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**THE USAGE OF COPYRIGHTED SONGS AND/OR
MUSIC FROM YOUTUBE BY DISCORD MUSIC BOT
ACCORDING TO INDONESIAN COPYRIGHT AND
CYBER LAW**

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ABSTRACT

Discord Music Bot is an Electronic Agent made by the users of an electronic system called Discord, a System which moves on telecommunication. Discord Music Bot functions by opening and rebroadcasting a piece of music on YouTube in Discord's telecommunication room in voice form. Those activities were done without the consent and knowledge of the copyright owners of YouTube. This article will study about the legal basis of the Discord music bot's usage of copyrighted music and/or songs on YouTube. And the legal responsibility of YouTube and Discord on the Discord music bot's usage. The research method used in this article is the normative juridical method, by doing research on the legal regulation in the field of copyright and cyberlaw and applying them to the relevant cases. The usage of Discord Music Bot is a prohibited action according to the Anti Circumvention provision and Article 30 section (3) of the ITE Law. YouTube and Discord as the admin of their respective electronic system freed of their legal responsibility because of different terms. YouTube freed because of the usage of Discord Music Bot was an act done outside of YouTube's program and operation. Discord freed based on a Bot which works around User Generated Content which can make Discord freed and only responsible for the aspect of technical administration.

Keywords: discord music bot; electronic system operator; anti circumvention.

INTRODUCTION

Copyright in Cyberspace

Intellectual Property Rights are a form of compensation and encouragement for parties who produce technological works. Intellectual Property Rights are exclusive rights that arise and/or are granted by the State to a person or group of people who are creators, investors, designers, drafters, stakeholders or breeders in the field of works of art, literature or science, inventions in the field of applicable technology. in industry, brands, geographical indications or indications of origin, trade secrets, industrial

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designs, integrated circuit layout designs, and new varieties of plants. Copyright is one branch of development in intellectual property.¹

Copyright is an IPR that is granted by law to the author's creator and to parties given by the author's creator in the form of the right to regulate the reproduction and/or forms/forms of use of the resulting product. The traditional view of copyright arose from a request from book printers to prevent piracy of their books.² Copyright is the exclusive right for creators to publish or reproduce their creations without prejudice to restrictions according to applicable laws and regulations. The granting of this special right is based on the need for encouragement or a reward for the ability of the creator who produces creative works.³

Along with the times, technological developments have influenced human life which ultimately changed the human era into an era called the digitalization era. This era of digitalization has influenced the development of information and science today. The existence of the internet has greatly influenced the very fast development of technology which works without any boundaries between countries, or regions and without any time limits.⁴ This of course affects copyright and creates a process of digitalization of copyright.

The digitalization of copyright products has given two different meanings to copyright and creators, where by making access to copyright products easier, it will be easier for people to use/utilize copyright products made by creators that are by the basic objectives of copyright. namely the public interest. However, easy access to copyrighted products also increases the possibility of copyrighted products being exploited not by the creator's wishes.⁵

Digitized copyright products will have vulnerabilities and advantages in them because digital products are easier to duplicate, move, change and search. These things are some of the difficulties and advantages that will be faced by creators and copyright holders.⁶

The following is an explanation of why this is a vulnerability and an advantage.

1. Easy duplication

¹ Muhamad Amirulloh, Helitha Novianty Muchtar, (2016), *Buku Ajar Hukum Kekayaan Intelektual*, Bandung: Unpad Press, p. 7.

² Simon Stokes, (2019), *Digital Copyright Law and Practice 5th Edition*, Hart: London, Hlm. 1

³ Sudaryat, Sudjana, & Rika Ratna Permata, (2010), *Hak Kekayaan Intelektual: Memahami Prinsip Dasar, Cakupan Dan Undang-undang yang Berlaku*, Bandung: Oase Media, p. 21.

⁴ Tim Lindsey (et.al), (2006) *Hak HKI Suatu Pengantar*, Bandung: PT Alumni, p. 161.

⁵ *Simon Stokes, Loc.Cit*

⁶ *Idem*, pp. 11-12.

