

Analysis of Legal Protection Regarding the Fulfillment of Copyright Owners' Royalty Rights

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Abstract

Legal protection for the fulfillment of royalty rights is an important part in guaranteeing the economic rights of creators and/or copyright holders for the commercial use of works. Although Indonesia has Law Number 28 of 2014 concerning Copyright, Government Regulation Number 56 of 2021 concerning Management of Song and/or Music Copyright Royalties, and Regulation of the Minister of Law Number 27 of 2025, the implementation of the fulfillment of royalty rights still faces various obstacles, such as the less than optimal transparency of royalty management, weak coordination between the Collective Management Institution (LMK) and the National Collective Management Institution (LMKN), inaccurate data collection systems for the use of works, and low compliance of commercial users in fulfilling royalty payment obligations. This study aims to analyze the forms of legal protection for the fulfillment of royalty rights, the mechanism for withdrawal, collection, and distribution of royalties, as well as obstacles and efforts to optimize legal protection so that the fulfillment of royalty rights can be implemented effectively. The study uses a normative legal research method with a statutory and conceptual approach, through a literature study of primary, secondary, and tertiary legal materials analyzed descriptively and qualitatively. The research results indicate that normatively, regulations regarding royalty protection have provided legal certainty through preventive and repressive measures. However, the effectiveness of their implementation is still influenced by the quality of institutional governance, transparency of royalty distribution, integration of song usage data systems, and the level of public legal awareness. Therefore, strengthening inter-institutional coordination, digitizing the royalty management system, increasing transparency and accountability, and ongoing outreach are needed to achieve effective, transparent, and equitable legal protection for creators and copyright holders.

Keywords

Legal Protection, Copyright, Royalty Rights, LMK, LMKN.



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INTRODUCTION

The development of information and communication technology has significantly driven the growth of the creative industry, particularly in the music, film, literature, and other digital works sectors. This situation makes Intellectual Property Rights (IPR), particularly copyright, a legal instrument that plays a strategic role in protecting the results of human creativity. (Daffa Okta Permana et al., 2021) Copyright not only recognizes ownership of an intellectual work but also guarantees the fulfillment of the economic and moral rights inherent in the creator and copyright holder. This protection is crucial because intellectual works have economic value that can be exploited commercially by various parties.

Copyright is the exclusive right granted to the creator or copyright holder to publish, reproduce, distribute, or grant permission to others to use their work in accordance with statutory provisions. One form of economic right that is an important part of copyright is the right to receive royalties for the use of a work. Royalties are the compensation that the creator or copyright holder must receive as a consequence of the use of their work in commercial activities. Therefore, the fulfillment of royalty rights is a concrete manifestation of legal protection for creators' economic rights. (Regyna Putri Willis, 2022). Philosophically, the protection of intellectual property rights is rooted in the property rights theory put forward by John Locke, which states that every individual has rights to the results of their work and creativity. This thinking later developed into the basis for the establishment of legal protection systems for intellectual property in various countries, including Indonesia. On the other hand, Satjipto Rahardjo emphasized that laws were created to serve human interests and must therefore adapt to societal developments. Therefore, copyright law is required to provide effective protection for creators' economic rights amidst the rapid development of technology and digitalization. (Saputra et al., 2022).

In Indonesia, copyright protection is regulated by Law Number 28 of 2014 concerning Copyright, which replaced Law Number 19 of 2002. This law provides more comprehensive provisions regarding the moral and economic rights of creators, including licensing mechanisms, royalty management, dispute resolution, and law enforcement against copyright infringement. As an implementing regulation, the government then issued Government Regulation Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties, which aims to create a more orderly, transparent, and accountable royalty collection, collection, and distribution system.

