



The Implementation of Law Number 28 of 2014 in Legal Protection of Musicians' Musical Works in Denpasar Regarding Royalty Collection

Muhamad Syahnakri¹, I Made Adi Ananda Permana², I Gede Druvananda Abhiseka³, Komang Satria Wibawa⁴

Universitas Pendidikan Nasional, Indonesia¹⁻⁴

Email Korespondensi: muhammadsyahnakri@undiknas.ac.id

Article received: 15 Oktober 2025, Review process: 21 Oktober 2025

Article Accepted: 11 November 2025, Article published: 22 November 2025

ABSTRACT

Indonesia's creative industry, particularly in the music sector, faces significant challenges in optimizing copyright protection for musicians. This study examines the implementation of Law No. 28 of 2014, focusing on the role of Collective Management Organizations in ensuring fair royalty collection in Denpasar. The research employs a juridical-empirical approach, utilizing field observations and interviews with relevant stakeholders, including musicians, business owners, and legal experts. The findings reveal that many musicians in Denpasar struggle to protect their rights due to a lack of understanding of Collective Management Organizations and royalty collection procedures. Business operators, such as coffee shop owners, often fail to meet their legal obligations regarding royalty payments. The study concludes that enhancing the presence and effectiveness of Collective Management Organizations, along with increased outreach and education, is essential for improving copyright protection for musicians and ensuring compliance with the law.

Keywords: Copyright Protection, Royalty Collection, Collective Management Organizations, Musicians, Legal Compliance.

ABSTRAK

Industri kreatif Indonesia, khususnya di sektor musik, menghadapi tantangan besar dalam mengoptimalkan perlindungan hak cipta bagi musisi. Penelitian ini mengkaji implementasi Undang-Undang Nomor 28 Tahun 2014, dengan fokus pada peran Lembaga Manajemen Kolektif (LMK) dalam memastikan penghimpunan royalti yang adil di Kota Denpasar. Penelitian ini menggunakan pendekatan yuridis-empiris, dengan observasi lapangan dan wawancara dengan pemangku kepentingan terkait, termasuk musisi, pengelola bisnis, dan ahli hukum. Temuan penelitian menunjukkan bahwa banyak musisi di Denpasar kesulitan melindungi hak mereka karena kurangnya pemahaman tentang LMK dan prosedur penghimpunan royalti. Pengelola usaha, seperti pemilik kedai kopi, sering kali tidak memenuhi kewajiban hukum mereka terkait pembayaran royalti. Penelitian ini menyimpulkan bahwa peningkatan kehadiran dan efektivitas LMK, beserta sosialisasi dan pendidikan yang lebih intensif, sangat penting untuk memperbaiki perlindungan hak cipta musisi dan memastikan kepatuhan terhadap undang-undang.

Kata Kunci: Perlindungan Hak Cipta, Penghimpunan Royalti, Lembaga Manajemen Kolektif, Musisi, Kepatuhan Hukum.

INTRODUCTION

Indonesia has a rich creative industry, reflecting the freedom of expression of the actors in the creative sector (Kamil, 2015). These works are protected by copyright, which serves as the primary foundation for ensuring their authenticity and legitimacy. According to Article 1, Paragraph 1 of Law Number 28 of 2014 on Copyright, copyright is the exclusive right of the creator that arises automatically once the creation is materialized in a tangible form, without prejudice to the limitations set forth in applicable legislation (Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta, 2014). This declarative principle affirms that registration is not a mandatory requirement for acquiring copyright, although registration may assist in proving who was the first to create the work (Nurusyifa, 2023).

Copyright provides protection to the creator over their work that is realized in an original and authentic form, meaning it does not imitate the creations of others. (Anzani et al., 2021). Both creators who register and those who do not are entitled to the same legal protection. In the event of a dispute regarding copyright, the party who can prove they are the first creator will have the right to the work. Intellectual Property (IP) refers to rights that arise from intellectual efforts that produce ideas, concepts, or products beneficial to humanity (Jannah, 2018). Copyright, which is a part of Intellectual Property (IP), grants the creator exclusive rights to reproduce and derive economic benefits from their work.

