International Journal of Law, Policy and Social Review
www.lawjournals.net
Online ISSN: 2664-6838
Received: 02-07-2026, Accepted: 02-08-2026, Published: 17-08-2026
Volume 8, Issue 3, 2026, Page No. 57-62

Legal certainty of royalty payments for musical performing rights following the Constitutional Court decision number 28/PUU-XXIII/2025 in Indonesia

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DOI: https://doi.org/10.66856/ijlpsr.2026.8.3.8139

Abstract
Payment of royalties for music performance rights is part of the protection of the economic rights of creators and copyright holders. In practice, this regulation still gives rise to different interpretations regarding the obligation to obtain permission from creators, parties obliged to pay royalties, and payment mechanisms through Collective Management Institutions (LMK), thus creating legal uncertainty. Constitutional Court Decision Number 28/PUU-XXIII/2025 is present to provide a constitutional interpretation of these provisions. This study aims to analyze the legal certainty of payment of royalties for music performance rights for creators and copyright holders after Constitutional Court Decision Number 28/PUU-XXIII/2025 and analyze the legal implications of the decision on the collection and management mechanisms for royalties for music performance rights by LMK in Indonesia. This research is a normative legal research with a statutory approach, a case approach, and a conceptual approach. The results of the study indicate that the Constitutional Court Decision Number 28/PUU-XXIII/2025 has increased legal certainty by affirming that commercial performance organizers are the parties obliged to pay royalties, royalty payments are made through the LMK mechanism in accordance with statutory provisions, the determination of the amount of royalties refers to the applicable mechanisms and rates, and dispute resolution prioritizes the principle of restorative justice. In addition, the decision has legal implications that are clarifying, harmonizing, and protective of the royalty collection and management mechanism by strengthening the legitimacy of LMK and LMKN and clarifying the legal relationship between creators, copyright holders, performance organizers, and commercial users.

Keywords: Collective management institutions, copyright, royalties

Introduction

Intellectual property rights are a legal instrument that plays an important role in protecting the results of human creativity, including musical works.[1] In the copyright regime, creators have economic rights to obtain benefits from the commercial use of creative works, one of which is through royalty payments for musical performance rights (Law Number 28 of 2014 concerning Copyright, Articles 8 and 9). This protection aims not only to provide rewards to creators but also to encourage the growth of a healthy, fair, and sustainable music industry.[2]

Internationally, protection of musical performance rights is recognized in the Berne Convention for the Protection of Literary and Artistic Works, and strengthened through the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). In Indonesia, the regulation was adopted in Law Number 28 of 2014 concerning Copyright, which grants creators exclusive rights to obtain royalties for the commercial use of songs and/or music. The mechanism for collecting and distributing royalties is implemented through the Collective Management Institution (*Lembaga Manajemen Kolektif* (LMK)) and coordinated by the National Collective Management Institution (*Lembaga Manajemen Kolektif Nasional* (LMKN)) to ensure legal certainty for creators and users of musical works.

In practice, the royalty payment mechanism still raises various issues, particularly regarding the obligation to obtain a direct license from the creator or copyright holder, in addition to paying royalties through the LMK. Differences in the interpretation of the provisions of the Copyright Law create legal uncertainty and potentially hinder the organization of musical performances and the protection of the economic rights of creators.[3]

This issue was then examined through Constitutional Court Decision No. 28/PUU-XXIII/2025, which provided a constitutional interpretation of the payment mechanism for music performance rights royalties. This decision affirmed that royalty payments are made through the LMKN (National Musical Institution) without requiring direct permission from the creator as long as the use of the work complies with statutory provisions. This decision marked a significant milestone in providing legal certainty for the governance of music performance rights royalties in Indonesia.

