



## Song Copyright Law Reform in Indonesia

Dhira Taramadia Westiartika<sup>1</sup>, Muhammad Abdulhamid<sup>2</sup>, Raden Muhammad Nobel<sup>3</sup>, Ahmad Ma'mun Fikri<sup>4</sup>

<sup>1,2,3,4</sup>Universitas Islam Nusantara, Indonesia

**Abstract:** Copyright on songs is one component of intellectual property rights that is philosophically based on the theory of naturalism and the theory of interests. However, in the Indonesian context, it also needs to be understood through the Marhaenism approach which emphasizes social justice. The National Collective Management Institution which was established based on Government Regulation Number 56 of 2021 and Law Number 28 of 2014 is tasked with managing copyright licenses. However, its existence raises various problems, including the potential for monopoly, lack of transparency, and limited access for independent music creators. The purpose of this study is to determine how copyright regulations are implemented in Indonesia. Using normative legal methods and secondary data, this study proposes a hybrid licensing model that will reform the copyright licensing system in Indonesia by implementing a progressive and responsive legal approach. This model will allow creators to choose between collective licenses and individual licenses based on digital technology. This reform is expected to realize distributive justice, more adaptive legal protection, and respect for the moral and economic rights of creators in a balanced manner.

**Keywords:** Copyright; Hybrid License; National Collective Management Institute; Responsive Law; Social Justice.

### 1. Introduction

Music and songs are human creations that are legally protected. This implies that the protection of songs and music is implemented to ensure the financial and non-financial well-being of songwriters (H. A. Panjaitan et al., 2022). The rights of individuals who create musical works must be safeguarded and honored, as the process of creating a musical work with economic value is not a task that is accessible to all due to the necessity of creativity, energy, and costs (Marbun et al., 2023). Nevertheless, the dispute regarding song copyright in Indonesia intensified when several songwriters, including Ahmad Dhani and Satriyo Yudi Wahyono, also known as Piyu Padi, forbade several singers from performing their material. They think the copyright distribution for their songs is unjust. They are advocating for a modification to the Indonesian system of granting financial rights to songs composed by songwriters. The pieces are copyrighted and must be used with the creator's permission, as they range from a few seconds to full-length music (W. N. Panjaitan, 2023). To date, Indonesia has implemented a licensing system for songs that is administered by a non-BUMN state institution, specifically the National Collective Management Institution, or the National Collective Management Institute. The assignment of the National Collective Management Institute is predicated on Government Regulation number 56 of 2001 and the Copyright Law, specifically Law Number 28 of 2014. The Regulation of the Minister of Law and Human Rights number 36 of 2018 also endorses the National Collective Management Institute (Karim, 2021).

#### Correspondence:

Name: Dhira Taramadia Westiartika  
Email: dhirawestiartika@gmail.com

Received: May 30, 2025;  
Revised: Jun 14 2025;  
Accepted: Jun 21, 2025;  
Published: Jun 30, 2025;



**Copyright:** © 2025 by the authors.  
Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution-NonCommercial 4.0 International License (CC BY-NC 4.0) license (<https://creativecommons.org/licenses/by-nc/4.0/>).

The digital music industry in Indonesia continues to grapple with the issue of royalties, which has resulted in new obstacles for the role of aggregators and Collective Management Institutions (Ariani, 2021). The demands made by Ahmad Dhani's group have elicited responses from various parties who perceive these actions as an attempt to move closer to pure capitalism. Dhani is opposed to the process of distributing these rights through state institutions and instead favors returning them to each musician. This system is referred to as direct licensing or a licensing system without intermediaries.

This system will provide musicians who have established themselves as exceptional musicians with additional advantages, as they will be able to request compensation that is commensurate with their market value. Such an arrangement can be regarded as a monopoly, as it will hinder the ability of musicians or singers who are just beginning their careers to acquire licenses for popular songs. In contrast, this type of circumstance is actually a standard business practice for exceptional musicians. Ahmad Dhani also underscored the necessity of songwriters' work to survive, and he also criticized the economic disparity between songwriters and singers, according to Suara.Com (2025). Singers are able to earn significantly more than songwriters from the same resources. The main dilemma between exclusive rights of creators and equal access to songs in the digital music industry landscape lies in the tension between the protection of intellectual property rights (IPR) and the public's need for fair and equitable access to cultural works. A real-life example is An independent musician wants his song to be widely heard, but refuses free distribution because of the loss of royalties.

