

## Government Institutions Assisting in Representing the Economic Rights of Creators: Is It Necessary?

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### Abstract

This article evaluates the institutional governance of the Lembaga Manajemen Kolektif Nasional (LMKN) in Indonesia's music royalty management system, focusing on the principles of transparency, accountability, and information technology integration. LMKN was established as a government-affiliated body to represent the economic interests of creators through a centralized and efficient system of royalty collection and distribution. This study aims to assess the effectiveness of LMKN in fulfilling its institutional mandate and the extent to which good governance principles are applied in practice. The research adopts a normative juridical method with conceptual and statutory approaches to analyze the legal foundation and functional implementation of LMKN based on institutional governance norms. The findings indicate that although LMKN plays a strategic role in streamlining the royalty system, its implementation still faces several challenges, including the lack of an integrated digital tracking system, weak information transparency, and the absence of a fair and verifiable reporting mechanism for creators. These discrepancies fail to achieve distributive justice in royalty distribution. The study recommends institutional reform through the digitalization of the tracking system, increased participation of creators, and the strengthening of transparency and public accountability. These findings underscore the urgency of transforming LMKN into a modern, technology-driven institution as a key prerequisite for sustainable and equitable royalty management in the digital era.

## 1. Introduction

Intellectual property rights, particularly copyright, play a crucial role in protecting the creative and economic interests of creators, especially within the music industry. Copyright ensures both recognition and compensation for creative works. According to the World Trade Organization (WTO), copyright is a privilege granted to individuals for their works that have been expressed in a tangible form, not merely ideas<sup>123</sup>. In Indonesia, Government Regulation No. 56 of 2021 governs the management of royalties for songs and music, assigning the

<sup>1</sup> Rian Saputra et al., "Artificial Intelligence and Intellectual Property Protection in Indonesia and Japan," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (May 8, 2023): 210-235, <https://doi.org/10.53955/jhcls.v3i2.69>.

<sup>2</sup> Yulia Yulia, Zinatul Ashiqin Zainol, and Fatahillah F, "Protection of Performers' Rights in Indonesian Copyright Law: Copyrighted Works Uploaded to YouTube," *Sriwijaya Law Review* 7, no. 2 (July 31, 2023): 300, <https://doi.org/10.28946/slrev.Vol7.Iss2.1092.pp300-317>.

<sup>3</sup> Oksidelfa Yanto, "Legal Consequences for Perpetrators of Violations of The Economic Rights of The Creator and Efforts to Strengthen The Protection of a Song Copyright Work," *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 1 (April 25, 2022): 26-42, <https://doi.org/10.29303/ius.v10i1.1023>.

Lembaga Manajemen Kolektif Nasional (LMKN) the responsibility of collecting, pooling, and distributing royalties to creators, copyright holders, and related rights owners<sup>45</sup>.

As a government-affiliated body, the LMKN plays a crucial role in collecting royalties from the commercial use of songs and music<sup>6</sup>. As a relatively new institution in the field of copyright protection, LMKN is expected to optimize the management of creators' economic rights. However, in practice, LMKN has faced criticism regarding its royalty management. Songwriters frequently express concerns about the lack of transparency in royalty calculations, the methods employed, and the perceived unfairness in royalty distribution. This opacity raises significant questions about the accuracy of royalty payments received by creators<sup>78</sup>.

Beyond transparency, accountability has also emerged as a key issue. Many songwriters, including members of the Indonesian Composers Association (AKSI), believe that royalty distribution does not correspond to the actual utilization of their works. This issue is exacerbated by the referential or sampling methods used by LMKN in determining royalty distribution, which fail to reflect actual usage<sup>9</sup>. As a government-affiliated entity entrusted with the authority to manage and distribute copyright royalties for musical works, LMKN should adhere to fundamental principles of administrative law, particularly those of accountability and transparency. The lack of accurate data on music usage leads to royalties that do not reflect the true extent of work utilization, thereby deepening uncertainty and harming creators' economic rights<sup>10</sup>.

Criticism of LMKN extends beyond issues of transparency and accountability, encompassing the institution's inability to optimize royalty collection. Although LMKN has made efforts to socialize copyright obligations to music users, data indicate a significant gap between the potential royalty revenue and the amount collected. The potential for royalty income in Indonesia far exceeds the annual amount gathered, pointing to systemic issues in the royalty collection and distribution mechanisms. Contributing factors include users' lack of

<sup>4</sup> Henry Soelistyo, "Distorsi Hak Moral Dalam Orbit Digital," *Jurnal Hukum & Pembangunan* 1, no. 2 (August 24, 2022), <https://doi.org/10.21143/TELJ.vol1.no2.1007>.

<sup>5</sup> Nafisah Muthmainnah, Praxedis Ajeng Pradita, and Cika Alfiah Putri Abu Bakar, "Perlindungan Hukum Terhadap Hak Cipta Bidang Lagu dan/Atau Musik Berdasarkan PP Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu dan/Atau Musik," *Padjadjaran Law Review* 10, no. 1 (July 21, 2022), <https://doi.org/10.56895/plr.v10i1.898>.

<sup>6</sup> M Taopik and Indra Yulawan, "Tinjauan Yuridis Pemberian Dan Perlindungan Hak Royalti Atas Karya Cipta Lagu Atau Musik Berdasarkan PP No 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/Musik Di Kemenkumham," *Adil Indonesia Journal* 4, no. 1 (November 15, 2022): 43–54, <https://doi.org/10.35473/aij.v4i1.1994>.

<sup>7</sup> Marulam J. Hutaaruk, *Lisensi dan Royalti Lagu/Musik di Tempat Publik* (Jakarta: Yayasan Pusataka Obor Indonesia, 2022).

