

Copyright Protection for Songs and/or Music Remixes Published on YouTube

Melinda Wahyu Prihastiwi¹, Tashya Panji Nugraha²

¹⁻²Universitas Muhammadiyah Surakarta

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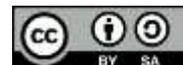
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ABSTRACT

Song recycling is the activity of updating and re-singing a singer's previous song (old version). Recycling songs and/or music generally used Youtube as a publication medium. The purpose of this study is to determine the copyright protection of song and/or recycling through Youtube media as a medium that is often used to publish song recycling content. This research uses normative juridical research methods. The results showed that based on Law No. 28 of 2014 concerning Copyright, everyone who wants to recycle songs must obtain permission from the creator and/ or copyright holder because it includes exercising economic rights belonging to the creator and/or copyright holder. Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions also regulated that the recycled version of the song is one form of electronic document, if it contains copyright infringement then electronic system operator has the right to cut off access.

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Corresponding Author:

Name: Melinda Wahyu Prihastiwi

Institution Address: Universitas Muhammadiyah Surakarta

e-mail: melindaprihastiwi@gmail.com

1. INTRODUCTION

Copyright consists of two rights, namely moral rights and economic rights. Law Number 28 of 2014 concerning Copyright regulates the provisions regarding copyright over a work of creation. Article 40 letter d of the Copyright Law mentions the provisions for copyright objects, one of which includes songs and/or music without lyrics. Popular songs and/or music encourage many people to create them in different versions or recycled versions. Song recycling (recycle) is the

activity of renewing and re-performing songs and/or music belonging to previous singers.¹

The idea of renewing the work is combined with the development of current music trends, thus attracting public listening interest. Recycling an old version of a song produces a new version with a musical composition arrangement that differs from the original.² People who create recycled songs and/or music videos are known as song recycling creators.

¹ I Gusti Putu Agung Angga Aditya, Anak Agung Ketut Sukranatha, 2019. *Perlindungan Hak Terkait Sehubungan Dengan Cover Version Lagu Berdasarkan Undang-Undang Hak Cipta*, (Unpublished Paper), Bali: Bagian Hukum Bisnis Fakultas Hukum Universitas Udayana, hlm. 1-13.

² Jeaney Dwi Saptu Aquar, 2018, *Tindakan Pelanggaran Hak Cipta Dalam Menyanyikan Ulang Atau Mengcover Lagu Melalui Media Youtube (Kasus Cover Lagu "Akad" Dengan Pemegang Hak Cipta Band Payung Teduh)*, Malang: Eprints Repository Universitas Brawijaya, p. 1-94.

Recycling songs and/or music generally utilizes YouTube as a publication medium. Recycled songs can be published worldwide through the YouTube site without incurring any costs. As a social media platform, YouTube provides copyright protection and management services for original song content creators. These copyright services are accompanied by useful information for troubleshooting and guidance on further steps for users affected by copyright claim issues.³

2. METHODS

This study employs the statute approach method.⁴ The type of data used is secondary data. The data collection method is through literature study. Data analysis is guided by qualitative methods to produce descriptive analytical information. This research is a normative legal study that focuses on analyzing norms to explain the form of copyright protection against song recycling practices and their publication on YouTube, including the mechanism of copyright claims through Content ID. The main approach used is the statute approach by examining the provisions governing copyright and electronic transactions, as well as their relation to the distribution of works in electronic systems.

Types of data and legal materials

The type of data used is secondary data. The secondary data is compiled into:

- Primary legal materials, in the form of laws and regulations relevant to copyright protection, electronic documents, and the implementation of electronic systems.
- Secondary legal materials, in the form of scientific literature such as journal articles, legal research method books, theses/dissertations, and other academic publications

discussing cover/recycle, Content ID, and copyright protection issues in digital media.

- Non-regulatory materials (platform policies/soft law) used as operational references to understand the governance of copyright claims on platforms, such as guidelines for assistance services related to Content ID, claims, and content removal.

