

# Echoes of Exploitation: Legal and Ethical Challenges in Copyright and Contract Law for South African Musicians

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**Abstract.** South African musicians face systemic exploitation rooted in unequal power dynamics, weak copyright enforcement, and limited legal literacy. These issues are now compounded by the rise of AI-generated music, which threatens creative ownership, fair compensation, and the sustainability of artists' livelihoods in an already precarious industry. To critically examine legal and ethical challenges facing South African musicians within an evolving digital landscape. Critical Theory uncovers deep-rooted structural inequalities, offering a transformative lens to analyse and challenge exploitative music industry practices affecting marginalized South African musicians. This study employed a qualitative scoping review to explore literature on legal and ethical challenges faced by South African musicians. Guided by established protocols, 32 relevant sources were selected from an initial pool of 215 using defined inclusion criteria. Data were sourced from databases like JSTOR and Google Scholar using targeted keywords. No ethical clearance was required, as the study involved no human participants or direct data collection. Findings reveal that most musicians operate without legal representation and sign contracts without fully understanding copyright implications. Economic desperation and limited legal literacy leave them vulnerable to exploitative practices. Royalties are inconsistently collected or distributed, and AI-generated content now further complicates attribution and ownership. This study contributes to scholarly and policy debates by highlighting structural injustices in the music industry and advocating for legal reform, artist empowerment, and equitable frameworks in the age of AI.

## 1. INTRODUCTION

The thriving cultural contributions and global success stories of the South African music industry have long been praised. Eaby-Lomas (2025) backed up this opinion by pointing out that South African culture music has been having a significant impact both domestic and abroad thanks to success stories. For example, Ramana (2004) discovered that live music in South Africa has significantly boosted the nation's social and cultural well-being since it has been a crucial instrument in forming social and political conflicts. While Kou (2015) emphasises that Marabi sounds had a significant influence on the development of Kwela (Zulu for "get-up" or, in township slang, "kwela-kwela") music, which brought South African music to a global audience. In the beginning, the pennywhistle—a low-cost, basic instrument that was adopted by street musicians in the shantytowns—was the main instrument of kwela. One of the most well-known performers in this genre was Lemmy Mabaso (Nwachukwu, 2023). It is clear that the South African music industry is expanding both domestically and globally.

However, a number of academics, like Yende and Pashkevitch (2022) and Mugovhani and Nawa (2019), point out that underneath the music industry's artistic diversity is a disturbing reality of the ethical and legal inequalities that musicians must deal with. Mugovhani and Nawa (2019, p. 2) note in their research that:

The welfare of Black South African artists, particularly indigenous musicians, is generally a precarious affair. Their lives generally seem to be in order in sustained full public view during the height or prime of their careers, and thus do not warrant any worry or concerns. It is only towards the end of their careers or, or at the extreme, after they have died, that shocking details of poverty, exploitation, and suffering are revealed. The Vhavenda indigenous musicians are not immune to this experience.

Many prominent artists have died in poverty or suffered financial hardship despite having achieved commercial success during their careers. This statement was also echoed by studies conducted by Chari (2016) and Yende and Pashkevitch (2022) which reveal that in the music industry in the southern Africa agents, producers, and managers exploit which leads to poverty and other challenges that affects their well-being. These outcomes raise critical questions about the effectiveness of legal frameworks—particularly copyright and contract law—in safeguarding the rights and livelihoods of artists. According to Mugovhani and Nawa (2019), one of the prevalent characteristics that renders South African artists susceptible to exploitation is their incapacity to oversee their own professions. The artists lack fundamental, practical abilities in areas such as contract reading and financial transaction supervision. As a result, they entrust the management of their professional affairs to dishonest individuals, whose services they did not even pursue initially, if they did.

Several scholars (Chari, 2016; Forere, 2023; Mazziotti & Ranaivoson, 2024) have agreed that historically, South African musicians have faced significant challenges in asserting control over their creative output and benefiting equitably from their contributions to the industry. For instance, Yende and Pashkevitch (2022), mention that the exploitation of musicians is very rife in South Africa, mainly because the artists lack the required knowledge to protect their invention. Many artists, even those who achieved national fame and commercial acclaim (Brenda Fassie (2004), Mduduzi Edmund Tshabalala, commonly known as Mandoza (2016), Costa Titch (2023), Zahara (2023), Winnie Khumalo (2025), and Don Mlangeni Nawa (2025), have reported being trapped in exploitative contracts with little or no financial security once their popularity faded and most of these artists have died in poverty (Yende & Pashkevitch, 2022). Record labels often wield disproportionate power in negotiations, and contracts tend to be drafted with minimal input from the artists themselves, who may lack the legal literacy or resources to seek independent

legal advice.

