

Music Made by AI: How Does Indonesian Copyright Law Address This Issue?

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ABSTRACT

The development of AI has enabled the creation of musical works without direct human involvement. This phenomenon poses new challenges for copyright law in Indonesia. This research aims to assess the legal arrangements related to copyright, music, and AI in the Indonesian legal system. Furthermore, this research will also formulate the legal protection of AI-produced music. The research method used is normative law with legislation, cases, and comparative studies. The results show that Copyright Law in Indonesia has not explicitly regulated the process of creating musical works by AI but still focuses on creations produced by humans. The absence of regulations creates legal uncertainty for music industry players and AI developers. Therefore, the formulation of progressive and adaptive legal policies is needed to provide legal certainty and copyright protection for musical works that involve AI technology in the creation process.

Keywords: AI-generated; Copyright; Music; Indonesia

Received: 9 April 2025, **Accepted:** 12 June 2025, **Published:** 1 December 2025

1. Introduction

The rapid advancement of technology has changed the paradigm of how music is created, produced, and consumed. As one of the most abstract arts, music was once made with



traditional musical instruments played manually by musicians and composers.¹ However, the rapid development of digital technology has brought about a massive transformation in the music industry from the method of creation to distribution. Currently, the presence of artificial intelligence (AI) has opened up the creative process, especially music creation, without the need for physical musical instruments, but only using the help of advanced AI-based software.² Not only that, AI is also capable of automatic composition, music trend analysis, and algorithm-based production.³ With algorithms, AI is able to study existing musical patterns and produce new works independently, even capable of competing with human musicians or composers.

Although it offers various conveniences, the presence of AI in the music industry also poses challenges. One of the questions and debates that often arises is about copyright protection. When a song is created by AI without human intervention, who is entitled to ownership of the work? Furthermore, there are also concerns about the potential loss of feeling in the process of making music, which can usually only be done by humans. However, it is undeniable that AI has become an integral part of today's modern music industry. As technology continues to evolve, the challenges and opportunities in using AI to create music will increase. The future of music may no longer depend solely on human creativity but also on the sophistication of the technology that supports the creative process itself.

The rise of music created and produced by AI makes it urgent to discuss copyright ownership, originality, and protection of economic rights. In Indonesia, the regulation regarding music copyright is stipulated in Law Number 28 of 2014 on Copyright (Copyright Law).⁴ Article 40 paragraph (1) of the Copyright Law states that songs and/or music with or without lyrics are protected creations. However, AI's regulation of music creation is not regulated in copyright law. This can be seen in Article 1 paragraph 2 of the Copyright Law, which mentions the Creator as one or more people. So, the subject of law in copyright law is a human or *natuurlijke persoon*. Furthermore, the legal ambiguity regarding the status of music creation by AI has given rise to debate about who is entitled to ownership of the work. Another challenge is how legal protection can accommodate technological developments without hindering innovation. The use of AI in the music industry also affects the economy and the creative sector.⁵ With faster and cheaper music production, AI can potentially reduce the role of composers, producers, and musicians, creating challenges for

¹ Anton Killin, 'The Origins of Music: Evidence, Theory, and Prospects' (2018) 1 Music & Science 1.

² Sabine Jacques and Mathew Flynn, 'Protecting Human Creativity in AI-Generated Music with the Introduction of an AI-Royalty Fund' (2024) 73 GRUR International 1137.

³ Miguel Civit and others, 'A Systematic Review of Artificial Intelligence-Based Music Generation: Scope, Applications, and Future Trends' (2022) 209 Expert Systems with Applications 1.

⁴ Maria Priska Seran, Lukman Hakim and Muhammad Ramadhana Alfari, 'Copyright Protection of Owners for Commercialized Use of Created Song Without Permission' (2024) 16 Dialogia Iuridica 49.

⁵ Joseph Amankwah-Amoah and others, 'The Impending Disruption of Creative Industries by Generative AI: Opportunities, Challenges, and Research Agenda' (2024) 79 International Journal of Information Management 1.

human involvement in the industry. Some countries have begun to explore the concept of copyright ownership for works produced by AI, either by granting rights to the developer or by classifying AI creations as public domain. For this reason, there is a need for legal reform that can address the challenges of technological developments in the music industry in Indonesia.

Research on AI and Copyright has been conducted several times, such as research conducted by Ranti Fauza Mayana and colleagues entitled '*Legal Issues of Artificial Intelligence - Generated Works: Challenges on Indonesian Copyright Law*'.⁶ This article analyses legal issues and problems regarding copyright created by AI using a normative legal approach. The results showed that copyright regulations in Indonesia are based on the principle of human authorship. However, the rapid development of AI must be balanced with accommodating regulations. For this reason, the Indonesian government needs to develop comprehensive rules regarding AI related to copyright.

Furthermore, Lila Shroff also researched the same issue titled '*AI & Copyright: A Case Study of the Music Industry*'.⁷ This research examines the perspective of artists, especially in the music industry, on the use of their work in Generative AI and proposes human-centred AI principles for creative work. The results of this study aim to identify various artists' perspectives on AI, ranging from embracing its accessibility to fear of eviction and cultural deprivation. Furthermore, it is necessary to apply the four principles of Human-Centred AI (HCAI), namely communication between stakeholders, transparency of data sets, the option not to participate in data set training, and the application of fair use laws.

Edward Lee in his paper '*AI and the Sound of Music*',⁸ also discusses the disruptive impact of AI on the music industry and offers a conceptual framework based on the principles of historical copyright. The results of this discussion show the articulation of three core copyright principles, namely technological neutrality, broad authorship, and copyright rebalancing. The application of these three principles to address the challenges posed by AI in music creation and production, and issues such as deepfake voice, together with recommendations for legislative action on digital replicas.

Looking at some previous research, and to create state-of-the-art research, this study will examine the concept of copyright in music from a regulatory perspective in Indonesia. Furthermore, the author will also map out the challenges of copyright regulation for music produced by AI. In terms of creating more complex research, this study will also examine the regulation of AI and Copyright in a comparative perspective in the United States, Australia, Malaysia, and the European Union. So that in the end, this study will initiate a legal reform regarding AI and copyright in music in Indonesia. Therefore, there are two problem formulations that will be studied in this research, namely: 1) How are AI and

⁶ Ranti Fauza Mayana and others, '*Legal Issues of Artificial Intelligence-Generated Works: Challenges on Indonesian Copyright Law*' (2024) 20 *Law Reform* 54.

⁷ Lila Shroff, '*AI & Copyright: A Case Study of the Music Industry*' (2024) 2 *GRACE: Global Review of AI Community Ethics* 1.