<sup>8</sup> Masyhuri, Nadiyya, and Sylvana, "The Urgency of Regulating Resale Royalty Right on Painting Copyrights in Indonesia (Comparative Study of Germany and Australia)."

<sup>9</sup> Interviews with MS, LMKN Commissioner, Jakarta, October 2024.

<sup>10</sup> Rizky Syahputra, Doddy Kridasaksana, and Zaenal Arifin, "Perlindungan Hukum Bagi Musisi Atas Hak Cipta Dalam Pembayaran Royalti," *Semarang Law Review (SLR)* 3, no. 1 (April 27, 2022): 84, <https://doi.org/10.26623/slr.v3i1.4783>.

awareness and limitations in the monitoring system, both of which hinder the achievement of optimal results<sup>11</sup>.

The growing use of music in digital platforms and live events further complicates royalty tracking and billing. While digital transformation has allowed music to be disseminated more widely, it has also introduced new challenges in copyright management<sup>12</sup>. LMKN's inability to provide accurate usage data threatens the economic rights of creators, ultimately jeopardizing the broader music industry. Accurate usage data is essential not only for ensuring that royalties received by creators are proportional to the use of their works, but also for assessing the asset value of works that may be used as collateral in accessing credit facilities<sup>13</sup>.

Although several studies have examined royalty management issues involving LMKN, there remains a gap in the literature concerning a functional institutional and operational evaluation of LMKN, particularly in addressing the demands of the digital era that necessitate information transparency and accurate tracking systems. Akmalia and Rahayu<sup>14</sup> has identified various operational issues such as inadequate outreach, absence of sanctions for non-compliance, and double deductions from royalties through the unfinished SILM system. Their study also highlights weak public transparency in royalty distribution and the lack of a robust accountability system. Meanwhile, the study by Hutagaol and Debora<sup>15</sup> focuses more on the legal protection of musical works in the digital era and the essential role of collective management organizations like LMKN in bridging creators with users and digital platforms. However, both studies remain centered on normative-regulatory aspects and do not thoroughly explore how technological challenges, data management, and institutional integrity directly affect the effectiveness of creators' economic rights protection.

This highlights the need for research that evaluates LMKN's performance from the perspective of information technology integration, data systems, and institutional governance in response to the increasingly complex dynamics of the digital music industry. Therefore, this study aims to assess the institutional effectiveness of LMKN as a non-state budget-funded government-support agency in managing music royalties in the digital era, and to formulate reform strategies through the strengthening of digital information systems, human resource capacity development, and adaptive institutional governance. Academically, this research is

<sup>11</sup> Antonio Rajoli Ginting, "Peran Lembaga Manajemen Kolektif Nasional Dalam Perkembangan Aplikasi Musik Streaming," *Jurnal Ilmiah Kebijakan Hukum* 13, no. 3 (November 24, 2019): 379, <https://doi.org/10.30641/kebijakan.2019.V13.379-398>.

<sup>12</sup> David George Conqueror Rasong and Made Aditya Pramana Putra, "Perlindungan Hukum Terhadap Lagu Rohani Yang Digunakan Pada Ibadah Online Dalam Perspektif Hak Cipta," *Ethics and Law Journal: Business and Notary* 3, no. 1 (March 21, 2025): 1-8, <https://doi.org/10.61292/eljbn.258>.

<sup>13</sup> Lidyana BT Aziz and Alia Farahin Abd Wahab, "Copyright and Royalty Among the Composers in Malaysia," *International Journal of Innovation, Creativity and Change* 16, no. 1 (2022): 738-52, [https://www.ijcc.net/images/Vol\\_16/Iss1/161C\\_Farahin\\_2022\\_E\\_R.pdf](https://www.ijcc.net/images/Vol_16/Iss1/161C_Farahin_2022_E_R.pdf).

<sup>14</sup> Ulfa Nisatul Akmalia and Sri Walny Rahayu, "Pengelolaan Pembayaran Royalti Hak Cipta Musik Dan Lagu Oleh Lembaga Manajemen Kolektif Nasional," *Jurnal Ilmiah Mahasiswa Bidang Hukum Keperdataan Universitas Syiah Kuala* 8, no. 3 (August 2024): 544-60, <https://jim.usk.ac.id/perdata/article/view/33267>.

<sup>15</sup> Panri Tulus Harapan Hutagaol and Debora, "Perlindungan Dan Penegakan Hukum Terhadap Eksploitasi Karya Cipta Musik Di Era Digital Dalam Perspektif Hak Kekayaan Intelektual," *Jurnal Prisma Hukum* 9, no. 2 (February 27, 2025): 16-24, <https://jurnalhost.com/index.php/jph/article/view/2473>.

expected to contribute to the discourse on copyright collective management governance in Indonesia, particularly in the context of digitalization and the complexities of the online music ecosystem. Practically, the results of this study may serve as a foundation for developing policy strategies for LMKN's institutional reform to become more transparent, accountable, and sustainable.

## 2. Methods

The approach used in this study is a normative approach to evaluate the position of the LMKN as a government-assisted institution in the management of copyright, with a focus on royalty collection and distribution as well as the criticisms received. Data is gathered through the review of regulations, books, journals, documentary studies, and observations of the administrative processes and socialization efforts conducted by LMKN. A qualitative descriptive-analytical method is employed by comparing LMKN's performance data, evaluating criticisms regarding transparency and effectiveness, and assessing the need for and relevance of LMKN in the copyright management system.