One of the primary subjects of discussion in this research is the debate between direct licensing and collective licensing. This issue, primarily under civil law, focuses on the economic rights of songwriters and performers. Even prior to the independence era, the concept of copyright has been a subject of debate. The Statute of Anne (1770), which was derived from Gutenberg's 300-year-old discovery of the printing press, underscored the fact that written works could be mass-produced at that time. Consequently, the Statute of Anne established early laws to safeguard intellectual works, which were books at the time, to prevent parties who had produced works from losing their rights. Naturally, Emilie Berliner's discovery of vinyl records in 1887 led to the development of copyright protection for audio works. The copyright law model has been further developed by the studio system, which enables the involvement of various interested parties, including songwriters, arrangers, singers, and other professionals, in the production of songs.

Nevertheless, this copyright is rooted in the conviction that all individuals have a natural right to the assets they acquire or create. For example, John Locke argued that all individuals have the right to the products they produce, regardless of whether they are abstract. Locke asserted that we often overlook the concept of "natural rights." In reality, this inherent right is a component of the compensation that an individual typically receives for performing an action. We cannot perceive this individual's rights as being restricted to compensation for the time he has dedicated to his work, with no subsequent rights, particularly if the outcomes of his efforts have a lasting economic influence. At the same time, Jean Jacques Rousseau believes that this private ownership should not be used as a platform for mutual claims, as an arrangement would prevent collective appre-

ciation. Similarly, the copyright issue for this song should be examined in light of the benefits that are provided to all parties, rather than just a select few.

This research was founded on several fundamental principles of civil law research, specifically the ability to evaluate and comprehend the regulations of the legal system of ownership, including the distribution of ownership, which should be more closely aligned with the ideal justice system. This research also examined the principles of civil law in the resolution of ownership issues in Indonesia. This research endeavored to address the research gap in Indonesia by developing ownership rules, particularly in the context of non-physical assets, through a more comprehensive process. Comparative studies, secondary sources in the form of pertinent cross-disciplinary journals, and normative legal methods were employed to facilitate this research. Thus, this research concludes that Indonesia should implement the direct licensing model to strengthen its music industry.

## **2. Materials and Methods**

The research methodology must always be adjusted to the developing science, as research is a scientific means for the development of science and technology (Soekanto, 2020). The investigation of this research implemented a normative legal methodology. This research, which was also referred to as doctrinal research, was intended to investigate the principles, rules, and legal doctrines to address legal issues or offer novel interpretations. The regulatory approach and the case approach were the research methodologies employed to analyze legal doctrines and principles that were pertinent to the reform of Indonesian copyright law. The data for this study were sourced from secondary sources, which were typically obtained from library materials. There were three categories of legal materials in secondary data: primary legal materials, which were Indonesian laws and regulations; secondary legal materials, which were academic articles from research journals, Indonesian scientific publications, law books, and credible sources; and tertiary legal materials, which were encyclopedias and legal interpretations. Secondary data is data obtained indirectly in the form of song copyright licensing regulations which are then elaborated with real cases. The data was subsequently analyzed qualitatively by reviewing, categorizing, and synthesizing information to provide solutions to identify legal problems and gain insight. The normative-doctrinal approach, which emphasizes the study of positive legal norms and systematic interpretation of doctrines, laws, and court decisions, has strong analytical power in explaining the structure, principles, and legal principles governing copyright. However, in the context of the complexity of copyright commercialization practices in the digital era, this approach has certain limitations that need to be recognized and criticized.

## **3. Results and Discussion**

The primary foundation of property rights ownership in society is natural rights. In accordance with philosopher John Locke, each individual is inherently entitled to life, liberty, and property. In other words, property rights are innate and not given by the state. A person acquires property rights through the work they perform on something that is still general or belongs to nature, according to Locke. Legal property rights are established over the outcomes when an individual invests their energy in activities such as cultivating vacant land or creating artwork (Kishardian et al., 2022).