One sector of Intellectual Property (IP) that receives significant attention is music, which serves as both a means of expression and a livelihood for musicians (Abdulkadir, 2007). In the digital era, musical works can be easily accessed; however, this also creates opportunities for copyright infringements (Djumhana, 2006). According to data from Bisnis.com, the Indonesian government has handled over a thousand cases of copyright infringement from 2015 to 2021 (Pratama, 2021). These violations indicate that Indonesia remains on the priority watch list (PWL) regarding intellectual property, which hampers investment (Wiratama & Hanura, 2023). In addition, the lack of understanding among musicians regarding the importance of copyright protection and the institutions that can enforce their rights is one of the contributing factors to this issue.

To assist musicians in managing and protecting their copyrights, Collective Management Organizations have been established, serving as institutions that manage the economic rights of creative works. (Sihombing, 2017). Collective Management Organizations such as Wahana Musik Indonesia (WAMI) have been established to accommodate and protect the exploitation rights of musicians, including royalties for the rights of public performance and reproduction of works. Although WAMI is not involved in the publishing and marketing of songs, it plays a role in managing royalties and distributing them to songwriters. WAMI was founded by several major music publishers in Indonesia and holds official operational authorization from the Ministry of Law and Human Rights. (Manek & Lambok, 2019).

However, despite the existence of organizations such as WAMI and the Indonesian Copyright Foundation (YKCI), many musicians remain reluctant or fail to understand the importance of copyright registration, which leads to copyright

infringements, as seen in the case involving the song "Bintang." In this case, musician Engkan Herikan sued parties he believed violated the copyright of the song he created, as the economic rights and royalties he should have received were not properly distributed. This study aims to examine the implementation of Law Number 28 of 2014 regarding copyright protection in Denpasar, particularly focusing on the role of WAMI in protecting the musical works of musicians.

METHODS

This research was conducted at several locations selected by the researcher, including the Bali Ministry of Law and Human Rights Office, hotels, pubs, coffee shops, and karaoke establishments in Denpasar. The selection of these locations was based on their relevance and correlation with the research topic on legal protection for musicians through the optimization of Collective Management Organizations. This study employs a juridical-empirical approach, where data was collected through direct field observation and interviews with relevant informants (Amiruddin & Asikin, 2014). The primary data sources used are secondary data, which include primary legal materials such as Law No. 28 of 2014 on Copyright and Government Regulation Number 56 of 2021 on the Management of Royalty Rights for Songs and/or Music, as well as secondary legal materials in the form of interview results, images, and other data.

In analyzing the data, this study employs a legislative, case, and factual approach. The legislative approach is conducted by referring to relevant legal foundations, while the case approach focuses on the implementation of Collective Management Organizations in protecting musical works in Denpasar. The factual approach is carried out through field research that refers to existing legislation and literature. The data analysis technique used is qualitative juridical-empirical analysis, where the collected data is analyzed to identify legal patterns and existing phenomena, and conclusions are drawn based on legal logic and in-depth literature review.

RESULTS AND DISCUSSION

The music industry in Denpasar plays a crucial role in the local culture and economy. The musical works created by musicians are not only an expression of art but also have the potential to become a significant source of economic income. Therefore, musical works in Indonesia are protected under Law No. 28 of 2014 on Copyright, which grants creators exclusive rights to manage, publicize, and reproduce their works (Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta, 2014). One of the key aspects of this protection is the collection of royalties, which serves as compensation for creators for the use of their works by third parties, such as radio stations, television, entertainment venues, and digital platforms (Navydien & Mara Ditta C.P, 2025). However, despite the well-established provisions of this law, its implementation still faces various challenges on the ground, particularly in the context of royalty collection in Denpasar.

Although Law No. 28 of 2014 provides a strong legal foundation for copyright protection, a significant challenge in its implementation in Denpasar is

the low level of awareness and understanding among the public, particularly among business owners who use music for commercial purposes. Many business owners, such as café and restaurant operators, are not fully aware of their obligation to pay royalties to musicians or copyright holders. Additionally, while many musicians recognize the importance of Collective Management Organizations in protecting their rights, they often find the process of copyright registration and royalty collection to be complicated and time-consuming. Therefore, there is a need for active involvement from the government and relevant organizations in educating business owners and musicians about their rights and the proper procedures for managing copyrights and ensuring transparent royalty collection.