Although the regulatory framework has been established fairly comprehensively, the implementation of legal protection for the fulfillment of royalty rights still faces various challenges. (Talahatu et al., 2023) One of the main problems is the suboptimal royalty management system implemented by the Collective Management Institution (LMK) and the National Collective Management Institution (LMKN). In practice, various obstacles remain, including a lack of transparency in the royalty collection and distribution process, a suboptimal system for recording the use of digital works, unclear standards for determining royalty amounts, and overlapping authority between royalty management institutions. These conditions result in some creators and copyright holders not obtaining their economic rights optimally. (Pratiwi et al., 2024) Furthermore, the development of digital platforms and internet-based media has further expanded the use of copyrighted works. Songs and musical works can be used through various digital services such as social media, streaming services, short video apps, restaurants, hotels, shopping centers, entertainment venues, and various other forms of commercial use. (Ahmad, 2025) However, not all commercial users have the legal awareness to fulfill their royalty payment obligations in accordance with applicable regulations. This low level of compliance indicates that the effectiveness of legal protection has not fully achieved the intended purpose of the legislation.

Another issue of concern is the lack of a monitoring system capable of ensuring transparency of information regarding the use of works, the amount of royalties collected, and the distribution mechanism to creators. The absence of an integrated reporting system for the use of works makes it difficult for creators to verify the amount of royalties received. (Handoko & Roisah, 2024) As a result, distrust in the royalty management mechanism has emerged, potentially reducing creators' motivation to produce new works. Yet, the protection of economic rights through royalty payments is a crucial instrument in maintaining the sustainability of the national creative industry.

From the perspective of legal protection theory, as proposed by Fitzgerald, the law must be able to protect the interests of society by regulating a balance between the rights and obligations of the parties. Legal protection is realized not only through the establishment of legal norms, but also through effective implementation, supervision, and enforcement. Meanwhile, according to Soerjono Soekanto, the success of law enforcement is influenced by five main factors: legal substance, law enforcement officials, facilities and infrastructure, the community, and legal culture. (Ratna & Kusumarani, 2023) Therefore, the effectiveness of legal protection for the

fulfillment of royalty rights depends not only on the existence of regulations but also on the quality of institutions, public legal awareness, and optimally operating oversight mechanisms.

Previous studies have generally focused more on discussing copyright protection against piracy, copyright infringement, and the implementation of the Copyright Law in general. Meanwhile, studies specifically analyzing the effectiveness of legal protection for the fulfillment of royalty rights, especially following the enactment of Government Regulation Number 56 of 2021 and the latest regulatory developments regarding the governance of LMK and LMKN, are still relatively limited. In fact, the aspect of royalty fulfillment is the core of economic rights protection, which has a direct impact on the welfare of creators and the sustainability of the national creative industry.

Based on these conditions, this research presents a novelty in the form of an analysis of the effectiveness of legal protection in fulfilling royalty rights, focusing on the relationship between regulations, institutional mechanisms, transparency in royalty management, and the implementation obstacles still encountered in practice. This research also examines how the collection, collection, and distribution of royalties are carried out by authorized institutions and the extent to which this system is able to provide legal certainty, justice, and protection for creators and copyright holders.

METHODS

This study uses a normative legal research method (Nanda Dwi Rizkia & Fardiansyah, 2023) (normative juridical) by examining legal norms through literature review using secondary data. The approaches employed include a statute approach and a conceptual approach to analyze the regulation, legal protection, and management mechanisms for royalty rights for creators and/or copyright holders.

The legal materials consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 28 of 2014 concerning Copyright, Government Regulation Number 56 of 2021 concerning Management of Song and/or Music Copyright Royalties, Minister of Law Regulation Number 27 of 2025, and other related regulations. Secondary legal materials include books, scientific journals, research results, and expert opinions, while tertiary legal materials include legal dictionaries, encyclopedias, and other supporting references. The collection of legal materials was carried out through literature studies, then analyzed qualitatively using descriptive-analytical methods to

examine the forms of legal protection, royalty management mechanisms, as well as obstacles and efforts to optimize the fulfillment of royalty rights in Indonesia.

