

Juridical Review of Singer's Voice Publicity Rights in AI Use on Digital Media Platform

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Abstract

The development of Artificial Intelligence (AI) has significantly transformed the creative industry. One emerging phenomenon is the use of AI voice cloning technology, which enables the replication of singer's voices without the direct involvement or consent of the original voice owners. This practice raises complex legal issues, particularly concerning the protection of singer's right of publicity as part of their personal and commercial identity. This study examines two primary issues: the juridical review of singer's right of publicity in Indonesia and the forms of legal liability arising from the use of AI on digital media platforms. This research employs a normative juridical method with statutory and conceptual approaches, utilizing primary legal materials in the form of relevant legislation and secondary legal materials derived from legal literature and scientific journals. The results indicate that Indonesia has not yet explicitly regulated the protection of singer's voices as an object of right of publicity. However, legal protection may be afforded through the analogy of existing regulations, namely the Copyright Law (UUHC), the Personal Data Protection Law (UU PDP), and the Electronic Information and Transactions Law (UU ITE), as well as through civil liability mechanisms, including cease and desist notices (*somasi*) and tort claims based on PMH in accordance with the applicable legal provisions. Given the absence of specific regulations governing publicity rights, amendments to the Copyright Law (UUHC) are necessary



to ensure effective legal protection and legal certainty for stakeholders in the creative industry, particularly singers, in the era of artificial intelligence.

KEYWORDS

Right of Publicity; Artificial Intelligence; Singer's Voice; Digital Media Platform

Introduction

The advancement of science and technology continues to generate new innovations across various fields, particularly in transformative technologies. One of the most rapidly developing technologies today is Artificial Intelligence (AI), which has brought significant changes to numerous sectors, including the music industry. The rapid development of AI has fundamentally transformed the global music industry, particularly in the song creation process. AI technology can be utilized to accelerate music production by assisting in the generation of melodies and song lyrics.

Although AI has introduced new opportunities for musical innovation, it has also given rise to unprecedented challenges through AI voice cloning technology. AI voice cloning technology enables users to replicate unique vocal characteristics, timbre, and singing styles, thereby producing synthetic voices that closely resemble those of specific individuals. On digital media platforms such as TikTok, YouTube, and Instagram, the phenomenon of AI-generated cover content has become a widespread trend. One of the most notable cases occurred in April 2023, when a song entitled *Heart on My Sleeve*, created using AI-generated voices of singers' Drake and The Weeknd, went viral and reached approximately 600,000 streams on Spotify, 15 million views on TikTok, and 275,000 views on Youtube¹.

A similar phenomenon has also begun to attract attention in

¹ Laura Snapes, "AI Song Featuring Fake Drake and Weeknd Vocals Pulled from Streaming Services," Music, *The Guardian*, April 18, 2023, <https://www.theguardian.com/music/2023/apr/18/ai-song-featuring-fake-drake-and-weeknd-vocals-pulled-from-streaming-services>.

Indonesia. The Directorate General of Intellectual Property (DJKI) has highlighted the circulation of an AI-generated video depicting international pop singer Justin Bieber as if he were singing a song in the Javanese language. Furthermore, Indonesian musician Ariel NOAH has expressed concerns regarding the potential misuse of public figures' voices through AI technology. He emphasized that an artist's voice and likeness constitute elements of intellectual property and personal privacy that should not be exploited or misused². These concerns demonstrate that the development of AI is not solely related to the protection of copyrighted works but also involves the protection of individual identities that has economic value.

For a professional singer, a voice is not merely an instrument for singing, it constitutes both a personal identity and an economic asset with commercial value. Distinctive vocal characteristics enable the public to recognize a singer and form an integral part of the singer's professional reputation. Therefore, the unauthorized use of a singer's voice to create AI-generated cover content distributed through digital media platforms has the potential to cause both economic and reputational harm to the singer. In this context, the concept of the right of publicity emerges, referring to an individual's right to control the commercial use of their identity, including their name, likeness, or recognizable voice.

In several countries, publicity rights have been recognized and developed as a legal instrument for protecting individual identity. For example, the United States has acknowledged a person's voice as an element of publicity rights through judicial precedents and regulatory developments, including the enactment of the ELVIS Act (Ensuring Likeness Voice and Image Security Act) in the State of Tennessee, which provides protection against the unauthorized use of an individual's voice and likeness through AI technology³. These developments demonstrate that a voice is regarded

² Kementerian Hukum RI, *Ariel NOAH Bagi Rahasia Kreatif Dan Bongkar Dampak AI Ke Musisi Dan Royalti*, 2025, https://www.youtube.com/watch?v=_oS8xoZBaOQ.

³ Latham & Watkins, "The ELVIS Act: Tennessee Shakes Up Its Right of Publicity Law and Takes On Generative AI," *Latham & Watkins Artificial Intelligence Practice*, April 8, 2024.

not only as a component of works protected under copyright law but also as an aspect of personal identity possessing independent economic value.

In contrast to these developments, Indonesia has not yet established specific regulations governing publicity rights. Indonesian positive law does not explicitly recognize the concept of publicity rights as understood in common law jurisdictions. The existing legal protection framework remains centered on Law Number 28 of 2014 concerning Copyright (UUHC), which protects copyrighted works and related rights, including the rights of performers. Furthermore, Law Number 27 of 2022 concerning Personal Data Protection (UU PDP) provides protection for personal data, including biometric data. However, this legislation does not specifically regulate the commercial exploitation of synthetic voices generated through AI technology. This situation creates a legal gap regarding how legal protection should be afforded to a singer's voice as both a personal identity and an economic asset that may be replicated through AI technology.

Several researchers have previously conducted research on the use of AI in the music industry. Nuzulla et.al. (2023) examined the originality of song creations generated by AI. The results of this study stated that current regulations in Indonesia are inadequate for provide legal certainty for AI created works. Although research examines the use of AI in the music industry, but does not mentions the use of the singer's voice by AI⁴. Sari and Sulistiyono (2024) researched that the results of covering songs using the deepfake voice method without the creator's permission could violate the creator's moral and economic rights. However, this research only examined protection for the creator of the song used only and does not cover the singer's voice used by AI⁵.

