

LEGAL ANALYSIS OF THE CONTROVERSY OVER COPYRIGHT ROYALTIES FOR SONGS AND MUSIC IN INDONESIA

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Abstract

This study aims to analyze the controversy surrounding song and music copyright royalties in Indonesia and identify the factors contributing to the suboptimal fulfillment of royalty rights for creators. The research method used is normative legal research with an analytical and comparative approach, comparing the royalty management systems in Indonesia with those in the United States. The results indicate that the main problems lie in the lack of transparency of the National Collective Management Institution (LMKN), a weak oversight system, and the suboptimal integrated song and music database. Furthermore, the Indonesian royalty management system still uses a collective approach, which is considered inefficient and does not provide fair legal certainty for creators. Meanwhile, the United States has implemented more transparent and flexible systems, such as direct licensing and technology-based management. This research contributes to providing recommendations for improving the royalty management system in Indonesia to make it more transparent, accountable, and equitable for all parties involved in the music industry.

Keywords: *Copyright, Music Royalties, LMKN, Transparency, Comparative Law, Indonesia, United States*

Introduction

“ Without music, life would be a mistake ” 'without music, life would be a mistake' said Nietzsche (Sugiharto, 2013). This expression seems to still be relevant today, as music and songs are heard everywhere, whether intentionally or unintentionally, whether at work or relaxing. People use music and songs as entertainment in both formal and informal settings. The influence of music and songs is felt not only by their creators, but also by individuals and groups in society. Some use music or songs as a means of motivation; others use them to console themselves when they are sad. Music and songs have even been used as tools of struggle, as has happened in several regions in Indonesia, including Bali during the protests against the reclamation of Benoa Bay. (Wihardandi, 2013). In the process of creating songs and music, composers face many challenges. They must go through a creative thinking process that requires time and effort, and some even have to expend material to produce their work. For a composer, each work they create is deeply sentimental. Through a process that requires effort and sacrifice, the exclusive rights of creators are regulated through regulations made by the state in order to prevent acts of arbitrary use of works by people at inappropriate times and places, because songs and music are also copyrighted in accordance with Article 1 Paragraph 1 of Law No. 28 of 2014 concerning Copyright (Copyright Law).

Despite existing regulations, the issue of copyright royalties, especially for songs and music in Indonesia, seems like a never-ending problem. Every year, this issue always arises in the midst of the Indonesian music industry. The royalty polemic has been heated again since Ari Bias' lawsuit against Agnes Monica, then there was the dispute between Ahmad Dhani and Once Mekel; then Vidi Aldiano with Keenan Nasution, followed most surprisingly by the determination as a suspect of I Gusti Ayu Sasih Ira, the owner of the Gacoan noodle brand for the Bali region for playing songs without a license (Arjanto, 2025). The Indonesian Collective Management Institute (LMKN), which was supposed to be a solution to the problem of music and song copyright royalties in Indonesia, has also failed to resolve the issue. The Indonesian Music Lovers Alliance even sued the LMKN, deeming its formation legally unfounded, as the Copyright Law only mentions the Collective Management Institute (LMK), not the LMKN (Dwi Jayanti, 2025). The issue of music and song copyright royalties in Indonesia has reached the point of causing concern among those in the music industry. Incidents of legal notices and even criminal reports have made many singers and businesses cautious about singing and playing songs carelessly. It has even reached the stage of horizontal conflict

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between musicians, such as the disagreement between Ahmad Dhani's camp with the Indonesian Composers Association (AKSI) and Ariel Noah's group Vibrasi Suara Indonesia (VISI). They differ on the issue of performing right (right of announcement), AKSI offers a way to withdraw royalties directly Linsense (direct withdrawal), while VISI remains blanket license (collective withdrawal). In addition, VISI took legal action by conducting a material review of several articles in the Copyright Law at the Constitutional Court because they were considered unconstitutional, including Article 9 Paragraph 3, Article 23 Paragraph 5, Article 81, Article 87 Paragraph 1, and Article 113 Paragraph 2 Letter (BBC News Indonesia, 2025). The unresolved issue of fulfilling song and music royalty rights in the Indonesian music industry prompted the author to conduct this research. This research will also compare the song and music copyright royalty management systems in Indonesia with those in the United States. The United States is chosen as a benchmark because it will top the global music market in 2025. (International Federation of The Phonographic Industry, 2025) Its success in controlling 40.3% of global revenues makes the United States a necessary benchmark for Indonesia's royalty management system. Some previous studies that are relevant to this research include those conducted by Adya Paramita Prabandari entitled Comparison of Copyright Regulations in Indonesia and the United States. (Paramita Prabandari, 2011); research by Pujiyono Suwadi with the title Legal Comparison Between National Collective Management Institutions In Indonesia And United States (Suwadi Pujiwono et al., 2024); there is a study conducted by Hans Daniel Felix Tairas with the title Analysis of Dispute Resolution Related to Royalties and Song Copyright (Case Study of Ahmad Dhani's Feud with Once Mekel) (Tairas Daniel Felix & Cai Lee Phua, 2023); then research by Atika Sunarto and Bohal Sijabat with Juridical Reviews of Users of Song Copyright Works are Associated with Government Regulation Number 56 of 2021 Regarding the Management of Song or Music Copyright Royalties (Sunarto & Sijabat, 2022); and research entitled Digital Initiative in the System of Withdrawal , Collection , and Distribution of Song and / or Music Copyright Royalty in Indonesia (Silfiani, 2024). Although several studies have examined the issue of song and music copyright royalties, none have focused on the causes of suboptimal royalty payments in Indonesia. Furthermore, no study has compared the specific royalty management system for song and music copyrights in Indonesia with that in the United States. Therefore, this study was conducted to contribute to addressing the issue of fulfilling song and music copyright royalties in Indonesia.

