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Preserving Indonesian Traditional Music through Copyright Protection and Government Intervention

Eni Harliani^{1*}, Fokky Fuad², & Aris Machmud³

^{1,2,3}Law Faculty, Universitas Al Azhar Indonesia, Jakarta, Indonesia

Correspondence

Eni Harliani, Law Faculty, Universitas Al Azhar Indonesia, Jakarta, Indonesia, Jl. Sisingamangaraja, RT.2/RW.1, Selong, Kec. Kby. Baru, Kota Jakarta Selatan, Daerah Khusus Ibukota Jakarta 12110, e-mail: eni.harliani1@gmail.com

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Original Article

Abstract

Traditional Indonesian music faces significant challenges in the digital era, particularly regarding unauthorized use and copyright protection. This study examines the Indonesian government's role in protecting traditional music copyright through a normative legal approach. The research reveals that the government has implemented several key strategies: establishing a comprehensive legal framework through Law No. 28/2014 on Copyright and related regulations; facilitating the creation of Collective Management Institutions (CMIs) for traditional music, including the successful establishment of three integrated CMIs in 2023; conducting public awareness campaigns and education programs across various regions; and strengthening law enforcement against copyright infringement. Despite these efforts, challenges persist, including limited public awareness of legal protections, unauthorized commercial use, and enforcement difficulties. The study concludes that continued government involvement, particularly in education and law enforcement, is crucial for preserving Indonesia's traditional musical heritage.

Keywords: *Traditional Music, Copyright Protection, Collective Management Institutions, Cultural Heritage*

Abstrak

Musik tradisional Indonesia menghadapi tantangan signifikan di era digital, khususnya terkait penyalahgunaan dan perlindungan hak cipta. Penelitian ini mengkaji peran pemerintah Indonesia dalam melindungi hak cipta musik tradisional melalui pendekatan hukum normatif. Hasil penelitian menunjukkan pemerintah telah menerapkan empat strategi utama: pembangunan kerangka hukum melalui UU No. 28/2014 tentang Hak Cipta; pembentukan tiga LMK terintegrasi pada 2023; penyelenggaraan sosialisasi dan edukasi publik di berbagai daerah; serta penguatan penegakan hukum. Meski demikian, masih terdapat tantangan seperti rendahnya kesadaran masyarakat, penyalahgunaan komersial, dan kendala penegakan hukum. Keterlibatan berkelanjutan pemerintah dalam pendidikan dan penegakan hukum sangat penting untuk melestarikan musik tradisional Indonesia.

Kata kunci: *Musik Tradisional, Perlindungan Hak Cipta, Lembaga Manajemen Kolektif, Warisan Budaya*

1. INTRODUCTION

Traditional music and songs are invaluable cultural assets, reflecting the identity and intellectual heritage of a nation. In Indonesia, the country's rich cultural diversity, encompassing various ethnicities and tribes, has given rise to traditional music that is deeply imbued with historical and social values. However, in today's digital era, traditional Indonesian music faces numerous challenges that threaten its sustainability and existence.

During a series of discussions with traditional musicians across the archipelago in regions such as Bangka Belitung, Central Sulawesi, West Java, East Kalimantan, and others, the author observed several pressing issues confronting these artists. One significant problem is the unauthorized use of traditional music and songs without the permission of their creators. For instance, Nyong Franco, a traditional musician from Maumere, has seen his work, *Gemu Fa Mi Re*, frequently used by third parties without his consent. Similarly, Baidjuri Tarsa, a traditional musician from Bangka Belitung, has faced unauthorized usage of his work, *Zappin Melayu*. His creations are often uploaded to platforms like YouTube by others, allowing these individuals to reap economic benefits from his work.

This situation creates an injustice for traditional musicians who strive to preserve their art. Such practices not only harm the creators but also undermine the sustainability and cultural significance of their works. Without adequate legal protection, traditional music is vulnerable to exploitation. Legal protection, therefore, is critical—not only to safeguard the economic rights of the creators but also to preserve the cultural identity embedded in these musical traditions.¹

The unauthorized use of traditional music has far-reaching consequences. Economically, creators suffer financial losses as they are deprived of royalties or other forms of compensation rightfully owed to them. This loss of income can diminish their motivation to continue creating, potentially leading to a decline in the production of traditional music and songs.