Latifatunnisa et.al. (2024) examines legal comparisons between

⁴ Nuzulia Kumala Sari, Ayu Citra Santyaningtyas, and Anisah Anisah, "Orisinalitas Karya Cipta Lagu Dan/Atau Musik Yang Dihasilkan Artificial Intelligence," *Jurnal Ilmiah Kebijakan Hukum* 17, no. 3 (November 2023): 365–84, <https://doi.org/10.30641/kebijakan.2023.v17.365-384>.

⁵ Adena Fitri Puspita Sari and Adi Sulistiyono, "Perlindungan Hukum Hak Cipta Atas Cover Lagu Menggunakan Deepfake Voice Pada Platform Digital," *Hukum Inovatif : Jurnal Ilmu Hukum Sosial Dan Humaniora* 1, no. 2 (April 2024): 97–107, <https://doi.org/10.62383/humif.v1i2.127>.

Indonesia and the United States regarding the use of deepfake technology voice in the music industry. The research results state that both neither Indonesia nor the United States recognizes AI as subject law or as a creator⁶. Tarigan et.al. (2025) researched copyright protection for songs generated through AI. The study found that the copyright ownership of AI-generated songs is vested in the human creator who acts as the initiator or provides instructions to the AI, with the AI functioning merely as a supporting tool or instrument in the creative process. Furthermore, the study suggests that Indonesian regulations should be further developed by taking into account the contribution of AI in the creation of copyrighted works⁷.

Matthew R. Klaes (2025) examined the increasing use of AI technology capable of replicating singer's voices. The study also traced the historical development of publicity rights, particularly the right of publicity concerning an individual's voice. It proposed that the United States federal government should establish a federal right of publicity for professional singers with respect to their voices to safeguard their existence and careers from being displaced by AI⁸. While the study provides a comprehensive framework regarding the importance of implementing publicity rights, its analysis is limited to the legal context of the United States.

Referring to the five previous studies, it can be seen that technological advancements, particularly the development of Artificial Intelligence (AI), have had a significant impact on the music industry. However, despite the opportunities and conveniences offered by this technology, the advancement of AI has also given rise to various legal issues, especially concerning the unauthorized use of singer's voices through AI voice cloning technology for the creation of AI-generated cover content on digital media

⁶ Raihani Latifatunnisa, Ahmad M. Ramli, and Ranti Fauza Mayana, "Pemanfaatan Musik Buatan Ai Melalui Deepfake: Studi Hukum Komparatif Indonesia Dan Amerika Serikat," *JIPRO : Journal of Intellectual Property* 7, no. 2 (2024): 188–211, <https://doi.org/10.20885/jipro.vol7.iss2.art5>.

⁷ Stevani Tarigan, Martono Anggusti, and Roida Nababan, "Copyright Protection Against Songs Involving Artificial Intelligence (AI) In the Music Industry Based on Indonesian Copyright Law," *Jurnal Ius Constituendum* 10, no. 1 (2025): 89–104, <https://doi.org/10.26623/11314>.

⁸ Matthew R. Klaes, *A Grammy for Fake Drake? A Federal Right of Publicity in Professional Singers' Voices to Protect Vocal Artists from Generative AI*, 110, no. 3 (March 2025): 1421–46.

platforms. From a juridical perspective, this issue creates a legal gap within the Indonesian legal system. As AI technology continues to evolve, corresponding developments in legal protection are necessary to prevent the emergence of future legal disputes and to ensure adequate safeguards for affected rights holders.

Based on the foregoing issues, this study examines the juridical review of singer's publicity rights in the use of Artificial Intelligence (AI) on digital media platforms and how legal liability for violations of the right of publicity resulting from the use of Artificial Intelligence (AI) on digital media platforms. This research is expected to contribute to the development of legal science and serve as a reference for policymakers in formulating regulations in response to the rapid advancement of AI technology. Thus, this study supports the achievement of the Sustainable Development Goals (SDGs), particularly Goal 16 **Peace, Justice and Strong Institutions**, which emphasizes the importance of justice, legal certainty, and the strengthening of legal institutions in facing technological developments.

Methods

This study employs a normative juridical research method using a statutory approach, a conceptual approach, and a comparative approach by comparing the legal regulations in Indonesia with those of other countries⁹. The legal materials utilized in this research consist of primary legal materials in the form of legislation, secondary legal materials including legal literature, academic journals, and expert opinions, as well as tertiary legal materials as supporting sources. The collection of legal materials was conducted through library research, which was subsequently analyzed qualitatively through legal interpretation and systematic analysis of legal norms to identify the forms of legal protection and legal liability related to the use of AI in replicating singer's voices on digital media platforms in

⁹ Gunardi, *Buku Ajar Metode Penelitian Hukum* (Damera Press, 2022; 1st ed., Damara Press, 2022).

Indonesia. This research is also in line with point 16 of the Sustainable Development Goals (SDGs), namely **(Peace, Justice, and Strong Institutions)**, which emphasizes the importance of legal certainty and strengthening law enforcement institutions, especially in the era of ongoing technological development.

Result and Discussion

1) Juridical Review of the Publicity Rights of Singer's Voices in the Use of Artificial Intelligence (AI) on Digital Media Platforms

The development of Artificial Intelligence (AI) technology has led to the emergence of AI voice cloning technology, which can replicate an individual's vocal characteristics, including those of professional singers. This technology is widely utilized to create AI-generated cover content on digital media platforms such as TikTok, YouTube, and Instagram. Its use continues to increase alongside the growing adoption of AI technologies in Indonesia. However, these advancements have also raised concerns regarding the misuse of digital identities. Survey data presented by Ismail Hakim, CEO of Cyberkarta, indicate that AI voice cloning and deepfake attacks increased by 1,400% between 2024 and 2025¹⁰, while globally, the number of deepfake contents rose from 500,000 in 2023 to 8 million in 2025¹¹. These figures demonstrate that voice imitation technologies are becoming increasingly accessible and may be utilized without the consent of the original voice owner. The growing availability of AI voice cloning features has facilitated the widespread use of artificial intelligence systems

¹⁰ Kompas Cyber Media, "Siapakah Kita Memasuki Era Deepfake AI 2026?," KOMPAS.com, February 18, 2026, <https://tekno.kompas.com/read/2026/02/19/06491427/siapakah-kita-memasuki-era-deepfake-ai-2026>.