This property right serves as a vehicle for self-actualization and the expression of personal freedom, in addition to fulfilling life's necessities. In this context, property rights are crucial in sustaining the existence of humans as rational and moral beings. Individuals are afforded the opportunity to cultivate their creativity, establish a sense of accountability, and establish social order through the acquisition of property. Locke believes that society will be established on the foundation of respect for human freedom and dignity by acknowledging and safeguarding property rights as the most fundamental rights. Consequently, the establishment of property rights can serve as a practical and ethical foundation for the establishment of a social order that is both functional and fair.

John Locke's perspective on property rights as natural rights that are inherent in humans from birth is still evolving, with Rudolf von Jhering's thought being one example. Locke's emphasis on the individual and natural aspects of ownership was extended by Jhering, who emphasized that property rights are not only personal but also serve a social purpose (Ploman & Hamilton, 2024). According to Jhering, the existence of property rights must always be associated with the social responsibilities and role of their owners in community life. This method serves as a connection between Locke's liberal perspective and Karl Marx's incisive critique, which regarded property rights, particularly those related to the means of production, as a means of exploiting the working class.

Nevertheless, Jhering adopted a more moderate and constructive approach than Marx, who tended to be radical in his rejection of capitalist property rights. He underscored that individuals are inclined to lose their motivation to work, create, and fulfill their obligations in social life in the absence of property rights protection. Clear property rights will actually motivate an individual to fulfill their societal obligations, as they will feel valued and given the opportunity to mature. However, Jhering also recognized the possibility of inequality if property rights are abused, necessitating a balance between the protection of individual rights and the broader interests of society.

This concept is particularly pertinent in light of the ongoing debate regarding song copyright in the digital age. A sense of injustice and exploitation of artists will emerge when musical works are distributed without permission or proper credit to their creators (Perdana & Utami, 2022). In this context, it is imperative to address licensing concerns. Not only as a gesture of respect for intellectual property rights, but also as a means of motivating songwriters to persist in their sustainable practices. The state and society contribute to the development of a cultural ecosystem that is socially responsible, productive, and healthy by ensuring that their copyrights are protected fairly.

Marhaenism, a political-economic teaching that was initiated by Ir. Soekarno, is the local Indonesian equivalent of Rudolf von Jhering's perspective on the social function of property rights. Although Marhaenism was initially founded on Soekarno's observation of a farmer named Marhaen in Bandung who worked independently but lacked the means of production, its essence is more broadly applicable to the liberation of the lower class from the exploitation structure. Soekarno concluded that the common people must be provided with the means of production that enable them to work without dependence and without feeling exploited in order to achieve true independence. This principle is consistent with Jhering's methodology, which ensures that property rights are safeguarded not only for the benefit of individual interests but also for the benefit of collec-

tive productivity and social liberation. Prahara (2013) suggests that the government should establish an ideal form-in-concept that more thoroughly regulates Indonesian copyright legislation, thereby ensuring legal certainty, protection, and certainty for Indonesian copyright.

Although Marhaenism is frequently associated with the agrarian and labor sectors, its spirit remains pertinent in the context of intellectual property, such as song copyrights. Artists, musicians, and songwriters can be characterized as "modern Marhaen" because they operate with their energy and concepts. Nevertheless, if their work is perpetually pirated or exploited without a valid license, they will be ensnared in a new form of structural exploitation that is equally detrimental. Consequently, Marhaenist philosophy necessitates that the state not only acknowledge the work of the populace but also provide legal protection and access to contemporary production methods, such as a fair digital distribution system.

This is constitutionally affirmed in the 1945 Constitution, particularly in Article 28C paragraph (1), which ensures that all citizens have the opportunity to develop themselves through access to science, technology, and art. Additionally, Article 28D paragraph (1) asserts that all individuals are entitled to the certainty, protection, guarantee, and recognition of fair law. This argument demonstrates that the state is constitutionally obligated to safeguard intellectual property rights (IPR) as a component of human rights. Furthermore, Article 33 of the 1945 Constitution suggests that human works and production results, including those in the arts and culture, must provide benefits to both the public and their creators as a means of promoting social justice.

