

Legal and Cultural Analysis of Copyright Law Implementation for Street Musicians in Indonesia

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ABSTRACT

This research examines the implementation of Copyright Law for street musicians in Indonesia, focusing on the intersection between legal protection and cultural practices. The phenomenon of street musicians performing cover songs creates tension between the formal legal framework and the tradition of sharing art in Indonesian culture, as seen in the cases of Tri Suaka and Zinidin Zidan. The research aims to analyze the effectiveness of Law Number 28 of 2014 in addressing copyright infringement while considering cultural practices, and to identify socio-cultural factors that influence legal compliance among street musicians. Using a qualitative approach with socio-legal research design, this study integrates legal analysis and cultural studies through systematic document review and case studies. The findings indicate that the effectiveness of copyright protection is heavily influenced by the complex interrelation between legal requirements and cultural traditions, where current implementation faces challenges in balancing formal compliance with the cultural significance of street performances. This research implies the need for developing a more adaptive legal framework, including special licensing systems and strengthening the role of Collective Management Organizations in supporting legal compliance while preserving culture.

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1. INTRODUCTION

The intersection between legal frameworks and cultural practices in Indonesia presents unique challenges in copyright protection (Hafaiz, 2024; Judijanto et al., 2024; Setiawati & Huang, 2024), particularly in the context of street musicians. Humans possess creativity in creating works that benefit daily life, and often, these works transcend individual use to provide broader benefits to society. In Indonesia's creative landscape, street musicians represent a distinctive cultural phenomenon (Priyatna, 2024; Sunarto et al., 2024), operating at the intersection of traditional artistic expression and modern copyright law. Their practice of performing cover songs, deeply rooted in Indonesia's cultural tradition of sharing art, becomes increasingly complex with the emergence of digital platforms and social media (Hermawan, 2024; R. E. Moore, 2013; Wallach & Clinton, 2013).

Recent social phenomena demonstrate the tension between cultural practices and legal requirements in the music industry. Cases involving street musicians Tri Suaka and Zinidin Zidan, who faced legal challenges for performing Kangen Band's songs, exemplify this conflict (Akhsin, 2022; Andani, 2022; Sidabariba et al., 2023; Wahidji, 2022). Similar cases also occurred with songs from Payung Teduh, Blackpink, and other artists (Eka Wijaya & Gunarto, 2018; Parc, 2024), showing a broad pattern of potential copyright infringement that requires careful consideration from both legal and cultural perspectives. The Head of Legal Affairs and Advocacy for the Indonesian Minangkabau Artists Communication Forum (FORKAMI) demanded significant royalties for unauthorized covers, raising questions about the balance between copyright protection and cultural expression (Akhsin, 2022).

Previous research has explored various aspects of copyright law implementation in Indonesia. Simanjuntak (2018) compared copyright regulations in Indonesia and the United States, while Li (2020) investigated the urgency of copyright protection against unauthorized song uploads on social media. Liu et al. (2003) examined unauthorized content distribution on digital platforms. However, these studies primarily focused on legal aspects without adequately addressing the cultural dimensions of copyright implementation, particularly regarding street musicians.

This research offers a new approach by examining copyright law implementation through a cultural lens, specifically focusing on street musicians as cultural actors. Unlike previous research that largely analyzed legal frameworks in isolation, this study integrates cultural analysis to understand how copyright law functions within Indonesia's diverse cultural landscape. This study pays special attention to how street musicians, as bearers of cultural tradition, face the complex requirements of modern copyright law.

The main objective of this research is to analyze the effectiveness of Law Number 28 of 2014 on Copyright in addressing song copyright infringement while considering cultural practices and traditions. Additionally, this research aims to identify and examine socio-cultural factors that contribute to copyright infringement among street musicians. These objectives are achieved through comprehensive analysis that combines legal assessment with cultural understanding.

This research holds significant importance for several reasons. First, it contributes to the development of a more culturally sensitive legal framework that can effectively protect intellectual property rights while preserving cultural practices. Second, it provides insights for policymakers and legal practitioners on how to balance copyright protection with cultural expression. Third, it offers practical recommendations for street musicians and other cultural practitioners to meet copyright requirements while

maintaining their artistic traditions. The findings from this study will be valuable for legal reform efforts, cultural preservation initiatives, and the development of more inclusive copyright protection mechanisms in Indonesia.

Through comprehensive analysis, this study answers fundamental questions about how copyright law can effectively protect intellectual property rights while accommodating cultural practices and traditions in Indonesia's diverse society. This research explores the delicate balance between legal compliance and cultural preservation, offering insights that can inform a more nuanced approach to copyright protection in diverse cultural contexts.