¹¹ Ahmad Arif- ahmad.arif@kompas.com, "Lompatan Teknologi "Deepfake", Senjata Baru Dunia Tipu-tipu," Kompas.id, January 15, 2026, <https://www.kompas.id/artikel/lompatan-teknologi-deepfake-senjata-baru-dunia-tipu-tipu>.

designed to learn and replicate an individual's voice¹². Generally, AI voice replication technologies can be classified into three categories: AI Voice Cloning, Voice Conversion, and Speech Synthesis¹³.

TABLE 1. Types and Classification of AI Voice Cloning Technology

Types of AI	Characteristics	Operating Methods	Potential for Misuse
Voice Cloning	Synthesizes new speech using an individual's voice.	Processes voice samples and generate words or sentences that have never been spoken by the original speaker.	Commonly used for fake narrations, impersonation, unauthorized commercial content, and AI generated song covers using another singer's voice.
Voice Conversion	Transforms a person's speech to sound like another individual's voice.	Converts existing speech recordings using a different voice sample.	Commonly used for fraudulent live streaming, voice alteration during communication, and other forms of voice manipulation.
Speech Synthesis	Creates entirely artificial voices.	Generates speech from text and may be	Commonly used for virtual assistants, audiobooks, and

¹² Genesis Gregorious Genelza, *A Systematic Literature Review on AI Voice Cloning Generator: A Game-Changer or a Threat?*, 4, no. 2 (2024): 54–61, <https://doi.org/doi.org/10.57040/ag587791>.

¹³ "Types of Voice Deepfakes: Techniques, Tools, and Open-Source Methods," January 30, 2026, <https://huggingface.co/blog/norwoodsystems/deepfake-voices-types>.

combined with other text to speech voice cloning applications. techniques.

Based on the data above, AI voice cloning and voice conversion technologies allows an individual's voice to be used in creating highly realistic voice imitations, particularly in the production of AI-generated song covers. Through AI technology, a replicated voice can be generated from various forms of audio data, including conversations, voice recordings such as mobile phone voice notes, and speech obtained from interviews. Once the audio data are collected, the AI system analyses and processes the voice characteristics to generate a synthetic voice that closely resembles the original voice source¹⁴. AI voice cloning technology generally operates using an autoencoder, a type of model designed to compress data from its original form and subsequently reconstruct it into a representation that closely resembles the original data¹⁵. Two principal neural network architectures are commonly employed in AI voice generation systems. The first is the Generative Adversarial Network (GAN), which produces synthetic voices through an iterative evaluation process until the generated output closely approximates the original voice. The second is the Variational Autoencoder (VAE), which converts a singer's vocal characteristics into statistical representations that are subsequently reconstructed into a new voice with substantially similar features¹⁶.

Based on Article 1 paragraph 6 of the Copyright Law, singers are categorized as "Performers" and are granted related rights, which include both moral rights and economic rights. The protection afforded to

¹⁴ Emi Sita Eriana et al., *ARTIFICIAL INTELLIGENCE (AI)*, n.d.

¹⁵ Dave Bergmann Stryker Cole, "What Is an Autoencoder? | IBM," November 23, 2023, <https://www.ibm.com/think/topics/autoencoder>.

¹⁶ "GANs vs. VAEs: What is the best generative AI approach? | TechTarget," Search Enterprise AI, accessed May 31, 2026, <https://www.techtarget.com/searchenterpriseai/feature/GANs-vs-VAEs-What-is-the-best-generative-AI-approach>.

performers under the Copyright Law essentially provides them with the right to authorize or prohibit the broadcasting, reproduction, and distribution of the fixation of their performances. However, the advancement of AI technology, particularly AI voice cloning, has introduced new challenges to the legal protection of singer's voices. Unlike conventional reproduction, AI voice cloning technology does not duplicate a fixation (recording) of a performance, rather, it extracts vocal patterns and characteristics, such as timbre, to generate an entirely new performance that is distinct from the original recording¹⁷. From the perspective of point 16 Sustainable Development Goal (SDG), this issue demonstrates that the rapid advancement of technology must be accompanied by corresponding legal and regulatory reforms to ensure legal certainty for society, particularly for creative professionals such as singers. Strengthening the legal framework is essential to promote justice, protect individual rights, and reinforce effective legal institutions in responding to the challenges posed by emerging AI technologies.

AI-generated cover content that is widely found on digital media platforms such as TikTok, YouTube, and Instagram is typically created through AI voice cloning service platforms. Platforms such as Suno AI, Udio AI, AIVA, SingGAN, VISinger, and various others are among the most frequently utilized tools for this purpose. Among them, Suno AI and Udio AI are particularly popular, as they enable users to generate complete songs within a short period of time simply by entering lyrics and selecting a desired musical genre¹⁸. These AI voice cloning platforms have even become the subject of legal disputes in the United States. Suno AI and Udio AI have been sued by the Recording Industry Association of America (RIAA) before the United States District Court over allegations of large-scale unauthorized

¹⁷ Zahra Khanjani, Gabrielle Watson, and Vandana P. Janeja, "Audio Deepfakes: A Survey," *Frontiers in Big Data* 5 (January 2023): 1001063, <https://doi.org/10.3389/fdata.2022.1001063>.

¹⁸ Angga Sandhika Raharjo and Andriyanto Adhi Nugroho, *Legal Analysis of Intellectual Property Rights Protection in Musical Works Produced Through Artificial Intelligence: A Case Study of Suno AI Platform Implementation*, 8, no. 0547 (2024).

copying of sound recordings¹⁹. The disputed recordings allegedly include works belonging to artists represented by RIAA member labels, with the plaintiffs seeking statutory damages of up to approximately USD 150,000 for each infringed work²⁰. On the other hand, Suno AI has argued that its use of sound recordings falls within the scope of the fair use doctrine and is therefore lawful under United States copyright law. Suno AI further contends that its system merely learns from and analyzes sound recording data and consequently does not constitute copyright infringement²¹.

This situation warrants serious attention, as AI voice cloning platforms are highly accessible and, in many cases, can be used free of charge with nothing more than an internet connection. These platforms generally operate by utilizing data available on the internet, often without distinguishing between works that are in the public domain and those that remain protected by copyright. Under Indonesian law, the concept of fair use, as regulated under Articles 43 to 51 of the Copyright Law, is limited to specific purposes, such as educational activities, news reporting, and parody, which typically involve the use of only a limited portion of a copyrighted work and are not intended for commercial exploitation.