Data collection techniques

Data collection was conducted through literature study and document search, with the following steps: (1) inventorying norms governing economic and moral rights as well as electronic document regulations, (2) collecting academic literature discussing copyright infringement and protection on digital platforms, and (3) examining relevant platform policies to map out procedures for claims, monetization, and content access termination.

Data analysis techniques

Data analysis was conducted qualitatively to produce descriptive-analytical descriptions. The analysis stages included: (1) classifying legal materials based on research issues (licenses/royalties, moral-economic rights, electronic documents, and access termination), (2) interpretation of norms and synchronization between relevant provisions, and (3) drawing normative conclusions regarding the form of copyright protection for recycled works published through electronic systems, including the implications when content is deemed infringing and access can be terminated.

3. RESULTS AND DISCUSSION

YouTube has several tools to avoid copyright infringement issues, one of which is

³ "Hak Cipta dan Pengelolaan Hak", *Ketentuan Pusat Bantuan Youtube*, URL: [https://support.google.com/youtube/topic/2676339?](https://support.google.com/youtube/topic/2676339?hl=id&ref_topic=6151248)

hl=id&ref_topic=6151248, accessed on December 2, 2022.

⁴ Bachtiar, 2019, *Metode Penelitian Hukum*, Banten: Unpam Press, p. 1-232.

called the Content ID system.⁵ The Content ID system can identify similarities between songs and can also issue copyright claims on recycled songs. Content ID will automatically issue a copyright claim on recycled music video content if it detects a match with other music video content stored in YouTube's database. The copyright claim feature in Content ID differs from other YouTube tools such as the removal request form, Copyright Match Tool, and content verification.⁶

YouTube, as a social media application platform, has established collaborative relationships with copyright holders in matters of publication and marketing of original song content.⁷ The copyright holder is commonly known as the publisher. This collaboration begins with the publisher, representing the songwriter, providing audiovisual reference files to YouTube as material for identifying their copyrighted works. YouTube stores these files in the Content ID storage database and creates a sort of 'fingerprint' from the files. These fingerprints are stored in an audio and visual content database with a very large capacity. The fingerprints are used by the Content ID feature as a means to detect similarities between the original song content and any newly uploaded reworked song content. The Content ID system operates as a tool to protect the original works of creators from potential copyright infringements that may be committed by any party on the YouTube platform.

YouTubers who create recycled versions of songs will have completed the process of uploading their recycled song videos and then wait for any copyright claim notifications from the YouTube Content ID system. The Content ID system, which detects newly uploaded recycled song versions,

works to identify similarities between the uploaded material and files in its database. Any similarities found by this feature will notify each song creator and/or copyright holder, such as publishers, about the recycled version that potentially matches their original work via email. Publishers can then choose to block, monetize, or track the recycled song video content in response to the email notification.

Recycling a song shares similar practices with the acts of adapting, arranging, and transforming a creation under Article 9 paragraph (1) letter d of the Copyright Law. The Copyright Law explains that copyright belongs to the creator and/or copyright holder of the original song and consists of two rights: moral rights and economic rights. The acts of adapting, arranging, and transforming a creation are included as the economic rights of the creator and/or copyright holder. YouTubers who intend to recycle a song are required to include the name of the original song creator, a link to the original song, and the social media accounts of the original song creator in the description of their recycled song music video as a form of exercising the moral rights of the creator in accordance with Article 6 of the UUHC.

Article 9 paragraph (2) of the Copyright Law stipulates that anyone who exercises the economic rights of a creator must obtain permission from the creator and/or the copyright holder.⁸ YouTubers who intend to recycle someone else's song for commercial purposes need to obtain permission and are required to pay royalties or compensation to the creator or copyright holder in accordance with the provisions of Article 80 paragraph (3) of the Copyright Law. Royalties given to copyright holders are based on the previously made license agreement. Article 111 of the

⁵ "Klaim Content Id", *Ketentuan Pusat Bantuan Youtube*, URL: https://support.google.com/youtube/answer/2797468?hl=id&ref_topic=2778546, accessed on December 2, 2022.