2. METHODS

This research employs a qualitative approach with an interdisciplinary socio-legal research design (Fischer & Guzel, 2023; Hasan et al., 2023), integrating legal analysis with cultural studies to examine how copyright law implementation affects street musicians within Indonesia's multicultural context. This methodological framework aligns with the study's focus on analyzing the legal effectiveness and cultural implications of copyright law, particularly within street music communities that represent a unique intersection between traditional practices and modern legal requirements.

The research utilizes primary legal materials centered on Law Number 28 of 2014 concerning Copyright, supported by related regulations and court decisions pertaining to street musicians' copyright cases. Secondary materials include academic publications, cultural studies literature, and legal commentary that provide theoretical frameworks for understanding the interaction between legal systems and cultural practices. To ensure comprehensive coverage of cultural perspectives, this research also integrates ethnographic research materials documenting the experiences and cultural traditions of street musicians in Indonesia.

Data collection employs a multi-layered approach, combining traditional legal research methods with cultural analysis techniques. This process involves systematic document review, including legal records, media reports, and cultural studies literature. Primary focus is given to the case studies of Tri Suaka and Zinidin Zidan, which serve as important examples of how copyright law intersects with street musicians' cultural practices. These case studies are particularly relevant as they illustrate the tension between legal requirements and cultural traditions in Indonesia's music industry.

The analytical framework employs legal interpretation methods (Juanda, 2017; Khasanah & Lumbanraja, 2022) and cultural analysis techniques (Sami an & Prakasa, 2021). Legal materials are analyzed using juridical-normative methods to understand the regulatory framework, while cultural aspects are analyzed through a sociological approach to understand how street musicians navigate copyright requirements within their cultural context (Permana et al., 2021). This dual analytical approach ensures a balanced understanding between aspects of legal compliance and cultural preservation, directly addressing the research's main objectives of evaluating legal effectiveness and identifying socio-cultural factors influencing copyright implementation.

The evaluation process focuses on three main indicators: patterns of legal compliance among street musicians, impact on cultural preservation, and socio-economic implications for various stakeholders. These indicators are assessed through systematic data analysis, involving careful examination of legal documents, cultural practices, and stakeholder perspectives. The analysis specifically considers how street musicians interpret and respond to copyright requirements while maintaining their cultural

traditions, providing insights into the practical challenges of implementing copyright law in Indonesia's multicultural context.

3. RESULTS AND DISCUSSION

3.1. Legal Framework and Cultural Protection of Copyright for Street Musicians in Indonesia

In analyzing the intersection of legal frameworks and cultural practices in Indonesia's copyright protection system, particularly concerning street musicians, it is important to understand how copyright is conceptualized in both legal and cultural contexts. The basic principle of copyright protection as regulated in Law Number 28 of 2014 on Copyright recognizes that rights are interests that receive legal protection (Dedy alviyan, 2023; Mauludin, 2020; Siangli Putri et al., 2023; Surono, 2018). However, these rights must be understood within the broader concept of abuse of rights (*misbruik van recht or abuse de droit*), which emphasizes that legal protection is not only intended for individual interests but must also contribute to the collective welfare of society (van Neste, 1967).

The application of copyright law in Indonesia presents unique challenges when applied to street musicians, as it must balance formal legal requirements with cultural practices embedded in Indonesian society. Street musicians, as cultural practitioners, often operate within traditional systems of sharing and adapting art that existed long before modern copyright laws were enacted (Straw, 1991). This cultural framework emphasizes communal creativity and artistic exchange, which sometimes conflicts with the individualistic nature of copyright protection. Therefore, the law must be interpreted and applied in a way that recognizes these cultural dimensions while maintaining effective protection for creators' rights.

A comparison of Indonesia's approach with the copyright protection system in the United States reveals significant differences in both legal structure and cultural context (Simanjuntak, 2018). The U.S. system, governed by the Copyright Act of 1976 (Dreyfuss, 1987) and Digital Millennium Copyright Act (DMCA) (Hobbs, 2016), provides automatic protection for fixed works and emphasizes strong enforcement mechanisms. However, this system operates in a cultural context that places greater value on individual creativity and commercial rights. In contrast, Indonesian copyright law must navigate a more complex cultural landscape where communal artistic expression and sharing traditions are fundamental aspects of society.

