of royalty sharing issues in the digital era, this research aims to analyze and compare royalty sharing rules from digital music player service channels,

particularly Spotify, in Europe and Indonesia, as well as to understand the regulations governing the rights of music creators and performers in royalty distribution. The results of this study are expected to provide clearer insights regarding royalty policies in both regions and offer recommendations that can serve as a basis for the development of more comprehensive regulations in Indonesia to address legal gaps related to royalty rights in the digital music industry.

2. Methods

This research uses a normative juridical research method with a comparative approach. This method was chosen to analyze the royalty sharing rules from Spotify's digital music player service channel in Europe and Indonesia based on regulations applicable in each region. The data used in this research consists of secondary data including legislation, legal documents, court decisions, and relevant literature regarding royalty distribution systems in the digital music industry.

The data collection technique was conducted through library research by examining various primary, secondary, and tertiary legal sources relevant to the issues being studied. Data analysis was performed using a descriptive-analytical method, where the obtained data was classified, compared, and examined to find similarities and differences in royalty sharing rules between Europe and Indonesia. From this analysis, the research aims to provide recommendations for addressing legal gaps regarding song and music royalties in Indonesia and to formulate solutions that can be adopted into the national legal system.

3. Results and Discussion

3.1. Forms of Royalty Sharing Rules from Digital Music Player Service Channels

Music not only functions as entertainment but also has cultural and economic values that continue to develop over time (Sumardjo et al., 2000). In the past, music could only be enjoyed through live performances, but with technological advancements, music began to be recorded so it could be accessed anytime and anywhere. The first music recording was done using a phonoautograph in the mid-1800s, later developing into the phonograph by Thomas Edison and the gramophone by Emile Berliner (Kittler et al., 1987). These innovations allowed music to become an inseparable part of human daily life.

In the 20th century, recording technology continued to evolve with the emergence of tape recorders and multitrack recorders, which enabled wider and more affordable music distribution. However, analog recording systems had limitations such as high costs, low durability, and technical difficulties. This led to the emergence of more efficient and practical digital recording technology. Digital Audio Workstation (DAW) then emerged as a more flexible recording system, enabling easier and cheaper music production, mixing, and distribution. The development of digital music aligned with advances in the internet that facilitated global music distribution. Initially, digital music was marketed through CDs and DVDs, then shifted to downloadable mp3 formats (Simpson & Munro, 2012). However, this phase experienced major obstacles due to rampant piracy. Finally, the digital music industry reached a new phase with the advent of legal streaming services, enabling music access without having to own physical albums. This changed the pattern of public music consumption, where digital platforms became the primary choice compared to physical formats.

Spotify has become one of the most popular music streaming platforms in the world, including in Indonesia (Ruddin et al., 2022). Its advantages include a user-friendly interface, good audio quality, comprehensive features such as playlist recommendations and listener statistics, and integration with social media. Additionally, Spotify enables interaction between users and provides access for listeners to create and share their own playlists. These factors make Spotify the first choice for most digital music listeners in Indonesia, with more than a third of the market share. However, the royalty distribution system on platforms like Spotify remains debated, especially for independent musicians who feel they do not receive fair financial recognition. Royalty sharing often benefits major labels more than small musicians. This challenge becomes an important issue in the evolving digital music industry, where fairer regulations are needed so that all music industry players receive their due rights.

Intellectual Property Rights (IPR) are divided into two main forms: copyright and industrial property rights (Saidin, 2004). Songs, as a product of musical art, fall within the scope of copyright. The history of copyright protection in Indonesia began with the Dutch colonial legal heritage through Auteurswet, which was later considered unfair to creators. In 1952, the Cultural Congress in Bandung changed this concept to "copyright," which later received legal protection through Law Number 6 of 1982 and was updated to Law Number 28 of 2014 (Sardjono, 2008). This law covers various aspects of copyright, including scope, evidence, and criminal sanctions for violators.

Copyright is an exclusive right automatically owned by the creator after their work is manifested in tangible form (McKeough & Stewart, 1997). This right does not require registration, although for ownership claims and commercial cooperation, recording at the Directorate General of Intellectual Property is recommended. Copyright consists of moral rights and economic rights. Moral rights are eternal and inherent to the creator, including the right to have their name cited and to prohibit modifications to the work without permission. Meanwhile, economic rights provide financial benefits to creators through various means such as performing rights (announcement), broadcasting rights, and reproduction and distribution of works. Economic rights are valid for 50 years for legal entities and 70 years for individuals.

