

JURIDICAL ANALYSIS OF THE LEGAL PROTECTION OF SONG ROYALTIES AGAINST COPYRIGHT INFRINGEMENT DISPUTES

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Abstract

Copyright provides exclusive rights and legal protection, especially to industry players to get rewards in the form of royalties for their creations, which is currently an interesting issue in the country's music industry. One of the most pressing issues in protecting IP in the digital age is the enforcement of music royalties in cases of copyright infringement. This research is designed with the aim of exploring further legal protection of royalty practices and concepts in the context of copyright infringement disputes in Indonesia. The moral and economic rights of creators must be fully protected when music is considered intellectual property. The main legal basis for royalty management is UUHC Number 28 of 2014 and Government Regulation Number 56 of 2021, which aim to ensure that creators receive financial rewards from the commercial use of their works. The National Collective Management Institute (LMKN) is responsible for managing royalties and ensuring that creators and rights holders receive and receive a proportional share. The main challenge is the number of copyright infringements due to the lack of awareness of music industry players regarding royalty payment obligations. This research also discusses the mechanism for resolving royalty disputes through non-litigation alternatives and litigation in the Commercial Court to provide legal certainty and effective protection. With a normative and juridical approach, this research aims to strengthen the implementation of song copyright law and encourage a fair and sustainable music industry in Indonesia.

Keywords: Song Royalties, Copyright, Legal Protection, Dispute Resolution.

INTRODUCTION

In the era of global development, music is a common thing that people use as entertainment. Music is available on various telecommunication platforms, such as TV, radio, CD/DVD, MP3 format, as well as RBT (*Ring Back Tone*) services. In addition to telecommunication networks, restaurants, cafes, performance stages, and other entertainment venues also provide music as a medium of relaxation. There are many different types of music, including jazz, rock, pop, R&B, dangdut, and more. Therefore, the diversity of genres and styles of music makes its listeners less easily bored and increases its popularity. One example of how technological developments have had a significant impact on human life, especially in the field of intellectual property law, is the availability of song and music streaming services (LAOWO, 2024).

The large consumption of music by the public does not guarantee that the public also knows the understanding of the relevant rights holders, especially those who enjoy music such as singers and musicians who must be protected. The rapid development of globalization has triggered many music-related violations, such as rampant piracy and imitation of existing songs or musical arrangements for personal gain. These actions constitute a violation of moral and economic rights. Despite the legal regulation of these rights, many parties continue to abuse copyrighted works without paying royalties or obtaining prior approval. This violation has a bad impact on the artist's motivation to work. The lack of public understanding of the Copyright Law, especially Law No. 28 of 2014, as well as the lack of interest in studying these rules and the lack of socialization related to copyright are the main causes of the high number of copyright infringements. Furthermore, legal protection in Indonesia is still inadequate due to the lack of strong enforcement of the applicable law (Ni Made Harini et al., 2021).

Government Regulation Number 56 of 2021 establishes the royalty procedure that was the topic of previous research on legal protection of music creations, with an emphasis on economic and moral rights. In addition, legal protection of copyright is not well understood or effectively implemented, which is particularly problematic in terms of licensing methods and royalty payments. Although regulations such as UUHC Number 28 of 2014 and Government Regulation Number 56 of 2021 have regulated these obligations, the realization in the field still shows many violations, including the use of songs without permission and minimal or no royalty payments at all. This is exacerbated by the low awareness and psychological attitude of music industry actors in respecting the copyright of song creators, even though the work is the main source of sustainability of radio broadcasts and brings commercial profits.

Thus, in addition to examining the legal protection of royalties in accordance with the regulation of Government Regulation Number 56 of 2021, this study offers a new perspective in the form of an in-depth analysis that relates it to the protection of moral rights as regulated in Law Number 28 of 2014. This strategy is expected to provide a new perspective that copyright protection should be seen as a complementary whole, not as a partial relationship between moral rights and commercial rights. This research also focuses on juridical analysis of legal protection, especially on the aspect of the involvement of collective management institutions in managing royalties as well as the efforts or concrete steps that can be taken by song creators when their copyrights are infringed by music industry players.

