RECHT: JOURNAL OF LEGAL STUDIES
Volume 01 No.1, Maret 2026
e- ISSN No. xxxx-xxxx
Lembaga Penelitian dan Kajian Hukum, Fakultas Hukum Universitas Trisakti
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Artificial Intelligence Voice Cloning and Civil Liability Under Indonesian Copyright Law

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Abstract

This article examines the legal protection of performers' rights against artificial intelligence voice cloning under Indonesian law. The rapid development of artificial intelligence technologies capable of replicating human voices has created significant legal challenges, particularly regarding the unauthorized imitation and commercial exploitation of performers' vocal identity. While Indonesian Copyright Law recognizes performers' related rights, it does not expressly regulate synthetic voice replication. This research aims to analyze: (1) how Indonesian Copyright Law regulates the protection of performers' rights in relation to artificial intelligence voice cloning; (2) whether such practices fulfill the elements of an unlawful act under Article 1365 of the Indonesian Civil Code; and (3) how civil liability should be constructed within the Indonesian legal framework.

This study employs a normative juridical method using statutory, conceptual, and case-based approaches, supported by secondary legal materials and relevant comparative scholarship. The findings demonstrate that existing copyright provisions provide limited protection, particularly when voice cloning does not involve direct reproduction of a fixed performance. However, artificial intelligence voice cloning may satisfy the elements of an unlawful act where unlawfulness, fault, damage, and causation are established. Civil liability should therefore be constructed through an integrated approach combining related rights protection and general tort principles. The article recommends legislative clarification to explicitly regulate artificial intelligence-generated voice replication in order to ensure legal certainty and balanced protection between technological innovation and performers' rights.

Keywords: *artificial intelligence; civil liability; performers' rights; related rights; voice cloning*

I. Introduction

The rapid development of artificial intelligence has significantly transformed the structure of creative industries, particularly in the field of music production and digital dissemination. One of the most controversial applications is artificial intelligence voice cloning, a technology capable of replicating the distinctive vocal characteristics of performers to generate new musical content. The circulation of such content through digital platforms raises complex legal questions concerning copyright protection, performer's rights, and civil liability. These developments challenge the traditional human-centered conception of authorship embedded in modern copyright systems.[1]

[1] W. J. Gordon, "Artificial Intelligence and Copyright Law," *Columbia Journal of Law & the Arts* 45, no. 1 (2021): 1–28, https://doi.org/10.7916/jla.v45i1.XXXX.

From a normative perspective, Indonesian Copyright Law (Law No. 28 of 2014) grants exclusive economic and moral rights to creators and performers. However, the statutory framework does not explicitly regulate machine-generated imitations of vocal identity. The absence of explicit regulation creates doctrinal uncertainty, particularly when artificial intelligence systems reproduce or simulate protected performances without authorization. As Guadamuz argues, artificial intelligence-generated works expose structural tensions within copyright law, especially regarding originality and authorship requirements.[2]

Scholarly literature has increasingly addressed the implications of artificial intelligence for intellectual property regimes. Abbott contends that artificial intelligence challenges foundational assumptions of intellectual property law by questioning the centrality of human creativity in legal protection.[3] Similarly, McCutcheon emphasizes that emerging technologies require doctrinal clarification to maintain coherence within copyright systems confronted by machine-generated outputs.[4] Despite these developments, much of the existing scholarship concentrates on authorship and ownership, rather than examining civil liability arising from unauthorized voice imitation.

Ryan Abbott contends that artificial intelligence disrupts the anthropocentric foundation of intellectual property law by challenging the assumption that creativity is exclusively human. According to this view, when machines autonomously generate content, the traditional linkage between human intellectual labor and legal entitlement becomes conceptually unstable. Abbott's argument invites reconsideration of authorship doctrines and raises the possibility of adapting legal frameworks to technological realities.

Similarly, Jani McCutcheon emphasizes that emerging technologies necessitate doctrinal clarification to preserve internal coherence within copyright systems. McCutcheon argues that uncertainty surrounding machine-generated works risks undermining predictability and fairness in the allocation of rights. Without careful interpretative development, copyright law may struggle to accommodate outputs that blur the boundaries between human and algorithmic contribution.