## 3. Results and Discussion

### 3.1. The Position of LMKN as a Government-Assisted Institution

LMKN was established by the Indonesian government on October 17, 2014, based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 29 of 2014 concerning Procedures for Application and Issuance of Operational Licenses and Evaluation of Collective Management Organizations. This regulation stipulates that LMKN represents the interests of collective management organizations (CMOs), creators, academics, and legal experts in the field of copyright to manage the economic rights of creators in the realm of songs and/or music<sup>16</sup>. The establishment of LMKN aims to streamline the royalty collection process into a "one-door system" to avoid redundant charges by multiple CMOs<sup>17</sup>. Before the establishment of LMKN, royalty collection in Indonesia was carried out individually by the creators themselves or through LMKs, which are nonprofit legal entities authorized by creators, copyright holders, and/or related rights owners to manage their economic rights through the collection and distribution of royalties<sup>18</sup>. However, the performance of LMKs was considered suboptimal, as the large number of LMKs created bureaucratic inefficiencies and confusion, both for creators and commercial users, regarding which LMK had the legitimate authority to manage royalties for a particular work<sup>19</sup>. This condition underscored the need for a more coordinated and efficient system for managing

<sup>16</sup> M. Hawin and Budi Agus Riswandi, *Isu-Isu Penting Hak Kekayaan Intelektual Di Indonesia* (Yogyakarta: Gadjah Mada University Press, 2020).

<sup>17</sup> Sergio Felix, Akhsa Soendoero, and Arizal Tom Liwafa, "Mengungkap Melodi: Membongkar Hak Royalti Atas Hak Cipta Lagu Di Industri Musik Digital Indonesia," *Anthology: Inside Intellectual Property Rights* 2, no. 1 (May 5, 2024): 1–27, <https://ojs.uph.edu/index.php/Anthology/article/view/8247>.

<sup>18</sup> Joshua Limanto Handradjasa, Ismail Ismail, and Dewi Iryani, "Tinjauan Yuridis Terhadap Peran Lembaga Manajemen Kolektif Nasional (LMKN) Dalam Pendistribusian Royalti Untuk Pencipta Pada Pemutaran Lagu Pada Aplikasi Musik Berbasis Streaming Spotify," *Action Research Literate* 7, no. 10 (October 28, 2023): 94–101, <https://doi.org/10.46799/ar1.v7i10.191>.

<sup>19</sup> Shella Delvia Hans, Zulkifli Makkawaru, and Almusawir Almusawir, "Pemungutan Royalti Hak Ekonomi Pencipta Lagu Dan Musik Oleh Lembaga Manajemen Kolektif," *Indonesian Journal of Legality of Law* 5, no. 2 (June 30, 2023): 324–28, <https://doi.org/10.35965/ijlf.v5i2.2678>.



copyrights, particularly in the collective collection and distribution of royalties, which led to the formation of LMKN as a centralized body<sup>20</sup>.

LMKN, as a non-state budget auxiliary government body, was first legally affirmed through the Regulation of the Minister of Law and Human Rights Number 36 of 2018, which outlines the procedures for operational licensing and evaluation of LMKs. Article 1(7) Regulation of the Minister of Law and Human Rights Number 36 of 2018, explicitly defines LMKN as a government support institution granted authority under the Copyright Law to collect, administer, and distribute royalties, and to manage the economic interests of creators and related rights owners in the field of songs and/or music. This role was further reinforced by the Ministerial Regulation Number 9 of 2022 on the Implementation of Government Regulation Number 56 of 2021 concerning the Management of Royalties on Copyright of Songs and/or Music (hereinafter referred to as GR No. 56/2021)<sup>21</sup>. These regulations firmly establish LMKN's authority to collect, manage, and distribute royalties from commercial use of works and to manage the economic rights of creators and related rights holders<sup>22</sup>.

LMKN plays a strategic role in the national copyright and related rights royalty management system, particularly in the music sector<sup>23</sup>. Although LMKN is not explicitly mentioned in Law No. 28 of 2014 on Copyright (hereinafter referred to as Law No. 28/2014), its existence is regulated through GR No. 56/2021, which provides a legal foundation for LMKN as a non-state-budget public body with the authority to collect and distribute royalties, even when the creators or rights holders are not members of an LMK. Article 12(2) of GR No. 56/2021 authorizes LMKN to collect royalties not only from members of LMKs but also from non-members. This provision represents an extension of LMKN's authority beyond what is stipulated in the Copyright Law. In contrast, the Copyright Law only governs LMKs as nonprofit legal entities operating based on mandates from creators or copyright holders, as outlined in Articles 87(1) and 88(1-2) of GR No. 56/2021.

The key distinction between LMK and LMKN lies in their legal character and relationship with stakeholders. LMKs operate within the realm of private law, where their relationship with creators is contractual, based on authorization. Article 87(3) of the Copyright Law requires commercial users to pay royalties to LMKs under a legal agreement. Conversely, LMKN does not engage in civil law relationships with individual creators and is not a nonprofit legal entity, but rather an administrative government support body<sup>24</sup>. As a public

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<sup>20</sup> Gabriel Indarsen, "Konsekuensi Hadirnya Peraturan Pemerintah Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/ Atau Musik Terhadap Pemungutan Royalti Lagu Dan/ Atau Musik," *Locus: Jurnal Konsep Ilmu Hukum* 3, no. 2 (June 22, 2023): 99-112, <https://doi.org/10.56128/jkih.v3i2.44>.

<sup>21</sup> Nurwati, *Hak Cipta Karya Musik Dan Lagu* (Yogyakarta: Karya Bakti Makmur Indonesia, 2024).

<sup>22</sup> Labib Rabbani, "Peran Lembaga Manajemen Kolektif Nasional Sebagai Pengelola Royalti Hak Cipta Lagu Dan Musik," *Lex Lata Jurnal Ilmiah Ilmu Hukum* 5, no. 2 (June 24, 2023), <https://doi.org/10.28946/lexl.v5i2.2044>.