This research also offers a more comprehensive approach by combining the study of natural law theory, treaty functions, and legal protection theory, which have not been the focus of much of the previous study. As a result, it is hoped that this research will significantly improve the implementation of song copyright laws in Indonesia and provide practical recommendations for creators and music industry players in order to create a fairer and more sustainable copyright award ecosystem.

RESEARCH METHODS

This research is structured normatively, because it examines the opportunities and various difficulties faced by law enforcement related to the song royalty system, especially in the context of copyright infringement issues. The approaches used in the preparation of this research are the *Case Approach*, the *Satute Approach*, and the *Conceptual Approach* (Sumangkut, 2025). Primary legal materials, derived from statutory provisions, court decisions (jurisprudence), and other sources, are authoritative and can be immediately enforced by the community. Although it does not have legal force, secondary legal documents that explain and interpret the main legal material can be helpful in studying the same topic.

Books, articles, papers, and journals are part of the legal materials collected through literature studies, also known as *library research*. In addition, the collection of legal materials leads to the search for data and information through documents to support the writing process and obtain significant conclusions in the discussion of the research being studied. This study uses a Qualitative analysis method because it focuses on understanding perspectives and contexts relevant to the enforcement of song royalty laws. This approach is described as a problem-solving process supported by data from

multiple sources with a representation of the objects and subjects of the latest investigation (Nasirun, 2014).

RESULTS AND DISCUSSION

Protection Of Legal Rights to Song Royalties in The Context of Copyright Law In Indonesia

Copyright protection for works has existed since the work was born. The creator or owner of a copyrighted work is referred to as a copyright holder. Among the many forms of IPR, copyright is one of them. The content of song lyrics, poetic verses, or instrumental arrangements all comes from the composer's original thoughts and feelings about a particular subject that he wants to share with the listener. The protection of human works in the realm of art, literature, and science in a work is realized in the form of copyright. The purpose of copyright itself is to protect the economic aspect of the creator by providing exclusive rights to use, distribute, and exploit the work so that the creator can obtain financial benefits from the work he makes (Drexel, 2010).

In this context, the term "creator" refers to the subject of legal protection. Basically, the law seeks to define the roles and responsibilities of those involved in the production, possession, and consumption of creative works. This legal certainty helps law enforcement. Although copyright protection is directly granted to the creator once the work is in physical form, it is still recommended to register it because this can provide legal proof of copyright ownership (Wijaya, 2003).

Royalty management for songs and music is regulated by Government Regulation Number 56 of 2021 and UUHC Number 28 of 2014, both of which regulate copyright. This protection is further strengthened by copyright. Protection of copyright under UUHC Number 28 of 2014 includes measures to protect commercial and moral rights. These privileges are designed to help authors make more money from their work and encourage the creation of security measures to protect copyrighted works, especially from piracy (Labetubun, 2018).

Moral rights are rights that flow directly from their creation. Defamation protection, the opportunity to defend the work in its original form, and attribution as the creator of the work are all part of these rights. Neither the creator's heirs nor anyone else can purchase or transfer these rights while the creator is alive. The moral rights of the creator are anachronistic, as listed in the provisions of Article 4 among these rights are the ability to use pseudonyms, adapt the work to commercial demands, modify titles and subtitles, and file lawsuits in the event of unauthorized alterations to the work or infringement of proprietary rights.

On the other hand, *economic rights* are the sole right of the author or right holder to obtain monetary returns or profits from their works. This coverage applies to the sale of recordings, digital distributions, live performances, and other forms of commercial entertainment. The Collective Management Institution (LMK) administers a system in which commercial music subscribers are legally required to pay royalties to the copyright holders of their songs. Anyone who uses music or songs that belong to him for profit must fulfill the obligation to pay royalties, such as being used in the organization of events, news outlets, hotels, restaurants, and internet platforms. Singers are usually not responsible for paying royalties unless they are also playing the role of a party who uses the song commercially. These two rights are known as *the Right Of Paternity And The Right Of Integrity* (Nurhadiyanti, 2017).

The essence of these royalties is to ensure and guarantee that the relevant rights owners do not profit unduly from the commercial exploitation of the songs and music of the musicians or related rights owners. Government Regulation Number 56 of 2021 concerning the Implementation of Royalties on Song or Music Copyright, explains that regardless of whether a work is used for commercial purposes or not, the rightful owner of the work must be compensated. The purpose of the enactment of this Government Regulation is to address various issues and ensure that music creators and those with related rights are further effectively protected. Despite the widespread use and praise of their music in modern commercial and entertainment contexts, not all songwriters receive royalties (Zulkifli & Almusawir, 2022).

