

Management of Royalties for Copyright Local Songs and Music: Implementation and Urgency

Yohanes Usfunan ^{a✉}, Jimmy Z. Usfunan ^b, Made Aditya Pramana
 Putra ^c, Ni Wayan Ella Apriyani ^d, Leonito Ribeiro ^e

^a Faculty of Law, Udayana University, Indonesia,
yohanes_usfunan@unud.ac.id

^b Faculty of Law, Udayana University, Indonesia,
jimmy_usfunan@unud.ac.id

^c Faculty of Law, Udayana University, Indonesia,
adityapramanaputra@unud.ac.id

^d Faculty of Law, Udayana University, Indonesia,
ella.apriyani@unud.ac.id

^e Universidade Da Paz, Timor-Leste,
leonito.ribeiro@gmail.com

✉ Corresponding email: ella.apriyani@unud.ac.id

Abstract

This study is driven by the ongoing challenges in royalty management arrangements for copyrighted songs and regional music, despite the existence of relevant regulations. In this context, the issues originated from the public's limited understanding of copyright infringement, as well as a lack of awareness regarding the rights of songwriters and regional musicians to receive royalties. In some cases, songwriters and musicians resort to informal or underhanded agreements concerning the use of respective songs.

Therefore, this study aims to thoroughly examine the royalty management policies for copyrighted songs and local music in Indonesia, to emphasize the urgency of royalty management in the sector, and to explore the issue from a human rights perspective. In order to achieve the stated objectives, a normative study approach was utilized, adopting both a legislative approach and legal concept analysis. The obtained results showed that royalty management policies for copyrighted songs and regional music were regulated under Government Regulation 56/2021, implemented through National Collective Management Institution (Lembaga Manajemen Kolektif Nasional/LMKN) and Collective Management Institution (LMK). The management of royalties is very important, as it provides benefits not only to creators and related stakeholders but also contributes to the development of music in society. Furthermore, royalty management, as an expression of economic rights, was recognized as part of ECOSOB human rights.

KEYWORDS *Copyright, Regional Songs and Music, Human Rights, Royalties*

Introduction

Indonesia, as an archipelagic nation, is home to a rich diversity of arts, culture, and ethnic traditions. This plurality is vividly expressed through the country's regional songs and music. Each region possesses its own repertoire that embodies local identity, traditions, and cultural values. According to a previous study, these songs, which are often performed in regional languages and accompanied by traditional instruments, are not only a form of entertainment but also serve as essential media for preserving and transmitting cultural heritage.¹

As works of art and culture, regional songs and music constitute valuable intellectual property that must be protected. The significance of the art genre extends beyond cultural preservation, as each piece also holds potential to enhance capacities in trade and industry. Based on prior observations, safeguarded cultural property played a strategic role in advancing national development and promoting general welfare, in line with the objectives of the

¹ Ricky Irawan, "Lagu-lagu daerah Indonesia pada panggung musik nasional 1950-1960an," *Jurnal Kajian Seni* 9, no. 1 (2022): 19–40.

state as mandated by the 1945 Constitution of Indonesia (hereinafter referred to as the 1945 Constitution).²

In pursuit of these objectives, the regulation of social life must constitute all aspects, including copyright, in the fields of science, art, and literature.³ Copyright law (Undang-Undang Hak Cipta/UUHC) was first enacted in Indonesia in 1982 and most recently revised through Law No. 28 of 2014. This legislation provides the legal framework to safeguard intellectual property falling under the domain of copyright, thereby strengthening protections for cultural and creative works.

Copyright Act provides protection for both moral and economic rights. To exercise economic rights in this context, copyright owners and related rights holders may grant permission to another party, either through the transfer of rights or by granting a license, as stipulated in Article 81 of UUHC. Accordingly, this form of licensing must be executed through a written agreement, as required by Article 80 paragraph (1) of UUHC. In essence, a written agreement transfers responsibility to the licensee, particularly regarding the payment of royalties to copyright holder or related rights holder for the duration of the license.⁴

Article 1 number (21) of UUHC defines royalties as “a reward for the utilization of the Economic Rights of a Creation or Related Rights Product received by the creator or owner of related rights.” In the music industry, royalties hold a very important role as the factor significantly influence the sector’s sustainability and growth. According to Frith and Marshall, “the core of the music industry from time to time lies in royalties.” Despite the importance of this factor, challenges persist in fulfilling economic rights, including the optimization of information technology, efficiency in royalty collection, and the effectiveness of Collective Management Institution (LMK).

In practice, royalty management in Indonesia has yet to fully reach all levels of songwriters and musicians, particularly those in

² Consideration “Considering” letter a of Law Number 28 of 2014 concerning Copyright.

³ Faishal Rizki Pratama dkk., “Pelaksanaan Pengumuman Karya Cipta Lagu Sebagai Background Music Di Pusat Perbelanjaan (Studi Pada Rita Pasaraya Purwokerto),” *Diponegoro Law Journal* 5, no. 4 (2016): 1–17.

⁴ Bernard Nainggolan, *Pemberdayaan Hukum Hak Cipta dan Lembaga Manajemen Kolektif* (Penerbit Alumni, 2023).

the regions. This is evidenced by the fact that the majority of regional creators were observed to be unaware of the economic rights attached to respective works, or in some cases, the rights inherited from parents or ancestors who composed these songs. Since copyright can be transferred through inheritance, heirs are entitled to royalties. The lack of accessible information has left the majority of local songwriters and respective descendants uncertain about the inherent rights to economic benefits, resulting in royalties that remain unclaimed regardless of the presence of the rightful owners.⁵

Based on previous observation, the majority of folk songs and traditional music in Indonesia did not include the name of the composer, as most originate from oral traditions. These works are typically passed down from generation to generation in communities, without written records of authorship.⁶ Regardless of the observed fact, the songs still constitute copyrighted works that deserve protection and recognition, specifically when used commercially. This is because folk songs, despite lacking identified creators, carry the same potential for utilization and commercialization as other copyrighted musical works.⁷ According to ValidNews,⁸ the Chairman of National Collective Management Institution (Lembaga Manajemen Kolektif Nasional/LMKN), Dharma Oratmangun, stated that royalties for Indonesian folk songs remained largely unaddressed, even though some of these songs have been translated into other languages, such as Chinese and Malay. However, Indonesian folk songs are cultural treasures and a form of intellectual property that must be safeguarded, particularly in terms of economic rights through royalties. For example, in 2014, the group Ten2Five released an album titled *Cinta Indonesia*, which

⁵ Antonio Rajoli Ginting, "Peran lembaga manajemen kolektif nasional dalam perkembangan aplikasi musik streaming," *Jurnal Ilmiah kebijakan hukum* 13, no. 3 (2019): 379.

⁶ Library of Congress, "The Library of Congress Celebrates the Songs of America: Traditional and Ethnic," <https://www.loc.gov/collections/songs-of-america/articles-and-essays/musical-styles/traditional-and-ethnic/>.

⁷ Agung Damarsasongko dan Endang Pandamdari, "Pengelolaan Royalti Karya Cipta Lagu Dan/Atau Musik Atas Ciptaan Yang Tidak Diketahui Penciptanya (Orphan Works)," *Jurnal De Lege Ferenda Trisakti*, 2023, 80–86.