However, the implementation of the decision still leaves various legal issues, particularly regarding synchronization with the provisions of the Copyright Law, the status of LMK and LMKN, as well as the protection of the economic rights of creators and legal certainty for music performance organizers. Therefore, this study aims to analyze the legal certainty of music performance rights royalty payments following the Constitutional Court Decision Number 28/PUU-XXIII/2025 and its legal implications for the royalty management system.

Research methods

This research is a normative legal research with a statute approach, a case approach, and a conceptual approach. The statutory approach is used to examine regulations governing music performance rights royalty payments, while the case approach focuses on the analysis of Constitutional Court

Decision Number 28/PUU-XXIII/2025. The conceptual approach is used to analyze the concepts of legal certainty, creators' economic rights, royalty payments, and copyright management through Collective Management Institutions.

The legal materials used consist of primary legal materials in the form of the 1945 Constitution of the Republic of Indonesia, Law Number 28 of 2014 concerning Copyright, Government Regulation Number 56 of 2021, Regulation of the Minister of Law and Human Rights Number 9 of 2022, and Constitutional Court Decision Number 28/PUU-XXIII/2025. Secondary legal materials include books, scientific journals, research results, and relevant documents, while tertiary legal materials include legal dictionaries and encyclopedias.

The legal materials were collected through library research. Furthermore, the legal materials were analyzed normatively and qualitatively using grammatical, systematic, teleological, and constitutional interpretations to comprehensively interpret legal provisions. The results of the analysis are presented descriptively and analytically to address the issue of legal certainty regarding the payment of royalties for music performance rights following Constitutional Court Decision Number 28/PUU-XXIII/2025.

Results & Discussion

1. Legal Certainty for Music Performance Rights Royalty Payments for Creators and Copyright Holders Following Constitutional Court Decision Number 28/PUU-XXIII/2025

Payment of royalties for music performance rights is a manifestation of the economic rights of creators and copyright holders as regulated in Law Number 28 of 2014 concerning Copyright. The Copyright Law recognizes economic rights as the exclusive rights of authors or copyright holders to obtain economic benefits from their works, including the right to perform works. It also defines royalties as remuneration for the utilization of the economic rights of works or related-rights products and Collective Management Organizations as institutions authorized to collect and distribute royalties. Therefore, the obligation to pay royalties is not merely a contractual obligation but also constitutes a legal instrument for protecting the economic rights of creators and copyright holders.[4]

Prior to Constitutional Court Decision Number 28/PUU-XXIII/2025, regulations regarding royalty payments were primarily regulated in the Copyright Law, Government Regulation Number 56 of 2021, and Regulation of the Minister of Law and Human Rights Number 9 of 2022. However, their implementation still created legal uncertainty due to differences in interpretation concerning the party obliged to pay royalties, the payment mechanism through Collective Management Institutions (LMK), and the obligation to obtain permission directly from the creator or copyright holder. This condition indicates that the problem was not caused by a legal vacuum, but by norms that were susceptible to multiple interpretations. Such a condition is inconsistent with the principle of legal certainty, which requires legal norms to be clear, predictable, and capable of consistent application.[5] This finding is in line with the research of Pone, Da Santo, and Wohon, which states that the unclear provisions of Article 23 paragraph (5) of Law Number 28 of 2014 concerning Copyright have generated differences in interpretation regarding the royalty payment mechanism and the legal relationship between creators, users, and royalty management institutions.[6]

Legal certainty requires not only the existence of a written legal provision but also clarity regarding the legal subject, the object of regulation, the procedure for exercising rights and obligations, and the mechanism for resolving disputes. In Radbruch's view, legal certainty has two dimensions: certainty of the law itself and certainty regarding legal facts.[5] Certainty of the law requires norms to be clear and not open to arbitrary interpretation, while certainty of legal facts requires that the actions and events regulated by law can be identified and applied consistently.[7] In the context of music performance royalties, these two dimensions require clarity concerning the party responsible for payment, the party entitled to receive royalties, the applicable tariff, the payment channel, and the legal consequences of non-compliance.

