

Juridical analysis of the obstacles in the implementation of music royalty payment obligations in Indonesia

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ABSTRACT

The main problem in this case study is that Indonesia still cannot be firm and fair in enforcing the obligation to pay music royalties to the composers. This already exists and is written in Law Number 28 of 2014 concerning copyright and in Government Regulation Number 56 of 2021. This refers to the consistency and compliance with the law that can be reviewed based on legal protection and legal compliance theory. This review will provide different perspectives on economic rights in song creation and how the intellectual property system applies. The review and normative juridical approach of this research provides an overview of the correct legal record and layout based on facts. This fact is based on literature studies, primary laws, and derivatives that can provide a more constructive research direction. This research provides an overview of the responsibility for a royalty and the importance of respecting intellectual property law. The challenge is the difficulty of making firm decisions by perpetrators or law enforcers due to the lack of transparency, which has become an inherent culture. Social socialization is very limited, and the absence of a national collective management institution provides certainty, making it difficult to run. The results of this study provide a conclusion that we must move together in echoing the synergy between LMKN, business actors, and the government in carrying out sustainable royalty management. This will strengthen the value of the existence of intellectual property rights and the emergence of legal certainty that can be claimed together for the sake of justice and social welfare in Indonesia.

Keywords: Copyright; Legal Compliance; LMKN; Legal Protection; Music Royalty

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1. INTRODUCTION

The most common medium of expression used by humans to convey individual thoughts and emotions is music. Music plays an important role in human life, one of which is providing a relaxed mind for listeners. This is because the effects of certain sounds and frequencies can provide positive value in the body to release boredom, stress, and fatigue. Music is one of the suggestions in the development of culture in the country, starting from the limits of social, cultural, ideological, and customary boundaries that are inseparable from music. In the international arena, music provides a means of bridging that unites music activists and listeners. This explains that music is not only a form of artistic expression in the form of audio but also touches on fundamental things that lead to human survival. One of these is the economic relationship between music creators and distributors. This causes an urgency related to the environment between music creators and music distributors must respect each other for rights and obligations (Berliana & Silalahi, 2025).

Indonesia is intensively developing and improving its economy through creative industries, which are easy to establish and generate considerable finances. This will realize an aspect of equality that is oriented toward individual ideas, concepts, and knowledge that are supported by the surrounding environment. This will give rise to original creativity that must be maintained as copyright. The copyright in question is protection related to the idea of an innovation that becomes an individual's financial source and must be maintained in its legal standing so that not everyone can take and cheat the creator. This is a form of appreciation for individual findings and innovations, for their dedication. This is also inseparable from the industrialization of music, which suppresses the creativity, originality, and prestige of a work. The credibility of the creator must be correct, and everything must run according to the procedure. The use of intellectual property rights in the music industry is very important because it will be an economic means that will only be able to absorb many skilled workers. This appreciation will give new enthusiasm in giving birth to a musical work that makes the creator confident that it will not be stolen and will be fully appreciated through music royalties (Peilouw et al., 2023). The amount of labor absorbed will provide an artistic impression and economic added value. This increase in commercial value and creativity will bring us to the international arena, making it an asset that must be protected by the state. This protection and recognition must be maintained and respected to create a healthy sustainability of the music industry in Indonesia that provides legal certainty.

In line with the rapid development of the music industry, the legal protection of musical works has become essential to maintain the balance between the interests of creators and users of such works. In this context, the obligation to pay music royalties serves as the main instrument for enforcing copyright protection, as stipulated in Law Number 28 of 2014 concerning Copyright. The law explicitly provides the legal foundation that every creation, including songs and/or music, constitutes an intellectual work with economic value and, therefore, must be protected by copyright. Royalties function as a form of fair economic compensation for creators or copyright holders for the commercial use of their works by third parties. Pursuant to Article 9, paragraph (2) of the Copyright Law, any person who uses another party's creation is required to obtain permission from the creator or copyright holder, which substantively takes the form of royalty payments. Hence, this obligation represents a tangible manifestation of the enforcement of economic rights and a form of appreciation for an individual's intellectual creation.