⁸ Edward Lee, '*AI and the Sound of Music*' (2024) *The Yale Law Journal Forum* 187.

copyright in music regulated in Indonesia?; and 2) What is the idea of legal reform regarding AI and copyright in music in Indonesia?

1.1. Methodology

The research method used in this study is normative law with an approach to legislation, cases, and comparative studies.⁹ A legislative approach is needed to analyse positive law on music copyright in Indonesia. Furthermore, a case approach was taken to analyse the fact that AI has entered the music industry and the impact this has had on the industry. A comparative study approach was taken by analysing music copyright regulations in the face of AI in the United States, Australia, Malaysia, and the European Union. This study used secondary data which included primary legal materials and secondary legal materials. Primary legal materials included legislation, international conventions, and others. Meanwhile, secondary legal materials included court decisions, books, journals, and others related to the issues raised by the author. This study used a literature review technique to analyse secondary data.

2. The Evolution of Copyright and Its Relevance in Music: Historical Perspective and Contemporary Challenges

Copyright is a form of legal protection for intellectual works that gives the creator exclusive rights to use and distribute their work.¹⁰ In the context of music, copyright plays a crucial role in guaranteeing recognition of authorship and providing a legal basis for the work.¹¹ The presence of copyright is also intended to protect against the economic exploitation of the work.¹² Thus, it can be said that copyright on musical works not only gives legal recognition to the creator, but also guarantees economic and moral rights over the use of his work by other parties. This concept is basically evolving along with technological developments and the dynamics of the music industry.

Historically, copyright has been regulated in various systems, including Royal Privilege, Parliamentary Privilege, and Stationers' Copyright.¹³ Royal Privilege is an exclusive printing right granted by the Kingdom, often on an ongoing basis, to publishers or printers for certain works or categories of publications.¹⁴ Parliamentary Privilege allows the

⁹ Mike McConville and Wing Hong Chui, *Research Methods for Law* (Edinburgh University Press 2017).

¹⁰ Simone Schroff, 'The Purpose of Copyright—Moving beyond the Theory' (2021) 16 *Journal of Intellectual Property Law & Practice* 1262; Hafiz Gaffar and Saleh Albarashdi, 'Copyright Protection for AI-Generated Works: Exploring Originality and Ownership in a Digital Landscape' (2024) *Asian Journal of International Law* 1.

¹¹ Ann C Luk, 'How Does the Public Perceive Music Copyright Law? A Content Analysis of YouTube Videos on the *Flame v Perry 'Dark Horse' Case*' (2022) 17 *Journal of Intellectual Property Law & Practice* 704.

¹² Michael O'Hare, 'Copyright and the Protection of Economic Rights' (1982) 6 *Journal of Cultural Economics* 33.

¹³ Tomas Gomez-Arostegui, 'The Untold Story of the First Copyright Suit Under the Statute of Anne in 1710' (2010) 25 *Berkeley Technology Law Journal* 1247.

¹⁴ *ibid.*

Parliamentary Council to control the publication of their proceedings, grant printing rights selectively and punish unauthorised publications as an insult. Stationers' Copyright arose from the royal charter of 1557 to the Stationers' Company, which maintained an internal registration system that gave exclusive rights to members (freemen) of the guild.¹⁵ This copyright was effectively perpetual, with rare exceptions for non-members.¹⁶ During periods of statutory interregnum, particularly from 1679–1685 and 1695–1710, when no formal copyright law was in force, claims were brought in courts of equity such as the Chancery on the basis of common law or trade custom, although the common law courts did not explicitly recognise copyright at the time.¹⁷

This early system laid the foundation for the Statute of Anne, which introduced the first modern legal copyright regime in 1710 in England. This regulation regulates legal protection for books and other writings. According to Section 8 Anne c.21, states that:

Act for the Encouragement of Learning, by vesting the Copies of Printed Books in the Authors or purchasers of such Copies, during the Times therein mentioned.

Whereas Printers, Booksellers, and other Persons, have of late frequently taken the Liberty of Printing, Reprinting, and Publishing, or causing to be Printed, Reprinted, and Published Books, *and other Writings*, without the Consent of the Authors or Proprietors of such Books and Writings, to their very great Detriment, and too often to the Ruin of them and their Families: For Preventing therefore such Practices for the future, and for the Encouragement of Learned Men to Compose and Write useful Books...

In 1777, English jurisprudence began to recognise copyright in musical works, marking the beginning of the concept of the work as an entity that could be protected by law.¹⁸ This can be seen from the important case of *Bach v Longman*, which established that musical compositions (partitures) were considered 'writings' protected under the Statue Anne of 1710, which confirmed copyright for musical works in England.¹⁹ Furthermore, The Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886 and its amendments (Berne Convention) also regulate the protection of music copyright.²⁰ Furthermore, Article 2 paragraph (1) of the Berne Convention states:

(1) The expression "literary and artistic works" shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings;

¹⁵ *ibid.*

¹⁶ *ibid.*

¹⁷ *ibid.*

¹⁸ Anne Barron, 'Copyright Law's Musical Work' (2006) 15 *Social & Legal Studies* 101.

¹⁹ Stephen Roe, 'J. C. Bach and 'New Music, at a More Reasonable Expence' (1985) 126 *The Musical Times* 529.

²⁰ Irina Eidsvold-Tøien and Are Stenvik, 'Copyright for Performers—an Obligation under International Law' (2023) 18 *Journal of Intellectual Property Law & Practice* 754.

lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and entertainments in dumb show; musical compositions with or without words; cinematographic works to which are assimilated works expressed by a process analogous to cinematography; works of drawing, painting, architecture, sculpture, engraving and lithography; photographic works to which are assimilated works expressed by a process analogous to photography; works of applied art; illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science.

Further developments can be seen in Germany, where the government issued the Copyright Act of 1870.²¹ This regulation governs the protection of copyright for literary, musical and dramatic works, as well as printed images, which initially limited the rights of authors to obtain protection from unauthorised reprinting. Major changes have also occurred due to technological developments, such as the presence of recording devices and sound players at the beginning of the 10th century demanding regulatory updates and becoming the foundation for the establishment of collective management organisations such as GEMA (*Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte*).²²

In the Indonesian context, copyright protection is regulated by the Copyright Law, which adopts universal principles in copyright such as originality, authorship, and ownership.²³ In the context of originality, protected musical works must have an element of creativity and must not be the result of plagiarism. Furthermore, authorship is intended for the individual or group that created the work, such as the composer, lyricist, or producer. Finally, ownership means that copyright can be owned by the original creator or transferred to another party, such as a record label or music publisher, through an agreement between the two parties.