Constitutional Court Decision Number 28/PUU-XXIII/2025 provides a constitutional interpretation of the provisions of the Copyright Law without eliminating the substance of the existing royalty system. The decision emphasizes that the royalty payment system continues to be implemented through the LMK and LMKN mechanisms in accordance with the applicable laws and regulations. The Constitutional Court's ruling is recorded as a decision concerning the constitutional review of several provisions of Law Number 28 of 2014 concerning Copyright. This interpretation provides a stronger legal basis for creators, copyright holders, users, commercial performance organizers, LMK, and LMKN.

The ruling is also in line with the research of Permatasari, Indarta, and Mangar, which emphasizes that business actors as commercial users have a legal responsibility to fulfill their royalty payment obligations according to the mechanisms established by laws and regulations.[8] This obligation reflects respect for the economic rights of creators and copyright holders. Accordingly, commercial use of musical works cannot be understood solely as an activity requiring permission, but also as an activity that creates a corresponding obligation to provide remuneration through the legally established collective management mechanism.

Viewed from Gustav Radbruch's theory of legal certainty, the decision fulfills the element of normative clarity through three important affirmations. Radbruch places legal certainty alongside justice and utility as one of the three fundamental values that must be pursued by law. A legal product can function effectively only when these values are considered together rather than treated as separate objectives.[5]

First, the phrase "Every Person" in Article 23 paragraph (5) is interpreted to include commercial performance organizers as parties responsible for paying royalties. This interpretation eliminates differences of opinion regarding the legal subjects bearing the royalty payment obligation. It also reflects Radbruch's concept of certainty regarding legal facts, because the commercial performance organizer and the commercial use of musical works become identifiable legal facts to which the royalty obligation may be attached.[8]

Second, the Court gives meaning to the phrase "reasonable remuneration" in Article 87 paragraph (1), namely that the amount of royalties must follow the mechanisms and rates established by statutory regulations. This affirmation creates a more objective standard for determining royalties and provides certainty both for creators and copyright holders as recipients of royalties and for users as parties obliged to pay. The existence of an objective standard also reduces the possibility of arbitrary determination of royalty amounts and strengthens the predictability of legal consequences.

Third, regarding Article 113 paragraph (2), the Court emphasizes that the resolution of copyright disputes must prioritize a restorative justice approach before criminal sanctions are imposed. This approach shifts the orientation of law enforcement from a purely repressive model toward a model that prioritizes the restoration of the economic rights of creators and copyright holders through a proportional dispute-resolution mechanism. From the perspective of Radbruch theory, this approach demonstrates an effort to balance legal certainty with justice and utility.[5]

When analyzed using Utrecht's theory of legal certainty, the ruling provides clarity regarding the rights and obligations of the parties and limits the possibility of arbitrary action in law enforcement. Performance organizers obtain certainty regarding their obligation to pay royalties, while song users obtain greater certainty regarding the legal basis for determining royalty rates. Furthermore, creators and copyright holders receive legal guarantees concerning the fulfillment of their economic rights through collective management mechanisms.

This analysis is consistent with Hans Kelsen's view that legal certainty is a consequence of a hierarchically structured system of norms. A lower norm obtains its validity from a higher norm and must be applied consistently within the legal system.[9] In this context, the implementation of royalty payments must be based on the Constitution, the interpretation provided by the Constitutional Court, the Copyright Law, government regulations, ministerial regulations, and the technical rules governing the operation of LMK and LMKN. Consequently, every action by commercial users, LMK, LMKN, and law enforcement officials must remain within the authority granted by the applicable legal norms.

These findings also reinforce the research of Suciadi, Lihu, and Gunawan, which states that legal protection for royalty rights is determined not only by the existence of legal norms but also by the effectiveness of the implementation of royalty payment and distribution mechanisms.[10] The existence of a legal rule without an effective implementation mechanism may result in formal certainty but not substantive protection. Therefore, the effectiveness of the Constitutional Court's decision must be assessed not only from the clarity of its legal interpretation but also from the extent to which the ruling improves the actual collection and distribution of royalties.