The technology used to create and view/use a digital creation can also be used to create the same number of copies as the original digital creation. This convenience will lead to higher levels of unauthorized duplication

2. Easy to move

Computers connected to a network have the potential to facilitate the spread of pirated, creations. The development of networks and the implementation of Broad Bandwidth and Mobile Networks that can transcend space limitations further increases this.

3. Easy to change

Users of electronic systems will be given the convenience of making changes to, and adapting, creations in digital form; this will increase the possibility of someone easily creating unauthorized derivative works

4. Easy to find

In digital media, connecting/incorporating the source of a creation with another creation will have much more significant convenience compared to physical media. This ease of search will also include digital copyright products that are pirated.

In the digitalization process, what most affects copyright is the emergence of new media called OTT (Over The Top) media. It is a medium offered directly to customers via the Internet OTT media passes through cable, broadcast and Satellite TV platforms. It is the most accurate description of the latest developments in broadcasting technology. This OTT media has provided a new space for copyright in the form of a solution to copyright violations such as film piracy on illegal sites. This is because, unlike illegal sites, this media provides royalties to copyright owners and related parties. OTT media can be an alternative to support the work of creators.⁷

An example of OTT media which digitizes copyright and provides protection in its electronic system for copyright holders is the electronic system which is given the domain name Youtube. YouTube is an electronic system with a Video Sharing feature based on UGC (User Generated Content) which is owned by the Google company, a multinational United States company which operates in the field of internet services. In carrying out its services, YouTube operates a Video-Sharing service based on a UGC system that allows its users to share videos created by users for other users to view. The connection between YouTube and the copyright digitization process is the copyright

⁷ Agung Kurniawan Sihombing, Rika Ratna Permata, dan Tasya Safiranita Ramli, (2021) Comparison of Digital Copyright Protection on Over the Top (OTT) Streaming Content Media In Indonesia and the United States, *Padjadjaran Jurnal Ilmu Hukum*, 8:2, p. 186

protection system on YouTube. Every party who creates/ distributes a video on YouTube and if the video does not violate copyright or the rights of other parties. Then the video will automatically be copyrighted and protected within the scope of YouTube since the video is included on YouTube based on the First To Use system. In addition to its YouTube protection system, YouTube also offers incentives for its users in the form of rewards. The more videos the user views on YouTube, the more the user's videos are viewed, and the more benefits YouTube will provide for YouTube users who become content creators on YouTube.

The Video-Sharing system on YouTube is also not free from copyright violations. In the implementation of this system, there are also several copyright violations in it. It is very easy for a party to upload a video that is not owned by that party to gain easy profits from the YouTube system. This happens on a large scale and easily happens in an electronic system based on a UGC platform or a platform that is in the private sphere.⁸ use of YouTube which provides a reporting facility regarding suspected copyright violations in YouTube's electronic system.⁹

Related to providing reporting facilities is an obligation in the implementation of a UGC-based electronic system. The provision of these facilities was discussed for the first time in Indonesia in the Circular Letter of the Minister of Communications and Information of the Republic of Indonesia Number 5 of 2016 concerning Limits and Responsibilities of Platform Providers and Merchants.¹⁰ This circular letter was made because the conception of an electronic system is based on members and users of the electronic system who come from the online community, while electronic system organizers only act as providers of the platform. To create convenience for the public in using and becoming creators of a UGC-based electronic system. Then in the regulation of the Minister of Communication and Information of the Republic of Indonesia Number 5 of 2020 concerning the Implementation of Private Scope Electronic Systems, the obligations and responsibilities of UGC Platform Providers regarding their attitude towards violations of copyright are explained.

1. Provide a means for complaints regarding copyright violations on the platform it manages.

⁸ Kemala Megahayati, Muhamad Amirulloh, Helitha Novianty Muchtar, (2021) *Pelindungan Hukum Sinematografi Terhadap Pengaksesan Tanpa Hak oleh Pengguna Aplikasi Telegram Berdasarkan Undang-Undang Hak Cipta dan Undang-Undang Informasi dan Transaksi Elektronik di Indonesia*, *AJUDIKASI: Jurnal Ilmu Hukum*, 5:1, p. 6.