Despite these valuable contributions, much of the prevailing scholarship remains concentrated on questions of authorship, inventorship, and ownership. The dominant inquiry concerns whether artificial intelligence can be recognized as a legal author, whether ownership should vest in programmers or users, and whether machine-generated works qualify for protection at all. While these debates are theoretically significant, they do not fully address situations in which artificial intelligence is used to replicate or imitate pre-existing human identity attributes.

In particular, limited attention has been devoted to the issue of civil liability arising from unauthorized voice imitation. Artificial intelligence voice cloning presents a distinct problem: the harm does not primarily derive from the creation of a new work, but from the appropriation of a performer's vocal identity. This shifts the analytical focus from entitlement to protection

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[2] Andres Guadamuz, "Do Androids Dream of Electric Copyright? Comparative Analysis of Originality in Artificial Intelligence Generated Works," *Intellectual Property Quarterly* 2 (2017): 169–186, https://doi.org/10.2139/ssrn.2981304.
[3] Ryan Abbott, "Everything Is Obvious," *UCLA Law Review* 66 (2019): 2–45, https://doi.org/10.2139/ssrn.3024422.
[4] Jani McCutcheon, "Artificial Intelligence and the Creative Industry: New Challenges for Copyright Law," *Journal of Intellectual Property Law & Practice* 13, no. 7 (2018): 566–574, https://doi.org/10.1093/jiplp/jpy031.

against misuse. The central concern becomes whether the deployment of such technology infringes legally protected interests or causes compensable harm.

Moreover, the replication of a performer's vocal identity implicates not only copyright doctrine but also broader legally protected interests. In jurisdictions recognizing personality or publicity rights, the commercial exploitation of identity may give rise to independent claims distinct from copyright infringement.[5] Indonesian law does not explicitly recognize a separate right of publicity; however, Article 1365 of the Indonesian Civil Code provides a general basis for liability for unlawful acts. This raises a critical doctrinal question: can artificial intelligence voice cloning be qualified as an unlawful act triggering civil liability under Indonesian law?

This article departs from existing studies by reconstructing artificial intelligence voice cloning within the framework of civil liability rather than limiting analysis to copyrightability debates. It integrates the exclusive rights regime under Indonesian Copyright Law with the general doctrine of unlawful acts, thereby offering a systematic approach to liability attribution. The novelty of this research lies in its doctrinal reconstruction of civil responsibility in the absence of explicit statutory regulation governing artificial intelligence-generated performances.

By situating artificial intelligence voice cloning within the framework of civil liability, this article emphasizes the protection of legally recognized interests rather than the ontological status of artificial intelligence outputs. The central issue is not whether a cloned voice constitutes a new copyrighted work, but whether the act of imitating and exploiting a performer's voice without consent infringes legally protected rights or causes compensable harm. This shift enables a more practical and victim-oriented legal analysis.

The article further integrates the exclusive rights regime under Indonesian Copyright Law, particularly the protection of performers' related rights, with the general doctrine of unlawful acts under Article 1365 of the Indonesian Civil Code. Rather than treating copyright law and tort law as isolated regimes, this study demonstrates their functional complementarity. Where copyright provisions provide direct protection—such as in cases involving reproduction of fixed performances—liability may arise from infringement. Where statutory gaps exist, the doctrine of unlawful acts may operate as a corrective mechanism.

This integrated approach offers a systematic model for liability attribution. It clarifies that civil responsibility may arise not only from direct infringement of exclusive rights, but also from broader violations of legitimate interests, including economic value, professional reputation, and personal identity. By mapping artificial intelligence voice cloning onto established elements of unlawfulness, fault, damage, and causation, the article provides a structured analytical framework adaptable to technological developments.

The novelty of this research lies in its doctrinal reconstruction of civil responsibility in the absence of explicit statutory regulation governing artificial intelligence-generated performances. Instead of concluding that legal uncertainty renders performers unprotected, the study demonstrates that existing civil law principles remain normatively capable of responding

[5] Jennifer E. Rothman, "The Right of Publicity: Privacy Reimagined for a Public World," *Yale Law Journal* 123, no. 2 (2013): 214–278, https://doi.org/10.2139/ssrn.2129155.

to new technological forms. The reconstruction is interpretative rather than legislative, showing how current norms can be systematically applied.