⁸ Leo Wisnu Susapto, "Royalti Lagu Tradisional Indonesia Belum Tersentuh," Valid News, 2023, <https://validnews.id/nasional/royalti-lagu-tradisional-indonesia-belum-tersentuh>.

featured rearrangements of various folk songs, including “Sinanggar Tulo,” “Ayam Den Lapeh,” and “Kampung Nan Jauh Di Mato,”⁹ but because many of these works lack identifiable composers, enforcing economic rights over the works in the form of royalties remains a challenge.

In regulatory terms, the management of royalties for musical works and song copyrights has been addressed through Government Regulation No. 56 of 2021. This regulation reflects the government’s effort to provide legal protection for the economic rights of copyright holders. To support the framework, the government established LMKN, an institution tasked with managing royalties to protect the rights of creators, including those of folk music. LMKN operates in coordination with LMK, which is private legal entity responsible for collecting and distributing royalties derived from the use of copyrighted songs and music. Regardless of these legal protections, the majority of copyright owners have yet to fully experience associated benefits, since significant problems in royalty management persist, as discussed in earlier sections.

A considerable body of investigation has examined the issue of royalties, but this study offers a distinct emphasis by focusing on the management of copyright royalties for songs and music in the category of folk traditions. In recent years, scholarship on copyright royalty management in the music industry has expanded significantly, but few studies have explored the unique challenges surrounding folk songs and folk music. What distinguishes the present exploration is its concentration on three interrelated dimensions: first, the policies governing the management of copyright royalties for local songs and music in Indonesia. Second, the urgency of effectively managing these royalties, and third, the examination of royalties for local songs and music through the lens of human rights. Considering the complexity of these issues, it becomes essential to carry out a deeper inquiry and analysis in order to strengthen the understanding of royalty management for folk and local musical works. Several studies can serve as comparisons for

⁹ Irfan Maullana, “Cinta Indonesia Bukti Ten2Five Masih Solid,” Kompas.com, 5 Desember 2014, <https://entertainment.kompas.com/read/2014/12/05/164142710/Cinta.Indonesia.Bukti.Ten2Five.Masih.Solid>.

this present study:

1. A study titled “Juridical Review of Royalty Management of Copyright Songs and/or Music According to the Legislation Applicable in Indonesia” was conducted by Tanu Iswanto and Abraham Ferry Rosando in 2022 and published in the *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*. This exploration was motivated by the principle that songs and music, as human creations, were protected by copyright law to ensure welfare of songwriters in both economic and non-economic terms. Accordingly, it include an analysis of the royalty management mechanism under Government Regulation No. 56 of 2021 and concluded that royalties were managed by LMKN and LMK in a structured manner, contributing to improved welfare for artists. The investigation also found that the implementation mechanisms for royalty management remained incomplete.
2. The study titled “The Consequences of the Presence of Government Regulation Number 56 of 2021 concerning the Management of Royalties for Copyright of Songs and/or Music on the Collection of Royalties for Songs and/or Music,” which was conducted by Gabriel Indarsen in 2023 and published in *Locus: Journal of Legal Science Concepts*. The study emphasized the growing importance of copyright protection for musical works, particularly in relation to royalties and associated rights. It examined the legal position of LMKN and LMK in implementing royalty collection, the application of GR No. 56 of 2021 following the establishment of Indonesian National Private Broadcast Radio Association, and mechanisms for resolving disputes in royalty collection and distribution. Following the observations made during the course of the investigation, an inference was made that the position of LMKN and LMK was governed by Permenkumham No. 36 of 2018, royalty payments were calculated based on public accountant audits of prior years’ advertising revenues, and disputes may be resolved through arbitration or the courts.
3. The study titled “Legal Protection of Music Copyright Holders Based on Government Regulation Number 56 of 2021 concerning Management of Royalties for Song and Music

Copyright,” which was conducted by Panji Adela and Agri Chairunisa Isradjuningtias in 2022 and published in the Journal of Citizenship. The exploration was prompted by the enactment of implementing provisions of Law No. 28 of 2014 on Copyright, particularly Government Regulation No. 56 of 2021 on the management of royalties for songs and music. It investigated whether the enacted regulation provided sufficient protection and how such protection was realized for music copyright holders, specifically concerning the associated right to receive royalties.

4. A study titled “Management of Royalties from Songwriters Who Are Not Registered in Collective Management by Collective Management Institutions,” conducted by Mohamad Thaufiq Rachman in 2022 and published in the Dharmasisya Journal of the Master of Law Program, Faculty of Law, University of Indonesia. This investigation examined the roles of LMK and LMKN as institutions responsible for managing royalties for songs and music in Indonesia, with a particular focus on the authority of LMKN in handling royalties for songwriters who were not registered with an LMK. It inferred that the management of royalties from creators, copyright holders, and owners of related rights posed significant challenges for the government. Specifically, when LMKN manages royalties for unregistered songwriters without the songwriter’s consent, the tendency for disputes during implementation becomes great.
5. A study titled “Legal Protection of Song Creators’ Rights Through the Role of the National Collective Management Institution (LMKN) Based on GR No. 56 of 2021,” which was carried out by Karel Martins Siahaya and Dyah Permata Budi Asri in 2022 and published in the Legal Research Review. The study explored the legal protection of the rights of creators in relation to works and related rights products in the field of songs and music, as well as the role of LMKN in optimizing royalty management under GR No. 56 of 2021. Accordingly, it reported that LMKN collected royalties from individuals or entities engaging in the commercial use of songs and music. The results emphasized that in cases where the rights holder

was not a member of an LMK, the creator may still claim royalties through LMKN in a maximum of 2 years after being formally notified.

Based on the issues outlined above, it can be seen that further exploration is required to deepen the understanding of royalty management for copyrighted songs and regional music. Against the backdrop, this present study was carried out under the title “Management of Copyright Royalties for Regional Songs and Music in Indonesia: Implementation and Urgency.”

Method

This present study adopted the use of a normative legal approach while drawing on selected field data to examine law as a set of rules or provisions generally recognized in society and functioning as the foundation for behavior.¹⁰ Accordingly, in exploring the management of royalties for regional songs and music, both a statutory and an analytical-conceptual approach was adopted. The legal materials utilized consist of primary, secondary, and tertiary sources. Primary legal materials include the 1945 Constitution, Law No. 28 of 2014, Law No. 39 of 1999, Government Regulation No. 56 of 2021, Permenkumham No. 9 of 2022, Presidential Decree No. 18 of 1997, the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Berne Convention. Secondary legal materials consist of intellectual property rights and human rights studies contained in various scholarly writings and literature. Meanwhile, tertiary legal materials were gathered through literature study to complement and clarify the primary and secondary sources. To analyze the identified problems, descriptive, evaluative, and argumentative approaches were applied. The use of normative approaches is particularly relevant, as these approaches allow for the examination of legal norms that show vagueness or ambiguity, which generate difficulties during application. Through the approach, this present study aims to provide evidence of the practical problems arising from the implementation of this kind of unclear norms.

¹⁰ Muhaimin, *Metode penelitian hukum* (Mataram University Press, 2020).

Result & Discussion

A. Royalty Management Policy for Copyright of Regional Songs and Music in Indonesia

1. Song and Music Copyright Royalty Management Policy

The legal framework governing the management of song and music copyright royalties in Indonesia was established under Government Regulation No. 56 of 2021 concerning the Management of Song and Music Copyright Royalties (hereinafter GR 56/2021). Two central policies contained in this regulation include the implementation of Music or Song Information System (Sistem Informasi Lagu atau Musik/SILM) and the administration of royalties by LMKN.