⁹ Google, *How to Earn Money on Youtube*, accessed via <https://support.google.com/youtube/answer/72857?hl=en>,

¹⁰ Surat Edaran Menteri Komunikasi dan Informatika Republik Indonesia Nomor 5 Tahun 2016 tentang Batasan dan Tanggung Jawab Penyedia Platform dan Pedagang (Merchant) Perdagangan melalui Sistem Elektronik (Electronic Commerce) yang Berbentuk User Generated Content.

2. Responding to complaints from parties depends on the results of the investigation and/or investigations carried out by the management

UGC Platform Providers can be released from legal responsibility regarding prohibited Electronic Information and/or Electronic Documents that are transmitted or distributed through their Electronic Systems if the electronic system operator has carried out the obligations given to the platform provider, providing information to electronic system users who upload Electronic Information and/or Electronic Documents which are prohibited in the context of monitoring and/or law enforcement, and terminating access (take down) to Electronic Information and/or Electronic Documents which are prohibited.¹¹

Regarding copyright protection in the YouTube electronic system, there is clarity. However, there are allegations related to violations that occurred outside the Youtube electronic system which utilized assets owned by Youtube which were carried out in the use of the Discord Music Bot which was carried out in the Discord electronic system.

Discord is an electronic system that operates in the telecommunications sector (VoIP). In it, users communicate with voice, video, messages, media and files on a user-to-user basis or with parts of the community called "Servers". Discord Server is the main feature of Discord where users will be able to build communities to communicate with one another. A server will consist of two rooms. First, a text space for users to communicate with messages, uploading electronic documents in the form of files, images, videos or voice recordings to be opened by users who open the same text space in Discord Servers. and voice rooms, rooms where users can connect via voice or video calls and can share their screens with users who are in the same voice room (Screen Sharing).¹²

To improve the quality of communication, Discord provides its users and gives its users the right to create an Electronic Agent called a Bot. Bots have various features depending on the function or code given to the Bot. The most frequently used bot in Discord Servers is the Music Bot. Discord Music Bot or Discord Music Bot is one type of Discord Bot, a feature used in using the Discord electronic system application. The use of bots is one of the features offered by Discord to increase the quality of telecommunications carried out between users and telecommunications carried out on servers in Discord. The function of this Discord Music Bot as explained above is to search

¹¹Peraturan Menteri Komunikasi dan Informatika Republik Indonesia Nomor 5 Tahun 2020 tentang Penyelenggaraan Sistem Elektronik Lingkup Privat

¹²Discord, *What Is Discord?*, accessed via, <https://discord.com/safety/360044149331-what-is-discord>

for and play music in the sound space on a Discord Server. The music that will be played will be heard by all users on the same server.¹³

The way a user can gain access to a Discord Music Bot is by creating or inviting a Music Bot that is distributed on the internet by other bot makers. Before you can use the Discord Music Bot, the user must first invite the Music Bot into the Discord Servers room. Users will then be able to give commands to the Discord Music Bot. The commands and procedures for giving commands will differ depending on the Discord Music Bot that is invited/created. However, in general, three basic commands can be given to the Discord Music Bot. An example of a Discord Music Bot that has these 3 commands is the Discord Music Bot whose source code is distributed on GitHub and provided to users, namely Jagrosh Music Bot.¹⁴

1. Play Command

This command functions to instruct the Music Bot to play songs requested by the user. Users can type play (song title) or other forms of text in the text space depending on the Play Command that works with the Music Bot located in the user's Discord Servers.

After the user types the applicable command, the Music Bot will enter the sound room where the party requesting the song is located and then play the song/sound requested by the Music Bot user.

2. Queue Check Command

This command functions to check the song sequence requested by the user in the sound space.

3. Skip/Next Command

This command functions to stop the Music Bot from playing the song currently playing and continue the song in the sequence or stop playing the song in the sound space.

Apart from these three general commands, each Music Bot can also create other commands based on the wishes of the Music Bot creator

The function of this Music Bot is to play music in the communication room in Discord for users who are in the communication room to listen to. Problems arise when the source of the music on the Discord Music Bot uses sources that come from YouTube or other music sources whose copyright is protected. From this action, the Discord Music Bot is suspected of duplicating and changing a video on YouTube and then broadcasting it for Discord users to listen to.