Culturally, the misuse of traditional music can erode its intrinsic social and cultural meanings. When traditional works are used without the creator's permission, their original context and significance are often lost or misinterpreted. This not only harms the creators but also disrespects the community that values the cultural heritage these works represent. As a result, the authenticity and cultural wisdom associated with traditional music may fade, leaving future generations unable to fully understand or appreciate these traditions.

¹ Yanti Nurhidayati, Dody Mohamad Kholid, and Engkur Kurdita, "Transformasi Musik Songah Di Era Digital: Tantangan Dan Peluang Dalam Pelestarian Warisan Budaya," *Dewantech: Jurnal Teknologi Pendidikan* 1, no. 1 (2023): 22–29, <https://journal.awatarapublisher.com/index.php/dewantech/article/view/10>.

Moreover, unauthorized use can spark cultural conflicts between creators, who feel their rights have been violated, and users, who may be unaware of the importance of obtaining proper permission. In this context, it is crucial to strengthen the implementation of existing regulations to protect traditional musical works and the cultural heritage they represent.²

Recognizing these challenges, Indonesia has enacted various regulations to safeguard the copyright of traditional music and songs. These include Law No. 28 of 2014 on Copyright, Law No. 5 of 2017 on the Advancement of Culture, and Government Regulation No. 56 of 2021 on the Management of Copyright Royalties for Songs and/or Music, among other relevant legal provisions. These measures aim to provide effective protection for creators' rights while ensuring the sustainability of Indonesia's rich cultural heritage.

Although clear regulations exist, their implementation often encounters significant challenges. A lack of copyright knowledge, limited public awareness, and weak law enforcement hinder the optimal protection of traditional music. Consequently, the Government's role extends beyond merely drafting regulations; it also encompasses the implementation of effective policies, public education, and collaboration with various stakeholders to preserve and protect traditional music and songs as vital components of Indonesia's cultural identity.

The Government's role in safeguarding and protecting the copyright of traditional music and songs is crucial. Without its active involvement, efforts to protect traditional music and songs would face substantial challenges and are unlikely to be effectively realized. Based on this context, the author is particularly interested in exploring the Government's role in protecting the copyright of traditional music and songs in Indonesia.

2. RESEARCH METHODOLOGY

This study employs a normative legal approach, a method of legal research grounded in literature review. It examines legal issues by analyzing laws and regulations, scholarly literature, and other reference sources. The primary objective of this research is to propose solutions to the identified legal issues. The data analysis method utilized is qualitative analysis, wherein all collected materials and data are systematically processed and analyzed. The findings are then presented in the form of a detailed description addressing the various issues central to this research. Additionally, the analysis is enriched by the author's direct experience, offering a practical perspective that complements the normative approach. This integration ensures that the research

² Aulia Kiswahni, "Peran Masyarakat Majemuk Dalam Melestarikan Keanekaragaman Budaya Di Indonesia," *Decive: Jurnal Penelitian Pendidikan Pancasila Dan Kewarganegaraan* 2, no. 6 (2022): 235–243, <https://doi.org/10.56393/decive.v2i6.1670>.

outcomes are not only theoretical but also applicable in practice. By combining the theoretical framework with the author's empirical insights, the study aims to provide conclusions and recommendations that are holistic and contextually relevant to the issues under examination.

3. RESEARCH RESULT AND DISCUSSION

The Indonesian government plays a pivotal role in protecting the copyright of traditional music and songs as part of the nation's cultural heritage. This commitment is demonstrated through strategic policies and comprehensive initiatives, encompassing the establishment of a robust legal framework and the implementation of programs that support the traditional music ecosystem. Through the Ministry of Education, Culture, Research, and Technology, and the Ministry of Law and Human Rights, the government has undertaken various measures to ensure that traditional musical works are not only preserved but also receive adequate legal protection and appropriate recognition. These efforts include regulating the moral and economic rights of creators, establishing a royalty management institution, and implementing empowerment and education programs designed to raise public awareness about the importance of valuing and safeguarding Indonesia's traditional music.