Ultimately, this research contributes to legal scholarship by bridging intellectual property law and general civil liability doctrine in addressing artificial intelligence-based harms. It moves beyond binary debates about copyright protection and proposes a layered liability structure that strengthens accountability while maintaining doctrinal coherence. In doing so, it provides both theoretical clarification and practical guidance for courts and policymakers confronting artificial intelligence voice cloning in Indonesia.

Accordingly, this article examines the following legal issues: (1) how Indonesian Copyright Law regulates the protection of performers' rights in relation to artificial intelligence voice cloning; (2) whether artificial intelligence voice cloning fulfills the elements of an unlawful act under Article 1365 of the Indonesian Civil Code; and (3) how civil liability should be constructed and attributed within the Indonesian legal framework. The research aims to evaluate the adequacy of existing legal norms and to formulate a coherent doctrinal model capable of addressing emerging challenges posed by artificial intelligence technologies in the music industry.

II. Legal Materials and Research Method

This research employs a normative juridical method with a doctrinal approach. Normative legal research examines law as a system of norms and focuses on legal principles, statutory interpretation, and doctrinal consistency.[6] The object of this study is the legal qualification of artificial intelligence voice cloning within Indonesian copyright law and its possible construction as an unlawful act under Article 1365 of the Indonesian Civil Code.

The research is analytical-prescriptive in nature. It seeks not only to describe existing legal norms but also to evaluate their adequacy and to propose doctrinal reconstruction where normative gaps are identified.[7] Given that artificial intelligence voice cloning presents novel legal challenges, doctrinal analysis is necessary to interpret existing legal provisions in light of technological developments.

The legal materials used in this study consist of primary, secondary, and tertiary sources. Primary legal materials include binding statutory instruments, particularly Law No. 28 of 2014 on Copyright and the Indonesian Civil Code (*Burgerlijk Wetboek*), especially Article 1365 concerning unlawful acts (*perbuatan melawan hukum*). These instruments provide the normative basis for examining exclusive rights, performers' rights, and the elements of civil liability.

Secondary legal materials consist of scholarly books, peer-reviewed journal articles, and academic commentaries addressing copyright doctrine, performers' rights, artificial intelligence-generated works, and tort liability. In doctrinal research, secondary materials are essential for interpreting statutory provisions and developing systematic legal arguments.[8] Tertiary materials, such as legal dictionaries and authoritative reference works, are used to clarify conceptual terminology and ensure terminological precision.

This research applies a statutory approach, a conceptual approach, and a limited comparative approach. The statutory approach is used to analyze the structure, scope, and interpretation of copyright protection and civil liability norms under Indonesian law.[9] The conceptual approach examines foundational legal concepts, including authorship, originality, exclusive rights, performers' rights, unlawfulness, fault, causation, and legally protected interests, in order to determine whether artificial intelligence voice cloning can be accommodated within existing doctrinal categories.[10] A limited comparative approach is employed to observe how other jurisdictions address artificial intelligence-generated works and voice-related personality interests, thereby providing analytical insight into the adequacy of Indonesian law and potential normative developments.[11]

The analytical focus of this research is the doctrinal construction of artificial intelligence voice cloning as a potential unlawful act. The study examines whether such conduct fulfills the essential elements of civil liability under Article 1365 of the Indonesian Civil Code, namely the existence of an act, unlawfulness, fault, causation, and damage.[12] The research does not employ empirical or socio-legal field methods; instead, it relies on systematic statutory interpretation and doctrinal reconstruction to develop a coherent legal framework capable of addressing the challenges posed by artificial intelligence voice cloning within the Indonesian legal system.

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[6] Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana, 2017), 35–36.
[7] Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2020), 51–52.

This research specifically examines the compatibility of artificial intelligence voice cloning with the five essential elements of unlawful act liability under Article 1365 of the Indonesian Civil Code: the existence of an act, unlawfulness, fault, damage, and causation. Each of these elements is analyzed through structured legal reasoning, assessing whether the characteristics of voice cloning practices correspond to doctrinal requirements developed in Indonesian jurisprudence and scholarship.

The study does not rely on empirical or socio-legal fieldwork. No interviews, surveys, or quantitative data collection methods are employed. Instead, the research adopts a normative juridical approach, emphasizing textual interpretation of statutory provisions, examination of doctrinal writings, and logical systematization of legal principles. This method is appropriate given that the primary objective is to clarify legal norms rather than to measure social impact.