In practice, many musicians in Denpasar still struggle to protect their copyrights and obtain legitimate royalties. One of the main reasons is the lack of information regarding the role and function of Collective Management Organizations, which are supposed to manage the collection of royalties. Collective Management Organizations are institutions authorized by law to collect and distribute royalties to copyright holders, including musicians (Sihombing, 2017). However, in Denpasar, Collective Management Organizations have not operated optimally. In fact, many musicians have not joined Collective Management Organizations due to a lack of awareness about the existence of these organizations and a limited understanding of how they function. As a result, musicians tend to opt for alternative routes through digital platforms, which, while providing a more practical and expedient method, do not guarantee strong legal protection for their works. Currently, Collective Management Organizations have not yet been established in Denpasar. This was conveyed during an interview with the Head of the Intellectual Property Services Division at the Bali Regional Office of the Ministry of Law and Human Rights, Ida Bagus Made Danu Krisnawan. According to him, royalty distribution is carried out in accordance with Government Regulation Number 56 of 2021, which grants Collective Management Organizations the authority to collect, collect, and distribute royalties. However, this process has yet to be implemented in Bali, with plans to establish a Collective Management Organizations set for 2024 (Bagus Made Danu Krisnawan, 2023).

The management of copyright in the music industry in Denpasar still faces various challenges, particularly in ensuring fair royalty collection for creators. While Law Number 28 of 2014 provides a clear legal framework for copyright, many musicians have yet to take advantage of Collective Management Organizations to protect their rights. One of the main reasons for this is the lack of understanding about the benefits of joining such organizations and the perceived complexity of the copyright registration process. Additionally, some musicians feel that the royalty distribution conducted by these organizations is not always transparent or fair. Therefore, reforms are needed in the royalty management system, along with increased transparency in its distribution, to ensure that musicians' copyrights are truly protected and that they receive royalties that reflect the actual use of their works.

Although regulations related to royalties are outlined in Law Number 28 of 2014, its implementation in Denpasar has not yet met expectations. One of the main issues is the low level of understanding and awareness among business operators who use music, such as coffee shop owners, restaurant operators, and entertainment venues (Nindhitya et al., 2023). Many of them are still unaware of their legal obligation to pay royalties to musicians for the use of their works in their establishments. Instead, they prefer to pay subscription fees to digital platforms that provide music services, although these payments do not fully replace their obligation to pay royalties in accordance with the law (Hayati, 2024). This indicates that, despite the existence of regulations, their implementation on the ground remains highly limited and ineffective in ensuring that the rights of musicians are properly protected.

However, the gap in understanding between coffee shops and the role of Collective Management Organizations in the royalty collection process creates uncertainty in fulfilling royalty payment obligations. Coffee shops may believe that by paying a monthly subscription to a digital music platform, they have fully met their obligations, without considering the additional responsibility of paying royalties directly to the copyright holders. On the other hand, Collective Management Organizations may not fully recognize the challenges faced by coffee shops in this regard, making it crucial to provide proper socialization about the role of these organizations and the procedures to follow for royalty payments.

This study also highlights the crucial role of Collective Management Organizations in ensuring the proper and equitable collection of royalties. Collective Management Organizations should act as intermediaries, collecting royalties from various music users and distributing them to musicians or other copyright holders. However, in Denpasar, the presence of Collective Management Organizations remains minimal. The planned establishment of a Collective Management Organizations in Bali in 2024 is expected to improve this situation, but broader implementation and a deeper understanding of Collective Management Organizations need to be more intensively communicated to musicians and local business operators. The success of Collective Management Organizations implementation will largely depend on effective outreach and education for musicians and business operators to help them better understand the importance of joining Collective Management Organizations and how to properly protect their copyrights.