<sup>23</sup> Winda Pertiwi, Firdaus, and Nurahim Rasudin, "Tanggung Jawab Pembayaran Royalti Kepada Pemegang Hak Cipta Lagu Dan/Atau Musik Oleh Pelaku Usaha Kafe Di Kecamatan Sail Kota Pekanbaru," *Innovative: Journal Of Social Science Research* 4, no. 4 (August 4, 2024): 8126-38, <https://doi.org/https://doi.org/10.31004/innovative.v4i4.11024>.

<sup>24</sup> Mohamad Thaufiq Rachman, "Pengelolaan Royalti Dari Pencipta Lagu Yang Tidak Terdaftar Di Lembaga Manajemen Kolektif Oleh Lembaga Manajemen Kolektif Nasional," *Dharmasisya" Jurnal*

institution, LMKN derives its authority from statutory regulations and carries out national functions in copyright administration. Despite receiving no state budget (APBN) funding, LMKN operates within the public institutional structure and does not act as a private legal entity like LMK.

The dual existence of LMKN and LMK can be analyzed from two perspectives: private law and administrative law<sup>25</sup>. From a private law standpoint, LMKs function in a contractual space governed by the principles of freedom of contract and delegation of power. Meanwhile, LMKN functions from an administrative law perspective, performing public duties derived from administrative authority and standing as a government auxiliary body. As a public administrative institution, LMKN's authority is based on clear statutory mandates<sup>26</sup>, and it holds a vertical relationship with the government. Hence, its role in collecting, administering, and distributing royalties must be grounded in the legal principle of legality<sup>27</sup> reinforcing its function to support and strengthen the government's copyright policy implementation, particularly concerning creators' economic rights. LMKN's presence is also expected to foster compliance among commercial users in paying royalties through LMKN<sup>28</sup>.

LMKN's authority is governed by GR No. 56 of 2021 and Ministerial Regulation No. 9 of 2022. This authority is considered attributive, meaning it is directly conferred by law –not derived from delegation or discretionary policy. Although LMKN's operational implementation involves delegation, this authority must not be abused or overextended to infringe upon the rights of LMKs, which are lawfully authorized by creators and rights holders. Thus, LMKN must uphold the principle of proportionality to ensure that its actions remain balanced and justified in achieving their objectives<sup>29</sup>. LMKN must act as a facilitator and coordinator that ensures the national collective system operates in a transparent, fair, and accountable manner. It must respect the role of LMKs in identifying, billing, and distributing royalties to their members, ensuring that royalty distribution does not result in inequality or harm to legitimate rights holders<sup>30</sup>.

*Program Magister Hukum FHUI* 2, no. 35 (December 12, 2022), <https://scholarhub.ui.ac.id/dharmasisya/vol2/iss2/35/>.

<sup>25</sup> Mohamad Alen Aliansyah, "Tinjauan Normatif Kedudukan Lembaga Manajemen Kolektif Nasional (LMKN) Sebagai State Auxiliary Organ Berdasarkan Peraturan Pemerintah No. 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/ Atau Musik," *Dialogia Iuridica* 13, no. 2 (March 15, 2022): 1–20, <https://doi.org/10.28932/di.v13i2.4215>.

<sup>26</sup> Agus Sardjono, "Problem Hukum Regulasi LMK & LMKN Sebagai Pelaksanaan Undang-Undang Hak Cipta 2014," *Jurnal Hukum & Pembangunan* 46, no. 1 (March 31, 2016): 50, <https://doi.org/10.21143/jhp.vol46.no1.64>.

<sup>27</sup> Alivia Fitri Salsabila et al., "Penerapan Prinsip Legalitas, Yuridikitas, Dan Diskresi Dalam Penyelenggaraan Pemerintahan Di Indonesia Guna Mengukuhkan Tata Kelola Yang Berkeadilan," *Didaktik: Jurnal Ilmiah PGSD STKIP Subang* 9, no. 5 (December 31, 2023): 3683–96, <https://doi.org/https://doi.org/10.36989/didaktik.v9i5.2387>.

<sup>28</sup> Wahyu Jati Pramanto, "Optimalisasi Penarikan Dan Pendistribusian Royalti Hak Cipta Oleh Lembaga Manajemen Kolektif Nasional," *Wicarana: Jurnal Hukum Dan Hak Asasi Manusia* 1, no. 2 (September 28, 2022): 93–104, <https://doi.org/10.57123/wicarana.v1i2.25>.

<sup>29</sup> Asma Latifa, Aldri Frinaldi, and Roberia Roberia, "Penerapan Hukum Administrasi Negara Dalam Membangun Pemerintahan Yang Baik," *Polyscopia* 1, no. 3 (June 29, 2024): 120–26, <https://doi.org/10.57251/polyscopia.v1i3.1376>.

<sup>30</sup> Vira Nur Maharani and Dwi Desi Yayi Tarina, "Wewenang Dan Tanggungjawab Lembaga Manajemen Kolektif Nasional (LMKN) Dalam Perlindungan Hak Ekonomi Musisi Indonesia," *Jurnal*

From the perspective of accountability, although LMKN does not use state budget funds, it manages royalties that are public in nature due to their significance for the wider creative community. As such, LMKN is obliged to implement transparent reporting systems, internal and external audits, and provide information access to rights holders to ensure royalty distribution can be publicly accounted for<sup>31</sup>. This obligation is also normatively stipulated in Article 17 of GR No. 56 of 2021. Therefore, LMKN's status as a non-state-budget public institution underscores its strategic role in the national royalty management system, which must be grounded in principles of accountability and proportionality. Despite its non-APBN funding, LMKN bears significant public responsibility as it manages royalties affecting creators' economic interests<sup>32</sup>. Consequently, LMKN must execute its administrative duties with transparency, remain within its legal mandate, and respect the role of LMKs as partners in managing creators' economic rights. As a public institution granted attributive authority, LMKN is required to operate under open, professional, and accountable governance to ensure justice and efficiency within Indonesia's national collective management system for music copyright.