The obligation to pay music royalties serves not only as a form of economic appreciation but also as a preventive and repressive legal protection mechanism for copyright holders. Preventive protection is realized through licensing schemes that require users to obtain permission and pay royalties before commercially exploiting songs or music, thereby safeguarding economic rights ex ante (Seran, Hakim, & Alfari, 2024; Silfiani, 2022). Repressive protection is implemented through civil and criminal sanctions for unauthorized commercial use, as reinforced by Law No. 28 of 2014 and recent case-based analyses of song copyright disputes in Indonesia (Ramadani, Hartana, & Setiawan, 2025; Seran et al., 2024). To institutionalize this protection, the government established the National Collective Management Organization (Lembaga Manajemen Kolektif Nasional, LMKN) as the central body for collecting, managing, and distributing royalties, as mandated by Government Regulation Number 56 of 2021

concerning the Management of Royalties for Copyrighted Songs and/or Music (Government Regulation No. 56, 2021; Indarsen, 2023). Through this one-gate management system, copyright protection in the music sector is designed to operate not merely as a formal legal norm but as an effectively implemented mechanism that supports a fair, transparent, and sustainable music industry in Indonesia (Silfiani, 2022).

Although the legal framework has been normatively strengthened, empirical evidence shows that the implementation of royalty payment obligations in Indonesia still faces serious obstacles. Reports from LMKN indicate that the level of compliance among commercial music users remains very low; from thousands of potential users across 13 obligated business sectors, the number of entities that have actually paid royalties is estimated at fewer than 6,000, illustrating a significant compliance gap (Waskito, 2025). This situation confirms earlier doctrinal findings that weak legal awareness, especially among business operators, undermines the realization of economic rights despite clear statutory obligations (Indarsen, 2023; Silfiani, 2022). Scholars also highlight structural issues such as limited supervision, insufficient outreach, and administrative complexity within royalty collection and distribution systems, which collectively reduce the deterrent effect of sanctions and the perceived legitimacy of LMKN's role (Indarsen, 2023; Ramadani et al., 2025). Consequently, the low level of compliance reflects not only inadequate public legal awareness but also an implementation gap between the normative design of PP No. 56/2021 and its practical enforcement, necessitating more aggressive monitoring, clearer procedures, and sustained public education to ensure that royalties function as an effective instrument of copyright protection rather than a merely symbolic obligation.

Based on these circumstances, this study is deemed essential to analyze the obstacles encountered in the implementation of music royalty payment obligations. Therefore, it is necessary to conduct an in-depth juridical analysis to identify the barriers that arise during implementation and to formulate solutions aimed at strengthening legal protection for creators and copyright holders in Indonesia. The results of this research are expected to contribute academically by enriching the body of literature on copyright law and to provide practical benefits in the form of recommendations for LMKN, business actors, and policymakers to enhance the effectiveness and compliance with the implementation of music royalty obligations.

2. METHOD

This study employs a normative juridical research method to analyze the laws and regulations related to the obligation of music royalty payments in Indonesia. The approach used in this research is the statutory approach, which involves examining existing legal provisions to understand the rights and obligations of songwriters and music users. The sources of legal materials in this study are categorized into three types. Primary legal materials include statutory instruments such as Law Number 28 of 2014 concerning Copyright and Government Regulation Number 56 of 2021 concerning the Management of Royalties for Copyrighted Songs and/or Music. Secondary legal materials, including journals, legal textbooks, and relevant scholarly articles, provide interpretations, commentary, or analysis of primary legal sources. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting reference sources that assist in explaining and clarifying legal terminology and concepts. The data in this study were collected through a literature review and document analysis to obtain comprehensive information regarding the legal framework and practical implementation of music royalty payments. The collected data were then analyzed using a qualitative descriptive method, combined with legal interpretation techniques, to assess the conformity of actual practices with existing legal provisions and to evaluate the effectiveness of the implementation of music royalty payment obligations in Indonesia.