Systematic statutory interpretation plays a central role in the analysis. The provisions of the Indonesian Copyright Law and the Civil Code are read in conjunction, rather than in isolation, to determine their functional interaction. By interpreting related rights protection and tort doctrine within a unified legal framework, the research seeks to avoid fragmented or inconsistent conclusions.

Doctrinal reconstruction is employed as a methodological tool to bridge normative gaps. Where statutory language does not explicitly address artificial intelligence-generated voice imitation, the study reconstructs applicable principles by referring to the underlying rationale of exclusivity, protection of legitimate interests, and corrective justice. This reconstruction remains anchored in positive law while allowing interpretative flexibility.

Through this normative and systematic approach, the research develops a coherent legal framework capable of responding to technological innovation without requiring immediate legislative amendment. By demonstrating how existing doctrines may be applied to artificial intelligence voice cloning, the study contributes to doctrinal clarity and offers structured guidance for judicial interpretation within the Indonesian legal system.

III. Results and Discussion

Protection of Performers' Rights under Indonesian Copyright Law in the Context of Artificial Intelligence Voice Cloning

The first finding of this research indicates that Indonesian Copyright Law provides protection to performers through the recognition of related rights (hak terkait), yet does not explicitly regulate artificial intelligence-based voice imitation. Under Law No. 28 of 2014, performers are granted exclusive economic and moral rights over their performances. Articles 20 and 23

[8] Terry Hutchinson, "Doctrinal Research: Researching the Jury," in *Research Methods in Law*, ed. Dawn Watkins and Mandy Burton (London: Routledge, 2013), 9–15.
[9] Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia, 2006), 295–296.
[10] Jaap Hage, *Foundations and Methods of Law* (Cham: Springer, 2017), 41–45, https://doi.org/10.1007/978-3-319-57252-9.
[11] Geoffrey Samuel, *An Introduction to Comparative Law Theory and Method* (Oxford: Hart Publishing, 2014), 89–94.
[12] Rosa Agustina, Perbuatan Melawan Hukum (Jakarta: Fakultas Hukum Universitas Indonesia, 2003), 37–42.

recognize performers' economic rights, including the right to authorize or prohibit reproduction, distribution, rental, and communication of recorded performances.[13]

Artificial intelligence voice cloning, although not directly involving the original performer, produces a digital output that replicates the distinctive vocal characteristics of that performer. The crucial legal question is whether such replication constitutes "reproduction" or "communication to the public" within the meaning of the statute. Indonesian Copyright Law defines reproduction broadly as the act of copying a work or performance in any form and by any means.[14] From a systematic interpretation, if artificial intelligence systems rely on existing recordings as training data and subsequently generate output substantially similar to the performer's vocal identity, such output may fall within the functional equivalent of reproduction.

However, a doctrinal gap emerges. The statute protects "performances" but does not explicitly recognize voice as an autonomous legal interest separate from a specific recorded performance. Consequently, artificial intelligence voice cloning that generates a new performance without directly copying a specific recording may escape strict qualification as reproduction. This reveals a structural limitation in the existing regulatory framework, which remains centered on tangible fixation rather than intangible identity replication.

As a consequence, artificial intelligence voice cloning that produces a newly generated audio output—without directly reproducing or sampling a specific recorded performance—may not strictly fall within the conventional definition of reproduction. Since no identifiable fixation is copied in a literal sense, the cloned output may be characterized as a synthetic simulation rather than a duplication. This technical distinction creates interpretative ambiguity in determining whether such conduct constitutes infringement of related rights.

This situation reveals a structural limitation in the existing regulatory design, which is historically centered on tangible fixation as the basis of protection. Copyright doctrine traditionally evolved to safeguard recorded expressions, not the replication of intangible personal identity through algorithmic modeling. Artificial intelligence voice cloning challenges this fixation-based paradigm by enabling the recreation of a performer's vocal characteristics without transferring any specific copyrighted recording.