FINDINGS AND DISCUSSION

A. Forms of Legal Protection for the Fulfillment of Royalty Rights for Creators and/or Copyright Owners

Legal protection for the fulfillment of royalty rights is a form of state protection for the economic rights inherent in creators and/or copyright holders. Royalties are economic rights that provide financial benefits for every commercial use of a work, so their payment is a legal obligation, not simply a form of appreciation to the creator. (Aliansyah, 2022). Legally, this protection is based on Law Number 28 of 2014 concerning Copyright, which recognizes copyright as an exclusive right consisting of moral rights and economic rights. According to Article 4, copyright arises automatically upon the creation of a work (automatic protection), while Articles 8 and 9 guarantee the economic rights of creators, including the right to receive royalties for the use of their work. Therefore, every commercial use of songs and/or music must be accompanied by royalty payments to the creator or copyright holder.

From the perspective of Fitzgerald's theory of legal protection, the law functions to protect and balance the interests of the parties. Therefore, protection of royalty rights not only provides legal certainty for creators but also creates a balance between the rights of creators and the interests of users of works, ensuring that the use of intellectual works remains equitable. (Felix et al., 2024). Legal protection of royalty rights is realized through preventive and repressive measures. Preventive protection is implemented through regulations regarding licensing, royalty payment obligations, and the establishment of Collective Management Institutions (LMK) and National Collective Management Institutions (LMKN) as royalty administrators. These regulations are reinforced through Government Regulation Number 56 of 2021 and Minister of Law Regulation Number 27 of 2025, which provide guidelines regarding the mechanism for collecting, collecting, and distributing royalties. Repressive protection is provided through dispute resolution mechanisms and law enforcement in the event of violations of economic rights or errors in royalty management. (Syahputra et al., 2022)

Although the regulatory framework comprehensively regulates royalty rights protection, its implementation still faces various obstacles, including suboptimal transparency in royalty management, discrepancies in song usage data, overlapping authority between institutions, and low compliance among some commercial users. (Masola et al., 2025) These conditions indicate that the effectiveness of legal protection depends not only on the completeness of regulations but also on the quality of implementation, transparency of governance, integration of data collection systems, and oversight of the implementation of the duties of the LMK and LMKN. Therefore, legal protection for royalty rights must be realized through a transparent, accountable management system that ensures the effective fulfillment of creators' economic rights.

Royalty Fulfillment, Withdrawal, Collection, and Distribution Mechanism

The royalty fulfillment mechanism is a series of processes designed to ensure the fulfillment of creators' economic rights through a management system implemented by the Collective Management Institution (LMK) and the National Collective Management Institution (LMKN). This mechanism is regulated by Law Number 28 of 2014 concerning Copyright, Government Regulation Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties, and Minister of Law Regulation Number 27 of 2025, which governs the procedures for the collection, collection, and distribution of royalties. These regulations demonstrate that the fulfillment of royalty rights is no longer carried out individually by creators, but rather through a collective management system to reach wider song usage.

The initial stage of the mechanism involves identifying songs and/or music used for commercial purposes. This identification serves as the basis for determining the party responsible for paying royalties and the amount of royalties that must be paid. (Adela & Isradjuningtias, 2022) Therefore, accurate data regarding song usage, user identity, and copyright ownership are crucial factors in determining the effectiveness of the entire royalty management system. If usage data is not accurately documented, royalty distribution could potentially misrepresent the actual level of use of the work, thus harming the creator. Once song usage is identified, commercial users are obligated to pay royalties through a mechanism managed by the National Copyright Office (LMKN), involving LMKs within their respective jurisdictions. In practice, this stage still faces challenges in the form of suboptimal data collection on song usage in various business sectors, particularly restaurants, hotels, entertainment venues, and digital platforms. This situation results in the royalty collection process not fully reflecting the actual use of the work. The main principle in royalty management is that the royalty amount must be based on the actual level of song usage to ensure the creator's economic rights are proportionally fulfilled. (Nafisah Muthmainnah, Praxedis Ajeng Pradita, Cika Alfiah, 2022)