SILM is defined in Article 1, point 13 of GR 56/2021 as “an information and data system used in the distribution of song or music royalties.” In practice, the information system functions as a national database that records the use of songs and music for the purpose of monitoring and managing royalty distribution to copyright holders. This implies that all individuals or entities utilizing songs and music, whether commercially or publicly, are required to report respective usage through SILM. Prior to this, the creator, copyright holder, related rights holder, or respective proxy must first register the work with the Ministry in the form of a general list of creations, as mandated by Article 4 of GR 56/2021. After the work had been recorded, the data was then incorporated into the national song and music data center, which is managed by the Directorate General. This database becomes the reference point for royalty management by LMKN, creators, copyright holders, related rights holders, proxies, and commercial users.¹¹

The management of royalties by LMKN is governed by Articles 8 through 17 of GR 56/2021. Under these provisions, LMKN was

¹¹ Panji Adela dan Agri Chairunisa Isradjuningtias, “Perlindungan hukum terhadap pemegang hak cipta musik berdasarkan peraturan pemerintah nomor 56 tahun 2021 tentang pengelolaan royalti hak cipta lagu dan musik,” *Jurnal Kewarganegaraan* 6, no. 3 (2022): 6545–54.

designated as the institution responsible for the withdrawal, collection, and distribution of royalties. As a result, commercial users of songs must apply for a license through LMKN and report respective usage through SILM in accordance with the licensing terms. It is also important to state that Article 11 of GR 56/2021 introduced a special provision granting royalty relief for micro-businesses, as defined under the laws on micro, small, and medium enterprises (MSMEs). This relief was introduced with the primary aim of easing financial burden on MSMEs while also ensuring that the rights of songwriters and copyright holders to receive royalties remain protected.

The collection of royalties by LMKN is directed at individuals or entities that make commercial use of songs. This responsibility is not limited to Creators, Copyright Holders, and Owners of Related Rights who are members of LMK, but also extends to those who have not registered as members. In practice, the collection of royalties by LMKN is guided by the principle of fairness, ensuring that the rights of all parties are respected. According to Article 14 of GR 56/2021, the royalties collected by LMKN are distributed for three main purposes. First, to Creators, Copyright Holders, and Owners of Related Rights who are members of an LMK. Second, for operational funds required to support the functioning of LMKN, and third, for reserve funds.¹²

2. Legal Politics of the Formation of Government Regulation No. 56 of 2021

The establishment of GR 56/2021 essentially constituted a mandate derived from Articles 87, 89, and 90 of Law Number 28 of 2014 concerning Copyright (UUHC). In this context, GR 56/2021 serves as an implementing regulation of UUHC, which is aimed at optimizing the management of copyright royalties for the use of creations and related works in the field of songs and music. Accordingly, as a derivative regulation, its scope specifically targets individuals or entities that make commercial use of songs and

¹² Wandra Wardiansha Purnama, "Implementasi Pendistribusian Royalti: Strategi Inovatif Untuk Pemenuhan Hak Ekonomi Pencipta Lagu Dan Musik," *JURNAL HUKUM MEDIA JUSTITIA NUSANTARA* 12, no. 1 (2022): 189–98.

music, reinforcing the protection of copyright holders and owners of related rights.

The legal politics underlying the formation of GR 56/2021 can be traced to the considerations outlined in its preamble, particularly in letter a, which states: “that in order to provide protection and legal certainty to creators, copyright holders, owners of related rights to the economic aspect of songs and music, as well as every individual who makes commercial use of songs and music, it is necessary to regulate the management of copyright royalties for songs and/or music.” This legal politics invariably emphasizes the recognition that creators and composers possess inherent economic rights over respective works, including the entitlement to receive fair compensation for the commercial use of these genre of works. This form of protection ensures that creators are not deprived of revenue that rightfully accrues from their intellectual property. Essentially, without clear arrangements regarding royalties, the potential for unfair practices and financial exploitation increases, leaving creators and copyright holders vulnerable to economic loss. By establishing legal certainty, GR 56/2021 provides enforcement mechanisms, royalty calculation approaches, and claims procedures. This certainty is specifically essential to prevent disputes and guarantee consistent protection of the economic interests of creators and rights holders.

GR 56/2021 further established LMKN as the entity authorized to manage royalties for copyrighted songs and music. As clarified in the General Elucidation of GR 56/2021, “Royalty Management is also carried out by LMKN as an institution authorized under the Law that represents the interests of the creator and the owner of related rights to collect, and distribute royalties from people who make commercial use.” This invariably shows how the establishment of LMKN reflects the decision of the government to centralize royalty management in a designated institution, thereby ensuring greater efficiency, accountability, and protection in the distribution of royalties.

The management of royalties for copyrighted songs and music under GR 56/2021 reflects a deliberate choice to adopt digitalization as a core mechanism. This orientation is stated in the General Elucidation of GR 56/2021, emphasizing that “Royalty Management

comprehensively needs to be supported by information technology facilities, namely the song and music data center managed by the Directorate General and SILM managed by LMKN. Essentially, song and music data center is the basis for both LMKN in Royalty Management, as well as for People who make commercial use of songs and music. On the flip side, SILM is an information system used in the distribution of song and music royalties.” This reliance on digital infrastructure shows a modernization step in royalty management, designed to enhance efficiency, transparency, and accountability. The use of information systems enables rapid and accurate data collection on music utilization, including frequency of playback, sales, and distribution. These systems also facilitate automated royalty calculations by integrating data from multiple sources, thereby minimizing the risks of human error inherent in manual processes. Simultaneously, SILM introduces a layer of transparency, as it allows for continuous monitoring of music usage and the allocation of royalties in real time.

In addition to fostering technological modernization, the management of royalties under GR 56/2021 reflects a socio-economic policy dimension, particularly in relation to the development of Micro, Small, and Medium Enterprises (MSMEs). The regulation grants exceptions or reductions in royalty obligations for MSMEs using copyrighted music, thereby harmonizing legal politics with broader economic objectives. This policy framework ensures that MSMEs receive relief in managing costs, while also facilitating reinvestment in the production of new creative works, as well as promoting sustainable growth and innovation in Indonesian music industry.

The principle of economic rights in copyright law is explicitly affirmed in Article 8 of the UUHC, which stipulates that “Economic rights are the exclusive rights of the Creator or Copyright Holder to obtain economic benefits for his Creation.” Further elaboration is provided in Article 9 paragraph (1) of UUHC, where the rights were enumerated as follows: the right of publication, duplication in all forms, translation, adaptation, arrangement, or transformation, distribution of the work or its copies, performance and announcement, communication to the public, and leasing. Based on these provisions, it becomes evident that economic rights comprise

a broad spectrum of entitlements through which creators and copyright holders derive financial benefits from respective works. Accordingly, GR 56/2021 functions as a regulatory instrument that translates these statutory rights into a practical framework for royalty collection, distribution, and protection.¹³

Economic rights are comprehensively regulated in UUHC as inherent and exclusive rights in Copyright, alongside moral rights. This is explicitly stated in Article 4 of UUHC, affirming that "Copyright as referred to in Article 3 letter a is an exclusive right consisting of moral and economic rights."¹⁴ In essence, economic rights are not separate but form an integral component of copyright.