One example of AI-generated cover content was identified on YouTube, where a video featuring the replicated voice of singer Shakira Jasmine performing “Tak Lagi Sama” a song originally recorded by the band NOAH, has garnered more than two million views²². The content was created without the authorization of Shakira Jasmine as the owner of the

¹⁹ Rose Connelly, “Record Companies Bring Landmark Cases for Responsible AI Against Suno and Udio in Boston and New York Federal Courts, Respectively,” *RIAA*, June 24, 2024, <https://www.riaa.com/record-companies-bring-landmark-cases-for-responsible-ai-against-suno-and-udio-in-boston-and-new-york-federal-courts-respectively/>.

²⁰ Kompas Cyber Media, “Argumen ‘Fair Use’ Startup atas Pro-Kontra AI dan Industri Musik,” *KOMPAS.com*, August 7, 2024, <https://www.kompas.com/tren/read/2024/08/07/110242165/argumen-fair-use-startup-atas-pro-kontra-ai-dan-industri-musik>.

²¹ Latifattunnisa, Ramli, and Mayana, “Pemanfaatan Musik Buatan Ai Melalui Deepfake: Studi Hukum Komparatif Indonesia Dan Amerika Serikat.”

²² Artificial Harmony, *NOAH - TAK LAGI SAMA (ALTERNATIVE POP COVER AI | VIRAL TIKTOK)*, 2025, 03:50, https://www.youtube.com/watch?v=g_7LzfO9E9E.

original voice being imitated. Furthermore, AI-generated cover content utilizing the voice of the late singer Nike Ardilla to perform Tiara Andini's song "Gemintang Hatiku" has also circulated on TikTok, where it has accumulated more than 40,000 views. These cases clearly illustrate how AI voice cloning technology can replicate singer's voices on a massive scale across digital media platforms. A singer's voice, which constitutes a valuable professional and commercial asset, is utilized to generate content that may provide commercial benefits to the content creator. Moreover, instances have been identified in which the voices of deceased singers, such as the late Nike Ardilla, have been replicated and used in AI generated cover content. Although a singer's voice is not explicitly recognized as a protected subject matter under the Copyright Law, AI generated cover content that imitates a singer's voice may nonetheless infringe upon the singer's personal integrity and identity rights²³. From a legal protection perspective, Philipus M. Hadjon stated that the principle of legal protection stems from the values of Pancasila and the principle of a state based on the rule of law, which is based on the recognition and protection of human dignity. Therefore, legal regulations must be able to protect the legal rights and interests of every legal subject, including the use of a singer's voice, which has economic value.

The legal status of a singer's voice within the Indonesian legal system must be examined to analyse the forms of legal protection available against the use of AI voice cloning technology. To date, the Copyright Law does not explicitly recognize a singer's voice as a subject matter entitled to legal protection. This differs from a portrait, which is expressly recognized as a protected subject matter under Article 1 paragraph 10 of the Copyright Law, which defines a portrait as "*a photographic work depicting a human subject*." As performers, singers are granted economic rights that allow them to prohibit the broadcasting, reproduction, and distribution of the fixation of their performances. In addition, they are afforded moral rights,

²³ Tamarischa Pradhipta and Ery Agus Priyono, "Copyright Protection for AI Usage of Song in the Era of Digital Disruption," *Journal of Law, Politic and Humanities* 5, no. 3 (March 2025): 2265–70, <https://doi.org/10.38035/jlph.v5i3.1556>.

including the right to have their name attributed to a work even after the transfer of economic rights, as well as the right to protect their honour, dignity, and professional reputation.

To date, the Copyright Law does not explicitly regulate the use of a person's voice. Nevertheless, it provides protection for moral rights and economic rights as stipulated under Articles 5 and 9 of the Copyright Law, including the moral and economic rights of performers as regulated under Article 20 concerning Related Rights. AI generated cover content created through AI voice cloning technology may be regarded as a form of copyright infringement, as any utilization of the moral or economic rights attached to a copyrighted work for commercial purposes generally requires the authorization of the author and/or copyright holder.

Furthermore, the Copyright Law establishes limitations and exceptions to copyright protection under Article 43 (d) and Article 44 (1). These provisions provide that certain acts may not constitute copyright infringement where the author or relevant rights holder does not object and where the use is made for specific purposes and not for commercial exploitation. Accordingly, because AI generated cover content is often created without the authorization of either the author or the relevant rights holders, such content may be considered inconsistent with the limitations and exceptions permitted under the Copyright Law and, therefore, may constitute a violation of copyright protection.

Protection of a singer's voice may also be examined through the concept of *Perbuatan Melawan Hukum* (PMH) under Article 1365 of the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata*). The unauthorized use of AI voice cloning technology may result in both material and immaterial losses for singers whose voices are utilized in AI-generated cover content distributed through digital media platforms. The elements of a PMH claim may be satisfied where the use of a singer's voice is conducted without authorization, causes damage or loss, and there exists a causal relationship between the actions of the AI platform user and the harm

suffered by the singer. In addition to the provisions governing *Perbuatan Melawan Hukum* (PMH), the use of a singer's voice through AI voice cloning technology is also related to the protection of personal data in electronic media. Article 1 paragraph (1) of Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) recognizes voice data as a form of electronic information, while Article 26 stipulates that the use of electronic information containing an individual's personal data must be carried out with the consent of the data subject concerned.

Furthermore, Article 4 paragraph (2) of Law Number 27 of 2022 concerning Personal Data Protection (UU PDP) recognizes specific categories of personal data, one of which is biometric data. Biometric data are derived from an individual's physical characteristics or behavioural attributes used for identification purposes, including voice data as a form of specific biometric information²⁴. A person's voice, particularly that of a well-known singer with distinctive and easily recognizable vocal characteristics, satisfies the criteria of data capable of identifying an individual. Moreover, Article 65 paragraph (1) of the Personal Data Protection Law expressly prohibits the unlawful use of personal data for the benefit of oneself or another person where such use results in harm to the personal data subject. Violations of this provision are subject to criminal sanctions, including imprisonment of up to five years and/or a fine of up to IDR 5 billion.