Creators can commercialize their creations through licenses to third parties such as record labels or music producers. In return, creators receive royalties, which are a form of appreciation for the economic rights of their creations. To ensure royalties are received fairly, management is conducted through Collective Management Organizations (LMK). LMK is authorized to collect and distribute royalties using methods such as direct negotiation, rights clearance centers, or one-stop shops systems. However, technological developments have made royalty arrangements increasingly complex, especially with the shift from physical media to digital platforms like Spotify.

Copyright issues in music streaming services often trigger disputes. Spotify was sued by David Lowery in 2015 (Hidayat, 2019) and by Wixen Music Publishing in 2018 (Ayuwuragil, 2018) for allegedly distributing music without paying royalties. In Indonesia, the case of Payung Teduh and Hanin Dhiya gained attention because the song "Akad" was remixed and uploaded without permission on digital platforms (Safitri, 2017). These cases show that copyright infringement can harm creators, who depend on royalties for the sustainability of their careers.

Law Number 28 of 2014 stipulates that playing music on digital media falls under the category of performing rights. Spotify, for example, has strict policies when uploading songs to ensure compliance with copyright (Akbar & Fajar ND, 2020). However, challenges remain in ensuring that creators receive their rights fairly. Therefore, regulation and management of

royalties in the digital era must continue to evolve so that creators' rights remain protected without hindering the distribution of their work to the public.

Royalty is a crucial issue that requires strict regulation to ensure creators receive their economic rights. Although Indonesia has Law Number 28 of 2014 on Copyright, there are still many uncertainties in the implementation of royalty rules, especially due to changes in music media. As a result, many musicians do not receive their rights, as experienced by Payung Teduh and Benny Panjaitan, whose songs are popular but receive minimal royalties (Muthmainnah et al., 2022). To address this issue, the government issued Government Regulation No. 56 of 2021 to provide legal certainty in royalty management.

This regulation establishes that royalties apply to commercial use of music in various places such as restaurants, hotels, concerts, and digital services. This regulation also opens up negotiation space for micro, small, and medium enterprises so they are not burdened by excessive royalty costs. Additionally, the role of digital music services such as Spotify and Apple Music is increasingly significant in ensuring royalty distribution to creators. With this regulation, it is hoped that creators will no longer be disadvantaged in the digital music ecosystem.

Digital platforms are required to work with the National Collective Management Organization (LMKN) to manage royalties transparently. They must provide song usage data so that royalty amounts can be calculated accurately. Government Regulation No. 56 of 2021 also regulates sanctions for platforms that do not fulfill this obligation, thus encouraging compliance in royalty payments. With stricter regulations, the digital music industry in Indonesia is expected to become fairer and more sustainable.

Meanwhile, the European Union has adopted Directive (EU) 2019/790, which ensures creators receive proportional royalties from streaming platforms. This regulation requires digital platforms to obtain licenses or pay royalties for each song played. Additionally, transparency rules require platforms to report music usage in detail to creators, thus protecting their economic rights. Dispute resolution mechanisms are also provided so that creators can claim their rights if there are discrepancies in royalty payments.

Unlike the European Union, which has more comprehensive regulations, Indonesia still faces regulatory gaps in the distribution of economic rights for music creators. Government Regulation No. 56 of 2021 has not specifically regulated the royalty sharing system, leaving uncertainties for music industry players. With the increasingly complex development of digital media, Indonesia needs to adjust its regulations to better protect creators' rights, as has been implemented in Europe.

3.2. Rules of Collective Management Organizations in Royalty Distribution for Music Creators and Performers

Government Regulation No. 56 of 2021 introduced the Song and Music Information System (SILM) and the National Collective Management Organization (LMKN). SILM aims to collect songs to facilitate identification and royalty distribution, while LMKN as a non-state budget institution formed by the Minister is authorized in the collection and distribution of royalties and management of economic rights of creators and related rights owners (Respati et al., 2016). However, this regulation creates a conflict with Law No. 28 of 2014, which previously established that the collection and management of royalties were in the hands of Collective Management Organizations (LMK). With the principle of *lex specialis derogat legi generalis*, this more specific regulation takes precedence, making LMKN the institution overseeing LMK in Indonesia, although LMK still has authority in determining tariffs, payment structures, and royalty control mechanisms. As of 2023, there are eleven LMKs that have received permits from the Ministry of Law and Human Rights.