Method

This research will use the normative legal research method (normative legal research) or doctrinal legal research , namely research whose legal materials focus on laws and regulations, contracts or agreements, legal norms, legal doctrines, and also including court decisions (Muhaimin, 2020). Normative research is a process of researching law as a norm, legal theory, and also literature to answer a legal problem (Sri Widiarty, 2024). The goal is to provide legal arguments as a basis for whether an event is right or wrong, and how an event is according to law, therefore in starting normative legal research starting from legal events, then analyzing references to legal norms in laws and regulations, legal principles, to doctrines to achieve legal construction and their relationships (Muhaimin, 2020). There are two approaches used in this research, first, an analytical approach, namely the analysis of legal materials to determine their meaning, both contained in the terms contained in the legislation, and also their application in the practice of legal decisions (Sry Widiarty, 2024). Second, a comparative approach to find differences and similarities in regulations. In this case, when two countries are compared, the regulations of both countries are compared to find similarities and differences. In a comparative approach, all parts of the object of legal study are compared using the presumption of similarity (praesumptio similitude) and also uses the presumption of difference (praesumption) of difference) with two or more regulations that exist in a country (Ansari Setia Negara, 2023). The data that has been collected will be analyzed and interpreted through systematic descriptive descriptions to explain the problems that are the theme or focus of the research (Ghefyra et al., 2025).

Results and Discussion

Lack of Transparency of National Collective Management Institutions

The ratification of Copyright Law No. 28 of 2014 is seen as a bright hope for the protection of song and music copyrights. The Copyright Law encourages the establishment of an institution to assist in collecting and distributing royalties for Creators, Copyright Holders, and Related Rights owners. The Copyright Law provides a specific chapter, Chapter XII, on Copyright Protection. The existence of this protection is expected to provide protection for song and music copyrights, which are often violated. Based on Article 87 of the Copyright Law, to obtain economic rights, every Creator, Copyright Holder, and Related Rights owner must become a member of the Collective Management Institution so that they can collect reasonable compensation from users who utilize Copyright and Related Rights in the form of commercial public services. The article explains the role of the LMK in collecting royalties for the public who wish to use them commercially, provided that the creators, copyright holders, and related rights owners must first

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become members of the LMK. In reality, things haven't turned out as expected. The existence of the LMK hasn't been able to address the royalty issue, which remains a major issue for creators. This issue has been widely reported due to the lack of a solution from the LMKN, a non-profit organization mandated by law to manage royalties. In addition to the Copyright Law, the role of the National Collective Management Institution (LMKN) is also regulated in Government Regulation No. 56 of 2021 concerning the Management of Copyright and/or Music Royalties. Article 1 Paragraph 11 explains that the National Collective Management Institution, hereinafter abbreviated as LMKN, is a non- APBN government-assisted institution established by the Minister based on the law on copyright, which has the authority to collect, collect, and distribute royalties and manage the economic rights interests of Creators and Related Rights owners in the field of songs and/or music. The transparency of the LMKN in collecting and distributing royalties has been a concern, as it is considered suboptimal. As an institution that protects and distributes economic rights to creators, LMKN frequently receives questions about transparency from many music professionals. One such transparency case is Ari Lasso's dealings with Wahana Musik Indonesia (WAMI). Ari Lasso questioned the royalties he received, which were considered small compared to the hundreds of millions of rupiah collected by WAMI (CNN Indonesia, 2025). Not only did the amount garner public attention, but WAMI also mistakenly transferred the money to Ari Lasso's account, not to his bank account.