Cases involving street musicians in Indonesia demonstrate the complexity of applying copyright law in a culturally sensitive manner. Law Number 28 of 2014 establishes two basic rights for creators: moral rights and economic rights. Moral rights, which include the right to be recognized for one's work, align with traditional cultural values about respect and recognition. However, the implementation of economic rights presents more significant challenges when applied to street performances, which often serve both cultural and economic functions in Indonesian society (Munawar & Effendy, 2016).

Article 44 of the Copyright Law provides important exceptions that recognize the social and cultural dimensions of creative works. These exceptions acknowledge that certain uses of copyrighted works, particularly for educational, cultural, or non-commercial purposes, should not be considered infringement. This provision reflects an understanding that copyright law must accommodate various forms of cultural

expression and transmission. However, applying these exceptions to street musicians remains complex, as their performances often combine cultural elements with commercial aspects (Munawar & Effendy, 2016).

The cultural significance of street music in Indonesia transcends mere entertainment or economic activity. Street musicians often serve as cultural intermediaries, preserving and transforming traditional musical forms while adapting to contemporary contexts. Their performances contribute to the cultural vitality of public spaces and maintain important social connections within communities. Therefore, the legal framework must consider how copyright protection can support rather than hinder these cultural functions.

The cases of Tri Suaka and Zinidin Zidan illustrate the challenges in balancing legal compliance with cultural practices (Amadeus & Hitipeuw, 2023; Astuti & Zamroni, 2022). As street performers who later became content creators, their activities span traditional street performance and modern digital distribution. Their cases demonstrate how the line between cultural practice and commercial exploitation can become blurred in contemporary contexts. The legal framework must provide clear guidance while remaining sufficiently flexible to accommodate evolving forms of cultural expression.

The role of Collective Management Organizations (CMOs) in Indonesia represents an effort to bridge legal requirements with practical realities (Ayu Palar et al., 2024). These organizations are designed to facilitate copyright compliance while making it easier for users to obtain necessary permissions. However, their effectiveness in addressing the needs of street musicians remains limited, partly due to the cultural and economic realities of street performance. The system needs to be adapted to better serve both copyright holders and cultural practitioners.

Moving forward, developing copyright protection for street musicians in Indonesia requires a deeper understanding of how the legal framework can support cultural preservation while ensuring fair compensation for creators. This may involve developing special licensing schemes for street performers, creating collective licensing mechanisms that consider cultural practices, and establishing clear guidelines for distinguishing between cultural practices and commercial exploitation.

The evolving digital landscape adds new layers of complexity to this framework. As street musicians increasingly engage with social media and digital platforms, the boundaries between traditional performance and commercial distribution become more fluid. The legal framework must adapt to these changes while remaining culturally sensitive. This may involve developing new approaches to licensing and compensation that recognize both the cultural value and commercial potential of street music in the digital age.

Understanding the legal and cultural framework of copyright protection for street musicians in Indonesia requires recognition that effective protection cannot rely solely on legal mechanisms. It must encompass cultural understanding, respect for traditional practices, and awareness of the social functions of street music. This holistic approach can help develop more effective and culturally appropriate ways to protect both creators' rights and cultural practices in Indonesia's diverse society.

3.2. Cultural Dynamics of Street Musicians' Cover Performances: Between Artistic Expression and Legal Compliance

The cultural dynamics of street musicians' cover performances in Indonesia represent a complex interaction between traditional artistic expression and modern legal requirements (Liliweri, 2021). Street musicians, particularly those performing cover songs, reflect a unique cultural phenomenon that bridges traditional music-sharing practices with contemporary entertainment needs. This cultural practice, rooted in Indonesian society, has evolved from simple street performances into more complex forms of artistic expression that now navigate both physical and digital spaces.

In the context of Indonesian street musicians, cover performances serve various cultural functions. These performances act as a way to preserve and transform popular music within local contexts, create cultural bridges between various musical traditions, and provide accessible entertainment for diverse audiences. The cases of Tri Suaka and Zinidin Zidan exemplify these cultural dynamics, where their performances in cafes and public spaces become not just entertainment but forms of cultural mediation making popular music more accessible to various segments of society.

The traditional practice of street performance in Indonesia has historically operated within informal systems of cultural exchange, where adaptation and reinterpretation of songs have been commonly accepted practices (Heryanto, 2012). This cultural tradition emphasizes the importance of sharing art and creative reinterpretation, values that sometimes conflict with modern copyright law's emphasis on exclusive rights and controlled use (Senftleben, 2020). Street musicians often view their cover performances as a form of tribute to original creators, contributing to the songs' popularity and cultural significance rather than diminishing their value.