Nevertheless, although the Copyright Law, Article 1365 of the Indonesian Civil Code concerning *Perbuatan Melawan Hukum* (PMH), the Electronic Information and Transactions Law, and the Personal Data Protection Law may serve as legal bases for protecting individuals against the unauthorized use of AI voice cloning technology, these regulations do not specifically protect the commercial value of a singer's voice as an element of personal identity. Existing legal frameworks primarily focus on the protection of copyrighted works, privacy, and personal data, rather than

²⁴ "Data Biometrik," *Gerbang PDP Indonesia*, n.d., accessed April 21, 2026, <https://gerbangpelindungandatapribadi.id/ensiklopedia-pdp/data-biometrik/>.

explicitly recognizing an individual's exclusive right to control the commercial exploitation of their identity. The creation of songs through AI voice cloning technology that imitates a singer's voice without authorization may therefore be regarded as a form of digital identity manipulation that has the potential to mislead the public. Accordingly, the doctrine of publicity rights becomes particularly relevant in addressing the existing legal gap concerning the use of singer's voices through AI voice cloning technology.

The right of publicity refers to an individual's right to control and authorize the commercial use of their personal identity. Such identity may encompass a person's name, voice, face, likeness, photograph, or other distinctive characteristics that possess economic value. Given that personal identity is unique and cannot be replicated without reference to the individual concerned, any use of such identity for commercial purposes should be subject to the consent of the identity holder. The unauthorized use of personal identity may result in economic exploitation and cause harm to the individual whose identity is being utilized²⁵. The concept of the right of publicity emerged because of the evolution of the right to privacy, which was first articulated in the seminal scholarly work entitled "The Right to Privacy" by Warren and Brandeis. They asserted that every individual possesses the right to enjoy a private life and to have their thoughts and feelings respected, free from unwarranted interference by others, commonly referred to as the "right to be alone"²⁶. Subsequent technological developments contributed to the emergence of the right of publicity as a legal mechanism designed to protect the economic value associated with an individual's identity.

In common law jurisdictions, particularly the United States, the right of publicity has been recognized and incorporated into the laws of several

²⁵ Belicia Widhyana Yulia Putri, *PERLINDUNGAN HUKUM HAK PUBLISITAS TERHADAP EKSPLOITASI TEKNOLOGI DEEFAKE AI DALAM KONTEKS KOMERSIAL MENURUT HUKUM POSITIF DI INDONESIA*, 2025.

²⁶ Juan Matheus and Ariawan Gunadi, *Pembentukan Lembaga Pengawas Perlindungan Data Pribadi Di Era Ekonomi Digital: Kajian Perbandingan Dengan KPPU*, 10, no. 1 (January 2024): 20–35, <https://doi.org/10.33506/jurnaljustisi.v10i1.2757>.

states. One notable example is the enactment of the ELVIS Act (Ensuring Likeness Voice and Image Security Act) in Tennessee, which was signed into law in March 2024 and took effect on July 1, 2024. This legislation regulates the use of AI technology by protecting an individual's name, likeness, and voice from unauthorized commercial exploitation, including both original and artificially replicated voices or likenesses that closely resemble the original²⁷. In addition to the United States, several other countries have also adopted legal frameworks aimed at regulating the use of AI and protecting individuals' publicity rights.

TABLE 2. Comparison of Voice Protection Regulations in Several Countries

Country/ Jurisdiction		Regulation	Voice Protection Coverage
Tennessee (USA)		ELVIS Act (Ensuring Likeness, Voice, and Image Security) ²⁸	Individual voices, both real and simulated, are considered protected from unauthorized use. This regulation was passed and took effect on July 1, 2024.
Federal (USA)	States	NO FAKES Act of 2025 (Nurture Originals, Foster Art, and Keep Entertainment Safe Act) ²⁹	The NO FAKES Act regulates the protection of voices and portraits that resemble all individuals from AI misuse and the protection of creators. This regulation is still in draft

²⁷ Latham & Watkins, "The ELVIS Act: Tennessee Shakes Up Its Right of Publicity Law and Takes On Generative AI."

²⁸ Latham & Watkins.

²⁹ Christopher A. [D-DE Sen. Coons, "S.1367 - 119th Congress (2025-2026): NO FAKES Act of 2025," legislation, April 9, 2025, 2025-04-09, <https://www.congress.gov/bill/119th-congress/senate-bill/1367>.

			form and has not yet been ratified.
European Union	General Protection Regulation (GDPR) ³⁰ and European Union Artificial Intelligent Act (EU AI Act) ³¹	Data	This regulation oversees the use of AI, requiring transparency regarding content resembling portraits and individual voices. It also oversees high-risk AI applications that have the potential to negatively impact health, safety, and human rights. The regulation takes effect on August 1, 2024.
South Korea	Act on the Development of Artificial Intelligent and Establishment of Trust (AI Basic Act) ³²		In early January 2026, new regulations regarding the use of AI will require clear labeling of AI content, including deepfake or AI voice cloning content, to prevent misuse of AI.

Unlike the United States, the European Union, and South Korea, which have developed regulatory frameworks governing the use of AI and the protection of individual identity, Indonesia has not yet enacted specific legislation concerning publicity rights. These jurisdictions demonstrate a more progressive legal response to digital technological transformation,

³⁰ "General Data Protection Regulation (GDPR) – Legal Text," General Data Protection Regulation (GDPR), accessed May 25, 2026, <https://gdpr-info.eu/>.

³¹ *EU Artificial Intelligence Act | Up-to-Date Developments and Analyses of the EU AI Act*, n.d., accessed April 26, 2026, <https://artificialintelligenceact.eu/>.

³² "Framework Act on the Development of Artificial Intelligence and Establishment of Trust (인공지능 발전과 신뢰 기반 조성 등에 관한 기본법)," n.d.

particularly in relation to generative AI technologies capable of replicating human identity, including a person's likeness, voice, and other distinctive personal characteristics. In the State of Tennessee, United States, the ELVIS Act grants individuals the right to bring civil actions against the unauthorized use of their voice, name, or likeness. Violations may also constitute a Class A misdemeanour, punishable by up to 11 months and 29 days of imprisonment and a fine of up to USD 2,500³³. Courts may order the cessation of unauthorized identity use, the removal of infringing content, and the payment of damages to affected individuals. Furthermore, the proposed NO FAKES Act at the federal level seeks to expand legal protection against the unauthorized use of AI-generated voices and likenesses without the consent of the individual concerned.