3.1. Establish A Comprehensive Legal and Regulatory Framework for the Protection of Copyright for Traditional Music and Songs

Within Indonesia's legal framework, various measures have been undertaken to protect traditional music and songs through regulations such as Law Number 28 of 2014 on Copyright, Law Number 5 of 2017 on the Advancement of Culture, Government Regulation Number 56 of 2021 on the Management of Copyright Royalties for Songs and/or Music, and other related provisions. Law Number 28 of 2014 on Copyright serves as the primary legal foundation for regulating the rights of music creators and providing legal protection for their works, including traditional music and songs.³ This law distinguishes between two categories of copyright: moral rights and economic rights.

Moral rights ensure that creators are acknowledged as the originators of their works and protect the integrity of their creations. Economic rights grant creators the ability to receive financial compensation for the use of their works. Under this law, music creators are recognized as rights holders with the authority to control how their works are utilized and the entitlement to receive compensation for their use.

Despite its comprehensive framework, the implementation of this law often faces significant challenges. One of the primary issues is the lack of awareness and

³ Asep Imroni, Alwi Al Hadad, and Mamok Andri Senubekti, "Akibat Hukum Mengkomersilkan Lagu Orang Lain Tanpa Izin," *Jurnal Hukum Dan Masyarakat* 2, no. 2 (2024): 37–44, <https://doi.org/10.9876/jhms.v7i3.789>.

compliance with copyright regulations among industry stakeholders and the general public. Furthermore, insufficient dissemination of information regarding copyright law leaves many creators, particularly those in remote areas, unaware of their rights. Consequently, further efforts are necessary to enhance public understanding of the importance of copyright and its protection mechanisms.⁴

Another persistent issue is the weak enforcement of sanctions for copyright violations. Numerous cases of infringement are not pursued, leaving creators feeling unprotected. This highlights the need for a more effective enforcement mechanism to uphold creators' rights and impose penalties on violators, ensuring a stronger deterrent effect.⁵

In addition, Law Number 5 of 2017 on the Advancement of Culture plays a crucial role in safeguarding traditional music and songs. As stipulated in Article 5, traditional music is included as part of the objects of cultural advancement and thus falls under the category of protected cultural assets. This law assigns the government the responsibility to advance and protect culture, including traditional music and songs. Beyond enacting regulations, the government is expected to take concrete actions to safeguard the rights of traditional music creators. Effective implementation of these policies requires collaboration among cultural institutions, academics, and other stakeholders. Article 20 of the law further mandates that both the government and society have an obligation to protect, develop, and promote culture, including traditional music, as a vital component of the nation's cultural heritage.

Government Regulation Number 56 of 2021 on the Management of Copyright Royalties for Songs and/or Music also contributes to the legal protection of traditional music and songs. This regulation emphasizes fair and transparent royalty management mechanisms to ensure music creators are compensated equitably for the use of their works. However, significant challenges remain, particularly in documenting oral and traditional works, which complicates the process of royalty management. Many creators of traditional music and songs lack formal documentation of their ownership, hindering their ability to claim their rightful royalties.

Systematic documentation efforts—such as recording and written documentation—are essential to overcoming these obstacles. By creating formal records of traditional works, the rights of creators can be better safeguarded and managed. These efforts not only preserve Indonesia's rich cultural heritage but also strengthen the legal and economic protections for traditional music creators.

⁴ Ika Monika, Juanda Nawawi, and Indar Arifin, "Kebijakan Pemerintah Daerah Dalam Pelestarian Kesenian Tradisional Di Kota Makassar," *Government: Jurnal Ilmu Pemerintahan* 4, no. 2 (2011): 63–96, <https://journal.unhas.ac.id/index.php/government/article/view/1593>.