¹³ Discord, *Bots and Apps*, accessed via <https://discord.com/developers/docs/intro#bots-and-apps>

¹⁴ Jagrosh, *Music Bot*, accessed via <https://github.com/jagrosh/MusicBot>,

The use of the Discord Music Bot has generated questions regarding several matters related to the use of the Discord Music Bot. The first is regarding the legal basis for the use of copyrighted music and/or songs from YouTube by the Discord Music Bot, and the second is regarding the responsibility of the organizer of YouTube as the electronic system where the assets used by the Discord Music Bot are located, and the responsibility of Discord as the organizer of the electronic system where the electronic agent of the Discord Music Bot is located.

RESEARCH METHODS

The research method used is the juridical-normative method or normative legal research. This research was carried out by examining library materials or secondary data as the main research material.¹⁵ Where secondary data is used to study the application of rules or norms in positive law. Where in this research the analysis that will be carried out is regarding the practice of using Music Bots in Discord and its relation to copyright on YouTube based on Law Number 28 of 2014 concerning Copyright and Law Number 11 of 2008 in conjunction with Law Number 19 2016 Concerning Information and Electronic Transactions.

DISCUSSION

The Legal Basis for Using Discord Music Bots is Based on Copyright Law

Copyright is regulated in UUHC as a right that balances the interests of creators, publishers and users. Copyright is a right that arises automatically after the actual emergence of creativity or creative work. Copyright is a negative right to prevent reproduction carried out without permission from the author by other parties.¹⁶ Based on Article 1 Paragraph 1 UUHC Copyright is the exclusive right of the creator which arises automatically based on declarative principles after a work is realized in real form without reducing restrictions by statutory regulations. Copyright is the exclusive right of the creator over his creation which arises from intellectual creativity. The meaning of declarative is that the Copyright is announced, demonstrated and communicated to the public so there is no obligation to register it, but on the other hand, it is also sufficient to register it. Registration is used only to legally prove that the creator owns and controls the copyright.¹⁷

¹⁵Ronny Hanitjo Soemitro, (2001), *Metode Penelitian Hukum dan Jurimetri*, Jakarta: Ghalia Indonesia, p. 35.

¹⁶Tasya Safiranita Ramli, et. al, (2020), Aspek Hukum atas Konten Hak Cipta Dikaitkan dengan Undang-Undang Nomor 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik, *Jurnal Legislasi Indonesia*, 17:1, p. 6.

¹⁷Diana Silfiani, (2022), Indonesian Legal Protection for Some Commercialization and Music Copyrights in Digital Platforms, *Padjadjaran Jurnal Ilmu Hukum*, 9:2, p. 157.

Duplication, broadcasting and commercialization of a work are the rights of the creator or copyright holder to exercise economic rights which are part of the copyright. A party who wishes to exercise these rights needs to obtain permission from the creator or copyright holder. What was done by the Discord Music Bot was an action that allegedly violated the economic rights of a creator whose video or sound recording was duplicated and broadcast on servers on Discord without the creator's permission. Moreover, there are also several cases where certain Discord Music Bots use their Electronic Agents to gain commercial advantage in distributing Bots within Discord.

What the Music Bot duplicates in Discord is temporary duplication to disseminate Copyright content on a YouTube Video through information and communication technology media. if it is not carried out commercially and/or benefits the creator or related parties, or the creator states that he has no objection to the creation and distribution. then this action is not considered to violate Copyright as explained in Article 43 letter d of the Copyright Law Number 28 of 2014.

This action is not considered a violation of Copyright:

"Creation and dissemination of Copyright content through information and communication technology media that is non-commercial and/or benefits the Creator or related parties or the Creator state that he has no objection to such creation and dissemination."¹⁸

The actions of the Discord Music Bot in terms of duplicating and disseminating Copyright content, in its broadcast, include the source of the video that is converted into sound on Discord Servers. This will serve as a dissemination of the videos being broadcast and has the potential to increase the profits of content creators on YouTube. However, there are also exceptions to Music Bots that use their distribution services to gain commercial advantage. This commercial duplication in an electronic system without permission is a clear violation of copyright under Article 55 of Law Number 28 of 2014 concerning Copyright from content creators. This is different from non-commercial use which is not considered a violation. Also commercial use does not only apply to complaints from creators or copyright holders but also based on complaints from all parties who are aware of commercial use in an electronic system. As regulated in Article 55 of Law number 28 of 2014 concerning Copyright:

1. Any person who becomes aware of a violation of Copyright and/or related rights through an electronic system for Commercial use can report it to the Minister.
2. The Minister verifies the report as intended in paragraph (1).