3. RESULT AND DISCUSSION

3.1 Legal Basis for the Obligation of Music Royalty Payments in Indonesia

As time progresses, more and more works continue to be created by human beings, whether in the fields of industry, technology, or art, including dance, literature, film, and music, both in the form of MP3 or MP4 formats. With the increasing number of such creations, society has come to realize the existence of rights beyond material or tangible properties. The recognition of inventions, creations, and innovations, whether discovered or produced by individuals or groups, has given rise to what is known as Intellectual Property Rights (IPR).

Music represents one of the most dynamic forms of creative work and possesses high economic value; thus, it requires adequate legal protection for the rights of its creators. One of the primary branches of Intellectual Property Rights that plays a crucial role in providing such protection for musical works is copyright. Copyright constitutes an exclusive right possessed by the creator of a work in the fields of science, art, and literature, which may be defended against any party that infringes upon that right in accordance with applicable laws and regulations. Within the copyright system, there are two main categories of rights attached to the creator or copyright holder of a musical work moral rights and economic rights. Through economic rights, creators possess the authority to regulate the utilization of their works for commercial purposes and are entitled to royalties as financial compensation for such use. Meanwhile, moral rights serve to protect the integrity of the work and ensure proper recognition of the creator's authorship (Muthmainnah et al., 2022).

The creation of a musical work is the result of a creative process carried out by a composer, either individually or collaboratively. Through inspiration, the creator channels their intellectual ability, imagination, and technical skills to produce a work with distinctive characteristics. Such a musical composition reflects the identity and personality of its creator and simultaneously embodies legally protected copyright. Therefore, the creator of a musical work must receive Intellectual Property protection in the form of exclusive rights that enable them to control the use and distribution of their creation. This form of protection allows creators to regulate the performance, reproduction, distribution, and creation of derivative works. Copyright protection thus plays a vital role in safeguarding the moral and economic rights of creators and encouraging creativity and innovation across various fields.

In this regard, legal protection for musical works encompasses a broader dimension, as it is not only oriented toward justice for creators but also toward strengthening the ecosystem of the national creative industry. In this context, music is not merely an emotional form of artistic expression but also an economic commodity of significant value that contributes substantially to the national income. The music industry has become an integral component of Indonesia's creative economic development, wherein musical compositions produced by musicians and songwriters not only entertain the public but also serve as sources of livelihood and employment for many parties, including composers, singers, producers, and collective management organizations. Thus, the music industry represents one of the strategic creative sectors for fostering economic growth and advancing national culture. Works created by musicians not only possess aesthetic value but also have economic potential that can be monetized through various forms of utilization, including digital media, public performance, and commercial platforms. Within this context, the concept of royalty arises as a financial compensation granted to creators, composers, and copyright holders whenever their works are used commercially.

In Indonesia, the obligation to pay music royalties is founded upon a strong and comprehensive legal framework, as stipulated in Law Number 28 of 2014 concerning Copyright, and further elaborated in Government Regulation Number 56 of 2021 concerning the Management of Royalties for Copyrighted Songs and/or Music. These regulations clarify the mechanisms for exercising creators' economic rights, particularly regarding the collection, management, and distribution of royalties for the use of songs and music. Under the framework of copyright law, songs and music are classified as original creative works that possess economic value and may be lawfully exploited by their creators.

Therefore, music royalty payments in Indonesia are legally grounded in Law Number 28 of 2014 concerning Copyright (Copyright Law). This law affirms that copyright constitutes an exclusive right granted to the creator, which arises automatically once a work is embodied in a tangible form. Article 8 specifies that economic rights are exclusive rights belonging to the creator or copyright holder to obtain economic benefits from their work. Meanwhile, Article 9 (1) elaborates on these economic rights in detail, including the rights to publish, reproduce, perform, rent, transform, and communicate the work to the public. Consequently, every form of utilization of a musical work, whether through live performances, broadcasting, public playback, or commercial use via digital platforms, must obtain permission from the creator or copyright holder. In this context, the obligation to pay royalties functions not only as financial compensation but also as a form of recognition for intellectual creations protected by the State.