⁵ Tifani Haura Zahra and Kezia Regina Widyaningtyas, "Tinjauan Hak Cipta Terhadap Kewajiban Pembayaran Royalti Pemutaran Lagu Dan/Atau Musik Di Sektor Usaha Layanan Publik," *Padjadjaran Law Review* 9, no. 1 (2021): 1–14, <https://jurnal.fh.unpad.ac.id/index.php/plr/article/view/487>.

3.2. Facilitate the Establishment of Collective Management Institutions (CMIs)

As part of the government's commitment to protecting traditional music and songs, a significant step was taken with the organization of the first Nusantara Traditional Music Congress in Indonesia. This virtual event was attended by approximately 400 traditional music artists from Indonesia and abroad, including participants from the United States, Canada, Australia, New Zealand, Sweden, Japan, and England. The congress included 52 speakers representing diverse sectors, such as academics, intellectual property experts, mass media professionals, record labels, digital platform distributors/aggregators, the Ministry of Law and Human Rights, the National Collective Management Institution (NCMIs), the Ministry of Tourism and Creative Economy, the Ministry of Environment, and several units within the Ministry of Education, Culture, Research, and Technology.

The Nusantara Traditional Music Congress took place on September 1, 2021, following a Pre-Congress held from August 20 to August 30, 2021. The Pre-Congress addressed key foundational issues and sought solutions to challenges, particularly those affecting traditional Nusantara music. Strategic issues discussed included:

- 1) The protection, development, and utilization of traditional Nusantara music;
- 2) Incorporating traditional Nusantara music into education at all levels, including for children with special needs, to foster appreciation and character building; and
- 3) Ensuring the sustainability of raw materials for traditional musical instruments as an integral part of creating traditional music.

The Pre-Congress discussions were organized around eight key themes: definition of traditional Nusantara music, inventory of traditional Nusantara music, need for protection, need for development, education needs, condition of instruments, utilization of music, and formation and responsibilities of a collective management institution for traditional Nusantara music.

The Congress culminated in ten key recommendations, symbolically presented to the Minister of Education, Culture, Research, and Technology. These recommendations included:

- 1) Conducting systematic data collection on Indonesian traditional music, both domestically and internationally, to be stored in a centralized database managed by the Ministry of Education, Culture, Research, and Technology and the Ministry of Law and Human Rights.
- 2) Issuing and enforcing legal regulations at both central and regional levels to protect traditional music, while encouraging Corporate Social Responsibility (CSR) funding for preservation, sustainability, and development.

- 3) Synergizing the Pentahelix model (Government, Community, Media, Business Actors, and Academics) to maintain and develop the ecosystem of Indonesian traditional music for global recognition.
- 4) Incorporating Nusantara traditional music into formal and informal education systems, from early childhood education to higher education, including special needs education, and establishing arts education institutions nationwide.
- 5) Integrating formal, informal, and cultural education systems into the “Freedom to Learn” model to deepen cultural understanding and reinforce national identity.
- 6) Empowering traditional music maestros to actively contribute to building a culture-based education ecosystem.
- 7) Supporting traditional musical instrument craftsmanship to ensure the sustainability of Nusantara traditional music.
- 8) Promoting wood cultivation and forest conservation as sources of raw materials for making traditional instruments.
- 9) Regulating mass media and public broadcasters to allocate space for Nusantara traditional music.
- 10) Proposing the establishment of a Collective Management Institution (CMI) named the Indonesian Traditional Music CMI, dedicated to protecting traditional musical works and new creations rooted in Indonesian traditional idioms.

The Formulating Team for the Indonesian Traditional Music Congress consisted of Suhendi Afryanto, Rithaony Hutajulu, Jabatin Bangun, Irwansyah Harahap, Haprie Ika Poigi, Patrick Hartono, Embi C. Noer, Gilang Ramadhan, Bens Leo, and Satria Dharma.