Collected royalties are then verified before being distributed to creators or copyright holders. Verification is carried out on rights ownership, song repertoire, usage data, and the amount of royalties each creator is entitled to. This stage is crucial because it determines the accuracy of royalty distribution. (U.A et al., 2021) In practice, transparency in the verification process remains a concern for creators, particularly regarding the basis for calculating royalties and access to song usage data. This lack of clarity has the potential to lead to differing perceptions regarding the fairness of royalty distribution, even though the management mechanism is regulated by law. The roles of the LMK and LMKN are crucial factors in this overall mechanism. The LMK acts as the creator's proxy for collecting and managing economic rights, while the LMKN coordinates the collection and distribution of royalties nationally. This institutional relationship should form an integrated system. However, various dynamics, including differing views between Wahana Musik Indonesia (WAMI) and LMKN regarding royalty management, indicate that institutional coordination

and transparency still need to be strengthened to avoid eroding creators' trust in the royalty management system. (Situmeang & Kusmayanti, 2020)

The effectiveness of the royalty management mechanism is also influenced by the compliance of commercial users in fulfilling their obligations. The dispute between Mie Gacoan and the Indonesian Music Licensing Center (SELMi) demonstrates that the use of songs to support business activities is still often viewed as an activity that does not incur royalty payments. However, according to Law Number 28 of 2014 and Government Regulation Number 56 of 2021, any use of songs for economic gain constitutes commercial use, which requires royalty payments. The resolution of these disputes through restorative justice mechanisms demonstrates that legal protection is not solely oriented toward imposing sanctions, but also toward restoring the creator's economic rights through the fulfillment of royalty payment obligations. (Taopik, 2023) Based on the established mechanisms, the fulfillment of royalty rights essentially has an adequate legal basis. (Raihana et al., 2023) However, their effectiveness is still influenced by the accuracy of song usage data collection, transparency in royalty collection and distribution, coordination between LMK and LMKN, and compliance by commercial users. Therefore, digitizing the data collection system, strengthening institutional governance, and increasing transparency in royalty distribution are necessary steps to ensure that the royalty management mechanism can provide legal certainty while ensuring the optimal fulfillment of creators' economic rights.

Barriers and Efforts to Optimize Legal Protection for Effective Fulfillment of Royalty Rights

The effectiveness of legal protection for the fulfillment of royalty rights is measured not only by the existence of Law Number 28 of 2014 concerning Copyright, Government Regulation Number 56 of 2021 concerning Management of Song and/or Music Copyright Royalties, and Minister of Law Regulation Number 27 of 2025, but also by the ability of these three regulations to guarantee the actual fulfillment of creators' economic rights. Normatively, Article 8 of Law Number 28 of 2014 affirms that economic rights are the exclusive right of creators to obtain economic benefits from their creations, while Article 9 paragraph (1) letter g authorizes creators to obtain economic benefits through announcements, communications, or the use of creations for commercial purposes. This provision is further emphasized in Article 9 paragraph (3), which states that no person is prohibited from using a creation commercially without the permission of the creator or copyright holder. This norm indicates that royalty payments are a legal consequence of the use of works, making their fulfillment a binding obligation. (Widyaningtyas & Zahra, 2021)

However, the implementation of this provision still gives rise to differing interpretations, particularly regarding the relationship between creators' exclusive rights and the collective licensing mechanisms managed by the Collective Management Institute (LMK) and the National Collective Management Institute (LMKN). (Sinaga, 2020) This difference is evident in the dispute between Agnez Mo and Ari Bias. This dispute stemmed from the use

of a song by Ari Bias in a commercial performance, which gave rise to differing views regarding the obligation to obtain permission and pay royalties. From the creator's perspective, the use of songs in commercial concerts still requires approval as a manifestation of the exclusive rights guaranteed in Article 9 of Law Number 28 of 2014. On the other hand, there is a growing view that the use of songs is sufficient if accompanied by royalty payments through a collective management mechanism as stipulated in Article 87 of Law Number 28 of 2014. These differing interpretations indicate that the relationship between the creator's exclusive rights and the collective licensing system is not yet uniformly understood, creating legal uncertainty in practice. (Suciadi et al., 2024)