Copyright law in Indonesia, as in many other jurisdictions, is still based on the assumption that the creator is human. This raises a fundamental question: can works created by AI, without human intervention in the creative process, be categorised as legally protected works? If so, who is entitled to ownership and economic benefits from the work: the AI developer, the user, or another entity? Thus, copyright in music is not just a legal protection tool, but also a reflection of ever-evolving social, economic, and technological changes. So, addressing new challenges such as AI in music requires legal reform.

²¹ Michael Gunlicks, 'A Balance of Interests: The Concordance of Copyright Law and Moral Rights in the Worldwide Economy' (2001) 11 *Fordham Intellectual Property, Media and Entertainment Law Journal* 601.

²² Stephan Klingner and others, 'Direct Memberships in Foreign Copyright Collecting Societies as an Entrepreneurial Opportunity for Music Publishers—Needs, Challenges, Opportunities and Solutions' (2021) 45 *Journal of Cultural Economics* 633.

²³ Jane Ginsburg, 'The Concept of Authorship in Comparative Copyright Law' (2003) 52 *DePaul Law Review* 1063; Gaffar and Albarashdi (n 10).

3. AI in Music Creation

In an era of rapidly developing technology, AI has become one of the most prominent and transformative innovations in various walks of life, including the music industry. The development of AI paves the way for new methods in the music creation process, where algorithms are able to create songs automatically without direct human intervention. This transformation not only offers new efficiency and creativity, but also raises various fundamental questions related to legal aspects, especially regarding originality and copyright.

One example of music produced by AI is 'Daddy's Car' created by the Flow Machines project, which is an AI system developed by Sony CSL Research Laboratory.²⁴ The song is designed to mimic the musical style of the legendary band The Beatles, and the result is quite surprising because it sounds like the work of a human with a complex melodic and harmonic structure. In addition, there is the OpenAI Jukebox project, which is an advanced AI system capable of producing music, lyrics, and musical styles from various genres and famous artists, including imitations of Elvis Presley, Frank Sinatra, and The Beatles. These works are clear evidence that AI has reached a point where it not only reproduces, but also creates. AI is no longer just a tool in the music production process, but plays an active role as a creator in the creative process. This certainly changes the traditional landscape of the music industry, where the creation of previous works was almost exclusively the domain of humans.

AI in music creation works through a data-driven approach. The main process includes the use of machine learning and deep learning.²⁵ This data includes musical elements such as chord progression, melodic structure, rhythm, dynamics, and lyrics.²⁶ After training, AI is able to recognise certain patterns in music. For example, AI can understand the structure of a pop song which commonly consists of verse-chorus-verse-chorus-bridge-chorus, as well as the specific style of lyric writing used by a particular artist or genre of music. By recognising and analysing these patterns, AI can compose new combinations that form a complete song.

However, it is essential to recognise that AI does not 'think' or 'feel' like humans.²⁷ It generates music not from feeling or creativity but through statistical analysis and pattern recognition. This indicates that while the final product resembles a human-generated artwork, the creative process is mechanical and reliant on the used data.

²⁴ Glen Tickle, 'Daddy's Car, A Song Composed by Artificial Intelligence Created to Sound Like The Beatles' (*Laughing Squid*, 2016) <<https://laughingsquid.com/daddys-car-a-song-composed-by-artificial-intelligence-created-to-sound-like-the-beatles/>>; Jesse Emspak, 'Robo Rocker: How Artificial Intelligence Wrote Beatles-Esque Pop Song' (*livescience.com*, 2016) <<https://www.livescience.com/56328-how-artificial-intelligence-wrote-pop-song.html>>.

²⁵ Mohsen Soori, Behrooz Arezoo and Roza Dastres, 'Artificial Intelligence, Machine Learning and Deep Learning in Advanced Robotics, a Review' (2023) 3 *Cognitive Robotics* 54.

²⁶ Civit and others (n 3).

²⁷ Michael Cheng-Tek Tai, 'The Impact of Artificial Intelligence on Human Society and Bioethics' (2020) 32 *Tzu-Chi Medical Journal* 339.

4. Challenges in Copyright Regulation for AI-Generated Music in Indonesia

The emergence of AI-generated music in Indonesia presents complex challenges to the existing copyright framework, mainly due to gaps in the legal definition and the evolving capabilities of AI along with technological developments. One of the main problems is the ambiguity surrounding copyright ownership.²⁸ According to the Copyright Law, copyright is granted to works that originate from the 'inspiration, ability, thought, imagination, dexterity, skill, or expertise of the human author' as described in Article 1 number 3 of the Copyright Law. This provision excludes non-human entities such as AI systems from being recognised as authors. As a result, the question arises as to who owns the copyright for music produced by AI, the AI developer, the user who inputs data into the system, or the AI itself.

The developer can claim ownership if the AI is viewed as a tool under Article 36 of the Copyright Law, which grants rights to the producer of derivative works. Similarly, users can apply for ownership as a commissioning party, provided there is a contractual agreement. However, because Indonesian law does not recognise AI as a legal entity, ownership by AI itself cannot be legally upheld. This lack of clarity leaves stakeholders without clear guidance and can hinder innovation and investment in AI-based music.²⁹

Another critical challenge can also be seen in meeting the requirements of originality and authorship. Article 1 paragraph 2 of the Copyright Law stipulates that copyright protection applies to works that are 'distinctive and personal', reflecting the individuality of the creator. However, AI-generated music often relies on data synthesis from pre-existing works, raising questions about whether it meets the threshold of originality. The process by which AI creates music combines elements from its training data and can be seen as derivative rather than original.³⁰ In addition, there are concerns about data training practices; many AI models use copyrighted music data sets without explicit licences, potentially violating Article 9 (reproduction rights) and Article 44 (derivative works) of the Copyright Law.

Courts in Indonesia have not clarified whether the algorithmic randomness or machine-generated output qualifies as a 'personal expression,' the main requirement under Article 12 paragraph 1 of the Copyright Law. In addition, moral rights under Article 5 of the Copyright Law allow authors to claim authorship and protect their reputation, but these rights cannot be enforced by AI systems. This creates the risk of misattribution or exploitation of the artist's unique style through technologies such as voice cloning.³¹

²⁸ Amelinda Mutiara Edgina and others, 'Who Owns Creativity? Legal Challenges in AI Training Using Copyrighted Content' (2024) 2 *Barelang Journal of Legal Studies* 103.

²⁹ Ardina Khoirun Nisa, 'The Prospect of AI Law in Indonesian Legal System: Present and Future Challenges' (2024) 6 *The Indonesian Journal of International Clinical Legal Education* 25.