⁶ "Ringkasan Tentang Alat Pengelolaan Hak Cipta", *Ketentuan Pusat Bantuan Youtube*, URL: <https://support.google.com/youtube/answer>, accessed on December 16, 2022.

⁷ Yoseph Garintio Apriyefian, "Analisis Yuridis Content ID Sebagai Perlindungan Hak Cipta Atas Video Yang Diunggah Di Youtube", *Novum: Jurnal Hukum UNESA*, 2021, p. 1-16.

⁸ Anak Agung Mirah Satria Dewi, "Perlindungan Hukum Hak Cipta Terhadap Cover Version Lagu di Youtube", *Jurnal Magister Hukum Udayana*, Vol. 6, No.4, 2017, p. 508-520.

Copyright Law states that electronic documents are recognized as evidence in accordance with the provisions of the legislation. Illegal or unauthorized remixed songs published on YouTube can be used as evidence because they are considered electronic documents widely distributed through electronic systems. Copyright violations contained in such remixed songs can be identified and sanctioned under the applicable Copyright Law provisions.

Original songs and/or music constitute electronic documents once uploaded on the YouTube platform. Such songs are considered intellectual works and are therefore protected under intellectual property law in accordance with the provisions of Article 25 of the Electronic Information and Transactions Law. Recycled song content that contains copyright-infringing material results in losses to the moral and economic rights of the creator and/or copyright holder. Recycled song works in the form of electronic documents can be subject to legal action if they cause harm to the creator and/or copyright holder of the original song. Recycled versions of songs are considered a form of electronic document; therefore, if such songs are deemed illegal, the government has the right to terminate access to the song on YouTube in accordance with Articles 95, 96, and 98 of Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions.

4. CONCLUSION

This study concludes that song recycling essentially refers to reworking an existing song into a new version and distributing it through YouTube. From the standpoint of Indonesian copyright law, this activity directly implicates economic rights, because it involves acts comparable to adaptation, arrangement, or other forms of transformation of a protected work. As a result, anyone who produces and uploads a recycled version, especially when the activity is connected to monetization or other commercial aims, must treat the underlying

copyrighted work as a protected object whose use is legally restricted.

A central finding of the analysis is that the exercise of economic rights by parties other than the creator or right holder requires authorization. In the specific context of commercially oriented recycling, the requirement is not limited to obtaining permission in principle, but extends to the possibility of royalty payments or compensation through licensing arrangements. For that reason, the legality of recycled content cannot be assessed merely by pointing to creative modification, a different arrangement, or a perceived “newness” in the output. The decisive issue is whether the uploader has satisfied the legal preconditions for economic exploitation of the original work, including licensing and the related obligations that follow from it.

The study also emphasizes that recycling and publication of songs on digital platforms operate within the framework of electronic information and transactions, because uploaded content functions as an electronic document. Once a recycled work is distributed online, it becomes part of the electronic system environment, which means it can be treated as relevant evidence in disputes and can trigger enforcement measures under the applicable electronic systems regime. In practical terms, where recycled content is assessed as unlawful or infringing, the regulatory framework provides a pathway for restriction or termination of access to such content within electronic systems governance.

At the platform governance level, the study identifies Content ID as a key operational mechanism that links copyright protection to daily content distribution practices. Content ID relies on reference files provided by right holders, generates a form of fingerprint, and performs automated matching against newly uploaded content. When a match is detected, right holders may choose among responses such as blocking, monetizing, or tracking the content. In this way, Content ID serves as an early detection and management channel for potential infringement, translating copyright claims

into platform-level actions that are immediately consequential for uploaders.

Overall, the conclusions lead to two broader implications. First, legal certainty for song recycling depends primarily on compliance with authorization and licensing requirements, alongside respect for the rights attached to the original work. Second, while platform mechanisms provide practical tools for claims, monetization options, and

potential revenue-sharing arrangements, the strongest enforcement consequence remains the restriction or removal of access when content is deemed infringing. Content ID may help structure and reduce disputes at the platform level, yet the legitimacy of recycling practices ultimately remains anchored in the fulfillment of legal conditions under copyright law and the electronic documentation regime.

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