### 3.2. Assessing LMKN's Accountability in Indonesia's Music Royalty System

The establishment of the LMKN, which is granted *attributive authority* to represent the economic interests of creators<sup>33</sup> including the collection, management, and distribution of royalties—is expected to bring positive impacts in the management of creators' economic rights and to provide significant benefits by offering more comprehensive copyright protection<sup>34</sup>. LMKN is anticipated to enhance copyright protection more effectively and systematically by representing creators' economic interests through centralized royalty management. This centralization aims to ensure fair and transparent royalty payments to creators and reduce copyright infringement through stricter law enforcement<sup>35</sup>. Furthermore, LMKN is also expected to improve administrative efficiency and provide greater support for the creative industries in Indonesia<sup>36</sup>. Its contribution to raising awareness and compliance with copyright laws through education and outreach programs is also considered crucial, including supporting the implementation of public policies related to copyright. Through

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Interpretasi Hukum 5, no. 1 (November 1, 2024): 881–88, <https://doi.org/https://doi.org/10.22225/juinhum.5.1.8545.881-888>.

<sup>31</sup> Asma Karim, "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, no. 1 (July 3, 2021): 64, <https://doi.org/10.33087/legalitas.v13i1.232>.

<sup>32</sup> Prima Tiara Muthi'ah Rizky Asihatka, "Lisensi Royalti Penggunaan Hak Cipta Lagu Untuk Kepentingan Yang Bersifat Komersial," *Borneo Law Review* 8, no. 2 (2024): 113–26, <https://doi.org/https://doi.org/10.35334/bolrev.v8i2.6197>.

<sup>33</sup> Reza Fahlevi, Anwar Borahima, and Andi Kurniawati, "Telaah Pemenuhan Hak Royalti Non-Anggota Lembaga Manajemen Kolektif Atas Pencipta Lagu Atau Musik," *Hasanuddin Civil and Business Law Review* 1, no. 1 (January 20, 2024): 53–63, <https://journal.unhas.ac.id/index.php/hcbl/article/view/32663>.

<sup>34</sup> Reylandho Cornelius Talahatu, Teng Berlianty, and Agustina Balik, "Perlindungan Hak Ekonomi Pencipta Dan Pemegang Hak Cipta Atas Pemutaran Musik Atau Lagu Di Kafe Dan Restoran," *Kanjoli Business Law Review* 1, no. 2 (December 10, 2023): 81–89, <https://doi.org/10.47268/kanjoli.v1i2.11609>.

<sup>35</sup> Firmandanu Triatmojo, Achmad Irwan Hamzani, and Kanti Rahayu, *Perlindungan Hak Cipta Lagu Komersil* (Pekalongan: Nasya Expanding Management, 2021).

<sup>36</sup> Fakhry Amin et al., *Hukum Kekayaan Intelektual* (Banten: Sada Kurnia Pustaka, 2024).

close collaboration with the government and industry stakeholders, LMKN is expected to create a better environment for copyright governance, support the growth of the creative economy, and ensure that creators' rights are fairly and consistently respected<sup>37</sup>.

These expectations are logical and well-founded considering that LMKN, as a government-assisted institution, is granted direct authority under statutory regulations to represent creators' economic interests<sup>38</sup>. However, in performing its duties, functions, and authority, LMKN has faced extensive criticism regarding its performance in representing the economic rights of creators. Such criticism has come from the creators themselves, who argue that LMKN has failed to adequately supervise, collect, and transparently distribute royalties, particularly about the lack of data on the actual use of musical works.

Concerns among songwriters about the royalty management system in Indonesia have increasingly surfaced, especially with regard to LMKN, which is perceived as lacking transparency and accountability in royalty distribution. Several musicians, including Dhimas Tirta Franata, Piyu Padi, Rieka Roslan, Ari Bias, and Bemby Noor, have voiced dissatisfaction with the current system<sup>39,40</sup>. The main criticism lies in the lack of transparency in reporting the use of works, discrepancies in the royalty amounts received, and the absence of detailed explanations regarding calculation methods and royalty fund allocations. This has led creators to feel that their economic rights are being neglected – especially when their works are widely used but fail to yield proportional returns.

The urgency of reform in the current system is further emphasized by the Forum Group Discussion on Music Royalty Governance (December 2024) and statements from the Indonesian Songwriters Association (Asosiasi Komposer Seluruh Indonesia/ AKSI). LMKN is deemed to have failed in providing detailed reports and effective communication channels that allow creators to verify how their works are used<sup>41</sup>. This lack of transparency has also triggered legal disputes, such as that between Ari Bias and Agnez Mo, and has encouraged musicians like Ahmad Dhani and Piyu to establish AKSI as a platform to advocate for copyright protection<sup>42</sup>. This situation highlights the pressing need for a comprehensive reform of royalty governance to ensure that creators' economic rights are protected fairly and sustainably.

<sup>37</sup> Bernard Nainggolan, *Pemberdayaan Hukum Hak Cipta Dan Lembaga Manajemen Kolektif* (Bandung: Alumni, 2023).

<sup>38</sup> Yoyo Arifardhani, *Hukum Hak Atas Kekayaan Intelektual: Suatu Pengantar* (Jakarta: Kencana, 2020).