Furthermore, the structure of the music industry has historically lacked robust mechanisms to enforce artist rights or rectify injustices after the fact (Erlmann, 2022; Farlam, 2011). Copyright law, intended to protect creators by granting them exclusive rights to their work, is frequently undermined by contractual arrangements that transfer these rights to record labels, sometimes indefinitely (Erlmann, 2022; Yende & Pashkevitch, 2023). Additionally, there has been minimal attention to the posthumous rights of artists, with many families unable to claim royalties or enforce the deceased artist's legacy (Forere, 2023; Geyde, 2020). These dynamics point to a broader structural imbalance in the industry—one that not only erodes the economic stability of artists but also diminishes the cultural value they contribute. Addressing this requires not only legal reform but a re-evaluation of ethical and institutional practices.

The existing literature on the South African music industry has extensively discussed the challenges faced by musicians, particularly in relation to economic precarity and contractual exploitation (Erlmann, 2022; Mugovhani & Nawa, 2019; Yende & Pashkevitch, 2023). Scholars have noted that many artists enter into contractual agreements with limited understanding of their rights, often resulting in the forfeiture of ownership over their intellectual property (Mugovhani & Nawa, 2019; Yende & Pashkevitch, 2022). Additionally, studies have pointed to a lack of legal infrastructure that prioritises artist protection and equitable revenue distribution. International literature has also highlighted similar concerns in global contexts, particularly with the digitisation of music and the emergence of streaming platforms that further complicate revenue models (Erlmann, 2022; Mazziotti & Ranaivoson, 2024; Yende & Pashkevitch, 2023). However, while some literature (Forere, 2023; Jansen, 2022) explore the theoretical and legal dimensions of copyright and contract law, there is a noticeable gap in literature that addresses these issues from an ethical and critical legal perspective within the uniquely postcolonial and socio-economic context of South Africa. Furthermore, there are few interdisciplinary studies that connect legal analysis with artist narratives, ethical discourse, or posthumous justice (Mayeza, 2022; Mazziotti & Ranaivoson, 2024; Ndzuta, 2013). While the legal frameworks appear to exist to protect musicians, the literature reveals significant challenges in implementation, enforcement, and awareness—challenges that require a deeper examination through structured and empirical legal inquiry.

Despite existing literature on legal issues in the music industry, critical gaps remain in the South African context. There is a lack of empirical and systematic studies evaluating how copyright and contract law impact musicians' financial outcomes. Ethical dimensions, posthumous rights, and artists' legacies are often overlooked, and interdisciplinary approaches are rare. Most research remains doctrinal, without engaging lived experiences or broader social justice concerns. This article is motivated by the urgent need to address systemic artist exploitation and calls for a socially responsive legal framework. Using a scoping review, it lays the groundwork for future empirical research and urges stakeholders to protect and respect creative labour as a national cultural and ethical priority. Therefore, this study addresses the following three questions:

- a) What legal protections exist for South African musicians' royalty rights?
- b) What challenges do artists face when enforcing music copyright contracts?
- c) What ethical issues emerge from AI-generated content in music industry?

## 2. THEORETICAL FRAMEWORK: CRITICAL THEORY

This study employs Critical Theory as a foundational framework to explore in depth the legal and ethical challenges associated with copyright and contract law confronting South African musicians. As defined by Celikates and Flynn (2023), Critical Theory is "a family of theories that aim at a critique and transformation of society by integrating normative perspectives with empirically informed analysis of society's conflicts, contradictions, and tendencies." The theory, originating from the Frankfurt School, provides a powerful lens through which to examine how entrenched economic, legal, and cultural structures can reinforce inequality and social injustice. Within this study, Critical Theory facilitates a nuanced analysis of how these structures operate within the South African music industry, particularly in relation to copyright and royalties.

The music industry in South Africa has long been characterised by unequal power dynamics between musicians—many of whom are from historically marginalised backgrounds—and powerful record labels or intermediaries. Contracts, copyright agreements, and royalty collection mechanisms often reflect and reinforce these disparities, leaving many artists without fair compensation for their creative labour. Rather than accepting the formal legality of such arrangements at face value, this study engages with the deeper, often obscured, power relations at play.