This historical concern for artists and intellectual property has been demonstrated in both symbolic and normative ways since the early days of independence (Kartika & Aris, 2021). In state forums, Soekarno explicitly permitted poets, local singers, and renowned painters like Basuki Abdullah to make an appearance. The result is a political recognition of artists as significant components of national development, in addition to cultural respect. The state's initial milestone in the legal protection of creative works as part of its commitment to international agreements and the actualization of the spirit of Marhaenism in the modern world was the birth of Law No. 6 of 1982 concerning copyright. This law was on the regulatory side. The Marhaenism approach, as an ideological teaching formulated by Soekarno to defend the interests of the productive but marginalized common people, can be used as a normative framework to overhaul the copyright licensing system for songs which currently tends to be dominated by capitalist logic and the corporatization of the digital music industry. This approach emphasizes siding with small musicians and local creators as cultural "marhaen" who must be empowered, not exploited.

To ensure property rights and prevent the exploitation of individual creators, Marhaenism is integrated with modern legal principles as proposed by von Jhering and Locke from a philosophical, historical, and legal perspective. The enforcement of song copyrights is not solely a matter of legal protection; it is also a component of an endeavor to enhance the dignity of creative individuals, an ideal that is fundamental to Marhaenism and social justice in Pancasila. Subsequently, these elements serve as the analytical tool for the reform of Indonesia's copyright law. A centralized collective licensing

system is a mechanism whereby collective management institutions (such as WAMI, KCI, or other LMKs) manage copyrights en masse on behalf of creators for licensing, royalty collection, and distribution. However, from a distributive justice perspective, this system has a number of impacts—both positive and negative—for emerging creators and independent musicians.

### *3.1 The rationale for the existence of the National Collective Management Institute*

The National Collective Management Institution (LMKN) is intended to establish a centralized coordination mechanism for copyright management, particularly in the realm of music and songs, as defined in Article 87, paragraph (1), of Law Number 28 of 2014 concerning Copyright. The primary goal of this model is to prevent horizontal and vertical conflicts in the distribution of licensing profits, a problem that has historically resulted in legal uncertainty and inequality in the industry. The National Collective Management Institute is a party that is institutionally trusted to collect, manage, and distribute royalties in a fair and transparent manner to rights owners.

The National Collective Management Institution's implementation of the "one-door command" model is indicative of the Indonesian legal system, which is predicated on the recognition that Indonesia is a nation with significant economic disparity, social class, and cultural diversity. In this context, the National Collective Management Institution functions as an extension of the state to guarantee that the process of managing economic rights to copyrighted works is not only subject to free market mechanisms but also takes into account the principles of social justice, as outlined in Article 33 of the 1945 Constitution and the fifth principle of Pancasila. Nevertheless, the economic value of music and song copyrights is not easily ascertainable, particularly when used as fiduciary collateral, which constrains its use (Wisnu Wijaya et al., 2024).

The establishment of the National Collective Management Institution also has an emancipatory dimension, as it offers protection to creators or copyright owners who are structurally in a weak position, such as independent musicians, songwriters from the regions, or artists who lack access to large industrial networks (Arifin, 2025). The National Collective Management Institution is anticipated to be able to maintain a balance between power relations between work owners and commercial users (such as production houses, digital platforms, or broadcast media), who are frequently in a much stronger bargaining position, in this scenario. This collective mechanism eliminates the necessity for creators to negotiate individually, which is susceptible to exploitation or the neglect of rights. Instead, they can rely on a representative system based on principles of transparency and justice.

Additionally, the National Collective Management Institution can be interpreted as a tangible example of progressive law, as developed by Satjipto Rahardjo. In this context, the law is not only predicated on normative texts, but it also serves as a social engineering tool that promotes marginalized groups. This system promotes an inclusive creative economic circulation and decentralizes benefits from the music industry while maintaining the principle of respecting the moral and economic rights of creators.