In the European Union, violations of the General Data Protection Regulation (GDPR) may result in administrative sanctions, including fines of up to EUR 20 million or 4% of a company's total annual worldwide turnover, whichever is higher³⁴. Meanwhile, South Korea, through the AI Basic Act and regulations concerning deepfake and AI voice cloning technologies, requires the labelling of synthetic content and imposes both administrative and criminal sanctions for the misuse of AI that causes harm to individuals. Compared to these jurisdictions, the Indonesian legal system continues to provide protection for singer's voices through a fragmented regulatory framework consisting of the Indonesian Civil Code (KUHPerdata), the Copyright Law (UUHC), the Electronic Information and Transactions Law (UU ITE), and the Personal Data Protection Law (UU PDP). However, these regulations do not specifically govern the use of voices through AI technology.

³³ Journal Editor, "The ELVIS Act: Protecting the Music Industry from Artificial Intelligence," *Chicago-Kent | Journal of Intellectual Property*, January 28, 2026, <https://studentorgs.kentlaw.iit.edu/ckjip/the-elvis-act-protecting-the-music-industry-from-artificial-intelligence/>.

³⁴ Gen. Data Prot. Regul. GDPR, "General Data Protection Regulation (GDPR) – Legal Text."

The author argues that a person's voice should receive legal protection equivalent to that afforded to portraits under Article 1 paragraph 10 of the Copyright Law. From a philosophical perspective, the protection of portraits is based on the recognition that a person's face or likeness constitutes an inherent aspect of personal identity and possesses independent economic value. If the law prohibits the unauthorized commercial use of an individual's face or portrait on the grounds that such use infringes legally protected rights, then a person's voice, as an integral component of personal identity, should likewise be afforded comparable protection, particularly in the case of professional singers. For singers, a voice serves not merely as a means of communication but also as a representation of personal identity, professional character, and artistic reputation.

Furthermore, the use of AI voice cloning technology may give rise not only to economic harm but also to potential violations of a singer's moral rights. AI voice cloning enables a singer's voice to be utilized not only for AI-generated cover content but also for various forms of digital content that may be inconsistent with the singer's personal values, identity, or reputation. Consequently, the use of a singer's voice to create and distribute AI-generated cover content through digital media platforms constitutes a form of identity exploitation that should require the consent of the voice owner, in the same manner as the use of an individual's portrait or likeness.

The urgency of establishing specific regulations concerning publicity rights in Indonesia is increasingly evident. This is reflected in the ongoing discussions regarding the proposed amendment to the Copyright Law by the Indonesian Government and the House of Representatives (DPR), which is expected to incorporate several provisions relating to the regulation of AI, including principles derived from the ELVIS Act enacted in the State of Tennessee, United States³⁵. The adoption of principles such as the

³⁵ Aditya Fajar Indrawan and Hukumonline, "Pemerintah Adopsi Elvis Act Buat Revisi UU Hak Cipta dari AI," accessed April 27, 2026, <https://pro.hukumonline.com/legal-intelligence/a/pemerintah-adopsi-elvis-act-buat-revisi-uu-hak-cipta-dari-ai-lt68ad78c3c9c1d/>.

recognition of the right of publicity, the prohibition of unauthorized deepfake and voice cloning content, the strengthening of the responsibilities of digital media platforms in monitoring and filtering AI generated content, as well as the expansion of moral and economic rights for performers, particularly singers, would enable individuals to exercise greater control over the use of their identities, including their faces, voices, and other distinctive personal characteristics, in connection with the commercialization of AI-generated content.

Within the framework of SDG point 16, the harmonization and strengthening of more specific regulations governing accountability in the use of AI are essential, including the proposed revision of the Copyright Law presents an important opportunity for the recognition of the right of publicity doctrine within the Indonesian legal system. Should publicity rights be expressly incorporated into Indonesian legislation, legal protection for creative professionals, particularly singers, would no longer depend solely on copyright concepts based on fixation. Instead, such protection would extend to personal identity and the economic value inherently attached to an individual's voice.

Accordingly, regulatory developments in the United States, the European Union, and South Korea demonstrate that the protection of publicity rights in the era of advancing AI technologies requires a more comprehensive and adaptive legal approach. Indonesia can no longer rely solely on conventional copyright based legal frameworks, as AI technology has increasingly blurred the boundaries between creative works, personal identity, and personal data. Therefore, legal reform is necessary to explicitly recognize publicity rights, regulate the use of generative AI technologies, require consent for the commercial exploitation of digital identities, and clarify the responsibilities of digital media platforms in the distribution of AI generated content. Without such legal reforms, the protection of singer's voices and the digital identities of Indonesian citizens will remain

vulnerable amid the increasingly sophisticated and difficult to control development of AI technologies.

2) Legal Liability for Violations of Singer's Voice Publicity Rights Due to the Use of Artificial Intelligence on Digital Media Platforms

The Indonesian legal system does not currently provide specific regulations governing publicity rights. Nevertheless, legal liability for violations of publicity rights may be analysed through several existing legal frameworks, including Law Number 28 of 2014 concerning Copyright (UUHC), Law Number 27 of 2022 concerning Personal Data Protection (UU PDP), Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), and the Indonesian Civil Code (KUHPerdata). Since AI is currently recognized merely as a tool and is not acknowledged under Indonesian law as a legal subject, as reflected in Article 1 paragraph (2) of the Copyright Law, which provides that “*an Author is an individual or several individuals who, either individually or jointly, produce a work possessing distinctive and personal characteristics*”, legal liability cannot be attributed to AI itself. Instead, responsibility may be imposed upon the relevant human or corporate actors involved, including users or prompters, digital media platform operators, and AI service providers, all of whom constitute legal subjects capable of bearing legal responsibility under Indonesian law.