³⁰ Ghazali Hasan Nasakti and Rianda Dirkareshza, 'Generative Artificial Intelligence Is Not a Mere Tool: Revisiting Indonesian Copyright Law' (2024) *The Journal of World Intellectual Property* 1.

³¹ David Leslie and Xiao-Li Meng, 'Future Shock: Grappling With the Generative AI Revolution' (2024) *Harvard Data Science Review* <<https://hdsr.mitpress.mit.edu/pub/fblrvqes/release/1>>.

The regulatory framework in Indonesia to date also has significant gaps when dealing with AI-generated content. The Copyright Law does not contain specific provisions for machine-generated works, which leads to three critical areas of uncertainty. First, there is no recognition of machine-made works in the existing legal definition of authorship or transfer of ownership under Article 36 of the Copyright Law. Second, enforcement challenges arise due to difficulties in detecting violations and determining responsibility for the unauthorised use of copyrighted material by AI systems. For example, if an AI system remixes existing copyrighted works without proper authorisation, it is unclear whether responsibility falls to the developer or the user operating the system.³² Third, Indonesia's lack of alignment with international frameworks further complicates the issue, while countries such as Japan and the European Union have begun to develop guidelines and laws to address similar issues, while Indonesia has not followed suit.

To overcome these challenges, it is important to amend the Copyright Law to explicitly recognise works created through human-AI collaboration by revising Article 1 paragraph 3 of the Copyright Law and introducing sui generis rights for AI-generated content similar to database protection under Article 42 of the Copyright Law.³³ This will provide a legal basis for granting limited rights to these works while maintaining human oversight. Another approach involves encouraging clearer contractual agreements between developers and users regarding ownership and usage rights under Article 36 paragraph 2 of the Copyright Law. In addition, ethical guidelines must be established to regulate data sourcing practices and ensure compliance with Article 43 (fair use) of the Copyright Law and Law Number 27 of 2022 concerning Personal Data Protection (hereinafter abbreviated as PDP Law No. 27/2022). These steps will help balance innovation in AI technology with respect for the rights of creators.

Therefore, according to the authors, it can be concluded that the Indonesian copyright framework faces significant challenges in adapting to the emergence of AI-generated music due to issues surrounding ownership, originality, and regulatory clarity. While the Copyright Law provides a strong foundation for human-written works, its silence on machine-generated content leaves stakeholders in an unclear legal position. Therefore, to prevent disputes and ensure fair protection for all parties involved, musicians, developers, and users, it is important for Indonesia to update its laws and adopt clear policies that address this evolving field.

5. Current Legal Framework: A Comparative Study with Malaysia, the United States, the European Union and Australia

A comparative study with Malaysia, the United States, the European Union and Australia can be made on the above issue.

³² Hulman Panjaitan and others, 'Music Copyright Protection in the Digital Era: Legal Framework and Strategies for Enforcement' (2024) 40 *Jurnal Hukum* 235.

³³ Giancarlo Frosio, 'Four Theories in Search of an A(I)Uthor' (*Social Science Research Network*, 8 January 2022) <<https://papers.ssrn.com/abstract=4004138>>.

5.1. Malaysia

Malaysia regulates copyright through the Copyright Act 1987 (CA 1987), which has undergone several important amendments in recent years. One major change is the Copyright (Amendment) Act 2022 (Act A1645), which adds definitions such as authorised entity, collective management organisation, and person with print disability to align with international standards and accessibility needs. This amendment also implements the provisions of the Marrakesh Treaty by providing copyright exceptions for the creation and distribution of works in accessible formats for persons with visual impairments or reading disabilities, as well as strengthening regulations on collective management organisations regarding establishment requirements, governance, and transparency in royalty distribution.³⁴ Additionally, there are new provisions regarding criminal offences related to streaming technology, including a ban on the production, importation, sale, or distribution of streaming devices that can be used for copyright infringement, with severe fines and imprisonment as penalties.

In addition to these amendments, the Copyright (Reduction of Fee) Regulations will be implemented in 2025, providing a 50% reduction in fees for the first 200 voluntary copyright notifications submitted during a specific period to encourage voluntary copyright registration.³⁵ Furthermore, effective January 16, 2026, the 2025 Guidelines for Copyright Collective Management Organisations will come into effect, tightening governance, transparency, and accountability for collective management organisations in Malaysia, including legal entity requirements, clear governance structures, transparency in licensing and royalty distribution, and dispute resolution mechanisms for members and users.

Therefore, based on the current applicable law, which does not recognise AI as a creator, exclusively given to humans who contribute creatively. Provided that the work meets originality through 'sufficient effort' as regulated in Article 7(3) CA 1987.³⁶ Works produced entirely by AI do not qualify because they lack human intellectual input. Meanwhile, the definition of 'author' in Section 3 CA 1987 explicitly refers to individual humans, not non-human entities such as AI.

Decisions such as the case of *Aktif Perunding Sdn Bhd v ZNVA & Associates Sdn Bhd*. The case of *Aktif Perunding Sdn Bhd v ZNVA & Associates Sdn Bhd* began when Universiti Teknologi Malaysia appointed Ahmad Zaki Sdn Bhd as the main contractor for a student accommodation construction project, which then appointed Aktif Perunding Sdn Bhd as the mechanical and electrical engineering consultant to provide engineering drawings for the project. After Aktif Perunding was terminated, ZNVA & Associates Sdn Bhd was appointed

³⁴ Kian Yeik Koay, 'Perceived Risk and Digital Piracy: A Moderated-Moderation Model' (2023) 21(4) Journal of Information, Communication and Ethics in Society 521–32 <<https://doi.org/10.1108/JICES-02-2023-0014>>.

³⁵ Parveen Kaur Harnam Singh, 'Regulating Generative Artificial Intelligence in the Malaysian Region: The Case of ChatGPT in the Business and Finance Sectors' (2025) SSRN Electronic Journal <<https://doi.org/10.2139/ssrn.5221827>>.

³⁶ Mohammad Belayet Hossain, Mahadi Hasan Miraz and Abba Ya'u, 'From Legality to Responsibility: Charting the Course for AI Regulation in Malaysia' (2024) 32 International Islamic University Malaysia Law Journal 397.

as the new consultant and was accused of replacing Aktif Perunding's name in the 'title block' of the drawings without authorisation, leading to a dispute over copyright ownership and moral rights to the drawings.³⁷ In the case, emphasise that moral rights (for example, attribution) only apply to human creators under Article 25(4)-(6) CA 1987. In addition, the duration of copyright is also related to the age of the human creator (Section 17(1) CA 1987), making AI ineligible as a rights holder.