In exercising economic rights, Article 80 of the Copyright Law guarantees that creators or copyright holders are entitled to receive remuneration in the form of royalties for every utilization of their works by others. This demonstrates that copyright protection encompasses not only moral rights but also concrete and measurable economic rights. This provision is reinforced by Article 87, which mandates the establishment of the National Collective Management Organization (Lembaga Manajemen Kolektif Nasional – LMKN), a government-authorized body responsible for collecting, managing, and distributing royalties to creators and related rights holders in a transparent and accountable manner. The LMKN plays an essential role in preventing copyright violations and ensuring a proportional distribution system of royalties based on the frequency and type of music utilization. The existence of this institution reflects the state's role in realizing an efficient system of economic rights protection while integrating the principles of social justice and legal certainty into the national music industry.

In the general elucidation of the Copyright Law, it is emphasized that copyright protection encompasses both moral and economic aspects, forming a fundamental basis for the development of the national creative economy. Royalty payments represent a concrete implementation of such economic rights protection, as they serve as a source of livelihood for creators and other stakeholders in the music industry. This provision aligns with the principle of fair remuneration, which is recognized in various international legal instruments, such as the WIPO Copyright Treaty and the Berne Convention, both of which have been ratified by Indonesia. Hence, the royalty payment mechanism should not be perceived merely as an administrative obligation but as a manifestation of economic justice and respect for human intellectual creativity, as mandated by the Copyright Law.

Furthermore, royalties under Intellectual Property Rights are defined in Article 1, paragraph (1) of Government Regulation Number 56 of 2021 on the Management of Royalties for Copyrighted Songs and/or Music as a form of compensation received by creators for the utilization of the economic rights of a work or related right. This concept emphasizes that royalties are not merely a moral reward but a legally inherent economic right of the creator, ensuring that every use of their works whether for commercial or public purposes yields proportional financial benefits.

Government Regulation Number 56 of 2021 provides detailed provisions regarding the creators' right to royalties, thereby granting copyright holders full discretion to distribute their creative works for commercial gain. Creators who have invested substantial effort in producing musical works deserve to receive economic value as recognition for their efforts. As stipulated in Article 8 of the Copyright Law, economic rights constitute the creator's exclusive rights to obtain economic benefits from their works. Meanwhile, Article 3 of Government Regulation 56/2021 provides that any party may utilize songs and/or music for commercial purposes in business-related public services, provided that royalties are paid to the creator, copyright holder, and/or related rights owner through the National Collective Management Organization (LMKN) (Salam Tarigan et al., 2025).

The provision of royalties under copyright law thus functions not only as a form of acknowledgment and legal protection for creators of musical works but also as an economic instrument that incentivizes them to continue producing new and innovative creations. Within the framework of the creative industry, royalties hold significant relevance particularly in the digital era, where music distribution occurs rapidly and extensively through online platforms, social media, and streaming services. An effective and structured royalty payment mechanism not only ensures legal certainty for creators but also promotes

the sustainable growth of the music industry by establishing a transparent and accountable ecosystem. Without an adequate royalty system, creators risk losing sufficient financial incentives to foster their creativity, as each instance of use by others would not be accompanied by fair compensation. Therefore, royalties constitute a fundamental element in maintaining the balance between creators' economic rights and the utilization of musical works by the public or commercial entities, while simultaneously reinforcing the foundation of the national creative economy (Navydien, 2025).

3.2 Obstacles in the Implementation of the Obligation to Pay Music Royalties

Copyright protection constitutes one of the essential aspects within the system of intellectual property law, as it is directly related to the recognition and acknowledgment of an individual's creative work. In Indonesia, such protection has been further reinforced through Government Regulation Number 56 of 2021 concerning the Management of Royalties for Copyrighted Songs and/or Music, which aims to ensure the fulfillment of the economic rights of songwriters and related rights holders. In practice, numerous entertainment venues such as restaurants, cafés, hotels, public transportation, and youth entertainment centers often play music as part of their commercial services. Unfortunately, these music performances are frequently carried out without the knowledge or authorization of the original songwriters (Taopik & Yuliawan, 2023).