Consequently, not only does the existence of the National Collective Management Institution have legal sanction, but it also possesses a robust philosophical and so-

biological foundation. It is a model of responsible and contextual justice distribution that addresses the challenges of Indonesia, a diverse archipelagic nation that has not yet achieved full equality in access to economic resources and information. Wisnu Wijaya et al. (2024) aim to foster cooperation among music industry stakeholders, support legal actions for rights holders, and keep track of copyright violations. The National Collective Management Institution is a representation of the evolution of intellectual property governance toward a more equitable and humane system. The position of the National Collective Management Institute (LMKN) as a regulator and operator in the copyright licensing system in Indonesia has had a significant impact on the principle of freedom of contract and the principle of non-monopoly, two fundamental principles in the private law system and free market economy.

### ***3.2 Criticism of the National Collective Management Institution***

It is impossible to separate criticism of the National Collective Management Institution and related regulations, such as Government Regulation Number 56 of 2021 and Law Number 28 of 2014 concerning Copyright, from the framework of understanding that economic relations significantly influence human relations in the realm of art. Regrettably, Government Regulation Number 56 of 2021 concerning Management of Song and Music Copyright Royalties and Law Number 28 of 2014 concerning Copyright do not establish specific procedures or regulate detailed use (Silfiani, 2022). In classical and liberal economic logic, the rational objective of creators of works of art, particularly songwriters, is to maximize profits from the intellectual products they produce. This principle is a form of self-actualization and a mechanism for safeguarding creative work that is not always fairly represented in the economic value distribution system.

In this context, creators frequently invoke the principle of the free market as a justification for rejecting the intervention of collective management models, which are perceived to impede the freedom of contract and diminish the potential income that can be achieved through direct negotiation or exclusive licensing schemes. In their opinion, the existence of the National Collective Management Institution, which collectively regulates the withdrawal and distribution of royalties, tends to equalize the economic value of a work without taking into account the fact that not all songs have the same market value. The value of songs that go viral or are widely used in media is higher than that of works that are only circulated on a limited basis. Nevertheless, this disparity in value is frequently mitigated in a royalty distribution system that is both general and aggregate in a collective mechanism. The National Collective Management Institution continues to be the primary entity responsible for the determination of costs and the distribution of licensing funds in the government regulation number 56 of 2021, resulting in inconvenience for songwriters (Evi, 2021).

In the interim, singers and performers have a greater opportunity to generate revenue through live performances, endorsements, or participation in the entertainment industry, which provides them with various alternative revenue streams. In contrast, songwriters who do not appear on stage or screen rely solely on royalties as their only source of income. Consequently, the non-transparent, slow, or bureaucratic management of LMKN actually marginalizes the position of creators as the primary actors in intellec-

tual work. Economic, socio-cultural, educational, and law enforcement deficiencies are among the variables that contribute to the infringement of copyrighted music or songs in Indonesia (Panagarso & Bagas, 2020).

The criticism ultimately focuses on the perceived lack of artistic liberation in the spirit of the Copyright Law and the government regulation 56/2021. The regulation, rather than empowering artists as autonomous and independent creative subjects in determining their economic destiny, actually creates a new model of "regulation of creativity" that is top-down, as if the state were the sole authority over the distribution of the economic value of works. In reality, the primary foundation for the development of a healthy, fair, and innovative creative ecosystem is the freedom of expression and contract in a progressive art paradigm.

In other words, the National Collective Management Institution system, despite its formation in the spirit of justice and protection, has the potential to establish new inequalities if it is not accompanied by a transparent, adaptable mechanism that allows for individual negotiation. This criticism creates a discussion space for the copyright management model to be evaluated more contextually and adapted to the dynamics of the creative industry, which is undergoing rapid development in the current digital era. A hybrid model that combines a collective approach with individual freedom can be a viable option as an alternative solution responsive to the challenges of the time. This model does not compromise the protection of creators as the owners of exclusive rights.

The existence of the National Collective Management Institution violates the civil law school of song copyright. In reality, the state is responsible for regulating licensing matters, while bidders and providers should be responsible for them. Nevertheless, the National Collective Management Institution serves as an extension of the entity operating in that location. The state appears to disregard the fundamental nature of civil law in civil criticism and instead endorses the perpetuation of a dual system that may generate new issues (Miru & Pati, 2020). Yes, the state can employ a pragmatic approach to resolving a problem. When we disregard the principle of civil law, we fail to realize the essence of problem-solving without complications.