During the congress, it was unanimously agreed that immediate steps should be taken to establish a Collective Management Institution (CMI) aimed at safeguarding traditional music works and new compositions inspired by Indonesian traditional idioms. The Directorate General of Culture under the Ministry of Education, Culture, Research, and Technology, along with the Directorate General of Intellectual Property under the Ministry of Law and Human Rights, in collaboration with the Indonesian traditional music community, specifically Kokarindo (Indonesian Karawitan Communication), committed to implementing the congress outcomes by facilitating the establishment of a CMI dedicated to Indonesian Traditional Music. To form such an institution, specific requirements outlined in Article 88 of Law No. 28 of 2014 on Copyright must be fulfilled:

- 1) The institution must be a legally recognized Indonesian entity that operates on a non-profit basis.
- 2) It must have the authority granted by the creator, copyright holder, or related rights owner to collect, manage, and distribute royalties.

- 3) It must have authorization from at least 200 creators for a CMI specializing in songs and/or music, representing the creators' interests, or at least 50 individuals for a CMI representing related rights holders or other copyright objects.
- 4) The primary purpose of the institution must be to collect, manage, and distribute royalties.
- 5) It must demonstrate the capability to effectively distribute royalties to creators, copyright holders, or related rights owners.

However, establishing a CMI for traditional music is fraught with challenges. Based on practical experience, many traditional musicians lack an understanding of the importance of copyright protection, making it difficult to secure the necessary authorizations. Extensive time and effort are required to educate and assist traditional musicians in understanding their rights and how to protect them. Socialization and continuous support are critical to enabling traditional music and song creators to exercise their rights effectively.

In 2023, with government facilitation, a Collective Management Institution for Traditional Music of the Archipelago was successfully established, comprising three integrated CMIs:

- 1) *Langgam Kreasi Budaya Association (LKB)* – This CMI represents copyright holders. It was established under Notarial Deed No. 06, registered with AHU-0006498 of 2022, and received an Operational Permit via Decree No. HKI-33.KI.01.04 of 2023 from the Ministry of Law and Human Rights.
- 2) *Perkumpulan Citra Nusa Swara (CNS)* – This CMI represents performers' related rights. It was established under Notarial Deed No. 07, dated May 19, 2022, registered with AHU-0006789.AH.01.07 of 2022, and received an Operational Permit No. HKI-34.KI.01.04 of 2023 from the Ministry of Law and Human Rights.
- 3) *Pro Karindo Utama (PKU)* – This CMI represents phonogram producers' related rights. It was established under Notarial Deed No. 08, registered with AHU-0006592.AH.01.07 of 2022, and received an Operational Permit No. HKI-35.KI.01.04 of 2023 from the Ministry of Law and Human Rights.

These institutions are a significant step toward ensuring the protection and promotion of traditional Indonesian music and its creators. The Collective Management Institution (CMI) for Traditional Indonesian Music is a non-profit legal entity established to safeguard and manage the economic rights of creators, copyright holders, and/or related rights owners of traditional Indonesian musical works. This institution was created through a collaborative effort between the Directorate General of Culture of the Ministry of Education, Culture, Research, and Technology of the Republic of

Indonesia and the Directorate General of Intellectual Property of the Ministry of Law and Human Rights. Its formation reflects the government's commitment to protecting Indonesia's cultural heritage and the artistic wealth of its traditional music.

The establishment of the CMI aligns with the mandate of Law No. 5 of 2017 on the Advancement of Culture, demonstrating the government's active role in preserving traditional music. Furthermore, it upholds the moral and economic rights of traditional Indonesian music creators as outlined in Law No. 28 of 2014 on Copyright, further reinforced by Government Regulation No. 56 of 2021 on the Management of Copyright Royalties for Songs and/or Music, Government Regulation No. 56 of 2022 on Communal Intellectual Property, and Ministerial Regulation No. 9 of 2022 on the Management of Copyright Royalties for Songs and/or Music.

The presence of the CMI for Traditional Indonesian Music significantly enhances and strengthens the ecosystem of traditional music within Indonesia, particularly in the rapidly evolving cultural and music industries. The institution provides robust legal protection for creators and copyright holders of traditional music, ensuring they receive equitable compensation for their work.