The low level of understanding among business operators regarding the obligation to pay music royalties is primarily caused by the lack of legal dissemination from the government and relevant institutions, as well as the persistence of a cultural habit of using creative works without permission. Based on the findings cited from Daniel Yovanda's journal *"Protection of the Economic Rights of Songwriters in Relation to the Payment of Song and Music Royalties by Restaurant and Café Business Actors in Banda Aceh City,"* it can be concluded that the main obstacle in implementing the obligation to pay royalties lies in the low level of legal awareness among restaurant and café business operators in Banda Aceh regarding Law Number 28 of 2014 concerning Copyright, and their limited understanding of the technical procedures of royalty payment itself (Yovanda, 2019).

Moreover, many business operators do not comprehend the mechanisms and procedures for royalty payment. Most of them assume that purchasing a compact disc (CD), an MP3 file, or using digital platforms such as YouTube or Spotify automatically grants them the right to publicly play music in their business premises. This ignorance includes not knowing to whom royalties should be paid, how compensation is calculated, and what role the National Collective Management Organization (Lembaga Manajemen Kolektif Nasional or LMKN) plays in distributing royalties to the songwriters. This lack of knowledge is reinforced by a prevailing public perception that often underestimates the existence of intellectual property rights particularly musical works which are frequently regarded as "public goods" that may be used freely without permission or compensation. Such a perception reflects the weak internalization of legal values within society, influenced by limited legal education among both users of creative works (such as business operators and event organizers) and the creators themselves. Consequently, the mechanism for royalty protection has not operated optimally due to the low level of claims and awareness regarding these rights.

Another major obstacle in the implementation of music royalty payment obligations in Indonesia is the financial limitation faced by business operators (Ni Made Harini et al., 2021). Many businesses encounter significant financial pressures in their daily operations, including rental fees, employee salaries, electricity, raw materials, and other operational expenses. Under such circumstances, the additional obligation to pay music royalties is often perceived as burdensome, even though Law Number 28 of 2014 concerning Copyright and Government Regulation Number 56 of 2021 explicitly stipulate that every utilization of musical works for commercial purposes must be accompanied by the payment of royalties. Apart from the obstacles originating from business operators, the management of royalties by LMKN also faces several substantive challenges. One of the most notable issues is the lack of transparency in royalty management (Satria Mandala et al., 2025). The low level of transparency encompasses the administrative aspects of royalty collection, recordkeeping, and distribution, which causes both songwriters and business

operators to experience difficulties in verifying the amount and mechanism of payments received. This condition leads to legal uncertainty for songwriters, resulting in potential disputes and decreasing trust in the royalty management system.

Although LMKN has implemented the Song and Music Information System (Sistem Informasi Lagu dan Musik – SILM) as an effort to modernize and digitalize the royalty management process, limitations in socialization, supervision, and internal auditing continue to prevent songwriters and users of musical works from obtaining accurate and accountable information.

Based on the various obstacles identified in the implementation of music royalty payment obligations in Indonesia, strategic measures are necessary to enhance the effectiveness of the royalty management system and strengthen public legal awareness and compliance with copyright law as stipulated in Law Number 28 of 2014 concerning Copyright and Government Regulation Number 56 of 2021. These efforts must involve synergy among LMKN, business operators, and policymakers. For the National Collective Management Organization (LMKN), the primary measure that must be taken is the enhancement of transparency and accountability within the royalty management system. LMKN must strengthen the digitalization process through the optimization of SILM, thereby ensuring that the processes of data collection, royalty collection, and distribution are openly accessible to all relevant parties. The implementation of regular internal audits and the publication of annual public reports are also essential to build trust among songwriters and business operators toward the institution's credibility.