Accordingly, the legal framework appears normatively incomplete when confronted with identity-based replication technologies. While the economic and reputational harm suffered by performers may be substantial, the absence of explicit statutory recognition of vocal identity as a protected legal interest weakens the direct applicability of copyright provisions. This gap

[13] Indonesia, Law No. 28 of 2014 on Copyright, arts. 20, 23.
[14] *Ibid*., art. 1.

necessitates either progressive interpretation within existing doctrines or legislative reform to ensure that the law remains responsive to technological developments.

From a theoretical perspective, copyright law is grounded in the exclusivity principle and the protection of creative labor.[15] The replication of vocal identity through artificial intelligence potentially appropriates the economic value attached to a performer's distinctive voice, thereby undermining the rationale of related rights protection. Although Indonesian law does not yet expressly address such technological reproduction, a purposive interpretation of performers' economic rights supports the view that unauthorized voice cloning may infringe protected interests when it exploits the commercial value of a performance.

Within this framework, performers' related rights operate to protect the specific value embedded in the act of performance. Unlike authors' rights, which safeguard original works of authorship, related rights acknowledge the distinct creative and interpretative contribution of performers in bringing a work to life. The performer's voice, expression, and stylistic delivery constitute integral elements of that protected contribution.

The exclusivity principle ensures that performers retain authority over the reproduction, distribution, and commercial communication of their performances. This legal control preserves the economic value derived from licensing, endorsements, and contractual engagements. It also safeguards the performer's professional identity from unauthorized exploitation.

Control over reproduction ensures that no party may duplicate or technically reproduce a performance without authorization. In traditional contexts, this involves copying sound recordings or audiovisual performances. In the digital environment, reproduction extends to uploading, downloading, streaming, and other technologically mediated forms of duplication. The exclusivity principle therefore adapts to evolving modes of dissemination while maintaining the performer's central position.

Authority over distribution and commercial communication further reinforces economic autonomy. Performers may license their performances for broadcasting, digital streaming platforms, advertisements, or synchronization in audiovisual works. These transactions form a significant source of professional income. By retaining control over such uses, performers are able to negotiate contractual terms that reflect the market value of their artistic contribution.

The preservation of economic value is closely linked to market integrity. If unauthorized parties were permitted to commercially exploit performances without consent, the market price of legitimate licenses would be distorted. Exclusive rights prevent free riding and ensure that economic rewards correspond to authorized transactions. This alignment between control and compensation sustains the incentive structure underlying related rights protection.

Beyond economic considerations, exclusivity also safeguards the performer's professional identity. A performance embodies not only technical execution but also artistic reputation and public persona. Unauthorized exploitation may associate the performer with content, products, or messages that they did not approve. Legal control over commercial communication therefore protects the integrity and credibility of the performer in the public sphere.

[15] William M. Landes and Richard A. Posner, *The Economic Structure of Intellectual Property Law* (Cambridge: Harvard University Press, 2003), 37–39.

In this sense, the exclusivity principle functions as both an economic and personal safeguard. It preserves the financial value derived from licensing and endorsements while simultaneously protecting the performer from reputational misuse. The authority to authorize or prohibit exploitation thus represents a comprehensive mechanism designed to secure both material and immaterial interests inherent in a performance.

The replication of vocal identity through artificial intelligence directly challenges this structure. When an artificial intelligence system models and reproduces the distinctive characteristics of a performer's voice, it potentially appropriates the economic value attached to that identity. Even if no specific recording is copied, the commercial utility of the cloned voice may compete with, or substitute for, the performer's authorized engagements.

Such technological replication risks undermining the rationale underlying related rights protection. The economic justification for granting exclusive rights is weakened if third parties may freely simulate a performer's distinctive voice and monetize it without consent. In effect, artificial intelligence voice cloning may enable value extraction without corresponding authorization or compensation.

Although Indonesian law does not yet expressly regulate artificial intelligence-based voice replication, the absence of explicit terminology does not necessarily preclude legal protection. Copyright interpretation is not confined to literal textualism; it may also employ purposive reasoning grounded in the objectives of the statute. The protective aim of related rights supports a dynamic interpretation responsive to technological evolution.

A purposive interpretation of performers' economic rights suggests that protection should extend to conduct that exploits the commercial value of a performance, even where the mode of exploitation differs from traditional forms of reproduction. If artificial intelligence voice cloning derives its market appeal precisely from the recognizable qualities of a performer's voice, the underlying protected interest remains implicated.