According to Philipus M. Hadjon, legal protection can be understood as actions taken to safeguard or assist legal subjects using legal instruments. The key elements of legal protection include the subject providing the protection, the object to be protected, and the instruments or efforts used to achieve this protection. Hadjon further distinguishes two types of legal protection mechanisms: preventive and repressive. Preventive legal protection allows legal subjects to raise objections or express their views before a government decision becomes final, aiming to prevent disputes from arising. This form of protection is particularly crucial in governments that operate based on the freedom of action, as it encourages careful decision-making and the judicious use of discretionary powers. However,

Indonesia currently lacks specific regulations governing preventive legal protection (Hadjon, 1987). On the other hand, repressive legal protection seeks to resolve disputes that have already occurred, typically through the judiciary, including general and administrative courts. This form of protection is grounded in the recognition and protection of human rights, emphasizing the limitation and imposition of obligations on both society and the government. Furthermore, the principle of the rule of law underpins repressive legal protection, ensuring that human rights are protected and serving the objectives of a lawful state. This framework offers valuable insights into how legal mechanisms can be applied to protect individuals' rights and promote justice within society.

The effectiveness of Law Number 28 of 2014 in protecting musical works can be analyzed through the theory of legal protection, as articulated by Philipus M. Hadjon. This legal protection theory emphasizes that the law must provide justice, certainty, and protection to all parties who hold rights (Hayati, 2024). In this context, musicians, as creators of musical works, must be afforded protection for their economic rights through the equitable collection of royalties. However, the implementation of such legal protection must account for a balance between copyright and societal interests. The Hadjon theory emphasizes the active role of the government in copyright protection. The implementation of Law No. 28 of 2014 positions the government as the regulator responsible for safeguarding copyright. In Denpasar, the government plays a crucial role in overseeing and facilitating royalty collection, formulating supportive policies, and providing the necessary legal infrastructure (Hayati, 2024). In Denpasar, this balance has yet to be fully realized, primarily due to insufficient understanding of the role of Collective Management Organizations and the ongoing challenges in the royalty collection process. Therefore, additional efforts are necessary to ensure that the rights of musicians are comprehensively respected and safeguarded.

In the implementation of Law Number 28 of 2014 on Copyright in Denpasar, the challenges faced by musicians and business owners in the entertainment sector are quite evident, particularly regarding their understanding of the role and functions of Collective Management Organizations. Many musicians prefer to use digital platforms to manage their copyrights, despite the minimal legal protection they provide. This is often due to a lack of education on the proper procedures for copyright registration and royalty collection. For instance, in interviews with musicians such as Dewa Sugama and Jascha Ririhena, it was revealed that while they recognize the importance of Collective Management Organizations, they choose independent or digital routes because these are perceived as more practical. Similarly, business owners like Antonio Fortunata from Andji Coffee expressed their lack of understanding regarding the obligation to pay royalties through Collective Management Organizations, even though they regularly pay subscription fees to digital platforms (Fortunata, 2023). Therefore, more intensive socialization and a more transparent system for royalty management are essential to optimize the implementation of the Copyright Law in Bali, particularly to ensure that musicians' rights are adequately protected and that royalties they are entitled to are collected fairly.

The theory of Hadjon emphasizes the crucial role of education and legal awareness in protecting copyright. In the context of Denpasar, the effective implementation of Law No. 28 of 2014 can be significantly enhanced through targeted educational programs aimed at musicians, stakeholders, and the general public. These programs would focus on educating individuals about their copyright rights, the importance of protecting intellectual property, and the procedures for royalty collection. By increasing awareness and understanding of the law, musicians will be better equipped to safeguard their creative works, while businesses and the community at large will recognize their legal responsibilities in ensuring fair compensation for creators (Hadjon & Soemantri Martosoewignjo, 2008). This proactive approach not only strengthens legal protections but also fosters a culture of respect for intellectual property, which is essential for the sustainable growth of the creative industry.

The theory of Hadjon highlights the importance of balancing copyright protection with the broader public interest. Law No. 28 of 2014 reflects this principle by granting exclusive rights to creators while also considering specific limitations to ensure that these rights do not unduly hinder public access or the collective benefit (Hadjon & Soemantri Martosoewignjo, 2008). In the context of music in Denpasar, the application of this balance can play a key role in fostering the growth of the local music industry without sacrificing the public's right to access cultural works. By carefully navigating the boundaries between protecting creators' economic rights and promoting public access to creative content, the law supports a thriving creative sector that contributes to the cultural and economic vibrancy of the region. This equilibrium ensures that while artists are compensated for their work, the wider community also benefits from the rich cultural expressions that music provides.