<sup>39</sup> Surya Hadiansyah, "Rieka Roslan Heran Cuma Terima Royalti Rp 130 Ribu Setahun Untuk Performing Live Lagu-Lagu Ciptaannya: Cukup Beli Apa Ya?," *Liputan6.Com*, 2023, <https://www.liputan6.com/showbiz/read/5389124/rieka-roslan-heran-cuma-terima-royalti-rp-130-ribu-setahun-untuk-performing-live-lagu-lagu-ciptaannya-cukup-beli-apa-ya?page=4>.

<sup>40</sup> Mantra News, "Miris!! Salah Satu Pencipta Lagu Afgan Tidak Dapat Royalti" (<https://www.youtube.com/watch?v=01ktTNPaRso>, 2023),

<sup>41</sup> Tri Susanto Setiawan, "Tak Masuk Akal Dapat Royalti Musik Rp 125.000, Piyu Padi Reborn: LMKN Tidak Kompeten," *Kompas.Com*, 2024, [https://entertainment.kompas.com/read/2024/12/11/130606166/tak-masuk-akal-dapat-royalti-musik-rp-125000-piyu-padi-reborn-lmkn#google\\_vignette](https://entertainment.kompas.com/read/2024/12/11/130606166/tak-masuk-akal-dapat-royalti-musik-rp-125000-piyu-padi-reborn-lmkn#google_vignette).

<sup>42</sup> Ravie Wardani, "Ari Bias Klaim Agnez Mo Tak Bayar Royalti Selama 20 Tahun," *Okezone Celebrity*, 2024, <https://celebrity.okezone.com/read/2024/12/09/33/3093943/ari-bias-klaim-agnez-mo-tak-bayar-royalti-selama-20-tahun>.



The absence of transparency and accountability toward songwriters stems from LMKN's continued reliance on passive and non-technological methods to detect the use of musical works. At present, LMKN depends heavily on manual reports submitted by music users, such as restaurants, TV stations, radio broadcasters, and event organizers<sup>43</sup>. This dependency results in substantial gaps in the accurate and comprehensive tracking of work usage. Consequently, LMKN employs a referential method to estimate royalty distribution, using samples from a few users as general references. Such an approach inevitably leads to unfairness, as it does not reflect actual usage. Songwriters whose works are widely used may receive disproportionately low royalties because the allocations are based on estimates rather than actual data. This demonstrates that, without an objective and integrated tracking system, creators' economic rights will continue to be neglected, and public trust in LMKN will continue to erode.

As a government-assisted institution entrusted with the authority to manage and distribute copyright royalties for musical works<sup>44</sup>, LMKN is expected to adhere to fundamental principles of administrative law – particularly accountability and transparency. The principle of accountability requires all public institutions to be answerable for their actions, whether administratively, financially, or operationally<sup>45</sup>. Meanwhile, the principle of transparency requires public institutions to carry out their duties openly and to provide adequate access to public information. Government Regulation No. 56 of 2021 obliges LMKN to undergo financial and performance audits by public accountants at least once a year, with the results published in one national print and one electronic media outlet. However, in practice, LMKN has failed to demonstrate adequate forms of accountability and transparency. This is evident in the unavailability or lack of publication of routine audit reports on LMKN's official website, the absence of detailed royalty reporting systems specifying which works were used, where and how frequently, and the fact that creators receive royalties as final lump-sum payments (after tax deductions) without any breakdowns. Given that LMKN manages collective funds of potentially significant value, it is obligated to provide clear and fair explanations to songwriters based on public transparency principles.

Violations of accountability and transparency principles by LMKN ultimately result in the erosion of distributive justice – an essential pillar in copyright management. Distributive justice demands that every songwriter receives fair and proportional compensation based on the actual contribution and usage of their works<sup>46</sup>. When royalty distribution systems fail to

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<sup>43</sup> Interviews with MS, LMKN Commissioner, Jakarta, October 2024.

<sup>44</sup> Afifah Husnun Ubaidah Ananta et al., "Mekanisme Pengelolaan Hak Royalti Musik Oleh LMK & LMKN Ditinjau Dari Peraturan Pemerintah No 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/Atau Musik," *Padjadjaran Law Review* 9, no. 1 (August 16, 2021): 1–12, <https://jurnal.fh.unpad.ac.id/index.php/plr/article/view/501>.

<sup>45</sup> Yuni Putri Dewantara, Dave David Tedjokusumo, and Agustin Widjiastuti, "Korupsi APD Covid-19: Tantangan Penegakan Hukum Administrasi Negara Dalam Mewujudkan Transparansi Dan Akuntabilitas Publik," *Paradigma: Jurnal Filsafat, Sains, Teknologi, Dan Sosial Budaya* 30, no. 3 (October 31, 2024): 13–23, <https://doi.org/https://doi.org/10.33503/paradigma.v30i3.70>.

<sup>46</sup> Wahyu Adlan et al., "Ganti Kerugian Atas Perbuatan Melawan Hukum Terhadap Pelanggaran Atas Hak Cipta Lagu Dalam Kegiatan Yang Dilakukan Tanpa Izin (Analisis Putusan Nomor 7/Pdt.Sus-HKI/Cipta/2019/PN.Niaga Sby)," *Diktum* 4, no. 1 (April 1, 2025): 36–44, <https://doi.org/http://dx.doi.org/10.46930/diktum.v4i1.5633>.

provide clarity on who used the works, where, and how often, and when there are no verifiable mechanisms accessible to creators, justice remains unfulfilled. The resulting information asymmetry between the management body and the creators creates an imbalanced power dynamic—where the very parties meant to be protected are instead disadvantaged by the system meant to uphold their rights. Over time, such conditions can demoralize creators and weaken the national music ecosystem, undermining its sustainability and creative vitality.