However, the emergence of digital platforms and social media has transformed how street musicians interact with their audiences and monetize their performances. This transformation creates new tensions between traditional cultural practices and legal requirements. When Tri Suaka and Zinidin Zidan began sharing their performances on social media platforms, they inadvertently crossed the boundary between traditional street performance and commercial content creation. This transition highlights the challenges of maintaining cultural practices while adapting to modern entertainment formats and legal frameworks.

The cultural significance of cover performances extends beyond mere entertainment value (Dixon, 2015). These performances often involve adapting songs to local musical styles and contexts, creating hybrid forms that reflect Indonesia's diverse cultural landscape (Wibawa, 2024). Street musicians frequently modify songs to incorporate local instruments, rhythms, or linguistic elements, demonstrating how cover performances can become vehicles for cultural preservation and innovation (Cameron, 2020; Mahmoud, 2020). This process of creative adaptation raises questions about the boundaries between derivative works and original artistic expression within copyright law.

The relationship between street musicians and their audiences also plays a crucial role in shaping the cultural dynamics of cover performances (I. Moore, 2014). Unlike formal concerts or recorded music, street performances create intimate spaces for cultural exchange and community interaction. Audiences often engage in song selection, make requests, and provide immediate feedback, creating a dynamic cultural experience that differs significantly from passive music consumption. This interactive element of

street performance adds another layer of complexity to copyright considerations, as it demonstrates how these performances fulfill important social and cultural functions beyond mere reproduction of copyrighted works.

The cultural impact of street musicians extends to their role in democratizing access to music and entertainment (Hesmondhalgh, 1997). In many Indonesian communities, street performances provide opportunities for cultural participation that might otherwise be inaccessible due to economic or social barriers. This democratizing function serves an important cultural purpose, making popular music available to diverse audiences while creating opportunities for cultural exchange and artistic expression.

The tension between cultural expression and legal compliance becomes particularly evident in the economic aspects of street performance (Ho & Au, 2021; McNamara & Quilter, 2016). While copyright law focuses on protecting economic rights through licensing and royalty payments, street musicians often operate within informal economic systems that reflect traditional cultural practices of reciprocity and community support. The challenge lies in finding ways to protect creators' rights while preserving the important social and cultural functions of these street performances.

The case of Minangkabau songs performed by Tri Suaka and Zinidin Zidan illustrates how cultural dynamics intersect with legal requirements in complex ways (Suparman, 2022). The performance of regional songs adds layers of cultural significance, as it involves not only copyright considerations but also questions of cultural heritage and traditional knowledge protection. This highlights the need for legal frameworks that can accommodate both modern copyright protection and traditional cultural practices.

Moving forward, addressing the cultural dynamics of street musicians' cover performances requires developing approaches that balance legal compliance with cultural preservation. This may involve creating specialized frameworks for street performances that recognize their cultural value while ensuring fair compensation for original creators. Such frameworks could incorporate elements of traditional cultural practices while adapting to modern legal requirements, perhaps through innovative licensing schemes or cultural exceptions.

The evolution of street music in the digital era presents both challenges and opportunities for preserving cultural practices while ensuring legal compliance. As street musicians increasingly engage with digital platforms, approaches are needed to protect both copyright interests and cultural expression in online spaces. This may involve new forms of licensing that recognize the unique cultural role of street musicians while adapting to the realities of digital distribution and monetization.

3.3. Economic Rights vs. Cultural Practices: Analysis of Fair Use Doctrine in the Context of Street Performance

The relationship between economic rights and cultural practices in street performance presents a complex intersection between legal protection and cultural expression, particularly when analyzed through the lens of fair use doctrine. In Indonesia, the implementation of Law Number 28 of 2014 concerning Copyright attempts to balance the protection of creators' economic rights with the preservation of cultural practices. This balance becomes a particular challenge when applied to street musicians, who often blur the line between cultural expression and commercial activity.

The concept of economic rights in copyright law fundamentally protects creators' ability to obtain financial benefits from their works. Article 8 of Law Number 28 of 2014 explicitly grants exclusive authority to creators over the economic exploitation of their

works. However, when applied to street performances, this seemingly simple principle faces cultural and practical complexities. Street musicians, operating within a traditional cultural framework, often view their performances as contributing to rather than diminishing the value of original works, which challenges conventional interpretations of economic harm.