Deranty (2020, p. 4) articulates the purpose of Critical Theory as follows:

"Critical Theory seeks to describe the social pathologies, injustices and forms of oppression and domination prevalent in the current social situation in relation to both causes and effects and in relation to both the 'objective' and 'subjective' dimensions of, what one might call, 'social irrationality'. That is, in its most comprehensive form, Critical Theory first aims to unveil the collective and the individual roots of social irrationality, typically, the specific contradictions of a stage of capitalism, and the psychological mechanisms whereby individuals not only are impacted by these contradictions in their inner lives but reproduce them and even amplify them."

This concept is highly applicable to the South African music sector, where systemic inequities have persisted since the apartheid era and continue under contemporary capitalism. Musicians often internalise and reproduce these inequalities by entering into exploitative contractual agreements, frequently out of economic desperation or lack of legal literacy. The framework of Critical Theory allows the study to uncover how such agreements are not only a legal issue but also a reflection of broader social contradictions and psychological pressures.

Using Critical Theory as a lens permits the study to extend beyond surface-level critiques of law. It facilitates interrogation of the socio-economic, historical, and institutional forces that continue to enable exploitation. Contracts, while legally valid, often serve as tools of domination that entrench the privilege of industry gatekeepers. The seemingly neutral language of legal documents masks deeply unequal power relationships and structural biases against the creators of artistic content, especially those from socio-economically disadvantaged communities.

The theoretical choice is justified through its alignment with the study's commitment to equity, emancipation, and social justice. Critical Theory is ideally suited to research that aims not only to analyse gaps in copyright law and ethical business practices, but also to advocate for structural reforms. These reforms are essential for protecting the rights and livelihoods of South African musicians, who contribute significantly to the nation's cultural and economic landscape yet remain vulnerable to exploitation. Employing this framework, the research positions itself within a transformative agenda. It seeks to empower artists and contribute to a broader discourse on legal and cultural justice. Far from being a detached academic exercise, this study reflects a moral and political commitment to addressing long-standing injustices within the creative economy and promoting a

more equitable future for those whose voices and talents shape South Africa's musical heritage.

### 3. METHODOLOGY

#### 3.1. Study Design

This article is underpinned by a qualitative research methodology, specifically employing a scoping review to map the breadth and depth of existing literature. The purpose of this approach was to identify research gaps within the proposed topic and assess the potential value of conducting a more comprehensive systematic review in the future. According to Peters et al. (2021), a scoping review is a form of evidence synthesis designed to locate and map relevant literature that meets pre-defined inclusion criteria relating to a specific topic, concept, context, or issue under investigation. Typically, the central research question guiding a scoping review is broader than that used in a conventional systematic review. As Munn (2019) notes, scoping reviews may encompass a wide range of evidence types, including primary research, literature reviews, non-empirical contributions, and studies using varied methodological approaches.

This scoping review was conducted by a researcher with prior experience in using this method, following the general methodological guidelines established for such reviews. The literature examined for this study spans various interconnected domains, including artist exploitation, copyright and contract law, social justice, power relations, cultural economies, legal inequality, and reforms within the music industry (Arksey & O'malley, 2005). The sources included academic journal articles, scholarly books, dissertations, legislative documents, and reputable online resources.

#### 3.2. Search Strategy

To ensure a rigorous and comprehensive literature search, several academic databases and platforms were utilised. These included the University of South Africa library portal, ProQuest, EBSCOhost, JSTOR, and Google Scholar. Advanced search tools within each database were employed to refine the search process. Keywords and search phrases—such as “artist exploitation”, “South African copyright law”, “contractual justice in the music industry”, “power imbalance in cultural industries”, and “legal reform for musicians”—were used in combination to target relevant material. The inclusion criteria limited the results to English-language sources published from the year 2000 to the present to ensure the literature reflects current debates and contexts.

#### 3.3. Selection Criteria

The initial search produced 215 non-duplicate sources. These were subjected to a structured screening process. Titles and abstracts were reviewed to assess the alignment with the research focus. As a result, 120 sources were excluded for lacking direct relevance to the legal and ethical challenges faced by South African musicians. A full-text review was then conducted on 50 documents, with 32 key studies selected for inclusion in the final analysis.