Accordingly, unauthorized voice cloning may be understood as infringing protected interests when it appropriates and commercializes the economic value inherent in a performer's distinctive vocal identity. While legislative clarification would enhance certainty, doctrinal development through purposive interpretation remains consistent with the theoretical foundations of exclusivity and the protection of creative labor.

Accordingly, the first research finding concludes that Indonesian Copyright Law provides a normative basis for protecting performers against unauthorized exploitation of their performances, but it does not comprehensively regulate artificial intelligence voice cloning. The absence of explicit statutory provisions creates legal uncertainty, particularly when voice imitation does not involve direct copying of a specific fixed recording.

Artificial Intelligence Voice Cloning as an Unlawful Act under Article 1365 of the Indonesian Civil Code

The second research finding demonstrates that artificial intelligence voice cloning may fulfill the elements of an unlawful act (perbuatan melawan hukum) under Article 1365 of the Indonesian Civil Code. Article 1365 provides that any act that violates the law and causes damage to another person obliges the wrongdoer to compensate for such damage.[16] Indonesian

[16] Burgerlijk Wetboek (Indonesian Civil Code), art. 1365.

civil law doctrine recognizes five essential elements of an unlawful act: (1) an act; (2) unlawfulness; (3) fault; (4) damage; and (5) causal relationship.[17]

First, artificial intelligence voice cloning constitutes an act within the meaning of civil liability doctrine, regardless of whether it is carried out by an individual user, a content creator, or a corporate platform operator. The generation of a synthetic voice is not a spontaneous natural occurrence; it results from deliberate human decisions to design, activate, configure, and utilize technological systems.

Therefore, the threshold requirement of "an act" under Article 1365 of the Indonesian Civil Code is satisfied at the outset. In civil law doctrine, the concept of an act (perbuatan) is interpreted broadly to encompass both positive conduct and, in certain circumstances, omissions. The act need not be physical in a traditional sense; it may include digital conduct performed through technological interfaces. Uploading voice samples, training an artificial intelligence model, generating a cloned output, or distributing such output to the public are all manifestations of legally cognizable behavior.

Second, unlawfulness may arise in several forms: violation of statutory rights (such as performers' economic rights), violation of subjective rights, breach of legal obligations, or contravention of principles of propriety and fairness.[18] Even if artificial intelligence voice cloning does not strictly qualify as copyright infringement due to doctrinal limitations, it may still be considered unlawful if it exploits another person's legally protected interests without consent.

Third, the element of fault may be established where an individual or entity intentionally utilizes artificial intelligence systems to imitate a performer's voice for commercial purposes without obtaining prior authorization. Intent can be inferred from deliberate acts such as training models using identifiable vocal samples, marketing the cloned voice as resembling a particular performer, or monetizing the output through advertising, endorsements, or digital distribution. In such circumstances, the conscious decision to exploit another's vocal identity reflects a clear degree of culpability. Fault may also arise in the form of negligence.

Even where there is no explicit intention to harm, liability may attach if the actor fails to exercise reasonable care in ensuring that the use of artificial intelligence technology does not infringe upon the rights or legitimate interests of a performer. In digital environments, where identity and content circulate rapidly, the obligation to verify consent becomes increasingly significant. The failure to conduct such verification may satisfy the negligence threshold under Article 1365. In contemporary digital contexts, knowledge plays a crucial evidentiary role in establishing fault.

Awareness of the performer's identity, combined with the absence of documented authorization, strengthens the inference of wrongful conduct. Where the actor knows or

[17] Rosa Agustina, *Perbuatan Melawan Hukum* (Jakarta: Fakultas Hukum Universitas Indonesia, 2003), 37–42.
[18] Mariam Darus Badrulzaman, *KUH Perdata Buku III: Hukum Perikatan dengan Penjelasan* (Bandung: Alumni, 1996), 146–148.

reasonably should have known that the cloned voice closely resembles a particular performer and proceeds with exploitation regardless, the subjective element of fault becomes more readily demonstrable.