The fair use doctrine, as regulated in Articles 43-49 of the Copyright Law, provides important exceptions that potentially accommodate street performances. These provisions recognize that certain uses of copyrighted works, although without explicit permission, may be permitted when serving broader social or cultural purposes. In the context of street performances, this doctrine becomes highly relevant when assessing whether such performances constitute copyright infringement, especially considering their often minimal impact on the original creators' economy.

The case of Tri Suaka and Zinidin Zidan illustrates the complexity of applying economic rights in the context of street performances. Their performances in cafes, although technically commercial, operate within a cultural ecosystem where direct economic competition with original creators is minimal. The modest income generated from such performances, compared to potential licensing fees and royalty payments, raises questions about the proportionality of strict copyright enforcement in this context.

Article 23 Paragraph (5) of the Copyright Law states that commercial performances can be conducted without prior permission if compensation is paid through Collective Management Organizations (CMOs). However, this provision becomes problematic when applied to street musicians, whose income is irregular and often minimal, making systematic royalty payments impractical. This situation highlights the need for a more flexible approach that can accommodate both economic rights and cultural realities.

Cultural practices in street performances often involve elements of transformation and reinterpretation that may qualify for fair use protection (Douglas, 2014; Savira & Tasrin, 2018). When street musicians adapt songs to local styles or contexts, they create derivative works that serve the purposes of cultural preservation and innovation (Bennett & Rogers, 2016). Such transformational use, although potentially commercial, often provides cultural benefits that may outweigh the minimal economic impact on original creators.

Economic impact analysis in fair use cases must consider both direct and indirect effects. While street performances may generate modest income for performers, they often serve as promotional vehicles for original works, potentially increasing their popularity and commercial value. This promotional effect challenges traditional assumptions about economic harm in copyright infringement cases, suggesting the need for a more nuanced evaluation of economic impact in cultural contexts.

The distinction between casual street performances and organized commercial exploitation becomes crucial in applying the fair use doctrine. When street musicians perform primarily for cultural expression and modest compensation, their activities may fall within fair use parameters. However, when these performances are systematically recorded, distributed, and monetized through digital platforms, the balance shifts toward potential copyright infringement, as demonstrated by the digital content aspect of Tri Suaka's activities.

International comparisons provide valuable insights into alternative approaches to balancing economic rights and cultural practices. The fair use doctrine in the United States, although similar in principle, operates in a different cultural context that

emphasizes market impact and transformational use (Joyce et al., 2016). Implementation in Indonesia must consider the unique cultural landscape while maintaining effective copyright protection.

The role of licensing systems in mediating between economic rights and cultural practices requires careful consideration (Cieslewicz, 2014; Jawaad et al., 2019; X. Liu et al., 2018). Traditional licensing mechanisms, designed for commercial entertainment venues, may not be suitable for managing street performance rights. Alternative approaches, such as collective licensing for street performances or specific exemptions for cultural performances, may better serve both creators' interests and cultural preservation goals.

Digital platforms have introduced new complexities in balancing economic rights and cultural practices (Andersson Schwarz, 2017; Bonina et al., 2021; Finck, 2017). While street performances traditionally operate in physical spaces with limited economic impact, their digital distribution can reach wider audiences and generate significant revenue. This transformation necessitates new approaches to fair use analysis that consider both traditional cultural practices and modern distribution channels.

The future development of fair use doctrine in Indonesia must consider how to protect economic rights while preserving valuable cultural practices. This may involve developing specific exemptions for cultural performances, creating simplified licensing systems for street musicians, or establishing clear guidelines for distinguishing between cultural practices and commercial exploitation. Such efforts should aim to maintain the vitality of street performance traditions while ensuring fair compensation for creators.

3.4. The Role of Collective Management Organizations in Balancing Legal Protection and Cultural Preservation

Collective Management Organizations (CMOs) in Indonesia play a crucial role in bridging copyright protection and cultural preservation, particularly in the context of street musician performances (Ayu Palar et al., 2024). These organizations face complex challenges in implementing copyright law while respecting and preserving Indonesia's rich musical traditions and cultural practices. Understanding their role requires analysis of both their legal mandate and practical function in supporting cultural sustainability.

CMOs, as regulated by Law Number 28 of 2014 concerning Copyright, are tasked with collecting and distributing royalties on behalf of copyright holders. However, their effectiveness in managing street musician activities is limited by several factors. The informal nature of street performances, often accompanied by performers' modest and irregular income, creates significant challenges in implementing traditional royalty collection systems. This situation is further complicated by the cultural significance of street performances, which often serve purposes beyond mere entertainment.