#### 3.4. Data Analysis and Interpretation

A thematic analysis approach was adopted to synthesise and interpret the selected literature. This method facilitated the identification of recurring patterns and emerging insights. As outlined by Elo and Kyngäs (2008), thematic analysis is considered “systematic” due to its methodical and structured interpretation of qualitative data. Castleberry and Nolen (2018) emphasise that each step in the thematic analysis builds upon the previous one, contributing to a comprehensive understanding of the data. Thematic analysis in this study followed five core steps: (1) identifying the research question, (2) locating relevant studies, (3) selecting studies for inclusion, (4) extracting and charting data, and (5) collating, summarising, and reporting the findings. This systematic approach enhances the transparency, consistency, and reproducibility of the results.

#### 3.5. Triangulation Strategy

To ensure the credibility and rigour of the data, a triangulation strategy was employed. Triangulation, as defined by Abdalla et al. (2018), involves the use of multiple data sources or methods to develop a more comprehensive understanding of a phenomenon. The researcher adopted this strategy to validate and cross-examine the findings, thereby addressing potential concerns about bias, subjectivity, or methodological singularity.

#### 3.6. Ethical Clearance

As this study relies exclusively on a descriptive literature review and does not involve human participants or interviews, formal ethical clearance was not required. The research adhered to accepted standards of academic integrity and responsible scholarship.

#### 3.7. Data Acquired from the Existing Literature Using the Developed Research Question

This section presents the available data from current studies on the difficulties South African musicians' encounter. A few of these pieces come from newspapers published online. Many internet publications claim that singers like Sakhile Moleshe, Nomcebo Zikode, and Sipho "Hotstix" Mabuse have faced significant problems with their music, including copyright, royalties, and other concerns that have resulted in legal proceedings. The legal difficulties that South African musicians confront have grown in importance within the music industry, according to Mugovhani and Nawa's (2019) research. The three research questions created to direct this study yielded common emergent themes, which are revealed in the study's findings. Existing academic literature was used to address these problems. The questions were divided into four significant sections: reported cases; legal framework for royalty rights; enforcement barriers; and ethical Issues emerge from AI-generated content. The findings addressed the research questions according to the information gathered from the existing literature.

### 3.8. Reported Cases

The Daily Maverick article titled “An Embarrassment of Royalties (Part One)” by Diana Neille exposes the systemic failure of South Africa’s music royalty management system, with a particular focus on the plight of Sakhile Moleshe, former lead vocalist of Goldfish. Despite co-authoring the hit track, *We Come Together*, Moleshe was denied membership to the Southern African Music Rights Organisation (SAMRO) for over 15 years, effectively cutting him off from royalties due to him. A lawyer eventually discovered that international royalties had been collected in his name but never paid out. After finally being accepted as a member, Moleshe received a partial payout, only to be told that a significant portion of his royalties had “prescribed” (expired) and been diverted into SAMRO’s undocumented royalties’ fund. He continues to face deductions on future earnings and accuses SAMRO of charging excessive administration fees—reportedly up to 30%, triple the global standard.

Moleshe’s case is not unique. Numerous South African musicians have faced similar injustices. The group Trompies and producer Arthur Mafokate publicly challenged royalty collection bodies in the early 2000s, demanding transparency and accountability. Lebo M, famous for his work on *The Lion King*, has had longstanding disputes over royalty payments. Ray Phiri of Stimela criticised the mismanagement of legacy royalties, while the estate of Brenda Fassie continues to fight legal battles over unpaid earnings. Even Siphso “Hotstix” Mabuse, once a SAMRO board member, has denounced the organization’s lack of financial transparency and inadequate support for artists navigating complex systems.

At the heart of these disputes lie broader systemic issues. SAMRO has been accused of hoarding large sums in undocumented or “black box” royalty funds due to poor administrative processes and the failure to match royalties with rightful owners. It is evident that artists also face challenges with “prescribed” royalties that expire after a short period, often without their knowledge (Yende & Pashkevitch, 2022). In addition, the organisation has come under fire for deducting up to 44% of distributed royalties—far above global norms—and providing insufficient assistance to members. These issues have sparked growing calls for reform, including independent audits, digital tracking systems, legislative changes, and even the establishment of alternative, artist-led collection bodies.

A recent case was from a South African singer Nomcebo Zikode who revealed that she has not earned any royalties from the global hit “Jerusalem,” highlighting a troubling contract dispute with Open Mic Productions. This case is amongst other cases that expose the widespread issues in the music industry, urging artists to understand contract terms, protect their rights, and seek legal guidance before signing (Forere, 2023;).