The government grants Recording Copyright Licenses to licensees as a form of preventive and repressive protection. This strict protection applies in the event of copyright infringement or dispute. To make UUHC Number 28 of 2014 more effective, the government enacted Government Regulation Number 56 of 2021 concerning Copyright Royalties for Songs and/or Music. The purpose of the enactment of this law is to provide legal protection for the creators of a work, related rights owners, and copyright holders by outlining specific procedures for the administration of copyright royalties resulting from the performance or broadcasting of copyrighted works. In other words, the intent of this law is to guarantee song and music creators receive royalties in recognition of their copyrights. To clarify several aspects of UUHC Number 28 of 2014, Government Regulation Number 56 of 2021 concerning the Management of Song and or Music Copyright Royalties provides additional explanations and further regulates the previous law (Karel Martinus Siahaya, 2022).

Songwriters who are thinking about how to implement a royalty payment system in accordance with Government Regulation Number 56 of 2021 to protect the copyright of their music works that are available to the public. Owners of cafes, karaoke bars, motels, and other businesses that rely on foot traffic to generate revenue have a unique challenge: how to balance marketing efforts with the need to pay royalties for music played and enjoyed at their venues. A data center will be established by the government under the Directorate General of Intellectual Property to ensure that songs or music used for commercial purposes are copyrighted. In addition, it is necessary to inform the general public about Government Regulation Number 56 of 2021. In order for these regulations to work and for the music industry to be innovative and competitive, it is imperative for the community, collective management institutions, the government, and songwriters to work together (Hediati, 2022).

As has happened recently, there are often copyright infringements in song works due to a lack of knowledge about the obligation to pay royalties so that royalty payments are not carried out as they should by music industry players. These violations are in the form of commercial use of songs without permission or without paying royalties (Rifka Alkhilyatul Ma'rifat, I Made Suraharta, 2024). This can also happen due to the low awareness and understanding by music industry players about the importance of copyright protection and licensing mechanisms often lead to infringements, including in the reproduction and distribution of musical works through digital platforms and social media without official permission. In addition, royalty payment disputes also often occur between the songwriter and the singer or the party who performs the song, which is sometimes caused by the unclear royalty distribution system that is not fully transparent and fair.

Table 1. Estimated percentage of copyright infringement related to song royalties in Indonesia from 2021-2025

Year	Percentage of violations Song Royalty (%)	Remarks
2021	98%	About 2% of businesses that use music pay royalties, and many don't realize they have to.
2022	97% - 98%	Business people have little awareness, and the lengthy and expensive legal system makes it difficult to end abuse.
2023	97% - 98%	Although the government and LMKN continue to make efforts to socialize, there are still many music industry players who have not fulfilled their obligations to pay royalties.
2024	98%	Data from LMKN shows that, of the thousands of perpetrators of unlicensed music use, less than 6,000 are obliged to pay royalties
2025	Reduced the same as the previous year, around 98%	Although awareness is slowly increasing, the number is still much less compared to the actual number of users.

Primary data sources processed from various sources

Lack of understanding of copyright regulations and the unrelated relationship between law and ethics are two of the main challenges that hinder the enforcement of copyright infringement of music royalties. The importance of justice in the context of the protection of moral rights and economic rights is realized through the registration of works, even though registration is descriptive and not the main condition for the emergence of a right. However, by registering a work will be the main basis for protection as a rights holder. In addition, the public and law enforcement need to increase their understanding of copyright regulations so that the protection of intellectual works is more effective (Narwadan, 2014).

Mechanism for Dispute Resolution of Copyright Infringement Related to Song Royalties According to Applicable Laws and Regulations in Indonesia

One of the most widespread types of intellectual property is literature. Once the work is created and legalized, the author or creator naturally acquires exclusive property rights known as copyrights, which grow organically from the principle of declaration (Publikasi & Medan, 2020). In Indonesia, copyright in songs and music not only protects the creative works of their creators, but also guarantees that royalties in return for the use of the work are fairly accepted. With the advancement of digital technology and streaming platforms, the increased commercial use of songs often presents the risk of infringement, such as unauthorized use or piracy, which directly affects the creators' royalty income. Thus, knowledge of the legal mechanisms governing dispute resolution is essential to maintain a balance between creative innovation and economic interests.