A. Users Liability

The creation of AI generated cover content through AI voice cloning technology typically begins with a user or prompter instructing an AI system to generate a replica of a singer's voice for the purpose of performing another song. In the context of civil law, the user's liability is based on the fault principle as stipulated in Article 1365 of the Indonesian Civil Code concerning *Perbuatan Melawan Hukum* (PMH),

which provides that “*Any unlawful act that causes damage to another person obliges the person whose fault caused such damage to compensate for the loss.*” In addition, Article 1367 of the Indonesian Civil Code establishes liability for the acts of persons under one's responsibility or for objects under one's supervision. These provisions may serve as legal grounds for singers who suffer harm because of AI-generated cover content to file civil claims, provided that the relevant elements of a PMH are satisfied. The four elements are as follows:

1. *Perbuatan Melawan Hukum* (PMH)

This act is against the law, namely creating AI cover content using AI voice cloning of the singer's original voice without permission and then uploading it on a digital media platform.

2. There is an Error

The user committed a culpable act by intentionally and without authorization changing the singer's voice into AI cover content.

3. There is a Loss

The loss experienced by singers can be in the form of material losses because their voices are used for commercial content and immaterial losses can be in the form of damage to their voice identity, damage to their professional reputation, and psychological losses.

4. Causal Relationship Between Act and Loss

According to Von Kries' Adequate Causation Theory, an act must have a reasonably foreseeable relationship with the consequences that arise from it, such that the resulting harm could have been anticipated by the actor³⁶. In the context of AI generated cover content, users who upload

³⁶ Ahmad Sofian, *Ajaran Kausalitas R KUHP*, January 2026.

such content to digital media platforms generally do so with the intention of obtaining benefits, whether in the form of economic gain, social media marketing advantages, or increased engagement. Consequently, such users should bear legal responsibility for their actions, as the dissemination of AI generated cover content may cause harm to singers whose voices have been utilized without authorization in the creation of such content.

Prior to initiating legal proceedings before a court, a singer may first issue a cease-and-desist notice (*somasi*) as provided under Article 95 paragraph (1) of the Copyright Law. Such a notice may be directed to the user responsible for creating or uploading AI-generated cover content on digital media platforms, as the conduct in question may satisfy the elements of PMH under Article 1365 of the Indonesian Civil Code. Through a *somasi*, the singer may request, among other remedies, the removal of the uploaded content, an undertaking not to upload similar content in the future, and compensation for the losses incurred because of the unauthorized use of the singer's voice.

In addition to Articles 1365 and 1367 of the Indonesian Civil Code, which serve as *lex generalis* provisions, several *lex specialist* regulations may also be invoked to strengthen the legal basis of a claim, namely the Copyright Law, the Electronic Information and Transactions Law, and the Personal Data Protection Law. Relevant provisions include Article 43(d) and Article 44(1) of the Copyright Law concerning limitations and exceptions to copyright protection; Article 26 and Article 35 of the Electronic Information and Transactions Law concerning the requirement of consent for the use of personal data and the prohibition against manipulating electronic information so that it appears to be authentic data. Violations of these provisions may result in criminal sanctions, including imprisonment for up to twelve years and/or a fine of up to IDR 12 billion. Furthermore, Article 65 paragraph

(1) of the Personal Data Protection Law prohibits the use of an individual's personal data, including voice data, for the benefit of oneself or another person where such use causes harm to the personal data subject, in this case the singer. Violations of this provision may be subject to criminal sanctions of up to five years' imprisonment and/or a fine of up to IDR 5 billion.

Based on the foregoing analysis, users or prompters may be held liable, both civilly and criminally, for creating and disseminating AI-generated cover content on digital media platforms. This is because the use of AI voice cloning technology to process and replicate a singer's voice as closely as possible to the original may create confusion among members of the public who encounter such content and may therefore constitute a serious violation of the singer's legally protected interests. Furthermore, the unauthorized use of a singer's voice through AI-generated content has the potential to infringe not only economic interests but also personal identity rights and other legally protected rights recognized under the applicable laws and regulations.

B. Digital Media Platform Liability

Digital media platforms play a crucial role in the uploading and dissemination of AI-generated cover content. Through Constitutional Court Decision Number 84/PUU-XXI/2023, Article 10 of the Copyright Law has been interpreted as encompassing digital platforms based on User-Generated Content (UGC), such as YouTube, TikTok, Instagram, and other similar platforms, which bear responsibility for preventing copyright-related violations on their services. Furthermore, under Law Number 1 of 2024 (the Second Amendment to the Electronic Information and Transactions Law), digital media platforms are classified as Private Electronic System Operators (*Penyelenggara Sistem Elektronik* or PSE).

In addition, Minister of Communication and Informatics Regulation Number 5 of 2020 concerning Private Electronic System Operators imposes obligations on digital media platforms to manage and moderate content circulating on their services to ensure that it does not contain prohibited content, including unlawful content, content that disturbs public order, pornographic material, and AI generated content that violates applicable laws and regulations. Accordingly, digital media platforms may undertake several measures to prevent the dissemination of AI generated cover content that unlawfully utilizes singer's voices, including the following:

1. Notices and Takedown

Digital media platforms are required to provide accessible mechanisms through which users may report unlawful content and to remove such content once it has been determined to violate applicable legal provisions. Article 55 of the Copyright Law, which provides that “*Any person who becomes aware of copyright and/or related rights infringement through an electronic system for commercial purposes may submit a report to the Minister,*” establishes a legal mechanism through which members of the public may report alleged copyright violations. Where a valid report has been submitted but is not appropriately addressed by the platform, the platform may be subject to regulatory sanctions, including administrative fines and, in certain circumstances, the blocking or suspension of access to the platform.³⁷

2. Copyright Infringement Content Prevention

³⁷ Noviyanto Rahmadi <novay@btekno.id> and Dinas Komunikasi dan Informatika, “Kabar Pemerintahan 6077 Terapkan SAMAN pada Februari 2025, Menkomdigi Perkuat Perlindungan Masyarakat di Ruang Digital,” Dinas Komunikasi dan Informatika, accessed May 7, 2026, <https://diskominfo.samarindakota.go.id/arsip/2023/kabar-pemerintahan/terapkan-saman-pada-februari-2025-menkomdigi-perkuat-perlindungan-masyarakat-di-ruang-digital>.