¹⁸Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta

3. If sufficient evidence is found based on the results of the verification of the report as intended in paragraph (2), at the request of the reporter the Minister recommends to the minister who administers government affairs in the field of telecommunications and information technology to close some or all of the content that violates Copyright in electronic systems or making electronic system services inaccessible.
4. If the closure of an internet site as intended in paragraph (3) is carried out in its entirety, within a maximum period of 14 (fourteen) days after the closure the minister is obliged to request a court order.

Even though in the context of Indonesian copyright law the action of using the Discord Music Bot in the context of dissemination and duplication is permitted. However, regarding Discord's procedures for gaining access to YouTube videos and the act of duplicating them, this is a violation which is known as an act of Exceeding. This excess action is discussed in the Anti Circumvention provisions of article 11 of the WIPO Copyright Treaty (WCT) 1996

Anti-Circumvention

Anti-circumvention is a legal basis regarding acts of violation carried out by Discord Music Bots against YouTube's electronic system. The essence of Anti-Circumvention is the provision that all actions that lead to excesses constitute a violation.

By extension, DRM is protected by Anti Circumvention as explained in article 11 of the 1996 WIPO Copyright Treaty (WCT) which explains that adequate protection is required and legal remedies for actions that pass and/or exceed the protection of the technology used by the creator. Indonesia is a member country of this agreement. Ratified in Presidential Decree Number 74 of 2004.

“Contracting parties shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by authors in connection with the exercise of their rights under this Treaty or the Berne Convention and that restrict acts, in respect of their works, which are not authorized by the authors concerned or permitted by law.”¹⁹

(the parties must provide legal protection and legal remedies against actions that bypass the effective technological measures used by the creator to exercise their rights to this agreement and the Berne convention and limit actions relating to the creator's work that are not permitted by the creator's wishes or not permitted by law)

¹⁹WIPO Copyright Treaty 1996

Indonesia as a member country in this agreement regulates protection or articles regarding anti-circumvention. However, in contrast to American law and the basic provisions of WIPO which only regulate the context of Copyright, Indonesia regulates Anti Circumvention in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions in Article 30 paragraph (3) and not within the provisions of the Copyright Law;

"Everyone intentionally and without authority or unlawfully accesses a computer and/or electronic system in any way by breaching, breaching, bypassing or breaching the security system"

As explained above, Indonesia does not only regulate Anti-Circumvention in the context of copyright. But in the context of the overall accessibility of computers and/or electronic systems

The legal basis regarding Anti Circumvention explains that although the Discord Music Bot which is used non-commercially is an action that is considered legal in the eyes of Indonesian copyright law, in the context of the ITE Law the Discord Music Bot's actions act to exceed the YouTube security system in the form of its actions using various methods. so that the sound from the YouTube video can be moved to the Discord Servers space.

This act of exceeding has criminal provisions in Article 46 paragraph (3) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions in the form of every person who meets the elements as intended in Article 30 paragraph (3) being punished. with a maximum imprisonment of 8 (eight) years and/or a maximum fine of Rp. 800,000,000.00 (eight hundred million rupiah)

Responsibility and Legality of YouTube as an Electronic System Operator

Article 15 paragraph 1 of Law No. 19 of 2016 explains in the operation/operation of electronic systems that electronic system operators must operate electronic systems reliably and safely and are responsible for the proper operation of the Electronic System. Because the procedures for running an electronic system are based on the organizer of the electronic system, it is recognized that there is a law in the electronic system, in the form of Self Regulation where the organizers determine the regulations by the wishes of the organizer and have a real impact on the electronic system which is is still by the applicable laws within the country that permits the electronic system.²⁰

²⁰Enni Soerjati Priowirjanto, (2020). Electronic Transaction in Indonesia Related to Use the Theory of "Lex Informatica" and the Concept of "Self Regulation", *Transnational Business Law Journal*, 1:2, p. 142.