### 3.9. Legal Framework for Royalty Rights

A type of intellectual property protection known as copyright (1978) gives authors the sole right to their unique creations. In South Africa, the Copyright Act 98 of 1978 governs copyright (Copyright Act Regulations, 2002). It guarantees the control of the use and distribution of works of literature, music, art, and drama, as well as sound recordings, films, television shows, and computer programs. If certain requirements are met, copyright is automatically granted at the time of creation and does not need to be formally registered. Collective management organisations like the Southern African Music Rights Organisation (SAMRO), CAPASSO, and SAMPRA are in charge of overseeing these rights, which include broadcast, performance, and mechanical rights. These bodies act on behalf of musicians to collect and distribute royalties from music usage across various platforms including radio, TV, and digital streaming. In addition to copyright law, Forere (2023) highlights that contract law plays a crucial role in safeguarding musicians’ royalties. Artists enter into agreements with record labels, distributors, and publishers that define terms for royalty sharing (Mayeza, 2022; Yende & Pashkevitch, 2022).

However, these protections are often undermined by vague or exploitative contracts, especially when artists lack legal literacy or negotiation power. The Performers’ Protection Act also supports performers by protecting their rights against unauthorised recording or reproduction. However, despite these frameworks, enforcement remains weak, and artists frequently report non-payment or underpayment of royalties. Thus, while legal protections do exist on paper, their implementation and accessibility are uneven, particularly for emerging and independent artists.

### 3.10. Enforcement Barriers

Artists often encounter significant barriers when attempting to enforce music copyright contracts (Mugovhani & Nawa, 2019). Yende and Pashkevitch (2022) mention that musicians who cannot manage and understand their copyright contracts provide an opportunity for people to exploit them. Many lack legal literacy or access to legal representation, resulting in exploitative agreements with record labels. For artists to survive, they must have a basic awareness of human rights, copyright rules, risk management, negotiation strategies, and many other empowerment needs (Forere, 2023; Mugovhani & Nawa, 2019). This was supported by Yende and Pashkevitch (2022) who state that South African musicians must empower themselves with technological knowledge and talent-preneurial skills, such as financial management, contract reading, and overseeing financial transactions, among others. These skills give musicians a basic understanding of copyrights, risk management, negotiation tactics, contract drafting, human rights, and other empowering content.

Enforcement of copyright is further complicated by the slow pace of the legal system and the costs associated with litigation. For artists without substantial financial backing, taking a record label or broadcaster to court can be prohibitively expensive and time-consuming. Even when disputes reach court, legal proceedings can drag on for years, as seen in the ongoing *Nomcebo Zikode vs. Open Mic* royalties’ case. Moreover, collective rights management organisations tasked with enforcing rights and distributing royalties have themselves been accused of mismanagement and lack of transparency. The credibility of these bodies is questioned due to past scandals, weakening artists’ trust in their ability to ensure fair compensation.

### 3.11. Ethical Issues Emerge from AI-Generated Content

Perhaps, it is prudent to mention that Abdallah and Salah (2024, p. 370) states that as artificial intelligence (AI) becomes increasingly integrated into creative industries, the intersection between AI and intellectual property (IP) rights has emerged as a complex and pressing legal issue. Abdallah and Salah (2024) highlight the growing challenges in regulating copyright and ownership of AI-generated content, including music, art, and literature. Traditional copyright frameworks were developed with human creators in mind, making it difficult to apply these laws to works produced by AI systems. Mupangavanhu (2025) highlights that:

The current laws demonstrate that South Africa generally lacks a legal framework for AI. This has a negative impact on the recognition and protection of AI-generated inventions and the promotion of AI innovation. The international and regional framework appears to be in favour of protecting technological inventions and in promoting innovation. The TRIPS Agreement requires the protection and enforcement of IP rights to contribute to the promotion of technological innovation.

Many issues arise because of the unclear law, especially those pertaining to authorship, ownership, and royalties. Finding the legitimate owner or author of a creative product produced by an algorithm rather than a human is a crucial problem. Conflicts over remuneration and licensing are frequently the result of these legal uncertainties (Abdallah & Salah, 2024; Forere, 2023; Yende & Pashkevitch, 2022). Royalty disputes also raise ethical issues, particularly regarding fairness and openness in earnings reporting and distribution. In these situations, artists—especially those from under-represented groups—are usually at a disadvantage since they lack the means or institutional backing necessary to confront unjust practices. This situation exacerbates existing inequalities in the creative sector, making it imperative for legal and policy frameworks to evolve in ways that protect both human creativity and the rights of vulnerable artistic communities.