Given the aforementioned issues, it is imperative to initiate comprehensive reform of the royalty management system in Indonesia, particularly the one administered by LMKN. The enforcement of transparency, accountability, and distributive justice is not only a legal obligation but also a moral foundation for protecting the economic rights of creators. Concrete steps must be taken, including the development of a digital, technology-based work usage tracking system, increased participation of creators in decision-making processes, and stronger public information disclosure. Only through governance that is fair, transparent, and participatory can LMKN restore creators' trust, strengthen copyright protection, and support the growth of a healthy, sustainable, and equitable creative industry in Indonesia.

### 3.3. Should LMKN Represent the Economic Interests of Music Creators?

As an auxiliary government institution mandated by the state to manage public funds in the form of royalties from the use of musical works<sup>47</sup>, the National Collective Management Institution (Lembaga Manajemen Kolektif Nasional, or LMKN) should serve as a model in upholding the fundamental principles of administrative law. When the principles of accountability and transparency are not properly implemented, it is not only the rights of songwriters that are harmed, but public trust in the legal and administrative system is also eroded. LMKN's failure to uphold these principles reflects not only weak administrative governance but also the suboptimal integration of information systems in fulfilling its institutional functions. Therefore, a reform of the royalty management system is imperative and cannot be delayed, in order to uphold justice, guarantee the economic rights of creators, and strengthen the integrity and sustainability of Indonesia's music industry.

Although LMKN still faces several challenges and deficiencies in representing the economic interests of creators—including criticism from authors regarding the collection and transparency of royalty distribution—its role remains crucial for songwriters in Indonesia. LMKN functions as a bridge between creators and music users, facilitating the collection and distribution of royalties generated from the use of their works<sup>48</sup>. Without an institution like LMKN, creators would struggle to claim their rights and obtain fair compensation for their works. LMKN helps organize and simplify these administrative processes, providing legal certainty and copyright protection that are essential for creators<sup>49</sup>. Furthermore, LMKN has demonstrated a commitment to increasing the royalty income of creators through various

<sup>47</sup> Hasudungan Afrisyono Panjaitan, "Pengelolaan Royalti Hak Cipta Lagu Dan Musik Berdasarkan Peraturan Pemerintah Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/ Atau Musik," *Nommensen Journal of Business Law* 1, no. 1 (June 7, 2022): 47–59, <http://repository.uhn.ac.id/handle/123456789/6877>.

<sup>48</sup> Keizerina Devi Azwar, Runtung, and Hilbertus Sumplisius M. Wau, *Hak Cipta: Copy Right Dan Digital Copy Right* (Yogyakarta: Stiletto Book, 2023).

<sup>49</sup> Primadiana Yunita, *Haki Dan Masyarakat Ekonomi ASEAN* (Malang: Cempluk Aksara, 2019).

strategic initiatives, including the enhancement of a more efficient royalty collection and distribution system.

Despite its existing shortcomings in royalty management, LMKN provides a viable solution for songwriters to manage their copyrights more effectively than if they were to handle it independently or through the many LMKs that exist in Indonesia. The high number of LMKs, each managing different types of rights and royalties, often leads to duplication in collection and administration, as well as coordination issues between institutions. This especially affects commercial users, who frequently face difficulties in identifying the appropriate institution to contact for licensing or royalty payment<sup>50</sup>. These complications increase the potential for legal uncertainty and noncompliance. As a result, commercial users may experience delays in obtaining licenses or face legal risks from mistakenly identifying the correct licensing body, ultimately hindering business operations and increasing administrative burdens.

John Locke's Labour Theory<sup>51</sup> posits that copyright, as a natural right, is automatically protected from the moment a work is created—without the need for registration<sup>52</sup>. Accordingly, individuals are entitled to the results of their labor, as such rights are born from the process of thinking and creativity. Locke emphasizes that rights to a work should only be granted to those directly involved in its creation—those who have invested their efforts to bring the work into being<sup>53</sup>. In this regard, LMKN acts as a “guardian” of authors' rights. By managing and distributing royalties, LMKN can protect creators' rights under the Labour Theory, ensuring that creators fairly benefit from the commercial use of their works. The application of Labour Theory<sup>54</sup> in the LMKN context, highlights the importance of safeguarding the economic rights of creators as a result of their intellectual labor and creativity. LMKN plays a key role in translating Locke's principles into practice, ensuring that creators receive equitable compensation for the use of their creations.

The existence of LMKN also facilitates a one-stop system for royalty management, establishing a more efficient and integrated system for royalty collection and distribution<sup>55</sup>. As a central institution, LMKN streamlines copyright administration, reduces duplication, and minimizes confusion among users and rights holders. This centralized system enables consistent and transparent royalty payments to rights holders, while users need only interact

<sup>50</sup> Gabrielle Bening Kalbu, Ahmad M. Ramli, and Tasya Safiranita Ramli, “Protection of Economic Rights Through Royalty Optimization on Film Content in Digital Platforms,” *Reformasi Hukum* 28, no. 2 (2024): 126–141, <https://doi.org/https://doi.org/10.46257/jrh.v28i2.1064>.

<sup>51</sup> Siddhant Issar, “Review Essay: Agrarian Labor, Property, and Locke: Fashioning a Transnational Political Theory of Colonization,” *Political Theory* 51, no. 1 (February 16, 2023): 262–70, <https://doi.org/10.1177/00905917221128980>.