Given these circumstances, it is advisable to implement a thorough reform of the copyright licensing system in Indonesia, with a particular emphasis on the management of the National Collective Management Institution. One of the urgent reforms that must be implemented is the opportunity to conduct direct licensing. Direct licensing is a system in which creators or copyright owners can directly collaborate with commercial users of their work without the need to navigate a centralized one-door mechanism that is regulated by the state.

The purpose of the National Collective Management Institution's involvement, which was established in accordance with Article 87 of Law Number 28 of 2014, was to ensure the equitable and efficient distribution of royalties. Nevertheless, in practice, the position of the National Collective Management Institution, which is legally recognized by the state but also performs economic functions such as tariff negotiation, royalty collection, and distribution, identifies it as a state actor that has entered the business sector. This condition leads to a practice that is structurally identical to state capitalism, in that the state serves as both a regulator and an economic actor (operator). Such an arrange-

ment has the potential to result in conflicts of interest and inequality in the distribution of value (Alami & Dixon, 2023).

This phenomenon of state capitalism has received criticism from two major currents of thought: (a) From the perspective of socialism, the state is considered to have lost its identity as a protector of vulnerable groups and has instead become part of capital accumulation. The state perpetuates a system that keeps small artists and creators marginalized because the distribution of royalties is not transparent and tends to benefit creators with high commercial value. (b) From the perspective of liberalism, state involvement is considered to hinder the principles of a free market and contractual freedom. When the state determines the price and distribution of royalties, there is no freedom for songwriters to determine the economic value of their work, so the exclusive rights that are the essence of copyright lose their meaning.

Additionally, the state's dual function as both a regulator and a distributor of royalties generates a quandary. The state is obligated to ensure justice and prevent monopolies; however, it is susceptible to taking sides and establishing income inequality among music industry players by regulating tariffs and distribution.

Therefore, a more democratic and equitable solution is to designate the state as a regulator and facilitator rather than a market operator. In this instance, the state merely guarantees that the rules of the game are transparent and accountable, thereby facilitating the development of numerous royalty management models that are tailored to the requirements of the music industry players. The potential solutions include the following: Creators with high commercial value are granted full rights to conduct direct licensing, establish strategic partnerships with the private sector, media, and event organizers independently, and promote and safeguard novice, local, or small community creators through a model of associations, cooperatives, or federations of musicians, which function as joint management bodies based on solidarity and participation.

In fact, the notion that young and novice musicians are unable to compete and that MSMEs are unable to access popular songs was introduced during this discussion. There may be merit to this mode of reasoning. Nevertheless, the music industry presents a unique opportunity for micro, small, and medium-sized enterprises (MSMEs) and small culinary enterprises to form partnerships with local musicians. It is possible to assert that they are on an equal footing, which in turn encourages a cooperative attitude and comprehension of the circumstances they encounter. In the interim, giant-scale commercialization may also be feasible when equipped with the appropriate environment to compete. It is anticipated that these two businesses will advance in tandem and in the same direction, fostering organic business development that is consistent with the values, objectives, and requirements of each. Consequently, Indonesia, a nation of law, is obligated to ensure that music creators whose works are utilized are afforded the requisite legal protection (Suputra et al., 2020).

This model allows the state to continue fulfilling its obligations ethically and legally, in line with the principles of responsive law. Rather than acting as an economic actor, the state serves as a guarantee that all parties are able to participate and achieve justice within the market structure. Additionally, the state has the potential to act as a mediator in disputes instead of being a tender participant or an economic tariff setter, roles that are

more likely to promote oligopolistic practices or collusion with large industrial parties. This approach is also more consistent with the spirit of Indonesian constitutionalism, as outlined in Article 28C paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution, which guarantee the right to self-development and fair legal protection, and Article 33, which emphasizes that human works must produce the greatest possible benefit to humanity, rather than merely economic profit. To facilitate the development of diverse aspects of community life, it is necessary to implement a focused and integrated improvement in both codification and specific legal fields (Romdoni, 2022).