The case of Tri Suaka and Zinidin Zidan underscores the challenges faced by CMOs in handling street performance-related issues. Article 23 Paragraph (5) of the Copyright Law allows commercial performances to be conducted without prior permission provided compensation is paid through CMOs. However, implementing this provision becomes problematic when applied to street musicians, whose economic realities often make systematic royalty payments impractical. This raises questions about how CMOs can effectively execute their regulatory function while supporting cultural practices.

In practice, many CMOs have adopted informal approaches to street performances, often choosing not to strictly enforce royalty requirements for small-scale street musicians. This unofficial tolerance approach reflects an understanding of the cultural

importance of street performances and the practical difficulties in enforcing copyright regulations in this context. However, this approach also creates uncertainty about the legal status of street performances and may undermine systematic protection of creators' rights.

The digital transformation of street performances presents new challenges for CMOs. When street musicians like Tri Suaka expand their activities to social media platforms, traditional boundaries between cultural practice and commercial exploitation become blurred. CMOs must develop new strategies to handle these hybrid forms of performance, which combine traditional street music with digital distribution and monetization.

International experience offers valuable insights into alternative approaches. Some countries have developed special licensing schemes for street musicians, incorporating cultural exemptions or simplified payment systems. These models can inspire the development of more effective approaches in Indonesia, enabling CMOs to better serve the interests of both copyright holders and cultural practitioners.

CMOs' role extends beyond royalty collection to encompass cultural preservation. These organizations can function as bridges between traditional cultural practices and modern copyright systems, developing programs that support street musicians while ensuring fair compensation for creators. This may include educational initiatives, cultural documentation efforts, or special licensing programs for cultural practitioners.

The economic structure of CMO operations also requires further examination (Savelyev, 2018; Srai et al., 2016). Current models, designed primarily for commercial music industry operations, may not be suitable for managing street performance rights. Alternative approaches might include tiered fee structures, collective licenses for cultural performances, or special provisions for traditional and cultural adaptations of copyrighted works.

Capacity building within CMOs is crucial for meeting cultural preservation needs (Manzoor Rashid & Khan, 2014; Prashanth et al., 2014; Schroff & Street, 2018). Staff members require training in cultural sensitivity and understanding of traditional practices to effectively mediate between copyright requirements and cultural expression. This includes developing expertise in identifying and supporting valuable cultural adaptations while preventing exploitative commercial use.

Relationships between CMOs and local cultural institutions can be strengthened to better serve street musicians. Partnerships with cultural organizations, music schools, and community groups can help develop more effective approaches to managing performance rights while supporting cultural preservation. Such collaborations can also help document and preserve traditional performance practices.

Moving forward, CMOs must evolve to meet the changing needs of copyright holders and cultural practitioners. This may involve developing new technological tools for managing rights in digital contexts, creating special programs for cultural practitioners, or establishing more flexible licensing systems that accommodate various forms of cultural expression.

Recommendations for improving CMO effectiveness include:

1. Developing special licensing schemes for street musicians
2. Creating cultural preservation programs within CMO structures
3. Establishing clear guidelines for distinguishing between cultural and commercial use

4. Implementing technological solutions for managing digital performance rights
5. Building partnerships with cultural organizations and community groups

These efforts should be supported by legal reforms that recognize the unique role of street musicians in cultural preservation while maintaining effective copyright protection. Such reforms can provide CMOs with clearer mandates and more flexible tools for managing performance rights in cultural contexts.

Implementation of these recommendations requires careful consideration of practical challenges and opportunities. One important aspect is the development of simplified registration and payment systems designed specifically for street musicians. These systems must consider the irregular income patterns of street musicians while ensuring transparent and fair royalty distribution.

Technology integration plays a crucial role in modernizing CMO operations. Digital platforms can be developed to facilitate easy registration, reporting, and payment processes for street musicians. These platforms might include mobile applications allowing performers to record their performances, track income, and manage their repertoire. Such technological solutions must be user-friendly and accessible to practitioners with varying levels of technological literacy.

CMOs can also establish education and support programs to help street musicians understand and navigate copyright requirements. These programs might include workshops on legal compliance, business skill development, and cultural preservation techniques. By providing such support, CMOs can help professionalize street performance while maintaining its cultural authenticity.

CMOs' role in documenting and preserving cultural practices should be expanded. This may include creating archives of street performance traditions, documenting adaptation techniques, and studying the evolution of popular songs in street performance contexts. Such documentation not only serves cultural preservation purposes but also helps establish guidelines for distinguishing between traditional cultural practices and commercial exploitation.