Meanwhile, copyright eligibility depends on the level of human contribution to works assisted by AI. Section 10 of the CA 1987 states that protection is automatic if the work meets the criteria of originality and is recorded in material form.³⁸ However, simple inputs such as AI instructions are not enough to demonstrate creative effort. On the other hand, modifying, curating, or integrating AI-generated elements into a larger work can meet the standard of originality. Ambiguity in the ownership of fully autonomous AI works has led to a reliance on alternatives such as licensing agreements or trade secrets. Section 20 of CA 1987 outlines eligibility for 'qualified persons' but does not accommodate AI as a creator or rights holder. In fact, the authors believe it is important to amend CA 1987 to adopt a statutory licensing system to regulate the use of copyrighted works in AI training.³⁹

Without legal reform, uncertainty can hamper innovation. Sections 43A/43B CA 1987 (temporary reproduction exemption) and Section 13(2) (fair dealing) cannot address AI training data breaches.⁴⁰ It is therefore important to consider a framework for hybrid work, including clarifying the threshold for human contribution and protecting the rights of data owners. Therefore, it can be concluded that the current Malaysian legal framework, specifically the Copyright Act 1987, is not equipped to recognise AI as a creator. Human originality and authorship remain fundamental, while fully autonomous AI works occupy a legal grey area that currently exists. Thus, reforms such as licensing laws or new categories of protection are needed to balance technological innovation with the principles of intellectual property.

5.2. United States

The United States Copyright Office (hereinafter referred to as the US) affirms the basic principle that copyright protection is provided for works created by humans, excluding content that is purely AI-generated. This stance is rooted in Section 102 (a) of the 1976

³⁷ Nor Azlina Mohd Noor, Ahmad Shamsul Abd Aziz, and Nor Adila Mohd Noor, 'The Ownership Of Copyrighted Work: A Malaysian Legal Perspective' (2024) 9(1) *Jurnal'Ulwan* 168–77.

³⁸ Simona Tiribelli and others, 'Ethics of Artificial Intelligence for Cultural Heritage: Opportunities and Challenges' (2024) 5 *IEEE Transactions on Technology and Society* 293.

³⁹ Mohd Syaufiq Abdul Latif, Nazura Abdul Manap and Nabeel Mahdi Althabhwani, 'Modernising Site-Blocking Mechanism In Protecting Copyright Owners Content Against Digital Piracy In Malaysia' (2025) 13 *Malaysian Journal of Syariah and Law* 1.

⁴⁰ Daniel Kiat Boon Seng and Shaun Lim, 'Copyright Pluralism or Universalism in the Digital Knowledge Economy in Asia and Australasia' (2021) *Social Science Research Network* <<https://papers.ssrn.com/abstract=3806310>>.

Copyright Act, which defines copyrighted works as ‘original works of authorship fixed in a tangible medium of expression.’ The term ‘authorship’ has been consistently interpreted by courts in the US to require human creativity, as emphasised in the Patent and Copyright Clause of the US Constitution (Art. I, § 8), which empowers Congress to protect the rights of ‘authors’ and ‘inventors’.⁴¹

The output produced by AI lacks the originality and human authorship required for protection under Section 102(a). This is in line with precedents such as *Feist Publications v Rural Telephone Service Co.*, The case began when Rural Telephone Service, a telephone utility company in Kansas, refused to grant Feist Publications a license to use its list of customer names and telephone numbers in a telephone directory published by Feist. Feist then copied approximately 4,000 entries from Rural's directory without permission, prompting Rural to file a copyright infringement lawsuit against Feist.⁴²

Feist Publications v Rural Telephone Service Co., which stipulates that originality requires ‘independent creation’ and ‘a modicum of creativity’ by humans.⁴³ Similarly, the Copyright Office's refusal to register AI-specific works, as seen in the 2023 guidelines, reinforces that Section 101's definition of ‘works made for hire’ applies only to human creators. Meanwhile, for AI-assisted works, copyright eligibility depends on the level of human creative input.

Section 103(a) of the Copyright Act protects derivative works that contain elements that are ‘rearranged, altered, or adapted’. If humans modify or organise AI-generated material with sufficient creativity, such as editing AI-produced text or arranging AI images into larger designs, the human-written parts may qualify as derivative works under Section 103(b). However, the AI-generated component itself remains unprotected.

The US Copyright Office distinguishes between minimal human input (e.g., entering basic instructions) and substantial human creativity (e.g., curating or modifying output). In *Aktif Perundingan Sdn Bhd v ZNVA & Associates Sdn Bhd*, a non-US company, the court emphasised that trivial contributions do not meet the threshold of originality. This is in line with the US approach; promptness alone is not enough for copyright under Section 102(a).⁴⁴ Importance of transparency in registration applications for hybrid works. Under 37 Code of Federal Regulations (CFR) § 202.3, registrants must disclose AI-generated elements and specify human contributions. This is in line with the Office 2023 guidelines, which require

⁴¹ Ibrahim Halwachi, ‘The Dilemma of Authorship for AI-Generated Work in the EU and US. A Comparative Study of the Notions of “Human Input” and “Author’s Own Intellectual Creation” in the Assessment of Authorship for Copyright Protection of AI-Generated Work’ (*University of Gothenburg*, 2024) <<https://gupea.ub.gu.se/handle/2077/79957>>.

⁴² Gerard J Lewis Jr, ‘Copyright Protection for Purely Factual Compilations under *Feist Publications, Inc. v Rural Telephone Service Co.*: How Does Feist Protect Electronic Data Bases of Facts?’ (1992) 8 *Santa Clara Computer & High Technology Law Journal* 169.

⁴³ Jessica Silbey, ‘A Matter of Facts: The Evolution of Copyright’s Fact-Exclusion and Its Implications for Disinformation and Democracy’ (2024) 70 *Journal of the Copyright Society* 365.

⁴⁴ Nor Azlina Mohd Noor, Ahmad Shamsul Abd Aziz and Nor Adila Mohd Noor, ‘The Ownership of Copyrighted Work: A Malaysian Legal Perspective’ (2024) 9 *Jurnal ‘Ulwan* 168.

disclaimers for de minimis AI content.⁴⁵ For example, a graphic novel that combines an AI-generated background with hand-drawn characters will only protect the human-made elements, as per the requirements of Section 408 (c) (1) for ‘identifiable authorship’.

Failure to disclose AI involvement risks cancellation of registration under Section 411(b), which permits cancellation for inaccurate information. Such transparency ensures compliance with the notification requirements of Section 401(d) and maintains public confidence in copyright records.