The definition of the word safe is an obligation of electronic system operators. Electronic system operators must ensure that in administering their electronic systems they must ensure that users or their electronic systems have adequate technological and physical protection systems to ensure that the operation of electronic systems is protected physically and non-physically.

This obligation and responsibility for electronic operators is a manifestation of the Code Is Law theory by Lawrence Lessig that cyberspace is based on a code or series of codes that apply in cyberspace. Based on the cyberspace of the code, regulation or imposition of genuine impacts in cyberspace and regulation of electronic systems must be carried out by code makers/electronic system administrators. Because in an electronic system/cyberspace, the code maker is the party who can have a genuine influence on the electronic system based on the code that is assembled.²¹

YouTube, in carrying out its protection procedures, uses a digital rights management system or what is known as Digital Rights Management (DRM) or Technological Protection Measures (TPM). A set of technologies that attempts to control the use, modification, duplication and distribution of copyrighted works. The working procedures for this DRM differ depending on what DRM is used by the organizer to protect copyright holders. However, in principle, DRM technology aims to provide appropriate protection for the electronic system being maintained and reduce the possibility of violations, especially copyright violations, in the electronic system. Although it does not eliminate copyright infringement in electronic systems, DRM has reduced the risks generated by the convenience generated by the digitization of copyright in electronic systems and only provides that convenience to the copyright holders. Based on the website article 112 of the WIPO Copyright Treaty (WCT) 1996O, any action in which someone removes, changes or bypasses effective technological measures for DRM protection from a work is an illegal act of violation against the author. The ratification of the WCT was carried out in Presidential Decree Number 74 of 2004.²²

The DRM technology used by YouTube is Widevine DRM. Widevine DRM has a function in the form of limiting all actions that could violate the copyright of content creators in YouTube's electronic system by acting as a process distributor to comply with the wishes of YouTube and content creators. This DRM will also prevent duplication carried out without permission. In some cases within specific hardware. YouTube and this hardware will prevent screen recording when playing videos on YouTube.²³

²¹ Lawrence Lessig, (2006), *Code Version 2.0*, Cambridge Center: Perseus Book Group, p. 5.

²² WIPO Copyright Treaty 1996.

²³ Google, *Google Widevine*, Google, *Google Widevine*, Diakses Melalui <https://developers.google.com/widevine/drm/overview>.

Use of Discord Music Bots as Electronic E Agents in the Discord Electronic System

Discord bots are a set of electronic agents that reside in the Discord electronic system. This Discord bot functions to improve the quality of communication in the server space on the Discord electronic system. As explained in Article 1 Number 8 of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. An Electronic Agent is a set of electronic systems created to on certain electronic information automatically held by a person.²⁴

Discord Bot is an Electronic Agent. And Discord is an Electronic System where the Discord Music Bot Electronic Agent runs. PP no 71 of 2019 concerning the Implementation of Electronic Systems and Transactions explains Electronic Agents. Article 36 explains that in organizing an electronic system, the electronic system operator can organize the Electronic System themselves or through an Electronic Agent.²⁵

Discord as an electronic system utilizes or provides facilities for Bots as Electronic Agents to organize their Electronic Systems in the field of improving communications carried out in the telecommunications system in Discord. Discord Music Bot is an Electronic Agent. Namely, it is a device from an electronic system that is created to act on certain electronic information automatically which is organized by a person. The automated action of the Discord Music Bot is to search for music or sound recordings from other sources and play the music or sound recordings in the Discord Electronic System.

Based on PP number 71 of 2019 concerning the implementation of Electronic Systems and transactions in Article 36 paragraph (2), the obligations of system operators apply Mutatis Mutandis to Electronic Agent providers.²⁶ The obligation that is Mutatis Mutandis in nature means that the basic conception of an electronic system operation is that it considers that the code created by the electronic system operator created to create the electronic system operated by the operator is the code belonging to the operator, this means that the party can ensure that The implementation of an electronic system based on code that can run smoothly and regularly is the organizer of the electronic system itself. This also applies to electronic agent providers. Electronic Agents operate and exist within an electronic electronic system. However, the running and operation of this electronic agent are not entirely based on the code in the electronic system. Coders from electronic agents who come from outside the electronic system are electronic agent organizers. In other words, an electronic agent operator will have the same obligations

²⁴ Undang-Undang Nomor 19 Tahun 2016 tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik.