Unfortunately, the implementation of Government Regulation No. 56 of 2021 has not run optimally due to a lack of coordination between LMK and LMKN, resulting in double royalty collection and a lack of transparency in royalty management (Rahesatama & Widiatedja, 2023). Additionally, this regulation has not accommodated the mechanism for collecting royalties from digital music platforms like Spotify, which has both paid and free users. Currently, the regulation only stipulates that performing rights through digital media for commercial purposes must pay royalties but does not regulate how royalties from free users are collected. This causes the rights of creators and copyright holders to not be fully met. Given that each digital music platform has its own mechanism, aligning these regulations becomes a complex challenge.

Below is a comparison table between music streaming royalty sharing rules in Indonesia based on Government Regulation No. 56 of 2021 and in the European Union based on Directive (EU) 2019/790:

Table 1. Comparison Table of Music Streaming Royalty Legal Rules

Aspect	Indonesia (PP 56/2021)	European Union (Directive EU 2019/790)
Royalty Collection and Distribution Mechanism	Managed through the Song and Music Data Center (PDLM) supervised by the National Collective Management Organization (LMKN). Royalties are collected from plays in commercial venues and other media.	Digital platforms must license content through Collective Management Organizations (CMOs) or directly from rights holders.
Legal Subjects and Platform Responsibility	Focuses on businesses in Indonesia using music for commercial purposes. Streaming platforms are not explicitly required for direct licensing.	Platforms like YouTube and Spotify are directly responsible for licensing user-uploaded content.
Rights to Transparency and Fair Remuneration	Does not include creators' rights to transparency reports. Remuneration is managed by LMKN as the main mediator.	Provides creators with rights to transparency regarding royalty distribution and fair remuneration from digital platforms.
Protection for Creators	Provides protection with legal sanctions for violators. Focuses on works used commercially in physical or digital spaces.	Comprehensive protection for works on digital platforms and creators' contracts with publishers or platforms.
Technology Application and Database	PDLM as a centralized database to record music usage. Efficiency depends on technology adoption.	Required to provide actual usage data to CMO or creators, enabling higher transparency.
Technology Application and Database	Does not cover harmonization with global practices, more oriented toward national collective management.	Rules apply uniformly throughout the European Union, creating a harmonious digital single market.

Based on Table 1, regulations in the European Union appear more comprehensive and emphasize digital platforms, in line with the demands of the modern era. Meanwhile, rules in Indonesia through Government Regulation 56/2021 still focus on national collective management and have not fully adapted to the complexities of the international streaming market. Nevertheless, both have the same goal, which is to protect copyright and ensure creators receive proper royalties.

3.3. Solution Forms of Royalty Sharing Rules from Digital Music Player Service Channels for Music Creators and Performers in Indonesia

The lack of clear regulations regarding digital royalty sharing in Indonesia causes creators, copyright holders, and users to rely on rules implemented by companies like Spotify. This system is too lengthy and complicated, thus hindering the musicians themselves (Fikri & Gultom, 2023). As a result, royalty sharing in Indonesia's digital music sector remains unclear, and there are no clear benchmarks regarding nominal amounts or transparent regulations. Therefore, regulatory improvements are needed with reference to regulations in Europe and America, to prevent cases that harm music creators and performers.

Compared to developed countries like Europe and America, which already have legal rules regarding royalties from digital music platforms, Indonesia still lags behind. Although in Europe, particularly in the European Union, there are no specific rules related to digital royalties, efforts to encourage more transparent regulations are being promoted by the public and the European Parliament. Similarly, England is reforming royalty rules from digital music media. In America, the existence of the Music Modernization Act and Mechanical Licensing Collective is a solution for managing royalties from digital platforms, although there is now a new trend, namely the direct license movement, which allows musicians to license their music directly to users of copyrighted works.