An open message was also sent by VISI and the Federation of Indonesian Musicians Unions (FESMI) to LMKN and LMK to openly report the distribution of royalties after the payment of Rp2,264,520,000 made by PT Mitra Bali Sukses, the owner of the Mie Gacoan license in Bali, as a form of transparency to the public. (Akbar, 2025) The weak oversight system for LMKN (National Student Organizations) creates a gap in transparency. Under the audit system, LMKN are audited only once a year. Article 17 of Government Regulation 56 of 2021 stipulates that LMKN are required to conduct financial and performance audits by public accountants at least once a year, with the results announced to the public through one national print and one electronic media outlet. The Minister of Law also highlighted this issue, urging LMKN to maintain transparency by producing monthly financial reports (Umayna Andani, 2025). Following the inauguration of the new commissioners of the LMKN (National Music Association) for the 2025-2028 period, many members of the music industry have urged the institution responsible for collecting royalties to be more transparent. They are being urged to create guidelines for determining royalties, expedite the distribution process, and also to collect royalties from the commercial use of songs and music (Ardian, 2025). In terms of supervision of LMKN, it is regulated in Article 92 Paragraph 1 of the Copyright Law which states that the Minister shall conduct an evaluation of collective management institutions, at least once a year. Furthermore, the results of the evaluation as referred to in paragraph 2 indicate that the collective management institution does not fulfill as referred to in Article 88, Article 89 paragraph 3, Article 90, or Article 91, the Minister shall revoke the operational permit of the collective management institution. This article is very weak because LMKN is only audited once a year and the Minister only evaluates the administration of the establishment of LMK, which is already a mandatory requirement for the establishment of LMK at the beginning.

The supervisory team for the performance of LMKN is regulated in Article 52 Paragraph 2 of Permenkum No. 27 of 2025. A five-person supervisory team is formed, consisting of: a. Director General as director; b. one chairperson who also serves as a member who is a representative of the Ministry of Law; c. one member who is a representative of the Ministry of Law; and d. Two people who are representatives of professional organizations in the field of copyright and related rights. Based on this, the supervisory team can provide recommendations to the Minister to impose sanctions on LMKN. Oversight of LMKN and LMK should be tightened in terms of collecting royalties. Ari Bias's report against Agnes Monica and the LMK Sentra Licensing Musik Indonesia (SELMI) against PT Mitra Bali Sukses are two cases where LMKN as the parent LMK is absent and can resolve royalty disputes between musicians and the public, so that the effect of these reports has given rise to speculation about the limits of song and music playback (Jaluardi et al., 2025). These reports should still be able to be pursued through alternative copyright dispute resolution. There is still the option of reporting that can be done first through the commercial court according to Article 95 Paragraph 2 of the Copyright Law.

The lack of supervision and coordination of LMK is also seen in SELMI's actions in determining the amount of fines that must be paid by PT Mitra Bali Sukses, even though the provisions of Article 89 Paragraph 3 of the Copyright Law state that in carrying out the collection as referred to in paragraph 2, both (LMK creators and LMK owners of related rights) collective management institutions are required to coordinate and determine the amount of royalties that are the rights of each collective management institution in question in accordance with the customary practices based on justice. Furthermore, periodic audits of the LMKN should be an important point in the planned revision of the Copyright Law. The LMKN's move to collect royalties without information about creators and copyright holders in the central song and music database directly contradicts transparency (Prayogi, 2025). This action contradicts Article 87 Paragraph 1, which states that in order to obtain economic rights, creators, copyright holders, and owners of related

rights must become members of the LMK. In reality, there are still creators and copyright holders who are not registered. However, the LMK can still collect their royalties. These royalties become a deposit fund in the LMKN without clear distribution to the creators. This disregards the exclusive rights of creators, because it does not provide space for independence over their own work, and contradicts the exclusive rights of creators granted by the Copyright Law according to Article 1 Paragraph 1, and also contradicts Article 6bis (1) Berne. Convention which explains that Independently of the author's economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation. From this article, it can be concluded that copyright protection is not only about economic rights, but also encourages efforts to protect moral rights so that people can claim their own creations from actions that harm the creator (Theresia Puspasari, 2022).