²⁵ Peraturan Pemerintah Nomor 71 Tahun 2019 tentang Penyelenggaraan Sistem dan Transaksi Elektronik.

²⁶ *Ibid.*

as the obligations of an electronic system operator because even though an electronic agent runs and is operated in an electronic system, its operation has a code that is not tied to the electronic system code other than the code that can permit an electronic agent. it can run inside the Discord electronic system.²⁷

Discord Music Bots are one type of many other types of electronic agents in the Discord electronic system. Electronic agents in Discord (Bots) run and are treated as users on the servers where the Discord electronic system runs. In it, the bot will operate by reading and listening to commands and providing answers and functions according to the code that applies to the bot. The commands that apply in the Discord Music Bot electronic agent work and apply to search for and display music where one of the music sources is YouTube. All of this is based on the code created by the electronic agent organizer and the code contained in the Discord Music Bot electronic agent. The problem with the procedure for searching for music or sound recordings and broadcasting carried out by the Discord Music Bot is the actions of the Discord Music Bot which has done these things without permission. The Discord Music Bot has unlicensedly reproduced and broadcast in the form of sound from a video, and sound recordings from other sources for broadcast in the Discord Electronic System where one of the most common sources of music on the Discord Music Bot is YouTube. In practice, the Discord Music Bot which uses YouTube sources will duplicate and then broadcast in sound form a video and sound recording originating from YouTube. This was done without permission and the knowledge of YouTube and the content creators on YouTube. YouTube has also expressed its disapproval of the practice of using Discord Music Bots by issuing a summons (Cease & Desist) against Discord Music Bots called Rhythm and Groovy. The main reason for the summons is that the Discord Rhythm and Groovy Music Bots have violated YouTube's terms and conditions, including modifying the services provided by YouTube and using them for commercial needs.²⁸

Legality and Accountability of Discord as the organizer of a UGC (User Generated Content) Based Electronic System

Discord is an electronic system that operates in the telecommunications sector. And Discord Music Bot is a result of the telecommunications freedom offered by Discord. Discord electronic system organizer organized by Discord and Discord Music Bot is an electronic agent organised by Discord users in their private space.

²⁷Lawrence Lessig, *Op. Cit.*, pp. 83-84.

²⁸The verge, *Youtube is also Forcing the Popular Rhythm Discord Music Bot Offline*, accessed via <https://www.theverge.com/2021/9/12/22669502/youtube-discord-rythm-music-bot-closure>

Discord Music Bot is an electronic agent created by users and not created by Discord. Discord, in the use of Bots in electronic systems, gives users the freedom to create and invite Bots that the user wants. This includes Music Bots. Discord bots are content created by users (User Generated Content). Discord, in running its electronic system, operates on a UGC basis by providing space for users to create, upload, download, and distribute their content in the Discord communication space. Discord Music Bot is one of the contents distributed for use in this communication space.²⁹

Discord has a responsibility to run its electronic system properly and reliably and must ensure that there are no violations in the operation of its electronic system. The actions of the Discord Music Bot constitute a violation of the functioning of YouTube's electronic system and the creator of the Music Bot as a user will be held responsible for this. Discord as the electronic system where the Discord Music Bot runs will have responsibility for the actions of the Discord Music Bot. The way for Discord to be free from this responsibility is to provide a reporting system and follow up on these reports.³⁰

Discord has provided a reporting and follow-up system for these reports. In the context of copyright, Discord has provided a reporting system for suspected copyright violations in its electronic system. In the copyright reporting system, for a report to be processed, the reporter will need supporting evidence or statements that prove that the reporter is of the copyright holder or has been given the owner of the copyright holder in the form of the right to act in the reporting being carried out.³¹

This is what is explained in the circular letter of the Minister of Communication and Information of the Republic of Indonesia Number 5 of 2016 concerning Limitations and Responsibilities of Platform Providers and Merchants Trading Through Electronic Systems (Electronic Commerce) in the form of User Generated Content. That is a report that will have an impact and to support the organizer to follow up on the report, the report will require evidence to support the report. In cases of alleged copyright infringement, this is proof of copyright ownership or assignment of the right to provide the report

CONCLUSION

The use of the Discord Music Bot as an electronic agent within the Discord electronic system is an action that duplicates and rebroadcasts video content in other

²⁹Discord, *Bots and Apps*, accessed via <https://discord.com/developers/docs/intro#bots-and-app>.