Therefore, it is imperative to reform the licensing system and the National Collective Management Institution structure to restore the state to its proper role as a guardian of justice, rather than as a capitalist actor who creates an unequal playing field and stifles the economic rights of creators in a system that purports to be democratic. The government is obligated to immediately establish derivative regulations regarding the management of song royalties on digital platforms that are utilized commercially. These regulations are intended to provide legal certainty and protection for the holders of economic rights/song royalties (Sahrul et al., 2023). Additionally, the Directorate General of Intellectual Property is tasked with the completion of the Song or Music Information System, a song and music data center that is designed to optimize the collection and distribution of royalties to songwriters or musicians.

#### 4. Conclusions

The intellectual property rights that are manifested in copyrighted songs are not only rooted in Locke's individualistic philosophy or Jhering's theory of interests, but they must also be interpreted in the context of Indonesian social justice through the Marhaenism approach. In practice, it is necessary to evaluate the National Collective Management Institution's status as a state representative in the management of copyright licenses. The National Collective Management Institution was established pursuant to the provisions of Law No. 28 of 2014 and the government regulation No. 56 of 2021. However, its centralistic structure and exclusive authority have resulted in a variety of issues, including the neglect of the principle of justice for creators, non-transparency in royalty distribution, and license monopoly. The shift in the role of the state from market player to facilitator and mediator in the context of the digital music industry—particularly in ensuring *fairness for new creators and public access*—is a strategic step towards a more inclusive and equitable governance model.

The copyright licensing system in Indonesia must be reformed to be more inclusive, adaptive, and pro-creative for economically vulnerable individuals through a responsive legal approach. One potential solution is the creation of a hybrid-based licensing system that allows creators to select between collective licensing through the Collective Management Institution and the National Collective Management Institution or direct licensing individually through digital mechanisms. Consequently, the state is no longer regarded as a dominant actor; rather, it serves as a facilitator that guarantees substantive respect for copyright, transparency, and distributive justice. Hybrid licensing systems in the context of song copyright—that is, systems that combine collective licensing models with individual or open licensing—must be designed not only for economic

and technical efficiency, but also to ensure the moral protection of creators and a sustainable cultural ecology.