Furthermore, Rahardjo's sociological perspective explains that legal certainty cannot be separated from the way legal norms are understood, accepted, and implemented by society.[11] In the royalty system, this means that legal certainty must be reflected in the conduct of commercial users who pay royalties, LMK and LMKN that collect and distribute royalties transparently, creators who receive their economic rights, and law enforcement officials who apply the ruling consistently. Thus, the Constitutional Court's decision has both a normative and a sociological dimension.

Based on Jan Michiel Otto's legal certainty indicators, Constitutional Court Decision Number 28/PUU-XXIII/2025 has strengthened the clarity of legal norms, provided guidelines for royalty management institutions and law enforcement officials, increased the compliance of commercial users, encouraged dispute resolution through a restorative justice approach, and required all parties to adjust royalty payment practices to the Constitutional Court's final and binding ruling.

The decision may also be analyzed using Lon Fuller's concept of the inner morality of law. Fuller describes law as "the enterprise of subjecting human conduct to the governance of rules". Accordingly, a legal system can provide certainty only when its rules are general, publicly promulgated, prospective, understandable, consistent, possible to comply with, relatively stable, and applied consistently by officials.[12] Fuller's eight principles are also commonly summarized as generality, publicity, non-retroactivity, clarity, non-contradiction, possibility of compliance, constancy, and congruence between legal rules and official action.

From Fuller's perspective, the Constitutional Court's decision strengthens the generality and clarity of the royalty obligation by identifying commercial performance organizers as parties responsible for payment. The ruling also promotes consistency by providing an authoritative interpretation of provisions that had previously produced different understandings. In addition, the requirement that official action correspond to the applicable legal rules requires LMK, LMKN, and law enforcement institutions to apply the royalty system in accordance with the decision and the relevant legislation.

However, Fuller's analysis also shows that legal certainty cannot be achieved solely through judicial interpretation. The rules must be capable of being implemented and complied with by the parties concerned. If the royalty rates are unclear, the music database is inaccurate, the collection mechanism is inaccessible, or the distribution process is not transparent, then the legal system may fail to satisfy Fuller's requirements of clarity, possibility of compliance, and congruence between legal rules and official action.[12]

Nevertheless, the ruling does not fully resolve all problems within the royalty management system. The decision focuses primarily on interpreting the norms of the Copyright Law, while technical issues such as coordination between LMKN and LMK, transparency in royalty collection and distribution, strengthening the song and music data system, and oversight of royalty payments still require improvement through implementing regulations and institutional governance. In line with this argument, Mandala, Assaori, Tekayadi, Efendi, and Zubaedi emphasize that transparency in royalty collection and distribution is a crucial factor in realizing accountability and increasing creators' trust in the collective management system.[13]

Therefore, the legal certainty resulting from Constitutional Court Decision Number 28/PUU-XXIII/2025 is essentially legal certainty at the normative level. To transform this normative certainty into effective protection, implementation must be strengthened through improvements to implementing regulations, increased transparency in royalty management, the development of an accurate song and music database, and more effective supervision of royalty payment obligations by all commercial users. This conclusion is consistent with Rahardjo's view that legal certainty must be examined not only through the text of the norm but also through its social acceptance and practical implementation.[5]

Thus, Constitutional Court Decision Number 28/PUU-XXIII/2025 makes a significant contribution to increasing legal certainty in music performance rights royalty payments by clarifying the subject responsible for royalty payments, the standard for determining royalty amounts, and the dispute-resolution mechanism. From the perspectives of Radbruch, Kelsen, Rahardjo, and Fuller, the decision strengthens normative clarity, the hierarchy and validity of legal norms, social implementation, and the consistency between legal rules and official action. However, the effectiveness of the decision remains dependent on consistent implementation by all stakeholders and on improvements to the governance, transparency, and accountability of the national royalty management system.