A similar issue was also evident in the polemic between Ahmad Dhani and Once Mekel regarding the use of Dewa 19 songs in various commercial performances. The dispute was not solely related to royalty payments, but also concerned the limits of the creator's exclusive rights after the management of economic rights is carried out through the LMK. Normatively, Article 87 of Law Number 28 of 2014 authorizes the LMK to collect royalties based on the authorization granted by the creator or copyright holder. However, this provision does not eliminate the creator's exclusive rights as stipulated in Article 9. As a result, differing interpretations have emerged regarding whether royalty payments through the LMK simultaneously fulfill the obligation to obtain permission from the creator. This situation indicates that regulations regarding the relationship between exclusive rights and collective licenses still require clarification to avoid multiple interpretations. (Indarsen, 2024)

The next obstacle relates to institutional effectiveness in royalty management. Article 89 of Law Number 28 of 2014 established the LMKN (National Library of Music) as an institution with a coordinating function in the collection and distribution of royalties. This regulation was later strengthened through Government Regulation Number 56 of 2021, which positions the LMKN as the coordinator of national royalty management. Normatively, the establishment of the LMKN aims to create an integrated, transparent management system and provide legal certainty for both creators and users of songs. (Permana et al., 2025) However, in practice, issues remain regarding the synchronization of song usage data, the basis for calculating royalties, and the transparency of royalty distribution to creators.

This issue is reflected in the dynamics between Wahana Musik Indonesia (WAMI) and LMKN. Differing views on royalty governance demonstrate that royalty management depends not only on the existence of regulations but also on the quality of coordination between institutions. Growing criticism regarding the basis for calculating royalties, the accuracy of repertoire data, and the transparency of distribution indicate that the objectives of establishing LMKN, as mandated by Law Number 28 of 2014, have not been fully achieved. This situation directly impacts legal certainty, as creators do not always receive adequate information regarding the basis for calculating their royalties. (Purba et al., 2023)

The effectiveness of legal protection is also influenced by commercial users' compliance with royalty payment obligations. Article 3 of Government Regulation Number 56 of 2021 explicitly requires anyone who uses songs and/or music commercially to pay royalties

through established mechanisms. These provisions aim to provide legal certainty while guaranteeing the fulfillment of creators' economic rights. (Rahmad & Hadi, 2022). However, the implementation of these norms still faces obstacles, as seen in the dispute between Mie Gacoan and the Indonesian Music Licensing Center (SELMi). This dispute demonstrates that some business actors still view the use of songs as a complement to their business activities without understanding that such use carries legal consequences in the form of royalty payment obligations. While resolving the case through a restorative justice approach has successfully restored creators' economic rights, it also demonstrates that compliance with the provisions of Government Regulation Number 56 of 2021 still requires strengthening through more effective outreach and oversight.

Another issue affecting the effectiveness of royalty protection relates to the royalty data collection and distribution system. Minister of Law Regulation Number 27 of 2025 was primarily designed to strengthen the implementation of Government Regulation Number 56 of 2021 by providing more detailed regulations regarding the procedures for the collection, collection, verification, and distribution of royalties. The regulation requires that every royalty management process be based on accurate song usage data so that royalties can be distributed appropriately to creators or copyright holders. (Hadianida et al., 2024) Therefore, the success of royalty management is determined not only by the amount of funds collected but also by the accuracy of the data used as the basis for royalty distribution.

In practice, this goal has not been fully realized because the song usage data collection system still faces various obstacles. Data on repertoire, frequency of song use, and user identity have not been integrated nationally, so the verification process still relies on data collected by individual institutions. This situation has the potential to cause discrepancies in royalty calculations and delays in distribution to creators. Data accuracy is crucial for achieving legal certainty, as the amount of royalties received should be proportional to the level of use of the work by commercial users. (Cahyani et al., 2025). The issue of transparency in royalty management is also a concern in the relationship between Wahana Musik Indonesia (WAMI) and the National Collective Management Institute (LMKN). Differing views regarding the basis for calculating royalties, distribution mechanisms, and access to song usage data indicate that institutional governance still requires improvement. From an administrative law perspective, institutions authorized to manage creators' funds are obligated to implement the principles of transparency, accountability, and professionalism. Therefore, transparency regarding the royalty collection and distribution process is not only an administrative requirement but also part of the legal protection of creators' economic rights. (Iswantono & Rosando, 2022)