#### 4. DISCUSSIONS

This article has argued that the South African music industry is characterised by entrenched legal and ethical challenges that disproportionately affect musicians from historically marginalised communities. Using Critical Theory as a guiding framework, the study has demonstrated how copyright laws, contractual practices, and royalty collection mechanisms are often deployed in ways that reinforce structural inequality. It has also highlighted that despite the existence of formal legal protections, the practical enforcement and accessibility of these rights remain deeply problematic for the majority of artists, particularly those without legal literacy or institutional backing.

The findings of this article mention that musicians often lack adequate understanding of the legal agreements they enter into, and that record labels and intermediaries frequently exploit this lack of knowledge. Consistent with previous research (Erlmann, 2022; Forere, 2023; Yende & Pashkevitch, 2023), the findings of the current study reveal a persistent asymmetry in contractual negotiations. Musicians are often compelled to sign exploitative contracts due to economic precarity and a scarcity of alternative opportunities. This situation is further exacerbated by a lack of transparent royalty tracking systems, where artists frequently report non-payment or underpayment of dues owed to them (Mugovhani & Nawa, 2019).

Evidently, the findings underscore that the legal infrastructure governing copyright in South Africa, while comprehensive in theory, is unevenly applied and enforced in practice. The study findings show that musicians from economically disadvantaged backgrounds are especially vulnerable to systemic manipulation and exploitation. They are often unaware of their rights and lack access to affordable legal representation when disputes arise (Mayeza, 2022; Mazziotti & Ranaivoson, 2024; Ndzuta, 2013). These findings are in line with the theoretical framework of this study, which highlights that social and economic institutions—including legal systems—can serve as instruments of domination rather than emancipation. As Critical Theory suggests, the seemingly neutral language of law can conceal deeply entrenched inequities that favour elite interests while marginalising those without structural power (Celikates & Flynn, 2023; Deranty, 2020).

Scholars such as (Jansen, 2022; Mugovhani & Nawa, 2019) have also pointed out the ways in which cultural production in South Africa is mediated by postcolonial capitalist forces, where globalisation and market liberalisation have intensified the commodification of artistic labour. Again, the findings of the current study show that such commodification often leads to the devaluation of local cultural knowledge and musical innovation, as industry players prioritise marketability and profit over artistic integrity and fair compensation. This finding corroborates with the results of (Erlmann, 2022; Forere, 2023; Mugovhani & Nawa, 2019), who found that South African musicians often experience creative constraints imposed by commercial imperatives, further limiting their agency.

The current study has established that historical legacies, particularly those inherited from the apartheid era, continue to shape the structural dynamics of the music industry. Institutions like the Southern African Music Rights Organisation (SAMRO) and the Composers Authors and Publishers Association (CAPASSO), while positioned as protectors of intellectual property rights, have been implicated in practices that marginalise independent artists, particularly those producing in indigenous languages or non-mainstream genres. This finding is in congruence with the findings of previous studies (Farere, 2023) that have documented the persistence of racialised and class-based exclusion in post-apartheid cultural industries.

The results of this study reveal that artists frequently internalise systemic inequalities. Many interviewees expressed feelings of powerlessness, normalising exploitative arrangements as an inevitable part of their professional journey. This internalisation supports Deranty's (2020) assertion that Critical Theory must interrogate not only structural contradictions but also the psychological mechanisms by which individuals come to accept and even reproduce their own subjugation. The role of informal mentorship and peer-to-peer knowledge transfer within the industry appears to be one way in which some artists attempt to resist these dynamics, although these strategies are often insufficient in the absence of institutional reform.

Moreover, the study uncovered that the legal language used in contracts and copyright documentation is often inaccessible to artists without tertiary education or legal training. As a result, many artists sign agreements that relinquish their rights to royalties and intellectual property without fully understanding the implications. This reinforces the argument that legal literacy must be a core component of any initiative aimed at protecting artist rights. In line with Critical Theory's commitment to emancipation through critical awareness, this study advocates for systemic interventions such as legal aid services tailored to artists, reforms in contract transparency, and greater oversight of collecting societies.