The laws under Title 17 of the United States Code (USC) are the main legal basis governing copyright in the United States, stipulating that copyright protection is granted to original works created by humans and fixed in tangible form. This legal framework, rooted in the Copyright Act of 1976, governs ownership, registration, infringement, and exceptions such as fair use, which is regulated under Section 107 (17 U.S.C. § 107), allowing limited use of copyrighted works without permission under certain conditions.⁴⁶

In the context of artificial intelligence (AI), Title 17 USC can be adapted, but there are still some unresolved issues, particularly regarding the obligation to use copyrighted training data. For example, under the fair use provisions, courts must assess whether AI training using copyrighted data infringes on the reproduction rights of the copyright owner. If AI is used as a tool with sufficient human involvement in the creation process, the resulting work may be eligible for copyright protection. However, works entirely generated by AI without human control do not meet the criteria for copyright protection. Therefore, the fair use principle serves as the primary foundation for AI developers in using copyrighted data for training, with assessments depending on the context of use, purpose, and level of human control over the resulting work.⁴⁷

Cases such as *Authors Guild v Google*, in that case, was a lawsuit filed by a group of authors and publishers against Google for copyright infringement because Google scanned and digitised millions of books without permission, but the court ruled that Google's actions fell under fair use because the use was transformative and did not replace the original book market. The court found that the search function and snippet display provided by Google added informational value without significantly harming the authors' copyrights.⁴⁸

In this case of *Authors Guild v Google*, which allows text mining for transformative purposes, may inform future decisions, although commercial AI applications may

⁴⁵ Francesco Mittica, ‘AI and Artworks: Legal and Technical Issues’ (Social Science Research Network, 2023) <<https://papers.ssrn.com/abstract=4826142>>.

⁴⁶ Tess Layton, ‘Control, Alt, Delete: Understanding the Implications of Courts’ Current Interpretation of 17 USC Sec. 1202 (B)’ *Louisiana Law Review* 84 (2023): 1455.

⁴⁷ Joshua Yuvaraj, ‘An Empirical Study of Case Law Relating to 17 USC § 203’ (2024) 64 *IDEA: The Law Review of the Franklin Pierce Center for Intellectual Property* 678.

⁴⁸ Varsha Mangal, ‘Is Fair Use Actually Fair? Analyzing Fair Use and the Potential for Compulsory Licensing in *Authors Guild v Google*’ (2016) 17(5) *North Carolina Journal of Law & Technology* 251.

complicate fair use analysis.⁴⁹ In addition, the safe harbour provision of Section 512(c) could, in the authors' view, face challenges if an AI platform inadvertently distributes infringing output. The lack of clarity about responsibility for AI-generated content can spur litigation, requiring courts to interpret the standards of Section 501(a) infringement in new contexts. While the US prioritises human authorship, the EU Directive on Copyright in the Digital Single Market (2019/790) allows text and data mining (TDM) with certain exceptions, creating a contrast with the US doctrine of fair use.⁵⁰

The UK Copyright, Designs and Patents Act 1988, specifically Section 9(3), provides copyright protection for works generated by computers without direct human involvement as creators, in contrast to the US Copyright Office's policy, which explicitly rejects copyright recognition for works without human authorship. This difference in approach highlights the lack of harmonisation in copyright regulations at the international level, which poses a significant challenge amid the rapid development of artificial intelligence (AI) technology that is increasingly transforming the landscape of the creative industry. Therefore, global harmonisation efforts are needed to ensure that copyright regulations can accommodate technological innovation while fairly protecting the interests of creators and rights holders across various jurisdictions.⁵¹

To date, the US Copyright Office has reinforced the principle that human creativity remains at the centre of copyright law under Title 17 USC. Although AI can assist in the creative process, purely machine-generated works are outside the protection of the law. Hybrid works require careful depiction of human contributions, guided by Sections 102 (a), 103, and 408. As AI develops, the courts will play an important role in interpreting these provisions, ensuring that copyright law balances innovation with the protection of human-written expressions. However, the absence of legislative reform leaves gaps in dealing with training data and problem responsibilities that will determine the limits of subsequent copyright jurisprudence.

5.3. European Union

The European Union's Artificial Intelligence Act (Regulation (EU) 2024/1689) sets out an innovative risk-based regulatory framework designed to balance innovation with the protection of fundamental rights, which was adopted in August 2024. The Act categorises AI systems into four levels of risk: unacceptable, high, limited, and minimal, with increased compliance obligations based on potential harm. Article 5 of Regulation (EU) 2024/1689

⁴⁹ Benjamin LW Sobel, 'Artificial Intelligence's Fair Use Crisis' (2018) 41 *The Columbia Journal of Law & the Arts* 45.

⁵⁰ Ng-Loy Wee Loon, 'Copyright Exceptions for Text and Data Mining: A Case of Specificity (Certainty) and Generality (Flexibility)' in Florent Thouvenin and others (eds), *Kreation Innovation Märkte - Creation Innovation Markets: Festschrift Reto M. Hilty* (Springer 2024) <https://doi.org/10.1007/978-3-662-68599-0_19>.

⁵¹ Ryan Abbott, 'Chapter 15: Artificial Intelligence, Big Data and Intellectual Property: Protecting Computer Generated Works in the United Kingdom' (2020) <<https://www.elgaronline.com/edcollchap/edcoll/9781785368332/9781785368332.00023.xml>>.

prohibits unacceptable risky applications, such as government-led social assessments and the erosion of untargeted facial recognition, effective six months after its enactment. High-risk systems, including AI in healthcare, education, and law enforcement (Annex III), require strict documentation, risk assessment, and human oversight based on Articles 6, 9, and 14 of Regulation (EU) 2024/1689. This system must undergo a suitability assessment, maintain technical documentation (Article 11 of Regulation (EU) 2024/1689), and ensure data quality (Article 10 of Regulation (EU) 2024/1689). Limited-risk applications, such as chatbots, face transparency obligations under Article 52 of Regulation (EU) 2024/1689, which mandates user disclosure, while minimal-risk systems (e.g., AI-powered games) remain unregulated.