<sup>52</sup> Muhamad Helmi Muhamad Khair and Haswira Nor Mohamad Hashim, “Justifications of Intellectual Property Rights: A Discussion on Locke and Hegel's Theories,” *Jurnal Hukum Novelty* 11, no. 2 (August 17, 2020): 114, <https://doi.org/10.26555/novelty.v11i2.a16595>.

<sup>53</sup> Ignatius Hariyanto, *John Locke Dan Akar Pemikiran Kekayaan Intelektual* (Bogor: Grafika Mardi Yuana, 2021).

<sup>54</sup> Manjeet Ramgotra and Simon Choat, *Rethinking Political Thinkers* (United State of America: Oxford University Press, 2023).

<sup>55</sup> Nizar Fikri and Elfrida Ratnawati Gultom, “Pengelolaan Royalti Lagu Dan Musik Pada Platform Digital,” *Ensiklopedia of Journal: Lembaga Penelitian Dan Penerbitan Hasil Penelitian Ensiklopedia* 5, no. 4 (2023): 601–607, <https://doi.org/https://doi.org/10.33559/eoj.v5i3.1889>.

with a single institution for all copyright-related needs. This not only accelerates processes and reduces administrative costs but also enhances accuracy in royalty calculation and distribution—offering better legal certainty and protection for all parties involved<sup>56</sup>. Consequently, songwriters can focus on the creative process while LMKN handles the administrative and financial aspects of their works' utilization. Hence, despite the need for further improvement, LMKN remains an indispensable entity in Indonesia's music ecosystem to ensure that creators' rights are both protected and respected.

Considering LMKN's strategic role as a government-affiliated institution that bridges the interests of creators and users, the absence of transparency and accountability—coupled with a royalty tracking system that still relies on referential or sampling methods—undermines the true utilization of musical works. When creators are denied access to information regarding how and to what extent their works are being used, their economic rights become vulnerable to neglect<sup>57</sup>. Therefore, LMKN must transform a conventional administrative institution into a modern collective management organization based on information technology. This includes the development of a transparent, real-time tracking system that ensures open access to information and fair royalty distribution. Reform is urgently needed and must be approached comprehensively, including the strengthening of digital information systems and institutional governance restructuring.

The enhancement of digital information systems through digital transformation is a fundamental foundation for achieving transparency and accountability in royalty management. Strategies may include the development of an integrated royalty information system, enabling real-time recording, monitoring, and reporting of royalty distributions, integrated with streaming platforms, radio, television, and live performance venues. To ensure transparency and traceability of every transaction, blockchain technology can be implemented, while Big Data analytics can uncover music consumption patterns—leading to more equitable, data-driven royalty distribution. To foster public trust, particularly among songwriters, a transparency dashboard should be made available for open access, displaying financial reports, royalty distribution data, and comprehensive institutional activities. Moreover, integration with both global and local digital platforms such as YouTube, Spotify, Joox, TikTok, and others will ensure accurate, comprehensive royalty data that truly reflects creators' contributions across distribution channels.

Institutional governance reform is equally essential for LMKN to remain adaptive and responsive to the dynamic developments of the digital music industry. This requires revisions to internal regulations and standard operating procedures to ensure alignment with the Copyright Law and current technological advancements, thereby avoiding regulatory gaps or procedural inconsistencies. Furthermore, the application of good governance principles—participation, accountability, transparency, effectiveness, and responsiveness—must become

<sup>56</sup> Annisa Putri Nadya, "Kekuatan Lembaga Manajemen Kolektif Nasional Dalam Penarikan Royalti," *Jaksa: Jurnal Kajian Ilmu Hukum Dan Politik* 1, no. 4 (September 29, 2023): 142–49, <https://doi.org/10.51903/jaksa.v1i4.1410>.

<sup>57</sup> Rayhan Muzakki Rayhan and Abdul Rokhim, "Implementasi Hak Royalti Lagu Untuk Kepentingan Komersial (Studi Di Radio Republik Indonesia Madiun)," *Dinamika: Jurnal Ilmiah Ilmu Hukum* 28, no. 5 (January 2022): 3894–3910, <https://jim.unisma.ac.id/index.php/jdh/article/view/14527>.



the foundation of all organizational activities. LMKN should also establish a dedicated unit focused on innovation and digital transformation. This unit would conduct research, develop systems, and monitor music industry trends to ensure that LMKN remains relevant and progressive. Just as crucial is the creation of a participatory forum involving LMKN, LMKs, songwriters, music industry stakeholders, and the public. Such forums would serve as regular dialogue spaces for gathering input, aligning visions, and building an inclusive and sustainable royalty management ecosystem. These reforms not only address the crisis of trust among creators but also lay a strong foundation for safeguarding creators' economic rights, strengthening the national music ecosystem, and ushering Indonesia's music industry into a more modern, fair, and sustainable era.

#### 4. Conclusions

LMKN was established as a government-affiliated institution to represent the economic rights of songwriters through a centralized, fair, and efficient system of royalty collection and distribution. Its existence was intended to simplify the previously fragmented mechanisms. However, in practice, LMKN faces several critical challenges, particularly regarding accountability, transparency, and the reliability of its tracking system, which remains manual and inaccurate. Criticism from songwriters concerning the lack of transparency in royalty information highlights the weakness of governance that directly affects the fairness of royalty distribution. Nevertheless, LMKN's role remains relevant and important, as its one-stop system facilitates a more efficient and coordinated process for royalty collection and distribution. However, LMKN must urgently transform into a modern institution based on information technology that fully embraces the principles of accountability and transparency. Through structural reform and comprehensive digitalization, LMKN can restore the trust of creators, safeguard their economic rights, and establish a royalty management system in Indonesia that is transparent, accountable, and sustainable

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