Weakness of Song and Music Data Center

One of the mandates of Government Regulation No. 56 of 2021 (PP/56) is the recording of song and music data. Article 4 of PP/56, Paragraph 1, explains that the Minister registers songs and/or music upon request. This registration is an effort to protect the royalty rights of creators, copyright holders, and related rights owners. Registered songs and music can then be accessed by the National Library of Indonesia (LMKN) as a basis for collecting royalties. Not only can LMKN access it, but also creators, copyright holders, related rights owners, and authorized holders, as stipulated in Article 6, Paragraph 2 of PP 56. Although Government Regulation 56 of 2021 (PP 56) explains the recording of song and music data, PP 56 only encourages song data collection, which can later be used by the National Music Agency (LMKN) to collect royalties. Therefore, the song data collection only lists songs for which licensing payments are available, but does not provide information on the amount of royalties collected. This approach lacks transparency for creators and copyright holders, or the public who have paid license fees to the LMKN. The push for a centralized song and music database has been widely discussed by musicians. Digital recording of song and music royalties is believed to facilitate royalty management and transparency, thus directly benefiting creators' well-being (Jaluardi et al., 2024).

The existence of a song and music database will facilitate licensing, and payments can be monitored directly. Furthermore, public awareness of the obligation to pay royalties for commercial use of songs and music is quite high. A survey conducted by KedaiKOPI found that 83.8% of respondents are aware of the obligation to pay royalties to songwriters for commercial use of songs and music. (Muhamad, 2025) This awareness should be accompanied by the availability of sophisticated systems. Currently, LMKN has launched a one-stop payment system through a platform called Inspiration. The application is considered to facilitate obtaining licenses for targeted sectors such as restaurants, hotels, shopping centers, transportation, broadcasting institutions, and entertainment venues (KAD, 2025). This was done after LMKN revoked the delegation authority of LMKs who had been helping in collecting royalties through circular letter number SE.06.LMKN.VIII-2025 concerning Notification of Revocation of Delegation of Authority to Collective Management Institutions (LMK) to Withdraw and Collect Song and Music Royalties. In fact, this system is still considered the same as it was when the LMKs existed. It still lacks transparency for songwriters and music creators and other rights holders. The only change is that payments are made through one system, not through the existing LMKs.

The mandate of Article 22 letter b of Government Regulation 56 of 2021 requires the LMKN to develop a Song and Music Information System (SILM). This system is explained in Article 1 Paragraph 13 of Government Regulation/56 of 2021, namely that the Song and Music Information System, hereinafter referred to as SILM, is an information and data system used in the distribution of song and music royalties. Furthermore, Article 14 Paragraph 2 states that royalties collected by the LMKN, as referred to in Paragraph 1, are distributed by the LMKN based on reports on the use of song or music data contained in SILM. Prior to the enactment of Government Regulation No. 56 of 2021, Article 6 of the Copyright Law mandated copyright management information and electronic copyright information. This article provided a system for collecting and organizing copyright information as part of the protection of song and music copyrights (Silfiani, 2024). LMKN itself has used SILM as its reference for collecting royalties. This method doesn't allow creators and the public to monitor collected royalties. Fans also need to see their contributions to their favorite musicians receiving royalties. This system should also provide creators with information on accumulated royalties. Furthermore, creators need to know who is using their songs and from which cities. The current information system does not provide a list of songs played by commercial users. The blanket system Licensing, the only current royalty collection method, is considered unfair to creators. In the case of Ari Lasso, who received a small royalty and Mie Gacoan Bali, which paid billions in royalties, for example, LMKN failed to provide

detailed information on which songs were played. This issue raises major questions about LMKN's transparency. Ahmad Dhani and Cholil Mahmud, two musicians, have highlighted this issue (Bimo Aprilianto, 2025). The National Music and Music Agency (LMKN) is considered slow to respond to technological developments, a factor contributing to the controversy surrounding song and music royalties. Rapid consumption patterns and digital developments should encourage the LMKN to act more quickly in protecting creators' works and avoid confusion among the public and the music industry. The perceived threat of technology also hinders the protection of song and music copyright royalties. (Ninditya et al., 2023). The latest breakthrough made by LMKN is currently creating a one-stop payment mechanism via the website. Inspiration . This management system is a step taken by LMKN to address the complexity of manual payments, which are considered time-consuming. It is also a step taken by the new commissioners to improve royalty governance to make it more transparent and accountable. (Izatul Rahman, 2025). Spotify works is a simple example that LMKN should emulate in presenting data to creators. This world-renowned online music platform (Syaharani, 2023) provides creators with real-time information on their songs' performance, monthly listeners, and the most streamed songs, allowing creators to take data-driven action for promotion. (Peleg, 2024).