An important focus of the Act is to ensure that AI is in line with the EU Copyright Directive (2019/790), especially for generative AI models such as ChatGPT. Although the Act does not introduce new intellectual property rules, Article 4 mandates compliance with existing TDM (text and data mining) provisions, which require AI providers to respect the opt-out mechanism for copyrighted training data and disclose a summary of the training content (Article 53). This balances transparency with trade secret protection, resolving disputes over unauthorised data scraping. The law also enforces extraterritorial obligations (Article 2), forcing non-EU providers to comply with EU copyright standards when operating within the bloc. For example, US-based AI models trained on EU-copyrighted data must implement policies to fulfil opt-out requests, even if training is conducted outside the EU, ensuring a level playing field and preventing jurisdictions with lax copyright laws from gaining a competitive advantage.⁵²

High-risk AI systems must prioritise transparency and accountability. Article 9 requires ongoing risk management, including identifying foreseeable risks and post-market monitoring (Article 72), while Article 13 mandates human oversight to prevent harmful outcomes. General-purpose AI models (GPAI) face additional oversight under Article 28b, which requires public summaries of training data and compliance with cybersecurity standards. The enforcement mechanism includes fines of up to €35 million or 7% of global revenue for non-compliance (Article 71), with a phased implementation schedule.⁵³ High-risk systems must be registered in the EU database (Article 51), and users have the right to challenge AI decisions through national authorities (Article 68). The Act also emphasises AI literacy, requiring organisations to train staff on ethical deployment and risk management.

The European Artificial Intelligence Board, established under Article 56, oversees aligned enforcement and compliance. To encourage innovation, Article 53 introduces the AI Regulatory Sandbox, which allows Small and Medium-sized Enterprises (SMEs) to test systems in a controlled environment. Risk-based approach and integration of copyright

⁵² Nathalie A Smuha and others, 'How the EU Can Achieve Legally Trustworthy AI: A Response to the European Commission's Proposal for an Artificial Intelligence Act' (Social Science Research Network, 2021) <<https://papers.ssrn.com/abstract=3899991>>.

⁵³ Nikos Th Nikolinakos, *EU Policy and Legal Framework for Artificial Intelligence, Robotics and Related Technologies – The AI Act*, vol 53 (Springer International Publishing, 2023) <<https://link.springer.com/10.1007/978-3-031-27953-9>>.

protection The Act sets global benchmarks, although challenges remain in aligning with international frameworks.⁵⁴ As the Act gradually comes into force (2024–2027), its success will depend on consistent enforcement and adaptability to evolving technologies. [16] By prioritising human oversight, transparency, and ethical innovation, the EU AI Act aims to reduce risk while positioning the bloc as a leader in responsible AI governance.

5.4. Australia

Australian copyright, which is governed by the Copyright Act 1968, in particular, the Copyright Amendment (Online Infringement) Act 2021 strengthens copyright protection in the digital age by targeting online copyright infringement through enforcement mechanisms that allow federal courts to order internet service providers (ISPs) to block access to websites operating outside Australia that have the primary purpose or effect of facilitating copyright infringement.⁵⁵ The amendment also expands the scope of action by including the authority to block additional domains without having to return to court, as well as introducing liability for search engine providers to remove search results that lead to infringing sites. Additionally, there are updates regarding fair-dealing exceptions and protections for works generated by artificial intelligence (AI), to align regulations with technological advancements and the needs of the creative industry sector, while balancing copyright protection with public access to information.

The aforementioned law explicitly requires human authorship for protection, excluding works that are purely AI-generated.⁵⁶ Under Section 32, originality depends on ‘independent intellectual effort’ by humans, a principle reinforced in *Telstra Corp Ltd v Phone Directories Co Pty Ltd* began with a dispute over whether the White Pages and Yellow Pages telephone directories published by Telstra were copyrightable, with the court ruling that the directories were not copyrightable because they were largely produced automatically by computers without independent intellectual contribution from humans, and therefore did not meet the originality requirement for copyright protection under Australian law.⁵⁷ Works produced independently by AI, such as text or images generated through simple instructions, fail to meet the threshold of originality under Section 10(1) of the Copyright Act 1968, which defines protectable works as products of human skill. However, hybrid creations involving substantial human input, such as refining AI-generated music or integrating AI visuals into films, may qualify for copyright if the human contribution demonstrates ‘sufficient effort’

⁵⁴ Ana Pošćić and Adrijana Martinović, ‘Regulatory Sandboxes under the Draft EU Artificial Intelligence Act: An Opportunity for SMEs?’ (2024) 9 *InterEULawEast: Journal for the International and European law, Economics and Market Integrations* 71.

⁵⁵ Hunter McGhee, ‘Reinterpreting Repeat Infringement in the Digital Millenium Copyright Act’ (2023) 25 *Vanderbilt Journal of Entertainment & Technology Law* 483.

⁵⁶ Nirogini Thambaiya, Kanchana Kariyawasam and Chamila Talagala, ‘Copyright Law in the Age of AI: Analysing the AI-Generated Works and Copyright Challenges in Australia’ [2025] *International Review of Law, Computers & Technology* 1.

⁵⁷ Kate Gardner and Paul Hunt, ‘Intellectual Property Law: Protecting Your Databases’ (2020) 62 *Keeping Good Companies* 299.

(Section 32). This distinction ensures that AI remains a tool rather than a law writer, preserving the human-centred foundation of Australia's intellectual property system.⁵⁸

The ownership of AI-generated content remains legally uncertain. Section 35 grants copyright to the human 'author', but the Act does not address scenarios where AI operates without direct human guidance. For example, if AI independently produces a novel based on minimal instructions, neither the user nor the developer qualifies as an author under current legislation. Training AI models on copyrighted data makes compliance even more difficult. Australia has no specific provisions for AI training. Developers must rely on narrow exceptions such as Section 43A/43B (temporary reproduction for technical processes) or fair dealing (Sections 40–43), which allow limited use for research or criticism. However, commercial AI training often exceeds these limits, risking claims of infringement under Section 36 (direct infringement) or Section 101 (permitting infringement). This legal grey area hinders innovation, as businesses face uncertainty over liability for AI outputs derived from copyrighted data sets.

Meanwhile, the Australian AI Ethics Framework promotes voluntary transparency, such as disclosing the role of AI in the creative process, despite having no legal enforcement. Ethical concerns remain around moral rights (Section 193), which exclusively grant attribution and integrity protection to human authors. Purely AI-generated works do not have these rights, while hybrid works require clear documentation of human input to justify claims. For example, an artist who uses AI to compose a novel must demonstrate substantial editing or creative direction to assert authorship.

The Australian approach contrasts with jurisdictions such as the EU, which allows text-and-data mining (TDM) with exceptions, and South Africa,⁵⁹ which recognised an AI system (DABUS) as a patent inventor in 2021, an attitude rejected by the Full Federal Court of Australia in *Thaler v Commissioner of Patents*.⁶⁰ The court upheld Section 15 (1) of the Patents Act 1990, which defines an inventor as a 'natural person', reinforcing a human-centred intellectual property framework. To remain competitive, Australia must adopt legislative reforms, such as introducing TDM exceptions or redefining 'sufficient human effort' in hybrid works. It is important in shaping these reforms to ensure that the copyright framework adapts to technological advances while preserving human creativity. Without urgent action, ambiguity in responsibility and ownership of infringement will remain, hampering AI innovation and the creative industries that depend on clear legal boundaries. Indonesia faces a similar challenge, where existing laws have not anticipated the possibility

⁵⁸ David Opderbeck, 'Copyright in AI Training Data: A Human-Centered Approach' (2024) 76 Oklahoma Law Review 951.