Copyright further holds significant relevance to both the rule of law and the protection of human rights. In the framework of the rule of law, copyright receives protection as part of human rights, since it is a fundamental right that is inherent, universal, and therefore requires legal safeguards. From the perspective of human rights, intellectual property rights, including copyright, can be understood as a form of property right. As a result, these regulations are protected from arbitrary deprivation, ensuring that the creative labor and intellectual contributions of individuals are recognized and respected under both domestic and international legal frameworks.

3. Rules Related to Copyright Royalty Management of Regional Songs and Music in Indonesia

Regional songs and music in Indonesia are very diverse, each reflecting the cultural, linguistic, and ethnic richness of the archipelago. In the broadest sense, a regional song refers to a category in Indonesian musical repertoire that originates from a

¹³ Nurasiah; Mukidi; Purba Erniyanti; Mustamam; Harahap Nelvitia; Pramono, Rudy, "Government Coexistence in the Implementation of Law Number 28 of 2014 concerning Copyright in Protecting Creator's Exclusive Rights regarding Moral Rights and Economic Rights," *J. Legal Ethical & Regul. Issues* 24 (2021): 1.

¹⁴ Muhammad Hilman Abdulghani dkk., "JURIDICAL REVIEW OF THE PRINCIPLE OF JUSTICE IN THE PROTECTION OF COPYRIGHT OWNERSHIP FOR WORKS CREATED IN COURSE OF PUBLIC SERVICE RELATIONS ACCORDING TO LAW NUMBER 28 OF 2014 ON COPYRIGHT DAN ITS COMPARISON WITH COPYRIGHT REGULATIONS IN FRANCE AND GERMA," *Transnational Business Law Journal* 5, no. 2 (2024).

particular tribe or ethnicity in the country.¹⁵ These songs are generally performed in local languages or dialects, and the majority are anonymous in authorship. The word “region” in this context is often associated with the provincial administrative unit, giving rise to subcategories such as the regional songs of Central Java, East Java, West Java, Bali, or Papua. Collectively, these songs are regarded as regional songs.¹⁶

As stated by Wahyu Purnomo and Fasih Subagyo, folk songs are typically composed and developed in a specific locality and are transmitted across generations. Regional songs tend to reflect the character of the community, often through poetry that may be difficult for outsiders to fully understand. The rhythmic patterns and melodic structures of these songs are typically simple, making each piece easy to learn and perform by people from all walks of life in the region. The vocal style follows the natural articulation of the local dialect, hence no rigid vocalization standards are required.¹⁷

Based on the insights above, an inference can be made that the substance of regional songs generally constitutes the daily practices, struggles, traditions, and cultural values of the community from which they originate. These songs invariably serve as a medium to preserve and transmit local identity, often introducing the richness of a region to a wider audience. Accordingly, the use of local languages, alongside melodies that are often adapted into broader Indonesian tonalities, emphasizes the dual role of the art genre in both cultural preservation and national integration. According to Wahyu Purnomo and Fasih Subagyo, folk songs have the following characteristics:¹⁸

1. Simple: folk songs usually possess simple melodies and verses
2. Regional: the song lyrics are typically in accordance with the region’s local dialect and are composed based on regional culture and poetry.

¹⁵ Irene Svinarky, “REKONSTRUKSI REGULASI PERLINDUNGAN HAK EKONOMI PEMILIK HAK PADA KARYA CIPTA LAGU MELALUI MANAJEMEN KOLEKTIF YANG BERKEADILAN,” preprint, UNIVERSITAS ISLAM SULTAN AGUNG, 2023.

¹⁶ Irawan, “Lagu-lagu daerah Indonesia pada panggung musik nasional 1950-1960an.”

¹⁷ Wahyu Purnomo dan Fasih Subagyo, “Terampil Bermusik,” *Jakarta: Pusat Pembinaan Kementerian Pendidikan Nasional*, 2010.

¹⁸ Ibid.

3. *Turun-terumurun*: local folk songs are passed down from generation to generation, and
4. The creator is rarely known: local songs have a hereditary character because the creator is rarely known or rarely written.

Folk music, dissimilar to folk songs, represents a broader category. It comprises not only songs but also traditional dances, instrumental compositions, and other musical expressions specific to certain regional cultures. Folk music is often inseparable from local customs, rituals, and communal celebrations, and its continuity relies on intergenerational transmission.¹⁹

Constitutionally, the protection of folk music in Indonesia is firmly guaranteed. Article 18B paragraph (2) of the 1945 Constitution stipulates that:²⁰

“The States recognize and respect traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law.”

Article 28I paragraph (3) of the 1945 Constitution further stipulates that “The cultural identities and rights of traditional communities shall be respected in accordance with the development of times and civilizations.”²¹ These constitutional provisions emphasize the recognition and protection afforded to traditional communities alongside respective rights, provided the communities remain relevant and in harmony with societal development and prevailing laws.²² This implies that the State

¹⁹ Ni Ketut Supasti Dharmawan, “Protecting traditional Balinese weaving through copyright law: is it appropriate?,” *Diponegoro Law Review* 2, no. 1 (2017): 57–84, <https://doi.org/10.14710/dilrev.2.1.2017.57-84>.

²⁰ Desak Putu Dewi Kasih dkk., “Policies Concerning Sacred And Open Traditional Cultural Expressions: Tourism and Creative Economy In Bali Context,” *Jatiswara* 38, no. 1 (2023): 14–27, <https://doi.org/10.29303/jtsw.v38i1.475>.

²¹ Ritawati Ritawati dkk., “Copyright in the Digital Age in the Protection of Intellectual Property Rights in Indonesia,” dalam *Proceedings of the International Conference on “Changing of Law: Business Law, Local Wisdom and Tourism Industry” (ICCLB 2023)*, ed. oleh Mirsa Umiyati dkk., vol. 804, Advances in Social Science, Education and Humanities Research (Atlantis Press SARL, 2023), https://doi.org/10.2991/978-2-38476-180-7_138.

²² Putu Aras Samsithawrati dkk., “Traditional Knowledge and Traditional Cultural Expressions as Communal Intellectual Property: Are They Protected Under the WIPO

recognizes regional songs and music as part of the cultural identities and traditional rights of these communities.

In terms of royalties, the management of copyright for regional songs and music follows the same principles as the regulation of royalties for songs and music in general under GR 56/2021, as discussed in the earlier section. However, the key distinction in this context lies in authorship. For regional songs and music, the creators are often unknown or anonymous.²³ Regardless of the anonymity of these works, respective commercial use still requires careful consideration. This was reinforced by Indonesia's ratification of the Bern Convention, which established protections for literary and artistic works that fulfilled the requirements of originality, creativity, and fixation. It is also essential to comprehend that the Bern Convention further provided a framework for protecting works of unknown authorship, a category under which the majority of regional and folk songs fall.²⁴

The Bern Convention, in its revision of July 24, 1971, in Paris, further stipulated that: "*Countries of the Union which make such designation under the term of the provision shall notify the Director General (of WIPO) by means of a written declaration giving full information concerning the authority thus designated. The Director General shall at once communicate this declaration to all other countries of the Union.*" In addition, Article 15 paragraph (4) of the 1971 Revised Bern Convention stated that: "*In the case of unpublished works where the identity of the author is unknown, but where there is every ground to presume that he is a national of a country of the Union, it shall be a matter for legislation in that country to designate the competent authority which shall represent the author and shall be entitled to protect and enforce his rights in the countries of the Union.*"²⁵ These provisions invariably show that the Bern Convention extends protection to unpublished works and to

Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge 2024?," *Jurnal Pembangunan Hukum Indonesia* 7, no. 1 (2024): 1–26.