³⁰Peraturan Menteri Komunikasi dan Informatika Noor 5 Tahun 2020 tentang Penyelenggara Sistem Elektronik Lingkup Privat.

³¹Discord, *Discord's Copyright&IP Policy*, accessed via <https://support.discord.com/hc/en-us/articles/4410339349655-Discord-s-Copyright-IP-Policy>.

electronic systems, especially electronic systems with the domain name Youtube. Video content on YouTube is video content that is protected as a product protected by copyright. In the operation of the Discord Music Bot, there are two types of services offered, namely the Discord Music Bot service which can generally be used at no cost and the Discord Music Bot service which offers premium features which are the commercialization of the Discord Music Bot.

In the case of a commercialization of a copyrighted product in an electronic system that is carried out without permission. The legal basis for this matter is Article 55 of Law Number 28 of 2014 concerning Copyright that for every person who commercializes a Copyright product in the electronic system, every person who knows about this matter can report it to the minister. If the minister has verified the report and has sufficient evidence based on the verification results, the minister will close some or all of the content that violates copyright in the electronic system or make electronic system services inaccessible.

In the case of using the Discord music bot service which uses copyright content and disseminates copyright content without commercializing the copyright and this is done without permission, it is not a disapproval of the creator or owner of the copyright holder. then the action as explained in Article 43 letter d is that the creation and dissemination of copyright content through non-commercial information and communication technology media is an action that does not violate copyright.

However, an extension of the way the Discord Music Bot works which takes it directly from YouTube by bypassing the protection of its electronic system to be able to make the Discord Music Bot carry out actions beyond that, including actions that are considered circumvention of excess. The act of circumvention of excess in WIPO discusses acts that exceed copyright in electronic systems. However, in the context of Indonesian law, circumvention of excess discusses the electronic system as a whole. The legal basis for circumvention actions is discussed in Article 30 paragraph (3) of Law Number 19 2016 concerning Amendments to Law Number 11 of 2008 concerning electronic information and transactions. Actions of the Discord Music Bot are actions that go beyond YouTube's protection system. This article has criminal provisions in Article 46 Paragraph (3)

YouTube must run its electronic system properly and reliably. Where in the operation of the electronic system, YouTube as the organizer of the UGC-based electronic system has provided reporting facilities and acts by these reporting facilities. However, in effect, the Discord Music Bot is an electronic agent that works outside of YouTube. The existence of Discord Music Bot is outside the YouTube electronic system which is an electronic agent where YouTube does not have the authority to take action

within its electronic system. This also eliminates YouTube's obligation as the organizer of the UGC electronic system to act on reports of Discord Music Bots in YouTube's electronic system. Because the implementation of the Discord Music Bot is held in the Discord electronic system which is not part of YouTube. A UGC system is to provide reporting facilities in its electronic system in the operation of the electronic system within its system only

In this regard, YouTube also must provide a safe and reliable electronic system. In this case, YouTube has provided a protection system in the form of DRM. The use of this protection system will give YouTube the ability to limit user access in its electronic system so that users cannot easily carry out duplication, distribution, storage, or any action that affects copyright in YouTube's electronic system in a way that is generally permitted in electronic systems. The duplication and distribution of the Discord Music Bot is an action carried out that exceeds Youtube's DRM system and is not an action permitted by users who are content creators or YouTube organizers.

Discord as an electronic system in which the Discord Music Bot operates has responsibility as the organizer of a UGC-based electronic system. The responsibility that must be carried out is the provision of a reporting system for suspected copyright infringement or other violations. Discord has provided this reporting system in its electronic system. The responsibility of Discord as the organizer of the UGC-based electronic system only applies to providing a reporting system and taking action against these reports.

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