In Indonesia, the existence of LMKN should facilitate royalty management, but in reality, it complicates matters. LMKN should have the authority to collect and distribute royalties transparently, but there are many complaints from musicians regarding unclear royalty reports and complicated procedures. Additionally, the many LMKs that operate independently add to the confusion. Therefore, an initial solution that needs to be implemented is to enhance the role of LMKN in managing royalties by using technology that can track music plays in real-time. Besides that, it is also important to educate music creators so they better understand their rights and manage their work better. The direct license system is also an option that can be implemented, so musicians can directly interact with users of copyrighted works and receive royalties directly without intermediaries.

In addition, another solution that can be offered is proposing revisions to several articles in Government Regulation No. 56 of 2021 on the Management of Copyright Royalties for Songs and/or Music that still sound ambiguous or have not been maximally implemented in protecting the rights of creators. Some articles requiring revision are outlined in Table 2.

Table 2. Suggestions for Revision of Government Regulation No. 56 of 2021

Article	Content	Revision Suggestions
Article 3	Royalty management by the National Collective Management Organization (LMKN)	Strengthen oversight of LMKN, ensure accountability, and transparency in royalty management. Add independent oversight mechanisms to ensure fair royalty distribution.
Article 5	Music Licensing Process	Simplify the licensing process to make it more accessible to commercial music users without reducing the rights of creators to receive fair royalties.
Article 6	Music Creator Participation in Decision-Making Process	Provide greater participation space for music creators in decision-making related to royalty management. Involve music creators in LMKN governance so that policies reflect their interests.
Article 7	Music Usage Reporting Obligation	Emphasize transparent and accurate reporting by utilizing digital technology for automatic tracking. Use online platforms or blockchain to facilitate real-time reporting and oversight.
Article 9	Royalty Mechanism Distribution	Ensure royalty distribution is done quickly, transparently, and accurately with a digital system that

Article	Content	Revision Suggestions
		makes it easier for creators to track their royalty payments.
Article 10 Royalty Sharing		Ensure royalty sharing is more proportional and fairer, especially for songwriters and independent artists who often get a smaller share compared to publishers or record companies.
Article 12 Royalty Rates		Provide flexibility in setting royalty rates, considering the type of music usage, business scale of users, and usage variations (such as digital media, concerts, or public places).
Article 14 Sanctions for Unauthorized Music Users		Tighten sanctions to increase compliance, with stricter sanctions against copyright infringement and unauthorized music use, to protect creators from misuse of their work.
Article 17 Protection of Traditional Music		Provide explicit protection for creators or communities that inherit traditional music, and ensure that commercial use of traditional music is also entitled to proper royalties.
Article 20 Rights of Independent Songwriters and Artists		Add clearer provisions regarding support and protection for independent music creators, so they receive royalties equivalent to creators working under major labels or music publishers.

With the revision of several articles in Government Regulation No. 56 of 2021, music royalty management in Indonesia is expected to become more transparent and structured, especially with the help of technology and information systems that monitor music usage on various digital platforms. This regulation not only provides stronger legal protection for creators and rights holders but also clearly regulates royalty sharing among all parties involved in the process of music creation and production. Through the role of LMKN and the obligation of digital platforms to comply with this regulation, Indonesia's music industry ecosystem is expected to become fairer and more sustainable.

4. Conclusion

Based on the analysis conducted, revision of Government Regulation No. 56 of 2021 on the Management of Copyright Royalties for Songs and/or Music is very necessary to provide a fairer solution for music creators in the digital era. The development of digital music platforms such as Spotify and YouTube Music necessitates regulatory updates to be more relevant to current music distribution practices. The regulatory gap related to royalty sharing in digital music services needs to be addressed immediately, given complaints from musicians who feel their royalty sharing is unfair. Hence, this regulatory update is important to ensure transparency, fairness, and efficiency in royalty management.

As an improvement measure, it is suggested that royalty management transparency be strengthened with the use of digital technology, such as blockchain, to monitor the use of musical works in real-time. This will make it easier for music creators to access information regarding royalties they receive and minimize potential manipulation. In addition, royalty sharing needs to be restructured to be fairer and more proportional, considering the real contributions of each party involved in music creation. Finally, strengthening the role of the National Collective Management Organization (LMKN) needs to be done through independent oversight mechanisms, which will ensure timely, accurate, and transparent royalty distribution, and better protect the rights of music creators.

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