²³ Irawan, "Lagu-lagu daerah Indonesia pada panggung musik nasional 1950-1960an."

²⁴ Yenny Eta Widyanti, "Perlindungan Hukum Lisensi Hak Cipta Lagu dan Musik Daerah Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta Dan Konvensi Bern," *Warkat* 3, no. 1 (2023): 38–48.

²⁵ Take note of Presidential Decree No. 18 of 1997 concerning the ratification of the Berne Convention for the Protection of Literary and Artistic Works.

unknown creators from Union member countries. As a result, the rights of unidentified composers of songs and folk music, including respective economic rights in the form of royalties, are safeguarded under international law.

Nationally, Article 39 paragraph (1) of UUHC stipulates that: "In cases where the creation is unknown to the creator and the creation has not been announced, copyright on the creation is held by the State for the benefit of the creator." This provision reflects how works of unknown authorship are placed under state custodianship as a means of protection for respective creators. However, UUHC does not explicitly regulate the management of economic rights or royalties for songs and folk music whose creators remain unidentified.²⁶

Further clarification is found in Article 15 paragraph (1) of GR 56/2021, which provides that: "Royalties for creators, copyright holders, and owners of related rights who are not known and have not become members of an LMK are stored and announced by LMKN for 2 years to be known by the creator, copyright holder, and owner of related rights." This implies that royalties generated from songs and regional music of unknown authorship are managed by LMKN, and the institution must publicly announce these royalties for a period of 2 years. During this period, the rightful creators, copyright holders, or related rights owners are expected to come forward and claim respectively earned entitlements.

Regarding the management of royalties for copyrighted songs and regional music whose creators remain unknown, Article 15, paragraph (2) of GR 56/2021 stipulates that "If within the period referred to in paragraph (1) the Creator, Copyright Holder, and owner of Related Rights are known and/or have become members of an LMK, royalties are distributed." Furthermore, Article 15 paragraph (3) of GR 56/2021 states that "If within the period as referred to in paragraph (1) the Creator, Copyright Holder, and the owner of the Related Rights are not known and/or not a member of an LMK, the Royalty can be used as a reserve fund." These provisions make it clear that if, in a 2-year period, the Creator, Copyright Holder, or

²⁶ Damarsasongko dan Pandamdari, "Pengelolaan Royalti Karya Cipta Lagu Dan/Atau Musik Atas Ciptaan Yang Tidak Diketahui Penciptanya (Orphan Works)."

owner of Related Rights is identified or becomes a member of LMK, royalties will be distributed according to the royalty distribution rules set forth in Article 14 of GR 56/2021. However, if no identification or membership occurs in that period, the royalties will be allocated to a reserve fund.²⁷

The reserve fund is further regulated under the Regulation of the Minister of Law and Human Rights of Indonesia Number 9 of 2022 on the Implementation of Government Regulation Number 56 of 2021 concerning the Management of Royalties for Song and/or Music Copyright (hereinafter referred to as Permenkumham 9/2022). Article 25 of Permenkumham 9/2022 stipulates that “The amount of the reserve fund as referred to in Article 24 paragraph (3) shall be determined based on an agreement in LMKN plenary meeting.” This provision emphasizes how the size of the reserve fund, derived from royalties of songs and regional music with unknown creators or rights holders, is determined collectively through the plenary decision of LMKN. The use of this reserve fund is addressed in Article 26 of Permenkumham 9/2022, which states that “Reserve funds, as referred to in Article 24, can be used by LMKN for a. music education, b. social or charitable activities, c. social security for individuals who are members of LMK, and d. socialization of Copyright and Related Rights relating to Royalty Management.” In essence, the royalties that cannot be attributed to any known creator, copyright holder, or owner of related rights are redirected into initiatives that strengthen the ecosystem of music and copyright management in Indonesia.

Based on these explanations, an inference can be made that the management of royalties for copyrighted songs and regional music is governed under the provisions of UUHC and GR 56/2021. The responsibility for this management rests with LMKN and LMK, in accordance with the applicable legal framework. Considering the fact that regional songs and music are often created anonymously, with no identifiable author, the system of royalty management applies the provisions set out in Article 15 of GR 56/2021 in conjunction with Articles 25 and 26 of the Regulation of the Minister

²⁷ Reza Fahlevi dkk., “Telaah Pemenuhan Hak Royalti Non-Anggota Lembaga Manajemen Kolektif atas Pencipta Lagu atau Musik,” *Hasanuddin Civil and Business Law Review* 1, no. 1 (2024): 53–63.

of Law and Human Rights No. 9 of 2020.

B. Urgency of Copyright Royalty Management of Regional Songs and Music in Indonesia

1. The Phenomenon of Regional Songs and Music in Balinese as well as NTT Communities

The phenomenon of folk songs and music in the communities of Bali and East Nusa Tenggara (NTT) reflects the distinctive culture and traditions of each region. In Bali, folk songs and music are deeply related to religious and traditional ceremonies. For instance, traditional Balinese ensembles, such as gamelan, hold a central place in rituals and celebrations, while folk songs, namely Ratu Anom and Janger, are often performed during ceremonies and artistic events. These songs serve not only as a form of entertainment but also as carriers of moral and spiritual values that comprise Balinese cultural identity. On the flip side, the folk songs of NTT, such as Gemu Fa Mi Re, Potong Bebek Angsa, and Desaku, are widely popular in social and cultural gatherings. These works, which are often performed in local languages, portray the daily lives of the people and are enriched by the sounds of traditional instruments such as the sasando and gong, which give NTT folk music its unique character.

Similar to many other regions, the people of Bali and NTT are making continuous efforts to preserve respective musical heritage. This is evidenced by the fact that in Bali, both the government and local communities actively organize traditional music festivals and competitions to foster intergenerational appreciation of folk music. Furthermore, in NTT, community-driven initiatives typically promote folk songs and music through cultural and educational programs aimed at keeping traditions alive.

Regardless of the stated efforts made, the presence of Balinese and NTT folk songs in the digital era has not yet generated significant benefits for the original creators or respective communities. Digital platforms have opened opportunities for the

commercialization of local musical content, potentially allowing artists to gain income, but these platforms are also accompanied by challenges regarding copyright enforcement and the principle of fair use. In this context, fair use, which is a limitation on copyright, aims to balance the rights of copyright holders with the broader public interest by permitting certain limited uses of copyrighted works that might otherwise be considered infringements.²⁸

Theoretically, the protection of folk songs and music should be strengthened in line with philosophical justifications for intellectual property rights. To achieve this, John Locke's concept of natural rights, which was articulated through his labor theory of property, offered a foundational perspective.²⁹ Locke argued that individuals hold natural rights to life, liberty, and property, where property originates from the act of mixing individual labor with natural resources.³⁰ When extended to the field of intellectual property, this reasoning supports the view that the creations of mental labor are the rightful property of respective creators or communities, and thereby deserve recognition as well as legal protection.