Although UUHC Number 28 of 2014 has comprehensively regulated copyright protection, including laws on royalties, in practice, conflicts between users and copyright owners still occur frequently. Examples of conflicts that may arise from copyright infringement include disputes over the distribution of royalties or unauthorized use of works, such as in the case of song royalties. In order to address this issue, existing regulations offer a variety of solutions, ranging from informal negotiations to formal litigation processes, aimed at effectiveness and fairness.

1. Royalty Management in the concept of Copyright

Royalties are compensation in the form of money paid by the music industry to copyright owners of copyrighted works when they ask permission to use their works. This payment must be part of the license agreement between the creator and the copyright holder for commercial use. Musicians and songwriters work tirelessly to create music and songs, and they often seek financial rewards in the form of royalties (Zulkifli & Almusawir, 2022). In accordance with the Indonesian Recording Industry Association (ASIRI), producers often pay artist honorarium in the form of royalties. Usually the creator of the work also has *mechanical rights* (Maramis, 2014). Creators are the rightful owners of copyrights and related rights, and Copyright laws ensure that they can be protected and have the opportunity to join the Collective Management Institution (LMK) to obtain payment. No creator or related rights owner is able to withhold or withhold royalties from the use of their work in the permitted service or for commercial purposes. Royalties are economic rights related to all copyrighted works or commodity related rights, and this is necessary for their preservation and protection, according to Article 1 Point (1) of Government Regulation Number 56 of 2021. The value of creative works and the right to own them are monetarily recognized through royalties, which also provide a reliable source of income. Royalties must be paid in accordance with the terms of the license to anyone who uses songs or music used in public services for commercial purposes.

LMKN applies the Song and/or Music Information System (SILM) to document license requests received to copyright holders or related rights. In order to comply with all laws and regulations, LMKN collects, mobilizes, and distributes royalties based on usage statistics and licensing reports. LMKN must verify and document copyright usage data and applications to provide an orderly and transparent system for managing royalties and copyrights to artists and related rights owners. The scope of royalties also goes beyond the licensee, as commercial performances of songs or music can occur even in cases when there is no license agreement. Royalties must still be remitted to LMKN immediately after the use of the work in this performance situation (Muthmainnah et al., 2022).

There are two main functions carried out by LMKN. The management of commercial copyrights of authors and copyright holders is the first area that needs to be monitored. Second, for financial gain, LMKN manages the rights of artists to perform, record, and produce. Simply put, LMKN is obliged to collect and distribute royalties from music compositions or songs on behalf of producers and rights holders (Rabbani, 2023). As clarified in Article 1 paragraph (10) of Government Regulation Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties, "*Collective Management Institutions, hereinafter abbreviated as LMK, are institutions in the form of non-profit legal entities authorized by the Creator, Copyright Holder, and/or Owners of Related Rights to manage their economic rights in the form of collecting and distributing Royalties*". This means that LMK is responsible for determining the amount of tariffs, the basis for assessment, the payment structure, and the supervision system in the royalty payment process. Therefore, in order to obtain such commercial rights, any creator and copyright holder of a song or music can join or connect with LMK (Santy et al., 2016).

2. Dispute Resolution of Copyright Infringement Related to Song Royalties

The resolution of copyright infringement in a hierarchical and systematic manner related to song royalties is regulated by Law No. 28/2014, in particular Articles 95 to 120. Arbitration, litigation, and alternative dispute resolution are the mechanisms for resolving copyright disputes under this law. There are three types of disputes regulated in this law, namely disputes involving unlawful acts, disputes involving licensing agreements, and disputes involving settlements relating to the collection of royalties or fees. Alternative Dispute Resolution (APS), non-litigation processes, and litigation have a strong legal basis in the Law.