The effectiveness of the royalty management system is also influenced by the level of legal awareness of copyright users. The use of songs in commercial activities is still often understood as part of a service to consumers without considering the resulting legal consequences. In fact, Article 9 paragraph (3) of Law Number 28 of 2014 expressly prohibits the commercial use of works without the consent of the creator or copyright holder. This

provision is reaffirmed in Government Regulation Number 56 of 2021, which requires all commercial users to pay royalties through a predetermined mechanism.

This lack of understanding is reflected in the dispute between Mie Gacoan and the Indonesian Music Licensing Center (SELMi). The use of songs as a means of supporting business activities was initially viewed as not creating legal obligations by the user. However, normatively, the use of songs in restaurants constitutes a form of commercial use that generates economic benefits, and therefore falls into the category of use that requires royalty payments. The resolution of the case through a restorative justice approach demonstrates that restoring the economic rights of creators is a primary goal of copyright law enforcement. However, the emergence of this dispute demonstrates that public awareness of the obligation to pay royalties has not yet fully reached businesses. Issues regarding the protection of creators' economic rights have actually existed since before the current royalty management system was introduced. The dispute between Iwan Fals and Toto Gunarto demonstrates that creators often face difficulties obtaining proportional economic benefits from works that have been commercially used. At that time, there was no integrated royalty management mechanism, so the fulfillment of economic rights depended largely on contractual relationships between creators, performers, and record companies. (Adelia Permatasari, 2022) This experience became one of the key reasons for establishing a royalty management system through the LMK and LMKN, ensuring that creators' economic rights were no longer dependent on the bargaining power of each party, but were instead guaranteed through a more structured legal mechanism.

This dynamic became even more apparent after a number of musicians filed a petition to review Law Number 28 of 2014 concerning Copyright with the Constitutional Court. The petition essentially demonstrated that there were still differing interpretations regarding the relationship between creators' exclusive rights, performers' rights, and collective licensing mechanisms in royalty management. From a legal perspective, this petition demonstrated that the music industry was developing faster than regulations, necessitating improvements to norms to provide legal certainty without compromising protection of creators' economic rights. (Faisal, 2022). Based on these various issues, optimizing legal protection for the fulfillment of royalty rights cannot be achieved simply by creating new regulations, but must also be directed at strengthening the implementation of existing regulations. This strengthening can be achieved through the integration of a national song usage data system, increased transparency in the collection and distribution of royalties, more effective oversight of the implementation of LMK and LMKN duties, and increased legal awareness of commercial users through ongoing outreach. These steps align with the objectives of Law Number 28 of 2014, namely to provide legal certainty, justice, and protection for the economic rights of creators so that the economic benefits from each use of works can truly be received by the entitled parties.

CONCLUSION

The issue of transparency in royalty management is also a concern in the relationship between Wahana Musik Indonesia (WAMI) and the National Collective Management Institute (LMKN). Differing views regarding the basis for calculating royalties, distribution mechanisms, and access to song usage data indicate that institutional governance still requires improvement. From an administrative law perspective, institutions authorized to manage creators' funds are obligated to implement the principles of transparency, accountability, and professionalism. Therefore, transparency regarding the royalty collection and distribution process is not only an administrative requirement but also part of the legal protection of creators' economic rights. (Iswantono & Rosando, 2022). The effectiveness of the royalty management system is also influenced by the level of legal awareness of copyright users. The use of songs in commercial activities is still often understood as part of a service to consumers without considering the resulting legal consequences. In fact, Article 9 paragraph (3) of Law Number 28 of 2014 expressly prohibits the commercial use of works without the consent of the creator or copyright holder. This provision is reaffirmed in Government Regulation Number 56 of 2021, which requires all commercial users to pay royalties through a predetermined mechanism.

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