In addition, LMKN needs to expand legal socialization and education activities through seminars, workshops, and collaborations with business associations to achieve a broader understanding of royalty payment mechanisms. To support this implementation, LMKN could establish a consultation and service center that provides technical guidance regarding registration procedures, calculation methods, and royalty payment processes.

Meanwhile, for business operators, the practical solution lies in enhancing legal awareness and literacy regarding music copyright. Business actors need to understand that purchasing CDs, digital files, or using streaming services such as YouTube and Spotify does not automatically grant permission for commercial playback in business establishments. Therefore, they are expected to treat royalty payments as a legitimate component of their business responsibilities by integrating royalty fees into operational planning, ensuring that such obligations do not create additional financial burdens. Business operators are also encouraged to use officially licensed platforms or directly register with LMKN to ensure accurate and verifiable payments. For policymakers, the government should strengthen regulations and monitoring systems to ensure effective enforcement of copyright infringement cases. Furthermore, policymakers need to promote continuous legal education by integrating intellectual property topics into educational institutions and business communities. This step is vital to fostering a legal culture that respects copyright within society. Additionally, the government should provide financial incentives and support for small and medium-sized enterprises (SMEs), such as implementing proportional royalty rates or offering collective license subsidies so that the royalty payment obligation does not become an obstacle to business sustainability.

At the same time, the government should conduct independent monitoring and evaluation of LMKN's operational system to ensure that the royalty management mechanism runs transparently, fairly, and in accordance with legal principles. Thus, a synergistic collaboration among LMKN, business operators, and policymakers serves as the key to establishing an effective, transparent, and equitable system of music royalty payment. The implementation of these solutions is expected not only to increase compliance with copyright law provisions but also to strengthen the protection of the economic rights of songwriters and solidify a sustainable ecosystem for the national music industry.

4. CONCLUSION

Based on the results of the discussion, it can be concluded that, from a normative perspective, Indonesia already possesses a strong legal foundation for protecting the economic rights of creators through Law Number 28 of 2014 concerning Copyright and Government Regulation Number 56 of 2021

concerning the Management of Royalties for Copyrighted Songs and/or Music. Both regulations comprehensively govern the mechanisms for the collection, management, and distribution of royalties through the role of the National Collective Management Organization (Lembaga Manajemen Kolektif Nasional or LMKN).

However, in practice, the implementation of royalty payment obligations still encounters substantial obstacles. These include the low level of legal awareness among business actors, weak government socialization and supervision, limited operational budgets of business entities, and a lack of transparency in royalty management by LMKN. Such challenges indicate the presence of a discrepancy between the legal norms and their practical implementation in the field. From an academic perspective, this research contributes to the development of copyright law studies by emphasizing the importance of enforcing economic rights as an integral part of a fair and sustainable legal protection system for music creators. The novelty of this study lies in its synergistic analysis between normative aspects and implementation practices, highlighting the interrelation between regulatory frameworks, management institutions, and business actors within the music royalty system. From a practical standpoint, the findings of this study recommend several measures: the enhancement of transparency and accountability within LMKN, more intensive legal education for business actors, and stronger governmental policy support in the form of regulatory incentives and stricter monitoring mechanisms. Through these efforts, the effectiveness of royalty payment implementation can be improved, thereby strengthening legal protection and ensuring the sustainability of Indonesia's national music industry.

Ethical Approval

Not Applicable

Informed Consent Statement

Not Applicable

Authors' Contributions

ENBS contributed to the conceptualization of the study, formulation of the legal issues, and development of the research framework. She conducted the primary literature review, analyzed statutory provisions related to copyright and royalty obligations, and prepared the initial draft of the manuscript. As the corresponding author, she coordinated communication during the submission and review process. HS contributed to refining the theoretical foundation, validating the legal interpretation related to intellectual property and royalty enforcement, and providing critical revisions to ensure analytical coherence and academic rigor. He also assisted in synthesizing the research findings and strengthening the discussion of legal certainty and compliance.

Disclosure Statement

The Authors declare that they have no conflict of interest

Data Availability Statement

The data presented in this study are available upon request from the corresponding author for privacy.

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Notes on Contributors

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