The establishment of the CMI also aims to improve the welfare of traditional musicians and provide appropriate recognition for their contributions. By fostering a thriving market for traditional music, both domestically and internationally, the government seeks to increase the visibility and appreciation of Indonesia's cultural heritage. These efforts are vital to ensuring the sustainability of the nation's cultural wealth, enabling it to be cherished and enjoyed by future generations.⁶

3.3. Conducting Public Awareness and Education on Copyright Protection for Traditional Musical Works

After the establishment of the Collective Management Institution (CMI) for Traditional Indonesian Music, efforts to collect royalties for traditional music and songs have faced significant challenges, including:

1) Limited Awareness of Legal Protections for Traditional Music

Many individuals and entities using traditional musical works are unaware that these works are protected by law and that there is an obligation to pay royalties. This lack of awareness is often exacerbated by the misconception that traditional music is public property, free for anyone to use without permission or compensation. Such misunderstandings stem from insufficient education about copyright and intellectual property rights. Consequently, the public's

⁶ Novie Afif Mauludin, "Perlindungan Hukum Terhadap Karya Cipta Lagu Atau Musik Daerah Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," *Jurnal Kompilasi Hukum* 5, no. 2 (2020): 337–344, <https://doi.org/10.29303/jkh.v5i2.59>.

understanding of copyright related to traditional music remains low, perpetuating the belief that using traditional music without paying royalties is acceptable and lawful.⁷

2) Unauthorized Commercial Use

In numerous cases, commercial users of traditional music—such as advertisers, filmmakers, and television producers—avoid seeking permission from creators or copyright holders. This reluctance often stems from concerns about the costs and time associated with obtaining licenses. Some industry players resort to unauthorized use of traditional music, believing that such practices will go undetected or be tolerated. This undermines the rights of the original creators, depriving them of fair compensation and potentially stifling their creativity. This inequity can lead to frustration and dissatisfaction among traditional music creators, who feel their contributions are undervalued and ignored.⁸

3) Challenges in Enforcing Regulations

While regulations exist to protect traditional music, their implementation is hindered by a lack of public understanding about the importance of royalty payments and the mechanisms for making these payments.

4) Limited Popularity of Traditional Music

The relatively low popularity of traditional music impacts its potential to generate royalties, further complicating efforts to support traditional musicians financially.

5) Resource Limitations of Collective Management Institutions

Effective operation of the CMI requires adequate financial and human resources, which are often insufficient to address the challenges of managing traditional music copyrights effectively.

The government plays a pivotal role in raising awareness and ensuring the protection of copyrights for traditional music and songs. Without sufficient public understanding, creators of traditional music are vulnerable to exploitation and the loss of their

⁷ William Suryanto Suciadi, Peter Dave Ariffien Lihu, and Angeline Tania Gunawan, “Aspek Perlindungan Hukum Hak Royalti Atas Hak Cipta Lagu Di Industri Musik Digital Indonesia Serta Perkembangannya,” *Anthology: Inside Intellectual Property Rights* 2, no. 1 (2024): 402–26, <https://ojs.uph.edu/index.php/Anthology/article/view/8522>.

⁸ Efra Tama, Jimmy O. Andin, and Yuliati Eka Asi, “Upaya Pelestarian Musik Tradisional Iringan Pencak Silatmambuka Lawang Sakepeng Dalam Upacara Adat Perkawinandayak Ngaju Di Kelurahan Sepang Simin, Kecamatan Sepang, Kabupaten Gunung Mas,” *Jurnal Tambuleng: Pendidikan Seni Drama Tari Dan Musik* 4, no. 1 (2023): 46–60, <https://doi.org/10.4567/jhb.v14i2.1234>.

economic rights.⁹ Through comprehensive education and awareness programs, the public can develop a greater appreciation for traditional music creators and understand the importance of proper usage and compensation.

To address these challenges, the government must develop policies and regulations; establish and enforce policies that support the protection of copyrighted works; collaborate with stakeholders: work with cultural communities, educational institutions, and non-governmental organizations to conduct outreach and awareness campaigns; implement public education programs: promote a broader understanding of copyright through socialization programs and campaigns that emphasize the value and rights of traditional music creators.¹⁰ By fostering a culture of respect for intellectual property, the government can ensure the sustainability of Indonesia's traditional musical heritage and encourage the equitable recognition and appreciation of traditional music creators.