Factually, the majority of local songs and pieces of music in Indonesia remain undocumented. As stated in a previous study, works that were transmitted orally across generations are rarely accompanied by information about the respective original creators, who are often unknown or never formally recorded.³¹ This anonymity complicates efforts to trace copyright ownership and poses challenges in royalty distribution. The rapid growth of folk songs on digital platforms such as YouTube and other social media has further intensified the issue. This is because although the platforms enable the viral spread and commercialization of local songs, the artworks are not yet balanced with adequate copyright protection for

²⁸ Madeleine Lie, "Permasalahan Penggunaan Youtube Fair Use Dalam Kasus Totally Not Mark Vs Toei Animation," *JISIP (Jurnal Ilmu Sosial dan Pendidikan)* 7, no. 3 (2023): 1918–26.

²⁹ Muhamad Helmi Muhamad Khair dan Haswira Nor Mohamad Hashim, "Justifications of intellectual property rights: A discussion on Locke and Hegel's theories," *Jurnal Hukum Novelty* 11, no. 2 (2020): 114.

³⁰ Neema Parvini, "Hobbes and Locke on Human Nature; Locke on Property Rights," dalam *The Defenders of Liberty: Human Nature, Individualism, and Property Rights* (Springer, 2020).

³¹ Lie, "Permasalahan Penggunaan Youtube Fair Use Dalam Kasus Totally Not Mark Vs Toei Animation."

the original creators. A common practice includes the reproduction or “covering” of viral folk songs by third parties without prior permission and without payment of royalties, regardless of the fact that legal frameworks on royalty management have already been established in Indonesian regulations.

Interviews with key stakeholders significantly showed the gap between regulation and reality. For instance, the Chairperson of the Bali Artists, Musicians, Songwriters, and Artists Association (Pramusti Bali), I Gusti Ngurah Marthana, stated that only a few Balinese songwriters, around five individuals, registered with Karya Cipta Indonesia (KCI) and receive royalties. Even then, the amounts are minimal and often tied to older works. This implies that the majority of local songwriters in Bali do not earn royalties from respective creations.

The stated problem is further compounded by the fact that the local music industry of Bali is thriving. Regional songs and music in the region are regularly performed in commercial settings such as hotels, restaurants, and karaoke establishments. However, the majority of these works have not been formally registered, and respective composers are not members of LMK, meaning the individuals are excluded from the royalty system. Based on this challenge, Balinese songwriters largely rely on informal agreements with singers or bands who perform respective works, or on income generated from live performances (off-air shows). These arrangements fall outside the royalty mechanisms established under copyright law, leaving the majority of creators without the economic recognition or protection to which the demographic is entitled.

Marthana explained that LMK, in this case KCI, had made efforts to engage Balinese musicians and artists to join in order to obtain royalties. However, these efforts have yet to be realized due to a number of challenges. A key factor includes the issue of trust, particularly concerning the lack of clarity in royalty management and the perception that distribution practices are unfair, since royalties are often divided equally without accounting for the specific sources of collection, many of which are unrecorded.

At present, Pramusti, as an association, survives financially through contributions from its members (urunan) and relies on

volunteers who collect data from commercial venues. Members believe that if Pramusti could eventually evolve into a fully recognized LMK, it would bring greater prosperity to Balinese musicians. Attempts to transform this association into LMK had been initiated in the past, but the efforts stalled midway, primarily due to difficulties in accessing LMKN.

Concerns further persist that if Balinese songwriters are grouped under LMKs based outside Bali, the demographic's specific cultural and economic interests may be neglected. This reinforces the perceived need for the establishment of a Bali-based LMK that focuses exclusively on the welfare of Balinese musicians, creators, and artists. Regardless of this fact, a fundamental issue remains, which includes the limited awareness among local musicians and creators about the importance of copyright registration and royalty mechanisms. The majority of Balinese songwriters still equate public performances of respective works with free promotion rather than economic rights. For the demographic, hearing respectively composed songs played in public venues is often a source of pride and an expectation of future opportunities for off-air performances, which provide direct income but bypass formal royalty systems.

This lack of awareness is further emphasized by Made Yuda Yudistira, Intellectual Property Analyst at the Ministry of Law and Human Rights Bali Regional Office³², who elucidated that Intellectual Property in Bali was predominantly communal (KIK), while individual copyrights, particularly in relation to songs and music, remained rare. The majority of registered copyrights include video recordings, often produced by academics, and statistical data on music copyrights remain incomplete. The absence of classification between regional, national, and foreign songs leads to the obtainment of mixed data, making it difficult to identify the number of regional works that have been registered. To determine whether a particular song or piece of music is registered, the song must be searched manually by title.

A similar situation was observed in NTT. In an interview with Anselmus Tallo, Deputy Chairman III of the Regional Representative of the Association of Songwriters and Musicians of the Republic of Indonesia (PAPRI) NTT, it was emphasized that regional music

³² Ministry of Law and Human Rights Office, Bali Province/September 10, 2024

continues to thrive, performed not only by older generations but also enjoyed by younger people. Folk songs in NTT remain central to social and cultural life, being sung at various occasions ranging from wedding celebrations and family gatherings to religious ceremonies. It is also important to state that participation is not confined to professionals, as even ordinary youth frequently sing these folk songs.

As part of efforts to preserve and sustain cultural arts, particularly in the field of music and folk songs, the city of Kupang is home to **Sanggar Latasga**, which collaborates with PAPPRI NTT. Each year, these individuals consistently organize a Forum Group Discussion (FGD) themed “*Timorese Music and Tone Party*” at the Kupang Mayor’s Office Hall. A prominent outcomes of this initiative is the motivation for artists to register respectively composed works with the Directorate General of Intellectual Property so that each creation can be legally protected and safeguarded from claims by unauthorized parties.

NTT regional songs represent a very important expression of cultural diversity and identity in Indonesia. Among the most well-known are *Potong Bebek Angsa*, a simple and lively song about communal festivities, dancing, and feasting; *Bolelebo*, which conveys a deep longing for the land and people of NTT, often expressing pride and affection for an individual’s homeland even while living abroad; and *Flobamora*, which celebrates the unity of the islands namely Flores, Sumba, Timor, and Alor, through music.

Another significant example is the 12-year-old song *Gemu Fa Mi Re*, which has gained massive popularity across Indonesia. Having over 53 million views on YouTube, the song has become an anthem for large communal dances and even aerobic exercises due to its cheerful rhythm and lighthearted tone. The phrase “fa mi re” is rooted in local tradition, symbolizing a joyful ancestral expression. Although this song was originally composed as background music for group dancing, it continues to reflect the cultural penchant of NTT community for collective celebrations.

Despite this vibrancy, the majority of these folk songs remain unregistered under copyright law, leaving respective creators unable to claim royalties regardless of the fact that the songs are frequently performed, adapted, or broadcast on commercial platforms. As

emphasized by Ambrosius Kodo, Head of NTT Education and Culture Office, while these folk songs continue to evolve, often being rearranged with modern instruments into pop or rap genres and uploaded by younger generations to platforms such as YouTube, the lack of formal copyright registration means the economic rights of creators are often left unprotected. As a result, regardless of the fact that these songs generate cultural value and, in some cases, digital monetization through online views, the works rarely produce royalty income when played in restaurants, cafés, or covered by other performers.