International cooperation between CMOs can facilitate the exchange of best practices in managing cultural performance rights. This might include studying successful models from other countries with rich street performance traditions, adapting relevant approaches to the Indonesian context, and developing regional cooperation frameworks for protecting cultural expressions.

Financial sustainability of CMOs' cultural preservation efforts requires careful planning. Revenue sources can be diversified through cultural grants, government support, and partnerships with private sector organizations interested in supporting cultural preservation. This financial foundation will enable CMOs to maintain long-term programs supporting street musicians while fulfilling their copyright protection mandate.

Finally, CMOs must develop clear metrics for evaluating the effectiveness of their cultural preservation efforts. These metrics should consider quantitative factors (such as number of registered performers, income collection and distribution) and qualitative aspects (including cultural impact, preservation of traditional practices, and community benefits). Regular assessment using these metrics will help ensure CMOs remain effective in serving both copyright protection and cultural preservation goals.

3.5. Socio-Cultural Factors Influencing Copyright Compliance Among Street Musicians

The complex landscape of copyright compliance among street musicians in Indonesia is influenced by various socio-cultural factors that affect their behavior and decision-making processes (Abdulsalam & Tajudeen, 2024). These factors extend beyond mere legal considerations, encompassing personal, social, and economic dimensions that collectively determine how street musicians interact with copyright requirements.

Personal preferences emerge as a key factor influencing song selection and performance style among street musicians (Askin & Mauskapf, 2017; Ben Sassi & Ben Yahia, 2021). As documented in various cases, including those of Tri Suaka and Zinidin Zidan, performers often choose songs based on their artistic preferences and perceived audience appeal. This selection process reflects individual taste and cultural resonance, where musicians tend to choose songs that align with their musical abilities and cultural background. This preference factor demonstrates how artistic choices are closely tied to cultural identity and expression, often prioritized over copyright considerations.

The need for existence and recognition plays a significant role in shaping street musicians' behavior regarding copyright compliance. Referring to Maslow's hierarchy of needs, street performers seek external validation through audience recognition and internal fulfillment through artistic expression. This dual pursuit often creates complex situations where the desire for recognition may conflict with copyright requirements. Street musicians often view their performances as ways to establish their identity within the cultural landscape, thus prioritizing visibility and audience connection over strict copyright compliance (Manua, 2019).

Economic necessity becomes a significant determinant in copyright compliance decisions (Alasfour et al., 2016; Ritsatos, 2014). Street musicians, operating under financial constraints, often face challenges in meeting formal licensing requirements. Their income, typically modest and irregular, makes systematic royalty payments impractical. This economic reality creates situations where performers must balance their livelihood needs with legal obligations, often resulting in informal approaches to copyright compliance.

The cultural context of communal sharing and artistic adaptation in Indonesian society significantly influences street musicians' perspectives on copyright. Traditional practices of music sharing and reinterpretation, embedded in Indonesian culture, sometimes conflict with modern copyright concepts. Street musicians often view their activities as contributions to cultural preservation and transmission rather than copyright infringement, reflecting a broader cultural understanding of artistic ownership and sharing.

Social media and digital platforms have introduced new dimensions to these socio-cultural factors. The case of Tri Suaka illustrates how street musicians increasingly navigate between traditional street performance and digital content creation. This transition creates additional complexities in copyright compliance, as performers must balance traditional cultural practices with new forms of commercial exploitation through online platforms.

Audience expectations and community support also significantly influence copyright compliance behavior. Street musicians often respond to direct audience requests and preferences, creating a dynamic performance environment where strict adherence to copyright protocols may not be practical. Community acceptance and

support for street performances, regardless of copyright status, reinforces cultural practices that may deviate from formal legal requirements.

Professional identity and career aspirations influence how street musicians approach copyright issues. Some view street performance as a stepping stone toward broader musical careers, prompting them to balance immediate performance opportunities with long-term professional considerations. This career perspective can influence their willingness to comply with copyright requirements, particularly as they transition from informal street performances to more structured entertainment contexts.

Religious and moral values in Indonesian society also play a role in shaping attitudes toward copyright compliance. Cultural concepts of fairness, respect for creators, and ethical behavior influence how street musicians interpret and respond to copyright obligations. These values often lead to informal recognition practices, such as giving credit to original artists, even when formal copyright requirements are not fully met.

Peer influence and industry practices significantly affect copyright compliance behavior. Street musicians often learn from and emulate established performers, adopting common practices within their community. Widespread acceptance of certain approaches to copyright within the street performance community can create informal standards that may differ from legal requirements.