In an interview with musician Dewa Sugama, he expressed that the presence of Collective Management Organizations is extremely important in today's digital era, unlike in the past when music commercialization relied on cassette tapes. However, he mentioned that he has not joined any Collective Management Organization, either in Bali or elsewhere, and prefers to pursue his music career independently. He emphasized that the existence, functions, and authority of Collective Management Organizations need to be more widely socialized to build musicians' trust in the protection of their works and ensure clear royalty payments. He also stressed the importance of understanding the procedures for registering works, the royalties involved, the number of times the music is played or heard, and the amounts that need to be paid. Additionally, Dewa Sugama noted that musicians should register their songs to protect them from plagiarism or unauthorized copying (Dana Sugama, 2023).

The concept of *pacta sunt servanda* or "agreements must be respected" is also relevant in the context of royalty collection. This principle requires all parties involved, including musicians, Collective Management Organizations, and music users such as local businesses, to adhere to the agreements that have been established (Dewi, 2025). In this regard, if an agreement between the musician and the Collective Management Organizations has been established, the obligation to

pay royalties must be fulfilled in accordance with the applicable provisions. (Abdulkadir, 2014). This study recommends that all parties collaborate to clarify the royalty payment procedures and establish more transparent agreements to ensure that no party is disadvantaged (Rusli, 1993). Collective Management Organizations are expected to facilitate this by providing clear information to musicians and music users regarding their obligations to pay royalties.

The principle that a contract creates legal obligations, binding the parties to fulfill the contractual agreement, asserts that agreements should be honored without question. Social life can only function effectively when individuals are trusted to keep their word. Science cannot provide more than this understanding, except to recognize that contracts are binding because they represent promises, much like laws, which are regarded as directives from lawmakers. If certainty in fulfilling contractual agreements were removed, it would undermine all forms of exchange (goods and services) within society (Shimanami & Nakamura, 2021). Therefore, loyalty to promises is a fundamental requirement dictated by natural reason. Pacta Sunt Servanda is the principle that the binding force of a contract is akin to that of law.

In the context of royalty collection in Denpasar, Bali, Law Number 28 of 2014 on Copyright is closely related to the principle of pacta sunt servanda. Denpasar, as a hub of arts and culture in Indonesia, is often a place where many artistic and creative works are produced and exploited. The Copyright Law provides a crucial legal framework to protect the rights of creators and copyright holders over their works, including in the matter of royalty collection.

CONCLUSION

The implementation of Law No. 28 of 2014 on royalties in Denpasar still faces challenges in optimizing the protection of musicians' copyrights. One of the main obstacles is the limited understanding of the role and function of Collective Management Organizations, which should manage the collection of royalties. Many musicians have not joined Collective Management Organizations and prefer to use digital platforms, despite the limited legal protection they offer. Additionally, business operators, such as coffee shops, have not fully understood their obligations regarding royalty payments and opt for digital platforms that do not fully fulfill their legal responsibilities. This hampers the effective implementation of copyright protection. A more active presence of Collective Management Organizations and more intensive outreach are expected to overcome these challenges, ensuring better protection for musicians' copyrights and facilitating the fulfillment of legal obligations for music providers.

LIST OF REFERENCES

- Abdulkadir, M. (2007). *Kajian Hukum Ekonomi Hak Kekayaan Intelektual*. Citra Aditiya Bakti.
- Abdulkadir, M. (2014). *Hukum Perdata Indonesia* (5th ed.). Citra Aditiya Bakti.
- Amiruddin, & Asikin, Z. (2014). *Pengantar Metode Penelitian Hukum* (Revisi). Raja Grafindo Persadar.