2. Economic Benefits of Royalty Management

The protection of Intellectual Property Rights (IPR), particularly copyright for local songs and music in Indonesia, essentially grants monopoly rights. These exclusive rights authorize IPR owners to fully enjoy the economic benefits of respective intellectual creations. In this framework, it is essential for creators and copyright holders to recognize the importance of IPR in safeguarding the originality of ideas. By securing IPR, creators are assured that respectively composed work cannot be arbitrarily claimed or exploited by others.

Economically, IPR protection, specifically through royalty management, produced several significant benefits. These include providing income for creators and copyright holders, ensuring transparency and accountability, fostering the development of the music industry, securing economic rights, and enhancing the quality of creative works.

Royalty management for songs and folk music functions as a reliable source of revenue for creators and copyright holders. This source of income is essential to sustaining the demographic's careers and incentivizing continued creativity. Simultaneously, the structured management of royalties promotes transparency and accountability. Following the enactment of clear regulations such as GR 56/2021, the flow of royalties becomes more traceable and equitable, ensuring that rights holders receive fair compensation for the use of respectively composed works.

The management of song royalties and regional music similarly plays an essential role in the development of the music industry.

Royalties collected are often reinvested into the sector through the production of new music, the organization of concerts, and promotional activities. This reinvestment contributes significantly to the broader growth and sustainability of the music industry.³³ Furthermore, the management of royalties for local songs and music functions as a safeguard for economic rights. By providing legal protection to creators and copyright holders, the unauthorized commercial use of the demographic's original works will be prevented, and the receiving of fair compensation for respective creative contributions would be ensured.³⁴

Royalty management further serves as an important driver for improving the quality of creative works. This is because the financial incentives derived from royalties motivate songwriters and folk music creators to produce works of higher artistic and cultural value.

3. Beneficiaries and Supposed Beneficiaries

In the music industry, royalties serve as financial rewards granted to individuals or groups who participated in the creation and development of copyrighted works. Essentially, effective and comprehensive royalty management requires the interaction of multiple stakeholders to ensure that both the economic and moral rights of creators and related rights holders are adequately protected. In this framework, the following parties benefit from the management of royalties:³⁵

a. Creator

Article 1 point 5 of Government Regulation (GR) 56/2021 defines a creator as "a person or several persons who individually or collectively produce a unique and personal creation." Royalties provide these creators with financial compensation for creativity and labor, thereby enabling the

³³ Nafisah Muthmainnah dkk., "Perlindungan Hukum Terhadap Hak Cipta Bidang Lagu dan/atau Musik Berdasarkan PP Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu dan/atau Musik," *Padjadjaran Law Review* 10, no. 1 (2022): 110–23.

³⁴ Irfan Zuhdi, "Perlindungan Hak Ekonomi Dalam UU Hak Cipta & Pp 56/2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/Atau Musik Dalam Perspektif Maqashid Syariah," preprint, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, t.t.

³⁵ LMKN, "PP 56 Tentang Royalti Hak Cipta Lagu dan/Musik untuk Lindungi Hak Pencipta dan Hak Terkait." Lembaga Manajemen Kolektif Nasional," LMKN, 2021, <https://www.lmkn.id/pp-56-tentang-royalti-hak-cipta-lagu-dan-musik-untuk-lindungi-hak-pencipta-dan-hak-terkait/>.

demographic to sustain respective livelihoods and continue producing quality works.

b. Copyright Holder

According to Article 1, point 6 of GR 56/2021, “The Copyright Holder is either the Creator as the owner of the Copyright, the party who receives the right legally from the Creator, or other parties who receive further rights from the party who receives the right legally.” This provision ensures that not only creators, but also rightful holders who acquire these rights, are entitled to the benefits of royalty management.

c. Commercial Users of Songs or Regional Music

Businesses such as restaurants, cafés, hotels, and other commercial establishments that use regional songs and music commercially benefit from the atmosphere these works create for respective customers. By paying royalties, these establishments not only enhance the business environment but also support the music industry and ensure the legal use of creative works.

d. Micro, Small, and Medium Enterprises (MSMEs)

MSMEs have been observed to gain from royalty management because the enterprises often receive reduced royalty rates for the commercial use of regional songs and music. This arrangement balances the interests of smaller businesses by easing the financial burden while still upholding protection for the creators’ works.

e. The Music Industry as a Whole

Well-regulated royalty management strengthens the entire music ecosystem. It promotes fairness, motivates innovation, and ensures that all participants in the production and distribution chain receive equitable recognition and compensation.

f. Unknown Creator and Recipient of Reserve Funds

Unidentified creators of songs and regional music are similarly protected under the system. Royalties collected for such works by LMKN are allocated to reserve funds. As outlined in the Regulation of the Minister of Law and Human Rights (Permenkumham) No. 9/2022, these reserve funds may

be used for music education, social and charitable programs, social security for members of LMK, and the broader promotion of copyright as well as related rights. In this way, royalty management benefits not only identified creators but also supports wider initiatives that foster the development of song and music creativity.

Conclusion

In conclusion, the observations made during the course of this study showed that, first, the existence of LMK and LMK reflected the implementation of royalty protection for creators. However, in practice, the majority of songs and musical works remain unregistered with LMK and LMK, either because the respective creators are unknown or due to limited knowledge regarding these institutions and the registration mechanisms.

Second, a significant number of song and music creators in Bali and NTT had not yet become members of LMK. Third, the establishment of LMK in every province is essential for the future, as this would invariably enable more systematic data collection for regional songs and music while ensuring fairness in royalty distribution.

Fourth, the management of royalties for copyrighted regional songs and music in Indonesia had progressed alongside technological advancements, particularly through the digitalization of musical works. This development should provide broader benefits not only to creators and copyright holders but also to commercial users, MSMEs, the music industry, and even parties outside the creative process who contribute to the fostering of creativity. Fifth, royalties as economic rights form an integral part of intellectual property rights that are guaranteed as human rights. Economic rights were recognized as part of the Second Generation of Human Rights (ECOSOC) in accordance with Article 27(2) of the 1948 Universal Declaration of Human Rights (UDHR), Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and General Comment No. 17.

References

Abdulghani, Muhammad Hilman, Ranti Fauza Mayana, dan Helitha Novianty Muchtar. "Juridical Review of The Principle of Justice in The Protection of Copyright Ownership For Works Created in Course of Public Service Relations According to Law Number 28 of

2014 on Copyright dan its Comparison With Copyright Regulations In France And Germa." *Transnational Business Law Journal* 5, no. 2 (2024).

Adela, Panji, dan Agri Chairunisa Isradjuningtias. "Perlindungan hukum terhadap pemegang hak cipta musik berdasarkan peraturan pemerintah nomor 56 tahun 2021 tentang pengelolaan royalti hak cipta lagu dan musik." *Jurnal Kewarganegaraan* 6, no. 3 (2022): 6545–54.

Damarsasongko, Agung, dan Endang Pandamdari. "Pengelolaan Royalti Karya Cipta Lagu Dan/Atau Musik Atas Ciptaan Yang Tidak Diketahui Penciptanya (Orphan Works)." *Jurnal De Lege Ferenda Trisakti*, 2023, 80–86.