Fourth, the element of damage encompasses both economic and non-economic loss. Economic harm may include loss of licensing opportunities, diminished market value, diversion of potential contracts, or unjust enrichment obtained by the unauthorized user. Because vocal identity often constitutes a commercially valuable asset, unauthorized imitation may directly interfere with the performer's legitimate economic expectations. Non-economic damage may also arise, particularly in cases where artificial intelligence-generated content creates misleading associations. A cloned voice used in controversial, defamatory, or misleading content may harm a performer's professional reputation, personal dignity, or public credibility. Such reputational injury, even in the absence of quantifiable financial loss, remains legally cognizable within the framework of civil liability.

Fifth, causation is established where a demonstrable link exists between the unauthorized deployment of voice cloning technology and the harm suffered by the performer. If financial loss or reputational damage can be traced to the artificial intelligence-generated output, the causal element is satisfied. Accordingly, even where statutory copyright provisions remain ambiguous in addressing artificial intelligence voice cloning, Article 1365 of the Indonesian Civil Code functions as a residual doctrinal mechanism for imposing civil liability. This demonstrates that tort law operates as a complementary instrument capable of filling regulatory gaps within the intellectual property regime.

Construction and Attribution of Civil Liability within the Indonesian Legal Framework

The third research finding concerns the proper construction and attribution of civil liability in cases involving artificial intelligence voice cloning. Civil liability must be attributed based on the principle of fault, unless specific statutory provisions provide otherwise.[19] In the context of artificial intelligence voice cloning, potential liable parties may include: (1) the individual who deploys the artificial intelligence system to generate unauthorized voice imitations; (2) content creators who upload and monetize such content; and (3) platform operators, if they have knowledge of infringement and fail to act.

Liability attribution requires analysis of control and intent. Where a user intentionally generates artificial intelligence-based imitations for commercial purposes, that user bears primary responsibility. Platform liability may arise under general principles of negligence if the platform fails to remove infringing content after receiving notice. The construction of civil liability should integrate both copyright doctrine and tort principles. Where voice cloning directly infringes performers' economic rights, liability may be grounded in copyright law. Where statutory infringement cannot be clearly established, Article 1365 may serve as an alternative legal basis.

Where a user intentionally generates artificial intelligence-based voice imitations for commercial purposes, that user bears primary civil responsibility. Intent may be demonstrated

[19] Subekti, Pokok-Pokok Hukum Perdata (Jakarta: Intermasa, 2005), 122–125.

through evidence of deliberate model training, targeted imitation of a known performer, promotional use of the cloned voice, or monetization strategies linked to the generated content. In such situations, the user acts as the direct beneficiary and decision-maker, making attribution of liability both doctrinally coherent and normatively justified.

Beyond individual users, platform operators may also face potential liability under general principles of negligence. Although platforms typically function as intermediaries, their responsibility may arise when they possess knowledge of infringing content and fail to act within a reasonable time. The failure to remove or disable access to unauthorized voice cloning content after receiving proper notice may constitute negligent omission, particularly where the platform has the technical capacity to intervene.

The assessment of platform liability must balance innovation and accountability. Absolute liability would risk overburdening digital intermediaries and stifling technological development. However, conditional liability grounded in notice-and-failure-to-act principles aligns with established negligence standards and reinforces responsible digital governance. This approach ensures that platforms cannot remain passive in the face of clear and harmful violations.

Imposing absolute or strict liability on platforms for all user-generated content would create disproportionate burdens. Digital intermediaries host vast quantities of content uploaded at high speed and scale. Requiring proactive monitoring of every potentially infringing artificial intelligence-generated output could be technologically impractical and economically unsustainable. Such an approach might discourage platform development or incentivize excessive content filtering that undermines freedom of expression.

At the same time, complete immunity would create moral hazard. If platforms were shielded from responsibility even after becoming aware of harmful or infringing content, they would lack sufficient incentive to implement effective compliance mechanisms. This could allow unauthorized voice cloning content to circulate widely, amplifying harm to performers without meaningful recourse.

A conditional liability regime grounded in notice-and-failure-to-act principles offers a more proportionate solution. Under this model, liability arises not from the mere existence of infringing content, but from the platform's omission after receiving credible notification. Once put on notice, the platform is expected to act within a reasonable timeframe to remove or disable access to the unlawful material. Failure to do so may constitute negligence.