Song and Music Royalty Management System in the United States

As the country with the highest music income in the world according to the International Federation The 2025 National Song and Music Industry Act (MPI) of the Phonographic Industry (PhD) makes a good comparison of how their system works for collecting song and music royalties. The US itself doesn't have as many LMKs as Indonesia. One of their advanced systems is a special royalty arrangement for digital platforms, a situation Indonesia doesn't yet have specific regulations governing. In the United States, the exclusive rights of creators are regulated in Section 106 of the Copyright Act. Act of 1976. In The Copyright Act of 1976 does not specifically mention the regulation of the amount of royalty payments, as in the Indonesian Copyright Law (Dwi Adriansyah, 2021). The United States royalty payment mechanism uses a performance system. royalties are regulated by Performance Right Organizations (PRO) such as the American Society of Composers , Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), SESAC, and SoundExchange . For royalties on digital platforms, licenses are issued by Mechanical Licensing Collective (The MLC) (Herstand, 2019).

There are two systems for collecting royalties in the United States, namely the direct system license (direct withdrawal) and indirect license through a collective management (Syaifullah Fattah & Wahyuni, 2025)organization .

This is different from Indonesia in terms of direct license not yet directly protected by legislation (Suwadi Pujiwono et al., 2024). The problem of direct Licensing in Indonesia is still a matter of debate, and no creators have been identified as implementing this system. However, following the development of transparency issues regarding LMKN, there has been talk of a direct system. license from a group of musicians, as attempted by AKSI (C. Rantung & Susanto Setiawan, 2025). In the Copyright Law and PP/56, there is no direct prohibition that creators are prohibited from direct license . Article 87 Paragraph 1 of the Copyright Law states that in order to obtain economic rights, every Creator, Copyright Holder, and Related Rights owner must become a member of a collective management institution in order to collect reasonable compensation from users who utilize copyright and related rights in the form of commercial public services. Likewise, Article 12 Paragraph 1 of PP/56 states that the LMKN collects royalties from people who commercially use songs and/or music in the form of commercial public services for Creators, Copyright Holders, and Related Rights owners who have become members of an LMK, and Paragraph 2 explains that, in addition to collecting royalties for Creators, Copyright Holders, and Related Rights owners who have become members of an LMK as referred to in paragraph (1), the LMKN collects royalties for Creators, Copyright Holders, and Related Rights owners who have not become members of an LMK.

From this article, it can be interpreted that there is no obligation for creators to become members of an LMK to collect royalties directly. Moreover, copyright is the exclusive right of the creator based on Article 1 Paragraph 1 of the Copyright Law, and royalties are a reward for the economic use of a creation received by the creator according to Article 1 Paragraph 21 of the Copyright Law. Royalty payments in the United States system are arranged into two forms: first, mechanical royalties, namely, payments paid to songwriters and music publishers when their work is reproduced, produced, and distributed, such as the creation of a compact disc . disc , vinyl, digital download , and digital platforms, based on Copyright Act of 1976 Section 115 on compulsory license and also Music Modernization Act 2018. Mechanical royalties are determined by the government through compulsory licensing as regulated by Section 115 of Copyright Act 1976. Second, performance Royalties are the rights held by music creators and publishers when their music is played in public spaces, such as radio airplay, television broadcasts, concert performances, background music for restaurants, bars, or retail stores, and online digital platforms. Royalties result

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from performance. royalties will be distributed by Performing Rights Organizations such as ASCAP, BMI, and SESAC, specifically for performances using digital platforms, must pay SoundExchange (Feister, 2017).

In setting US royalty rates, commercial users can negotiate directly with the creator through a direct scheme. licensing. In addition, the rate will be determined by copyright royalty board (CRB), an administrative body that has legal authority through Section 801 Copyright Royalty Judges. The CRB will determine the amount of payment that must be paid after hearing opinions from songwriters, music publishers, and labels to determine a reasonable amount in accordance with Copyright Act sections 112(e), 114, 115, 116, 118, 119, and 1004 (J. Roberts, 2005).

Conclusion

The cause of the controversy over song and music copyright royalties in Indonesia is the overlapping provisions of several copyright laws that protect creators' rights. This adds to the ongoing controversy amidst the ongoing royalty issue. There is no centralized song and music database system that creators and copyright owners can access anytime to monitor their royalties, thus preventing transparency for creators amidst what should be increasingly sophisticated technological advances. The collection process still uses a blanket system. license which is considered slow, even after the implementation of the Inspiration one-door system. The lack of oversight and auditing of LMKN also creates a gap in fulfilling the royalty rights of creators and other rights holders. Indonesia can learn from the United States, which dominates the global music industry market despite not having many LMKs. For example, in the United States, the royalty collection system uses direct license. Through a discussion scheme with songwriters, music publishers, and labels, a step can be taken to establish a principle of fairness. This method can be used by commercial users to more quickly use songs or music.

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