-
- Anzani, T. A., Putri, G. R., & Badruh, J. U. (2021). Urgensi Perlindungan Hukum Terhadap Hak Cipta Karya Digital. *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia*, 3(1), 9–17. <https://doi.org/10.52005/rechten.v3i1.22>
- Bagus Made Danu Krisnawan, I. (2023). *The results of a direct interview with the Head of the Intellectual Property Services Division at the Bali Regional Office of the Ministry of Law and Human Rights*.
- Dana Sugama, I. D. (2023). *The Results of a Direct Interview with Balinese Musician*.
- Dewi, A. S. (2025). Application The Principle of Pacta Sunt Servanda In Consumer Protection Indonesia. *Journal of Mandalika Literature*, 6(2), 563–570. <https://doi.org/doi.org/10.36312/jml.v6i2.4581>
- Djumhana, M. (2006). *Perkembangan Doktrin dan Teori Perlindungan Hak Kekayaan Intelektual*. Citra Aditiya Bakti.
- Fortunata, A. (2023). *The Results of a Direct Interview with the Owner of Andji Coffee*.
- Hadjon, P. M. (1987). *Perlindungan Hukum Bagi Rakyat di Indonesia: Sebuah Studi Tentang Prinsip-rinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi Negara*. Bina Ilmu.
- Hadjon, P. M., & Soemantri Martosoewignjo, R. S. (2008). *Pengantar Hukum Administrasi Negara* (10th ed.). Gadjah Mada University Press.
- Hayati, D. (2024). Penerapan Royalti di Bidang Musik dan Lagu Terhadap Era Digital. *Jurnal Sosial Humaniora Sigli*, 7(1), 256–265. <https://doi.org/10.47647/jsh.v7i1.2251>
- Jannah, M. (2018). Perlindungan Hukum Hak Kekayaan Intelektual (HAKI) dalam Hak Cipta di Indonesia. *Jurnal Ilmiah Advokasi*, 06(02), 55–72. <https://doi.org/10.36987/jiad.v6i2.250>
- Kamil, A. (2015). Industri Kreatif Indonesia: Pendekatan Analisis Kinerja Industri. *Media Trend*, 10(2), 165–182. <https://doi.org/10.21107/mediatrend.v10i2.946>
- Manek, A. R. G., & Lambok, B. D. (2019). Implementasi Hak Ekonomi Pencipta Lagu Oleh Wahana Musik Indonesia (WAMI). *Hukum Responsif*, 10(1). <https://doi.org/10.33603/responsif.v10i1.5053>
- Navydien, M. D., & Mara Ditta C.P, A. (2025). Perlindungan Hukum Terhadap Pencipta Atas Royalti Lagu Yang Tidak Dibayarkan Dalam Kegiatan Komersial. *Unes Journal of Swara Justisia*, 9(3), 383–396. <https://doi.org/10.31933/tvejsa28>
- Nindhitya, M. P. S., Chrisna, B. E. P., & Abdul, H. (2023). Studi Kepatuhan Musisi dan Penyedia Layanan Berbasis Komersial dalam Membayar Royalti. *Borobudur Law and Society Journal*, 2(4), 176–187. <https://doi.org/10.31603/10041>
- Nurusyifa, D. (2023). Prinsip Deklaratif Dalam Regulasi Hak Cipta Di Indonesia. *UNES Law Review*, 6(2), 6361–6367. <https://doi.org/10.31933/unesrev.v6i2>
- Pratama, W. P. (2021). *Ada 1.184 Kasus Pelanggaran Haki Ditindak di RI Sejak 2015*. Bisnis.Com.
- Rusli, H. (1993). *Hukum Perjanjian Indonesia dan Common Law*. Pustaka Sinar harapan.
- Shimanami, R., & Nakamura, K. (2021). *The Right to Own Things: Intellectual*

Property Law. *Econo-Legal Studies*, 2, 23–42. https://doi.org/10.1007/978-981-16-5145-8_7

Sihombing, G. K. (2017). Peran Lembaga Manajemen Kolektif (Studi Di Kota Pontianak). *Jurnal Mahasiswa S2 Hukum Untan*, Vol. 4 No., 5. <https://www.neliti.com/publications/209835/peran-lembaga-manajemen-kolektif-studi-di-kota-pontianak>

Law Number 28 of 2014 on Copyright, 57 (2014).

Wiratama, Y., & Hanura, M. (2023). Kepatuhan Indonesia Dalam Upaya Melindungi Hak Kekayaan Intelektual Dalam Trade And Investment Framework Agreement Dengan Amerika Serikat. *Journal of International Relations*, 9(2), 61–72. <https://doi.org/10.14710/jirud.v9i2.38291>