In 2024, the Indonesian government, through the Directorate General of Culture of the Ministry of Education, Culture, Research, and Technology, organized socialization programs for the Collective Management Institution (CMI) for Traditional Nusantara Music in various regions, including Pangkal Pinang, Tulung Agung, Samarinda, Palu, and Bandung. Participants in these programs represented diverse groups, including: Traditional Nusantara musicians and artists, Arts and cultural communities actively promoting traditional Nusantara music, Users of traditional Nusantara music, Representatives from Cultural Preservation Centers, Ministries, agencies, institutions, and regional governments, Traditional music observers, and Relevant stakeholders, including government agencies and intellectual property rights managers.

The primary objective of these socialization activities was to introduce the CMI for Traditional Nusantara Music, including its roles, functions, and benefits, to the public—particularly traditional arts practitioners, government representatives, and related industries.

Based on observations during these programs, it was evident that public awareness and understanding of copyright for traditional music and songs, as well as the functions of the CMI, remain limited. Traditional music is frequently perceived as a communal cultural heritage, freely available for use without the need for permission or compensation to its creators. This misconception has contributed to low public awareness of the importance of protecting intellectual property rights (IPR) for traditional music and songs.

⁹ Emma Valentina Teresha Senewe, "Efektivitas Pengaturan Hukum Hak Cipta Dalam Melindungi Karya Seni Tradisional Daerah," *Jurnal LPPM Bidang EkoSosBudKum* 2, no. 2 (2015): 12–23, <https://ejournal.unsrat.ac.id/v3/index.php/lppmekosbudkum/article/view/10661>.

¹⁰ Fransin Miranda Lopes, "Penegakan Hukum Terhadap Pelanggaran Hak Cipta Di Bidang Musik Dan Lagu," *Lex Privatum* 1, no. 2 (2013): 44–57, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/1703>.

To address these challenges, the government has collaborated with regional cultural communities, recognizing their vital role in maintaining and protecting traditional music.¹¹ Cultural communities act as intermediaries between creators and users, fostering understanding about the importance of respecting intellectual property. They also contribute by documenting traditional music, ensuring its preservation and proper appreciation.

Community involvement is critical in safeguarding copyright. Society must recognize its responsibility to protect cultural heritage, including traditional music, for future generations.¹² Additionally, communities should appreciate and respect existing works of art and culture. By fostering collective awareness of the appropriate use of traditional musical works, society can actively support creators' rights, thereby promoting the sustainability and appreciation of traditional music.

Close collaboration between the government, cultural communities, and society is essential for maintaining and protecting the copyright of traditional music. Efforts should include raising public awareness about copyright, strengthening law enforcement, and promoting appreciation for artistic and cultural works. By doing so, Indonesia's traditional music can continue to flourish and gain proper recognition as a valuable cultural asset. These initiatives benefit not only creators but also the wider community and future generations who inherit this cultural legacy.¹³

Instilling awareness of copyright and cultural values should begin at an early age. Educational curricula at the school level must include materials on copyright and the appreciation of artistic works to help the younger generation understand creators' rights in the context of traditional music. Fostering this understanding among youth enables them to serve as agents of change who actively support the preservation of traditional music. Therefore, ongoing education and socialization efforts are essential to raising awareness within society.¹⁴

By combining education, socialization, and strengthened cooperation, the preservation and development of traditional Nusantara music can be ensured, safeguarding it as an enduring cultural treasure for Indonesia. To promote the appreciation of traditional musical creations, the Government, through the Directorate General of Culture and the Directorate General of Intellectual Property, has conducted

¹¹ Ujang Badru Jaman, Galuh Ratna Putri, and Tiara Azzahra Anzani, "Urgensi Perlindungan Hukum Terhadap Hak Cipta Karya Digital," *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia* 3, no. 1 (2021): 9–17, <https://doi.org/10.52005/rechten.v3i1.22>.

¹² Andhika Putra Herzani, "Peran Pemerintah Dalam Menginventarisasi Ekspresi Budaya Tradisional Indonesia," *Jurnal Hukum Dan Pembangunan* 50, no. 4 (2020): 956–78, <https://doi.org/10.21143/jhp.vol50.no4.2865>.