The prevention of content that infringes copyright must constitute an essential responsibility of digital media platforms. One means of fulfilling this responsibility is through the implementation of content filtering mechanisms designed to identify and restrict content suspected of violating copyright or related rights. Digital media platforms should also establish clear and comprehensive policies governing AI-generated content. At present, platforms such as YouTube, Instagram, and TikTok require the labelling of content created with the assistance of AI technologies. Content that is generated either partially or entirely through AI systems should be clearly labelled or marked as AI generated, whether through self-disclosure by users or through platform-based content detection mechanisms³⁸. Such measures are crucial to ensuring transparency, distinguishing AI-generated content from human-created content and reducing the risk of misinformation and public deception.

3. Application of Article 1365 of the Civil Code (Pasal 1365 KUHPerdata)

Where a singer's voice is unlawfully utilized through AI voice cloning technology on a digital media platform, the platform, as a legal entity, may be held liable under the doctrine of *Perbuatan Melawan Hukum* (PMH). A platform may be subject to civil liability if it fails to take appropriate action against content that unlawfully exploits a singer's voice and thereby causes harm to the singer and/or the copyright holder. A platform may be deemed to have committed a PMH where it breaches its legal obligations relating to the

³⁸ Ady Thea DA, "Mengenali Tiga Model Pertanggungjawaban Platform Digital," *hukumonline.com*, accessed May 9, 2026, <https://www.hukumonline.com/berita/a/mengenali-tiga-model-pertanggungjawaban-platform-digital-lt61a4e6ec3a7ce/>.

protection of the author's moral and economic rights as provided under Articles 5 and 9 of the Copyright Law, as well as the related rights granted to performers, including singers, under Article 20 of the Copyright Law.

C. AI Provider Platforms Platform Liability

Like digital media platforms, AI service providers constitute Private Electronic System Operators (PSE) and bear responsibility for the reliability and integrity of their systems. From a normative legal perspective, AI service providers offering voice cloning technologies, such as Suno AI, Udio AI, AIVA, SingGAN, VISinger, as well as widely used AI platforms such as ChatGPT, Gemini, and other AI service providers, function as intermediaries that process electronic data in accordance with instructions provided by users. Pursuant to Article 1 paragraph (2) of the Copyright Law, which provides that "*an Author is an individual or several individuals who, either individually or jointly, produce a work possessing distinctive and personal characteristics,*" AI platforms cannot be classified as legal subjects capable of being recognized as authors. Nevertheless, they may still be regarded as "electronic system operators" under the Electronic Information and Transactions Law and therefore bear obligations to maintain and respect the integrity of the economic rights and moral rights of human creators.

AI service providers occupy a more complex legal position than either individual users or digital media platforms. AI providers generally argue that they merely supply technological tools and that their use of data falls within the scope of fair use, as asserted by Suno AI and Udio AI in their dispute with the Recording Industry Association of America (RIAA). Nevertheless, the potential liability of AI service providers may arise at various stages of the AI development process, including the collection of training data, the development of AI models,

and the provision of voice cloning services. Where an AI provider utilizes voice data without the consent of the voice owner for the purpose of training AI systems, such conduct may constitute a violation of the Personal Data Protection Law and the Electronic Information and Transactions Law.

Accordingly, where violations arise from the unauthorized use of a singer's voice through AI voice cloning technology, AI developers may be held legally liable through a *Perbuatan Melawan Hukum* (PMH) claim pursuant to Article 1365 of the Indonesian Civil Code, based on an objective standard of fault, reinforced by the provisions of the Personal Data Protection Law and the Electronic Information and Transactions Law³⁹. Within the framework of PMH, liability encompasses four essential elements: the existence of an act, fault, damage or loss, and a causal relationship between the act and the resulting harm. In this context, the interpretation of the element of "fault" may shift from a purely subjective assessment to an objective one. Consequently, an AI platform may be deemed at fault not solely because of malicious intent, but because it failed to satisfy the required standards of data security, due diligence, and reasonable care in the operation of its services.

Conclusion

Based on the findings and analysis conducted in this study, it can be concluded that the legal protection of singer's publicity rights in relation to the use of AI voice cloning technology remains inadequate within the Indonesian legal system. Nevertheless, legal protection may be inferred through an analogy with existing legal frameworks, namely the Copyright

³⁹ Abdul Rauf, Annah, and Hardi, "Tanggung Jawab Perdata Penyedia Platform AI Terhadap Pelanggaran Hak Cipta Karya Digital Di Indonesia," *SISITI : Seminar Ilmiah Sistem Informasi dan Teknologi Informasi* 15, no. 1 (January 2026): 72–80, <https://doi.org/10.36774/sisiti.v15i1.2141>.

Law, the Personal Data Protection Law, the Electronic Information and Transactions Law, and the Indonesian Civil Code. Accordingly, legal reform is necessary through the enactment of specific regulations governing the use of AI, as well as amendments to the Copyright Law. Such reforms constitute an urgent necessity to provide legal certainty and effective legal protection for singer's voices against the misuse of AI voice cloning technology on digital media platforms, while also establishing a comprehensive regulatory framework governing the involvement of AI in copyright-related matters.

Legal liability for violations of singer's publicity rights arising from the use of AI voice cloning technology may be pursued through both non-litigation and litigation mechanisms. Non-litigation measures include reporting content suspected of infringing copyright or related rights to digital media platform providers and issuing cease-and-desist notices (*somasi*) to parties who derive benefits from AI voice cloning content based on claims of *Perbuatan Melawan Hukum* (PMH) under Article 1365 of the Indonesian Civil Code. Such claims may be directed against AI users, digital media platforms, or AI service providers, depending on their respective involvement in the infringement. In addition to non-litigation remedies, legal liability may also be pursued through litigation by filing civil claims based on PMH, as well as invoking relevant provisions of the Copyright Law, the Personal Data Protection Law, and the Electronic Information and Transactions Law. Beyond the use of cease-and-desist notices and civil litigation, increasing public awareness regarding the responsible use of AI technologies is equally important, particularly in discouraging the creation of content that infringes copyright or related rights. The enforcement of legal rights through dispute resolution mechanisms, whether through litigation or non-litigation processes, reflects a commitment to access to justice and institutional accountability, which is consistent with the principles embodied in SDG point 16 **Peace, Justice and Strong Institutions**. Nevertheless, the development of specific regulations governing AI standards and oversight, particularly through amendments to

the Copyright Law, remains essential to ensuring greater legal certainty and more effective legal protection in the digital era.

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