2. Legal Implications of Constitutional Court Decision Number 28/PUU-XXIII/2025 on the Collection and Management Mechanism for Music Performance Rights Royalties by Collective Management Institutions (LMK) in Indonesia

Constitutional Court Decision Number 28/PUU-XXIII/2025 has significant legal implications for the mechanism for collecting and managing royalties for music performance rights in Indonesia. This decision does not establish a completely new royalty system, but provides a constitutional interpretation of several provisions of Law Number 28 of 2014 concerning Copyright. The interpretation reduces multiple understandings regarding the subjects obliged to pay royalties, the mechanism for determining the amount of royalties, and the resolution of copyright disputes.

Accordingly, the decision strengthens legal certainty while providing more balanced protection for creators, copyright holders, commercial users, performance organizers, LMK, and LMKN. The Constitutional Court’s decision concerns, among other provisions, Article 9 paragraph (3), Article 23 paragraph (5), Article 81, Article 87 paragraph (1), and Article 113 paragraph (2) of Law Number 28 of 2014 concerning Copyright. This finding supports the research of Pone, Da Santo, and Wohon, which states that the main problem in royalty management before the Constitutional Court’s decision lay in the unclear interpretation of legal norms, particularly concerning the royalty payment mechanism and the legal relationship between the parties.[6]

From the perspective of Philipus M. Hadjon's legal protection theory, the Constitutional Court’s ruling strengthens preventive legal protection for the economic rights of creators and copyright holders by affirming that commercial performance organizers are obligated to pay royalties.[14] Preventive protection is realized through the establishment of clear legal obligations before a violation occurs. Furthermore, the interpretation of the phrase “reasonable remuneration” provides certainty for commercial users that the amount of royalties must refer to the mechanisms and rates established by statutory regulations.

Thus, the ruling creates a balance between the protection of creators’ exclusive rights and legal certainty for businesses that use songs and/or music commercially. Suciadi, Lihu, and Gunawan emphasize that royalty protection will be effective if it is accompanied by a legal mechanism that guarantees certainty for creators while providing clear guidelines for users of copyrighted works.[10]

From the perspective of Lawrence M. Friedman's Legal System Theory, the implications of Constitutional Court Decision Number 28/PUU-XXIII/2025 can be analyzed through three interrelated components: legal substance, legal structure, and legal culture.[15] Friedman emphasizes that law should not be understood merely as a collection of legal norms, but as a system consisting of rules, institutions, and social attitudes that influence the operation of law. Therefore, the effectiveness of the Constitutional Court’s decision depends not only on the legal interpretation contained in the ruling, but also on the institutional capacity and legal awareness of the parties involved.

The first component is a legal substance. Legal substance includes statutes, regulations, legal principles, court decisions, and policies that govern social behavior.[16] In the context of music performance royalties, legal substance includes Law Number 28 of 2014 concerning Copyright, Government Regulation Number 56 of 2021 concerning the Management of Copyright Royalties for Songs and/or Music, Regulation of the Minister of Law and Human Rights Number 9 of 2022, and Constitutional Court Decision Number 28/PUU-XXIII/2025.

The Constitutional Court’s decision strengthens the legal substance by clarifying norms that previously gave rise to multiple interpretations. The clarification particularly concerns three matters: first, the identification of commercial performance organizers as parties obliged to pay royalties; second, the determination of “reasonable remuneration” based on the mechanisms and rates established by laws and regulations; and third, the application of the restorative justice principle in the enforcement of criminal provisions relating to copyright.

In Friedman's perspective, changes to legal substance will influence the behavior of legal subjects and the relationships among them. The Court’s interpretation, therefore, changes the normative basis for the relationship between creators, copyright holders, commercial users, performance organizers, LMK, LMKN, and law enforcement officials. The decision also requires the implementation of royalty collection and distribution to be adjusted to the meaning of the norms as interpreted by the Constitutional Court.