Alternative Dispute Resolution (APS) is a method of resolving legal disputes that does not involve courts. With this settlement, it is due to the high number of cases that are currently being heard in court. This method, which does not involve going to court, offers better results while reducing the burden on the justice system. This method is also referred to as alternative

settlement. Consultation, negotiation, mediation, conciliation, and expert assessment of out-of-court forms of settlement that fall under the umbrella of the term "institution or process" in order to resolve disputes based on the agreement of the parties. This settlement can also be referred to as an effort to resolve disputes through the non-litigation route.

Non-litigation dispute resolution has a number of advantages, including that the process is informal, the dispute is resolved directly by the parties, the settlement takes place relatively quickly, the costs incurred are lighter, the relationship between the parties concerned remains cooperative, and the results achieved are beneficial to both parties (Dewi, 2022). With the ultimate goal of achieving a fast, effective, and mutually agreeable settlement without resorting to time-consuming and costly legal procedures. If the non-litigation alternative dispute resolution method (APS) fails, the copyright holder can go to court by filing a civil lawsuit with the Commercial Court, equivalent to Article 95 paragraph (2) and Article 105 of UUHC No. 28 of 2014.

If the parties are unable to reach a settlement through more informal means, they may choose to take their matter to the commercial court in hopes of receiving monetary compensation. A lawsuit seeking compensation to the commercial court in the event of copyright infringement can be filed to carry out litigation procedures to resolve copyright issues. By filing a lawsuit against copyright infringers, creators have the opportunity to obtain compensation in accordance with the impact they experience, both in the form of material and immaterial losses. Article 99 paragraph (1) of UUHC Number 28 of 2014 which reads "*Creators, Copyright Holders, or owners of Related Rights have the right to file a lawsuit for compensation to the Commercial Court for infringement of Copyright or Related Rights products*". This provision emphasizes that if evidence of copyright infringement is found, the relevant rights owner, whether creator, copyright holder, or others, can file a lawsuit for damages in the Commercial Court. The purpose of this remedy is twofold: first, to seek compensation from the infringer; and second, to enforce the copyright of the owner.

The only court that has the authority to consider and decide matters closely related to copyright protection is the Commercial Court. In addition, copyright holders can use criminal acts as a deterrent effect for those who infringe on economic rights to their works. In copyright litigation, the procedure that must be followed by a copyright holder to file a lawsuit is outlined in Article 100 of the UUHC (De Fila Asmara et al., 2023).

Using someone else's song without the consent of its creator is considered an act of infringement, especially if the creator does not benefit from the infringement, even though they have worked hard to create the work. Creators can use the commercial court system to seek protection for their work and defend it from infringement. As an additional precaution, rights holders can file criminal charges for copyright infringement of their work. In Indonesia, copyright infringement is common and has been the subject of several court cases.

CONCLUSION

Legal protection of song royalty practices in Indonesia has been comprehensively regulated through UUHC Number 28 of 2014 and Government Regulation Number 56 of 2021, which expressly includes full protection related to exclusive rights consisting of moral rights and economic rights of creators as the main elements in maintaining the commercial value and honor of musical works and as a benchmark for copyright protection can be judged from *originality, creativity, fixation* on works that have been officially registered. Economic copyright is created to profit from the commercial use of musical works, while moral copyright protects the rights of creators to their works.

In terms of collecting, validating, and distributing royalties transparently to artists and related rights owners, the responsibility lies with the National Collective Management Institute (LMKN). Unauthorized use of songs and not paying royalties is still a common offense, even though there are regulations governing it. In practice, the implementation of royalties still faces various obstacles. This is due to a lack of understanding and confusing methods of distributing royalties. Mediation, arbitration, and other forms of non-litigation Alternative Dispute Resolution (APS) can help resolve copyright infringement disputes. However, offenders can also face criminal charges and damages in the Commercial Court if they go to court. The goal of this legislative strategy is to foster an innovative and viable Indonesian music business environment by increasing protections and paying songwriters fairly.

The recommendations that have been formulated from this study should be disseminated in such a way that all members of the music industry and the general public are educated and socialized about the need to pay copyright and royalties. The government, LMKN, songwriters, and other stakeholders in the music industry must work more closely to make the administration of royalties more open and efficient. In addition, law enforcement needs to be strengthened and accelerated so that copyright violators receive strict sanctions that can have negative effects. The creation of a digital

copyright recording and verification system must also be carried out to facilitate the supervision of commercial use of songs.

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