Moving forward to address copyright compliance issues among street musicians requires policies that account for these factors. Policy approaches should consider:

1. Developing flexible licensing systems that accommodate economic realities
2. Creating educational programs that bridge cultural practices and legal requirements
3. Providing support systems that help street musicians understand copyright obligations
4. Integrating traditional cultural practices into copyright frameworks
5. Adapting enforcement approaches to socio-cultural contexts

Implementation of these policy approaches requires careful consideration of practical strategies that address the complex interplay of socio-cultural factors. Educational initiatives should be designed to enhance understanding of copyright while respecting cultural traditions. These programs can focus on helping street musicians understand how copyright protection can coexist with, and even support, their cultural practices.

Technology adoption patterns among street musicians also influence copyright compliance. The increasing use of social media and digital platforms for performance distribution creates new challenges and opportunities. Street musicians need guidance on navigating digital rights management while maintaining their traditional performance practices. This may include developing simplified digital licensing systems that can accommodate both online and offline performances.

Community leadership plays an important role in shaping attitudes toward copyright compliance. Influential figures within the street music community can help promote balanced approaches to copyright protection that respect both legal requirements and cultural traditions. Engaging these community leaders in policy development and implementation can enhance the effectiveness of compliance initiatives.

The role of cultural institutions in supporting copyright compliance needs to be expanded. These organizations can serve as intermediaries between street musicians and copyright authorities, helping develop culturally appropriate compliance mechanisms.

They can also provide resources and support for musicians seeking to professionalize their practices while maintaining cultural authenticity.

Geographic and demographic factors also influence copyright compliance patterns. Street musicians in urban areas often face different challenges compared to those in rural areas, while younger performers may have different approaches to copyright issues than older generations. Policy approaches must consider these variations in developing targeted support mechanisms.

Language and communication barriers can affect understanding of and compliance with copyright requirements. Many street musicians may struggle with complex legal terminology or formal documentation processes. Developing clear and accessible information in local languages and familiar formats can enhance understanding and compliance.

The impact of economic infrastructure on copyright compliance cannot be ignored. Access to banking services, payment systems, and financial management tools influences street musicians' ability to participate in formal licensing systems. Developing appropriate economic infrastructure and support services can facilitate better compliance.

Temporal factors, including performance schedules and seasonal variations, influence how street musicians approach copyright compliance. Some performers operate regularly while others perform occasionally, necessitating flexible approaches to licensing and compliance monitoring. Systems must be adaptable to varying performance patterns while maintaining consistent protection standards.

Cultural preservation goals must be integrated into copyright compliance strategies. This may include:

1. Documenting and protecting traditional performance styles
2. Supporting the development of original works based on cultural traditions
3. Encouraging innovation within cultural frameworks
4. Preserving local musical heritage while respecting copyright

Finally, monitoring and evaluation systems must be established to assess the effectiveness of various approaches in promoting copyright compliance among street musicians. These systems should consider both quantitative metrics and qualitative factors that reflect the complex socio-cultural environment in which street musicians operate.

4. CONCLUSION

The analysis of legal and cultural dimensions in the implementation of copyright law for street musicians in Indonesia reveals several key findings that address the objectives of this research. This study demonstrates that the effectiveness of Law Number 28 of 2014 concerning Copyright in protecting intellectual property rights while accommodating cultural practices is heavily influenced by the complex interrelation between legal requirements and cultural traditions.

First, regarding the effectiveness of copyright law implementation, this research finds that although the legal framework provides comprehensive protection for creators' rights, its application to street musicians requires a more nuanced approach considering cultural context. Current implementation faces challenges in balancing formal legal requirements with the cultural significance of street performances, particularly in cases

such as Tri Suaka and Zinidin Zidan, where traditional street performances intersect with modern digital distribution channels.

Second, examination of socio-cultural factors affecting copyright compliance reveals various dimensions influencing street musicians' behavior. These include personal preferences in song selection, the need for existence and recognition in cultural spaces, economic necessities, and the influence of traditional sharing practices in Indonesian culture. This research indicates that these factors significantly affect how street musicians navigate between legal compliance and cultural expression.

This study concludes that effective copyright protection for street musicians requires an adaptive approach that integrates legal mechanisms with cultural preservation objectives. This approach includes developing specific frameworks for street performances, implementing flexible licensing systems, and strengthening the role of Collective Management Organizations in supporting legal compliance while preserving culture. These findings contribute to a broader understanding of how copyright law can effectively protect intellectual property rights while preserving valuable cultural practices in Indonesia's diverse society.

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