However, clarification at the level of legal substance does not automatically resolve all problems in the royalty system. Technical aspects such as the calculation of tariff rates, the recording of music usage, the distribution of collected royalties, and the settlement of disputed royalty claims still require more detailed regulation. Therefore, the decision should be followed by harmonization of implementing regulations and the formulation of operational guidelines that are accessible and understandable to all parties.

The second component is legal structure. Legal structure consists of institutions that implement and enforce the law, including courts, government agencies, ministries, law enforcement institutions, and other bodies authorized by law.[17] In the royalty system, the relevant legal structure includes the Constitutional Court, the Directorate General of Intellectual Property, LMKN, LMK, commercial performance organizers, and law enforcement officials.

The decision strengthens the legal position of LMKN and LMK in the collection and distribution of royalties. LMKN has an institutional role in managing the collective royalty system, while LMK represents the interests of creators, copyright holders, and related-rights owners in the administration and distribution of royalties. Under the existing statutory framework, creators, copyright holders, and related-rights owners may become members of LMK in order to receive remuneration or royalties.

The decision also provides guidance for LMK and LMKN in determining the party that should be charged with royalty payment. Royalty collection should be directed toward the commercial performance organizer or other commercial user who legally benefits from the use of the musical work, rather than being imposed arbitrarily on performers who merely provide artistic services. This interpretation is important to prevent the shifting of legal responsibility to parties who do not occupy the position of commercial organizers.

Nevertheless, the strengthening of the legal structure must be accompanied by institutional accountability and transparency. LMK and LMKN must be capable of demonstrating how royalties are collected, recorded, calculated, distributed, and reported to creators and copyright holders. Mandala, Assaori, Tekayadi, Efendi, and Zubaedi state that transparency in the collection and distribution of royalties is a primary requirement for accountable governance of the collective management system.[13]

The legal structure also includes law enforcement institutions. Law enforcement officials must understand the Constitutional Court's interpretation and apply it consistently when handling copyright disputes. Inconsistency between the judicial interpretation and administrative or law enforcement practices may create new uncertainty and weaken the effectiveness of the decision.

The third component is legal culture. Legal culture encompasses the attitudes, values, perceptions, and level of legal awareness of society and law enforcement officials.[15] Legal culture determines whether a legal rule will be obeyed, ignored, or resisted. In the context of music royalties, legal culture includes the awareness of commercial users regarding the obligation to pay royalties, the willingness of creators to participate in collective management, the professionalism of LMK and LMKN, and the understanding of law enforcement officials concerning copyright protection.

The Constitutional Court's decision is expected to increase the legal awareness of performance organizers and commercial users regarding the obligation to pay royalties. Commercial users should no longer view royalty payments as voluntary contributions or administrative burdens, but as a legal consequence of the commercial utilization of musical works. In the same way, creators and copyright holders should understand the collective management mechanism and actively monitor the collection and distribution of their royalties.

Legal culture also requires institutional transparency. If creators do not receive sufficient information about the amount collected, the basis for distribution, or the status of their claims, public trust in LMK and LMKN may decline. Conversely, transparent reporting, accurate data, and accessible complaint mechanisms can strengthen the legitimacy of collective royalty management.

Friedman's theory demonstrates that a change in legal substance will not be effective if it is not supported by an adequate legal structure and a law-abiding legal culture.[16] Therefore, the Constitutional Court's decision will be effective only if its interpretation is implemented consistently by LMK, LMKN, commercial users, creators, copyright holders, law enforcement officials, and other stakeholders.