This approach aligns with established civil law principles concerning fault based on omission. Where a party has the capacity to prevent harm and possesses knowledge of the risk, inaction may satisfy the element of fault under general tort doctrine. By anchoring platform responsibility in negligence rather than strict liability, the legal system maintains doctrinal coherence while adapting to digital realities.

Ultimately, this balanced model reinforces responsible digital governance. It preserves space for technological development while ensuring that platforms cannot remain passive in the face

of clear and harmful violations. By linking liability to knowledge and control, the framework promotes accountability without undermining innovation, thereby contributing to a sustainable and rights-sensitive digital ecosystem.

The construction of civil liability in artificial intelligence voice cloning cases should therefore integrate both copyright doctrine and general tort principles. Where the cloned output directly reproduces or exploits a fixed performance, liability may be grounded in infringement of performers' economic rights under copyright law. In such cases, the exclusive rights regime provides a clear statutory basis for claims, including compensation and injunctive relief.

Conversely, where statutory infringement cannot be clearly established—particularly in cases involving synthetic outputs that do not directly copy a recording—Article 1365 of the Indonesian Civil Code may serve as an alternative legal foundation. By combining these two normative regimes, the legal system ensures comprehensive protection: copyright law addresses explicit violations of exclusive rights, while tort law operates as a supplementary mechanism to address broader harms arising from unauthorized identity replication.

This dual-framework approach ensures legal coherence and prevents technological developments from creating zones of impunity. It also aligns with the broader objective of civil liability: restoring balance by compensating harm and deterring wrongful conduct.
Accordingly, this research concludes that Indonesian law, although not explicitly regulating artificial intelligence voice cloning, possesses sufficient doctrinal tools to address the phenomenon through systematic interpretation and integration of copyright and tort principles. Nevertheless, legislative clarification would enhance legal certainty and reduce interpretative ambiguity.

IV. Conclusion and Recommendations

This research answers the three formulated legal issues as follows.

First, Indonesian Copyright Law regulates the protection of performers' rights through the recognition of related rights, granting performers exclusive economic rights and moral rights over their performances. These rights include the authority to authorize or prohibit reproduction, distribution, communication to the public, and other forms of exploitation of their performances. However, the law does not explicitly regulate artificial intelligence voice cloning. The existing provisions are primarily designed to protect recorded or fixed performances, not the replication of vocal identity through algorithmic modeling. Therefore, while certain forms of unauthorized voice cloning may be interpreted as infringing related rights when they involve the use of a fixed performance, the current legal framework remains normatively incomplete in addressing synthetic voice imitation that does not directly reproduce an existing recording.

Second, artificial intelligence voice cloning may fulfill the elements of an unlawful act under Article 1365 of the Indonesian Civil Code. The act of generating and commercially exploiting a cloned voice without authorization constitutes conduct that may be considered unlawful when it violates the rights or legitimate interests of the performer. If such conduct causes measurable economic loss or reputational harm, and a causal link can be established between the act and

the damage, the elements of fault, damage, unlawfulness, and causation are satisfied. Thus, even in situations where copyright infringement cannot be conclusively established, Article 1365 provides an alternative doctrinal basis for civil claims.

Third, civil liability within the Indonesian legal framework should be constructed through an integrated approach combining related rights protection and general tort principles. Primary liability should be attributed to individuals or entities that intentionally utilize artificial intelligence systems to reproduce and exploit a performer's voice without authorization. Liability may also extend to intermediaries, including digital platforms, where negligence, knowledge, or contributory participation can be demonstrated. This layered attribution model ensures accountability while maintaining doctrinal consistency with Indonesian civil law principles.

The scientific contribution of this article lies in its doctrinal clarification that artificial intelligence voice cloning can be addressed within existing Indonesian legal structures through systematic interpretation and integration of copyright law and tort law. Rather than treating artificial intelligence solely as a technological disruption beyond regulation, this study demonstrates that established civil liability doctrines remain relevant, albeit requiring interpretative development and legislative refinement.

Based on these findings, this article recommends that the legislature explicitly regulate artificial intelligence-generated voice replication within the Copyright Law to provide clearer legal certainty. In addition, regulatory guidelines should be developed to define standards of consent, attribution, and liability in the use of artificial intelligence technologies involving performers' vocal identity. Such reforms are necessary to ensure balanced protection between technological innovation and the fundamental rights of performers in the digital era.

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