Dharmawan, Ni Ketut Supasti. "Protecting traditional Balinese weaving trough copyright law: is it appropriate?" *Diponegoro Law Review* 2, no. 1 (2017): 57–84. <https://doi.org/10.14710/dilrev.2.1.2017.57-84>.

Erniyanti; Mustamam; Harahap, Nurasiah; Mukidi; Purba, Nelvitia; Pramono, Rudy. "Government Coexistence in the Implementation of Law Number 28 of 2014 concerning Copyright in Protecting Creator's Exclusive Rights regarding Moral Rights and Economic Rights." *J. Legal Ethical & Regul. Isses* 24 (2021): 1.

Fahlevi, Reza, Anwar Borahima, dan Andi Kurniawati. "Telaah Pemenuhan Hak Royalti Non-Anggota Lembaga Manajemen Kolektif atas Pencipta Lagu atau Musik." *Hasanuddin Civil and Bussiness Law Review* 1, no. 1 (2024): 53–63.

Ginting, Antonio Rajoli. "Peran lembaga manajemen kolektif nasional dalam perkembangan aplikasi musik streaming." *Jurnal Ilmiah kebijakan hukum* 13, no. 3 (2019): 379.

Irawan, Ricky. "Lagu-lagu daerah Indonesia pada panggung musik nasional 1950-1960an." *Jurnal Kajian Seni* 9, no. 1 (2022): 19–40.

Kasih, Desak Putu Dewi, Ni Ketut Supasti Dharmawan, Putu Aras Samsithawrati, Putri Triari Dwijayanthi, Dewa Ayu Dian Sawitri, dan AA Istri Eka Krisna Yanti. "Policies Concerning Sacred And Open Traditional Cultural Expressions: Tourism and Creative Economy In Bali Context." *Jatishwara* 38, no. 1 (2023): 14–27. <https://doi.org/10.29303/jtsw.v38i1.475>.

Khair, Muhamad Helmi Muhamad, dan Haswira Nor Mohamad Hashim. "Justifications of intellectual property rights: A discussion on Locke and Hegel's theories." *Jurnal Hukum Novelty* 11, no. 2 (2020): 114.

Library of Congress. "The Library of Congress Celebrates the Songs of

America: Traditional and Ethnic.”
<https://www.loc.gov/collections/songs-of-america/articles-and-essays/musical-styles/traditional-and-ethnic/>.

Lie, Madeleine. “Permasalahan Penggunaan Youtube Fair Use Dalam Kasus Totally Not Mark Vs Toei Animation.” *JISIP (Jurnal Ilmu Sosial dan Pendidikan)* 7, no. 3 (2023): 1918–26.

LMKN. “PP 56 Tentang Royalti Hak Cipta Lagu dan/Musik untuk Lindungi Hak Pencipta dan Hak Terkait.” Lembaga Manajemen Kolektif Nasional.” LMKN, 2021. <https://www.lmkn.id/pp-56-tentang-royalti-hak-cipta-lagu-dan-musik-untuk-lindungi-hak-pencipta-dan-hak-terkait/>.

Maullana, Irfan. “Cinta Indonesia Bukti Ten2Five Masih Solid.” Kompas.com, 5 Desember 2014. <https://entertainment.kompas.com/read/2014/12/05/164142710/Cinta.Indonesia.Bukti.Ten2Five.Masih.Solid>.

Muhaimin. *Metode penelitian hukum*. Mataram University Press, 2020.

Muthmainnah, Nafisah, Praxedis Ajeng Pradita, dan Cika Alfiah Putri Abu Bakar. “Perlindungan Hukum Terhadap Hak Cipta Bidang Lagu dan/atau Musik Berdasarkan PP Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu dan/atau Musik.” *Padjadjaran Law Review* 10, no. 1 (2022): 110–23.

Nainggolan, Bernard. *Pemberdayaan Hukum Hak Cipta dan Lembaga Manajemen Kolektif*. Penerbit Alumni, 2023.

Parvini, Neema. “Hobbes and Locke on Human Nature; Locke on Property Rights.” Dalam *The Defenders of Liberty: Human Nature, Individualism, and Property Rights*. Springer, 2020.

Pratama, Faishal Rizki, Ety Susilowati, dan Siti Mahmudah. “Pelaksanaan Pengumuman Karya Cipta Lagu Sebagai Background Music Di Pusat Perbelanjaan (Studi Pada Rita Pasaraya Purwokerto).” *Diponegoro Law Journal* 5, no. 4 (2016): 1–17.

Purnama, Wandra Wardiansha. “Implementasi Pendistribusian Royalti: Strategi Inovatif Untuk Pemenuhan Hak Ekonomi Pencipta Lagu Dan Musik.” *JURNAL HUKUM MEDIA JUSTITIA NUSANTARA* 12, no. 1 (2022): 189–98.

Purnomo, Wahyu, dan Fasih Subagyo. “Terampil Bermusik.” *Jakarta: Pusat Pembukuan Kementerian Pendidikan Nasional*, 2010.

Ritawati, Ritawati, Raihan Raihan, Otom Mustomi, dan Mudakir Iskandar Syah. “Copyright in the Digital Age in the Protection of Intellectual Property Rights in Indonesia.” Dalam *Proceedings of the*

International Conference on "Changing of Law: Business Law, Local Wisdom and Tourism Industry" (ICCLB 2023), disunting oleh Mirsa Umiyati, I Nyoman Putu Budiarta, Ade Saptomo, dkk., vol. 804. Advances in Social Science, Education and Humanities Research. Atlantis Press SARL, 2023. https://doi.org/10.2991/978-2-38476-180-7_138.

Samsithawrati, Putu Aras, Ni Ketut Supasti Dharmawan, Made Aditya Pramana Putra, dan Dewa Ayu Dian Sawitri. "Traditional Knowledge and Traditional Cultural Expressions as Communal Intellectual Property: Are They Protected Under the WIPO Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge 2024?" *Jurnal Pembangunan Hukum Indonesia* 7, no. 1 (2024): 1–26.

Sofyarto, Karlina. "Perlindungan Hukum Hak Kekayaan Intelektual atas Pengetahuan Tradisional terhadap Perolehan Manfaat Ekonomi." *Lambung Mangkurat Law Journal* 3, no. 2 (2018): 194–203.

Susapto, Leo Wisnu. "Royalti Lagu Tradisional Indonesia Belum Tersentuh." Valid News, 2023. <https://validnews.id/nasional/royalti-lagu-tradisional-indonesia-belum-tersentuh>.

Svinarky, Irene. "Rekonstruksi Regulasi Perlindungan Hak Ekonomi Pemilik Hak Pada Karya Cipta Lagu Melalui Manajemen Kolektif Yang Berkeadilan." Preprint, Universitas Islam Sultan Agung, 2023.

Widyanti, Yenny Eta. "Perlindungan Hukum Lisensi Hak Cipta Lagu dan Musik Daerah Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta Dan Konvensi Bern." *Warkat* 3, no. 1 (2023): 38–48.

Zuhdi, Irfan. "Perlindungan Hak Ekonomi Dalam UU Hak Cipta & Pp 56/2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/Atau Musik Dalam Perspektif Maqashid Syariah." Preprint, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, t.t.

Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

The authors state that there is no conflict of interest in the publication of this article.

History of Article

Submitted : July 14, 2025

Revised : September 24, 2025

Accepted : December 5, 2025

Published : December 5, 2025