## References

- Alami, I., & Dixon, A. D. (2023). Uneven and combined state capitalism. *Environment and Planning A: Economy and Space*, 55(1), 72–99. <https://doi.org/10.1177/0308518X211037688>
- Ariani, N. V. (2021). Enforcement of Law of Copyright Infringement and Forgery with the Rise of the Digital Music Industry. *Jurnal Penelitian Hukum De Jure*, 21(2), 223. <https://doi.org/10.30641/dejure.2021.v21.223-236>
- Arifin, Z. (2025). Pemberdayaan Ekonomi Kreatif Berbasis Budaya Nusantara. *Prosiding Konferensi Berbahasa Indonesia Universitas Indraprasta PGRI*, 212–216.
- Evi, E. E. (2021). Kekuatan Pembuktian Suatu Surat Pernyataan Bermaterai Dalam Sengketa Keperdataan di Pengadilan. *MORALITY: Jurnal Ilmu Hukum*, 7(1), 95. <https://doi.org/10.52947/morality.v7i1.192>
- Karim, A. (2021). KEPASTIAN HUKUM LMKN SEBAGAI LEMBAGA TERPADU SATU PINTU PENGHIMPUN DAN PENDISTRIBUSI ROYALTI HAK CIPTA DAN HAK TERKAIT BIDANG MUSIK DAN LAGU. *Legalitas: Jurnal Hukum*, 13(1), 64. <https://doi.org/10.33087/legalitas.v13i1.232>
- Kartika, K., & Aris, B. (2021). *Historiografi Biografi sebagai Sumber Adaptasi Teks Sejarah dalam Film Biopik Soekarno*.
- Kishardian, M. I., Arfiandi, M. A., Aldiansyah, M. R., & Maitsa, N. H. (2022). Teori Alamiah Dalam Pandangan John Locke. *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora*, 1(1), 1–10.
- Marbun, K. B., Purba, J. E., & Agustina, Y. (2023). PERLINDUNGAN HUKUM BAGI PENCIPTA LAGU ATAS LAGU CIPTAANNYA YANG DIPAKAI ORANG LAIN TANPA IZIN. *Collegium Studiosum Journal*, 6(2), 492–496. <https://doi.org/10.56301/csj.v6i2.1083>
- Miru, A., & Pati, S. (2020). *Hukum Perjanjian: Penjelasan Makna Pasal-Pasal Perjanjian Bernama Dalam KUH Perdata (BW)*. Sinargrafika.
- Panagarso, I. S., & Bagus, C. (2020). ASPEK HUKUM PENGCOVERAN LAGU DITINJAU DARI UNDANG-UNDANG HAK CIPTA. *Jurnal Justiciabelen*, 2(2), 44. <https://doi.org/10.30587/justiciabelen.v2i2.1638>
- Panjaitan, H. A., Sidauruk, J., & Debora. (2022). Pengelolaan Royalti Hak Cipta Lagu Dan Musik Berdasarkan Pp 56/2021. *Nommensen Journal of Business Law*, 1(1), 47–59.
- Panjaitan, W. N. (2023). Perlindungan Hukum Bagi Pencipta Yang Ciptaannya Digunakan Dalam Aplikasi Tiktok Menurut Undang Undang Nomor 28 Tahun 2014 Tentang Hak Cipta. *KANJOLI Business Law Review*, 1(1), 20–30. <https://doi.org/10.47268/kanjoli.v1i1.9803>
- Perdana, P., & Utami, A. F. (2022). STUDI KOMPARATIF EKONOMI KREATIF DI DUNIA. *Journal of Islamic Tourism Halal Food Islamic Traveling and Creative Economy*, 2(1), 72–91. <https://doi.org/10.21274/ar-rehla.v2i1.5510>
- Ploman, E. W., & Hamilton, L. C. (2024). *Copyright*. Routledge. <https://doi.org/10.4324/9781003519973>
- Prahara, S. (2013). PEMBAJAKAN MUSIK DAN LAGU: SEBUAH KAJIAN YURIDIS BERDASARKAN PERJANJIAN INTERNASIONAL TENTANG PERLINDUNGAN KARYA SENI DAN SASTRA SECARA DIGITAL DI INDONESIA. *Jurnal Pelangi*, 5(1). <https://doi.org/10.22202/jp.2012.v5i1.5>
- Romdoni, M. (2022). A LITERATURE REVIEW OF COERCIVE ISOMORPHISM ON CORPORATE LEGAL RESPONSIBILITY IN INDONESIA. 17(2), 121. <https://doi.org/https://doi.org/10.36448/pranatahukum.v17i2.286>
- Sahrul, S., Setiawan, Y. A., & Wahyu, W. (2023). Theoretical Study Of Legal Protection Of Song Royalty On Digital Platforms. *Jurnal Ilmiah Dunia Hukum*, 7(2), 68. <https://doi.org/10.56444/jidh.v7i2.3333>
- Silfiani, D. (2022). Indonesian Legal Protection for Song Commercialization and Music Copyrights in Digital Platforms. *Padjadjaran Jurnal Ilmu Hukum*, 9(2), 152–169. <https://doi.org/10.22304/pjih.v9n2.a1>
- Soekanto, S. (2020). *Pengantar Penelitian Hukum*. UI Press.

- Suara.Com. (2025, May 22). *Apa Itu Direct License? Jadi Perdebatan Ahmad Dhani Dan Ariel NOAHS*. <https://www.suara.com/lifestyle/2025/03/24/104027/Apa-Itu-Direct-License-Jadi-Perdebatan-Ahmad-Dhani-Dan-Ariel-Noah>.
- Suputra, K. A., Widiati, I. A. P., & Karma, N. M. S. (2020). Perlindungan Hukum terhadap Pencipta Musik sebagai Suara Latar di Youtube. *Jurnal Interpretasi Hukum*, 1(1), 77–82. <https://doi.org/10.22225/juinhum.1.1.2220.77-82>
- Wisnu Wijaya, A., Suatmiati, S., & Latif Mahfuz, A. (2024). Implementation of the Supervisory Function of the Ministry of Law and Human Rights of the Republic of Indonesia on the Protection of Copyright of Musical Works Based on Law Number 28 of 2014. *International Journal of Social Science Research and Review*, 7(3), 39–42. <https://doi.org/10.47814/ijssrr.v7i3.1893>