⁵⁹ Paula Zito, *Australian Geographical Indications: Protecting the Connection between Product and Place* (Australia Intellectual Property Society of Australia and New Zealand 2024).

⁶⁰ Adam Liberman, 'One Small Step for 'Artificial Intelligence' and a Giant Leap for the Australian Patent System? The Federal Court Decision in *Thaler v Commissioner of Patents*' (2022) 17 Journal of Intellectual Property Law & Practice 164.

of AI becoming a creator of artwork. This demonstrates the need for regulations to be updated to accommodate the role of AI in the music industry.

6. Solutions and the Future of Law Copyright for Music AI in Indonesia

Het recht hinkt achter de feiten aan means that the law made to regulate people's lives is often lagging behind or cannot immediately adapt to new and complex events that occur in society. One phenomenon that represents the lagging of the law behind the times is the presence of AI in the process of making art, especially music. For this reason, this challenge needs to be addressed to protect the interests of creators, music industry players, and the intellectual property ecosystem as a whole. If there are no responsive steps to regulate this, there is an opportunity for copyright infringement, manipulation of artistic identity, and unethical exploitation of technology.

When reviewed in Indonesian positive law, especially in Copyright Law, the law does not explicitly regulate the norms regarding works created by AI. The articles contained in the Copyright Law are still based on the creation of works made by humans. Thus, there needs to be a regulation governing AI in music so that there is no regulatory gap. The author of this study proposes two schemes, namely short-term and long-term, to regulate AI in music.

6.1. Short Term Scheme

Considering that the process of forming legislation by the legislature requires a very long period of time,⁶¹ the author has come up with a short-term scheme. This scheme is a framework of rules that is the country's initial response to this phenomenon.

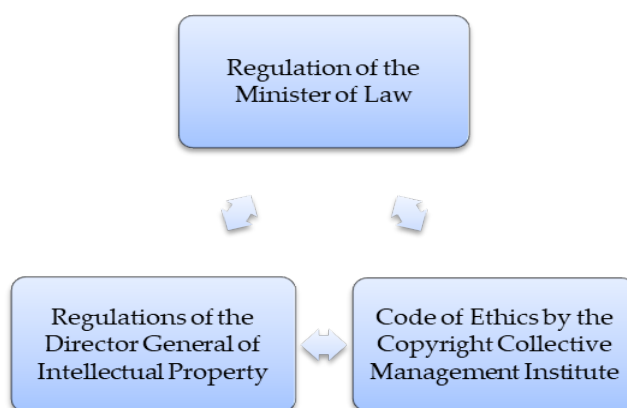


Figure 1. Short-Term Scheme (Source: Author's Analysis)

⁶¹ Mia Kusuma Fitriana, 'Peranan Politik Hukum dalam Pembentukan Peraturan Perundang-Undangan di Indonesia Sebagai Sarana Mewujudkan Tujuan Negara' (2015) 12 Jurnal Legislasi Indonesia 1; Joko Riskiyono, 'Partisipasi Masyarakat Dalam Pembentukan Perundang-Undangan Untuk Mewujudkan Kesejahteraan' (2015) 6 Aspirasi: Jurnal Masalah-Masalah Sosial 159.

The proposed short-term technical and administrative arrangements will immediately provide a legal bridge to protect all music creators in the digital age. The government can issue a Minister of Law Regulation as a technical implementer of the Copyright Law, specifically to provide administrative guidelines for the Directorate General of Intellectual Property to assess and classify applications for copyright registration of AI-based works. Furthermore, this regulation can also regulate ethical and technical limitations regarding originality and human involvement in the creative process.

Regulations of the Director General of Intellectual Property can be issued by the Director General who regulates more complex technical and operational matters. For example, the regulations can govern the procedures for recording AI-based music works, the validity of creator data, and mechanisms for monitoring possible copyright infringements by AI algorithms. Furthermore, the Code of Ethics issued by the Copyright Collective Management Institute needs to be regulated further. The code of ethics can serve as a guide for creators, producers, and music distribution platforms on the responsible use of AI, including the principles of transparency and attribution of creation.

6.2. Long Term Scheme

In the long term, what needs to be prepared is an effort to revise the Copyright Law. This revision is needed to regulate AI more specifically in intellectual property law, especially in terms of the legal status of works produced by or with the help of AI, as well as the position of the legal subjects involved in the creative process. So that the Government can classify the process of creating works into three classifications, namely: 1) purely human work, 2) collaboration between humans and AI, and 3) work that is entirely generated by AI. Furthermore, the revision must also consider the protection of moral rights and human economic rights, whose work may be used as a reference by the AI system.

The process of formulating the revision of the Copyright Law must involve the participation of the whole community, especially those in the creative industry, academics, and technology developers so that the results of the regulation are in line with the needs of the times. An adaptive approach, while still based on the principles of fairness and rights protection, will certainly be an important element in realising an intellectual property legal system in the AI era.

7. Conclusion

Music is one of the arts that has become an identity in human civilisation. The process of making music, which was once traditional, is now transforming along with technological developments. Currently, the process of music making by AI has given rise to a debate that must be answered through regulation. The question that often arises is, who gets the copyright in music made by AI? What are the limitations on the use of AI in copyright? The current law in Indonesia is not yet able to answer this challenge. This is similar to several countries that have been analysed, such as Malaysia, Australia, the United States and the

European Union, which also do not yet have specific regulations on this issue. To address the challenge of AI in music-related copyright in Indonesia, the author proposes two schemes, namely, a short-term scheme and a long-term scheme. The short-term scheme can be carried out by creating a Regulation of the Minister of Law, a Regulation of the Director General of Intellectual Property, and Ethical Guidelines. Furthermore, the long-term scheme that can be carried out is an attempt to revise the Copyright Law. This scheme is expected to address the challenge of music protection in the AI era.

Acknowledgement

Vicko Taniady would like to express sincere gratitude to the Indonesian Education Fund Management Programme (LPDP) under the Ministry of Finance of the Republic of Indonesia for sponsoring his master's study at Monash University and for supporting the development and publication of this paper.

Funding Information

This research does not receive any funding. ◆