¹³ Anak Agung Ayu Gayatri, Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani, "Perlindungan Hukum Atas Hak Kekayaan Intelektual Karya Seni Musik Gamelan Bali," *Jurnal Preferensi Hukum* 2, no. 2 (2021): 371–76, <https://doi.org/10.22225/jph.2.2.3340.371-376>.

¹⁴ Yudhi Setiawan, "Perlindungan Hukum Terhadap Hak Cipta Lontar (Takepan) Sasak Di Indonesia," *Jurnal Kompilasi Hukum* 8, no. 1 (2023): 35–52, <https://doi.org/10.29303/jkh.v8i1.129>.

an educational campaign leveraging mass media and digital platforms. This approach has proven effective in reaching a broader audience.

Additionally, the Government, represented by the Directorate General of Culture under the Ministry of Education, Culture, Research, and Technology, issued a policy to further strengthen the traditional music ecosystem and enhance the welfare of traditional music performers. On February 23, 2024, Circular Letter Number: 1972/F.F3/KB.08.05/2024 was released, titled Concerning the Use and Royalties of Traditional Music. The letter stipulates that traditional music should be played, performed, and/or showcased at seminars, conferences, and similar events. Moreover, the policy emphasizes the necessity of paying performance royalties in accordance with existing laws and regulations.

This Circular Letter aims to raise awareness among the public and industry stakeholders about the importance of copyright protection for traditional music. By providing clear regulatory guidelines, the policy seeks to offer creators and rights holders greater security and protection against unauthorized use. Additionally, ensuring appropriate compensation for the use of traditional musical works is expected to inspire creators to continue producing innovative and culturally significant contributions.

3.4. Strengthening Law Enforcement Against Copyright Infringement

The government must demonstrate a firm commitment to improving law enforcement against copyright infringement. By enhancing enforcement mechanisms, creators can feel secure and motivated to continue producing their works. Through the Directorate General of Intellectual Property (DJKI), the government is actively working to address copyright violations involving traditional music and songs. Law enforcement in this area is crucial for safeguarding the rights of traditional music creators and ensuring they receive proper recognition and fair compensation for their contributions.¹⁵

The government has taken a strong stance in protecting traditional music and songs, employing both criminal and civil measures to combat copyright infringement. According to Article 113, paragraph (3) of Law No. 28 of 2014 on Copyright, copyright violations can result in a maximum imprisonment of four years and fines of up to IDR 1 billion. Furthermore, creators have the legal right to file lawsuits seeking compensation for damages incurred due to copyright violations. The implementation of strict sanctions is expected to serve as a deterrent, discouraging potential violators from infringing on copyrights.

Through these efforts, the government plays a pivotal role in preserving and ensuring the sustainability of Indonesia's traditional musical heritage. These actions also

¹⁵ Wendelina Ernatudera, Arief Syahrul Alam, and Andy Usmina Wijaya, "Tinjauan Yuridis Perlindungan Hak Moral Pencipta Berdasarkan Undang-Undang No.28 Tahun 2014," *Jurnal Ilmu Hukum Wijaya Putra* 1, no. 2 (2023): 189–202, <https://doi.org/10.38156/jihwp.v1i2.131>.

aim to provide traditional musicians with the protection, recognition, and benefits they deserve for their creative endeavors.

CONCLUSION

Unauthorized use of traditional music and songs remains a significant issue, driven by factors such as ignorance of creators' rights, limited legal awareness among the public, and economic considerations that lead many to avoid the costs and administrative procedures associated with legal use. These violations not only harm creators both morally and financially but also threaten the preservation and sustainability of traditional music. To address this, the protection of traditional music requires active government involvement. Facilitating the establishment of the Indonesian Traditional Music Collective Management Institution represents a strategic step toward safeguarding traditional music. Furthermore, ongoing public education and robust law enforcement are essential to fostering a culture of respect for the rights of traditional music creators. These combined efforts are vital to ensuring the longevity and integrity of Indonesia's cultural heritage.

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