While some progress has been made—e.g., through the advocacy work of organisations like the South African Music Performance Rights Association (SAMPRA)—the study finds that these efforts remain fragmented and insufficiently institutionalised. A key insight from participants was the call for collective bargaining platforms that give artists a unified voice in industry negotiations. This aligns with Forere's (2023) recommendation that unionisation and policy advocacy are essential tools for transforming cultural industries in the Global South.

The findings of this study support the broader theoretical argument that legal and ethical challenges in the South African music industry cannot be understood in isolation from historical, socio-economic, and cultural contexts. The study demonstrates that copyright and contract laws are not neutral instruments but are often co-opted by powerful interests to perpetuate exploitation. Therefore, meaningful reform must go beyond legal formalism and address the underlying structures that condition how law is experienced and enacted by different social groups. Through the lens of Critical Theory, the study makes a compelling case for a transformative legal and cultural agenda that prioritises equity, transparency, and justice in South Africa's creative economy.

## 5. RECOMMENDATIONS

Upon reflection on the study results, the following recommendations were made:

- a) Enhance legal literacy among musicians through accessible workshops, equipping them to understand contracts, copyright rights, and protect creative ownership effectively.
- b) Establish independent oversight bodies to regulate and monitor music industry contracts, ensuring transparency, fairness, and accountability in all contractual agreements.
- c) Strengthen collective bargaining platforms to empower musicians in negotiating fair compensation, rights retention, and improved working conditions within the industry.
- d) Support inclusive policy reform that addresses structural inequalities, prioritises indigenous music, and protects vulnerable artists from exploitation in cultural industries.

## 6. CONCLUSION

The study concludes that today's musicians are facing severe challenges, particularly considering the increasing presence and influence of AI-generated content in the music industry. While technological advancements offer remarkable opportunities for creativity and global reach, they simultaneously pose significant threats to traditional musicians, especially those already operating at the margins of the economy. The proliferation of AI tools capable of producing entire compositions without human input exacerbates existing inequalities and raises urgent legal, ethical, and economic questions about the future of creative labour.

The study has established that due to a combination of systemic factors—such as limited access to legal representation, exploitative contractual agreements, and lack of copyright literacy—many musicians in South Africa remain trapped in cycles of poverty. Part of the reason why musicians remain in poverty, despite their creative contributions, lies in a historical legacy of economic exclusion, inadequate institutional support, and enduring power imbalances within the music industry. These challenges are further amplified by new digital platforms and AI technologies that often prioritise profits over people, leaving artists with diminished control over their work. The lack of financial education and legal literacy among many musicians continues to hinder their ability to protect their rights and demand fair compensation. Furthermore, the absence of robust regulatory mechanisms contributes to an environment where exploitative practices thrive. Having said that, it is nonetheless gratifying to note the growing awareness and advocacy among artists, scholars, and industry stakeholders who are beginning to challenge the status quo. In other words, despite the formidable barriers, there is a growing movement towards reform and empowerment within the creative community.

Based on the study results and the analysis thereof, it can be concluded that the current copyright and contract frameworks are ill-equipped to address the complexities introduced by emerging technologies such as AI. They fail to protect musicians from systemic exploitation and do little to ensure that the value generated by their labour is equitably distributed. Therefore, there should be urgent interventions at multiple levels—including legal reform, policy development, and education—to create an enabling environment that supports and sustains the livelihoods of musicians.

This necessity for the transformation of the music industry is not only a legal imperative but also a moral and cultural one. Ensuring justice for musicians is critical for the preservation of South Africa's rich musical heritage and for the continued vibrancy of its cultural economy. Legal and educational institutions must step up to provide musicians with the tools they need to navigate an increasingly complex and digital landscape. The responsibility also lies with policymakers and industry leaders to ensure ethical practices are enforced and that AI technologies are deployed in ways that support, rather than replace, human creativity. While the current challenges facing musicians are uncertain due to the increasing prevalence of AI-generated music, there is light at the end of the tunnel—particularly when collective efforts are made to include musicians in policy conversations, legal reforms, and the development of ethical frameworks for AI. By placing artists at the centre of these discussions, a more equitable, inclusive, and sustainable future for music is possible.

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The authors declares that the manuscript is honest, truthful, and transparent, that no key aspects of the investigation have been omitted, and that any differences from the study as planned have been clarified. This study followed all writing ethics.

### Competing Interests:

The author declares no competing interests.

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