From the legal factor, the decision has clarified previously uncertain norms, although harmonization of implementing regulations is still required. From the institutional factor, its effectiveness depends on the coordination and professionalism of LMKN, LMK, the Directorate General of Intellectual Property, courts, and law enforcement officials. The effectiveness of royalty payment obligations is also influenced by the clarity of commercial users' legal responsibilities and the consistency of implementing regulations.[8]

From the facilities and infrastructure factor, strengthening the national song and music database, developing technology for reporting music usage, creating an integrated licensing system, and establishing a transparent royalty distribution mechanism are necessary. Accurate music data is important because the collection and distribution of royalties cannot be conducted fairly if the identity of the work, creator, copyright holder, user, and frequency of use cannot be verified.

From the societal and legal culture factors, the success of implementation depends on the compliance of commercial users and the improvement of public literacy concerning copyright protection. The Constitutional Court's decision must therefore be disseminated not only to legal practitioners and rights-management institutions but also to event organizers, business owners, musicians, performers, and other commercial users.

Although Constitutional Court Decision Number 28/PUU-XXIII/2025 has strengthened legal certainty at the normative level, it has not fully resolved all technical problems in royalty management. Further improvements to implementing regulations, strengthened coordination between LMKN and LMK, increased transparency in royalty collection and distribution, and the development of a more accurate and integrated song and music database remain necessary.

Based on the overall analysis, Constitutional Court Decision Number 28/PUU-XXIII/2025 has legal implications that are clarifying, harmonizing, and protective. It is clarifying because it explains norms that were previously open to multiple interpretations. It is harmonizing because it aligns the implementation of Law Number 28 of 2014 concerning Copyright with its implementing regulations and the institutional functions of LMK and LMKN. It is protective because it strengthens the protection of creators' and copyright holders' economic rights while providing legal certainty for commercial users.

From the perspective of Friedman's Legal System Theory, the decision strengthens the legal substance by clarifying the applicable norms, the legal structure by providing guidance for LMK, LMKN, and law enforcement institutions, and the legal culture by encouraging compliance and awareness among commercial users. Nevertheless, the effectiveness of its implementation remains dependent on the harmonization of regulations, institutional governance, transparency, technological infrastructure, and compliance by all stakeholders.

Thus, the decision not only provides legal certainty regarding the mechanism for collecting and managing music performance royalties but also serves as a foundation for reforming the governance of LMK and LMKN to become more transparent, accountable, effective, and equitable.

Conclusion

Constitutional Court Decision Number 28/PUU-XXIII/2025 has increased legal certainty regarding the payment of royalties for music performance rights for creators and copyright holders through a constitutional interpretation of the provisions of Law Number 28 of 2014 concerning Copyright. The decision provides clarity regarding commercial performance organizers as the parties obliged to pay royalties, confirms that royalty payments are carried out through the Collective Management Institution (LMK) mechanism in accordance with statutory regulations, provides certainty regarding the basis for determining the amount of royalties, and prioritizes dispute resolution through the principle of restorative justice. Thus, the decision has succeeded in reducing multiple interpretations of norms that previously gave rise to legal uncertainty. However, the legal certainty that is formed is still normative in nature, so its effectiveness depends on the harmonization of implementing regulations, transparency of royalty management, and consistency of its implementation by all stakeholders.

Constitutional Court Decision Number 28/PUU-XXIII/2025 has legal implications for the mechanism for collecting and managing royalties for music performance rights by Collective Management Institutions (LMK) in Indonesia by strengthening the legitimacy of the collective management system in collecting and distributing royalties, clarifying the legal relationship between creators, copyright holders, LMK, LMKN, performance organizers, and commercial users, and providing clearer guidelines for law enforcement officials in resolving copyright disputes. These implications are clarificatory, because they clarify norms that were previously open to multiple interpretations; harmonizing, because they align the implementation of Law Number 28 of 2014 concerning Copyright with its implementing regulations; and protective, because they provide more balanced legal protection for creators, copyright holders, and commercial users. However, optimizing the implementation of the decision still requires strengthening coordination between LMK and LMKN, increasing transparency in royalty management, improving the song and/or music data collection system, and more effective supervision of the implementation of royalty payment obligations.

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