Bulletin of Social Studies and Community Development
ISSN: 3025-6798 | Journal's DOI: 10.61436/bsscd
Homepage: https://imrecsjournal.com/journals/index.php/bsscd

Distributive Justice in the Economic Rights of Music Creators and Performers: A Natural Law Analysis of Indonesian Copyright Law

Ashibly[1], Liu Kai[2], & Sherly Nelsa Fitri[1]
[1]Faculty of Law, University of Prof. Dr. Hazairin. SH, Indonesia
[2]Faculty of Law, Jiangsu Normal University, China

ARTICLE INFO
Article History:
Received: 15 April 2026
Accepted: 27 May 2026
Published: 03 June 2026

Keywords:
Copyright;
Economic rights of creators and performers;
Natural law theory;
Distributive justice;
Collective management;
Indonesian copyright law.

Corresponding Author:
ashibly@unihaz.ac.id

ABSTRACT
This study examines the problem of distributing economic rights between music creators and performers in Indonesia, a persistent source of legal conflict that existing scholarship has addressed almost exclusively through positive-law doctrinal analysis. The purpose of this study is to critically evaluate the current structure of Indonesian copyright law governing creators' and performers' economic rights through the lens of natural law theory and to identify the normative gaps that produce systemic distributive injustice. Employing normative legal research, this study integrates three analytical approaches: (1) a legislative approach examining Law No. 28 of 2014 on Copyright, Government Regulation No. 56 of 2021, relevant provisions of the Civil Code, and international instruments including the Berne Convention, the Rome Convention, and the TRIPS Agreement; (2) a conceptual approach engaging legal doctrine on intellectual property and collective rights management; and (3) a philosophical approach applying the natural law traditions of the Stoics, Aquinas, Grotius, Locke, Pufendorf, Hutcheson, and Hume as a normative evaluative framework. Legal materials are classified as primary (statutes, regulations, court decisions), secondary (academic literature, journal articles), and tertiary (legal dictionaries). Analysis proceeds deductively, moving from universal natural law principles to their confrontation with positive law norms and current industry practice. The principal finding is that natural law theory treats creators' economic rights as primary claims grounded in original intellectual labor. In contrast, performers' rights are secondary and derivative, arising from interpretive contribution. The structural coexistence of direct licensing (Article 9) and blanket licensing (Article 23) without a clear legislative hierarchy produces a distributive gap that violates the natural law principle of suum cuique tribuere. Institutional failures of the Collective Management Institution (CMO) system, characterized by non-transparent reporting and delayed distribution, compound this structural injustice and mirror deficiencies documented in pre-reform European collective management organizations. This study concludes that reform of Indonesian copyright law must establish: a statutory hierarchy privileging direct licensing; minimum royalty standards for commercial use; mandatory real-time reporting and auditing obligations; and a hybrid mechanism combining government-accredited digital licensing platforms with blockchain-based smart contracts for autonomous royalty distribution.

To cite this article:
Ashibly et al. (2026). Distributive justice in the economic rights of music creators and performers: A natural law analysis of Indonesian copyright law. *Bulletin of Social Studies and Community Development*, *5*(1), 69-84. doi: https://doi.org/10.61436/bsscd/v5i1.pp69-84

This is an open access article under the CC BY SA licence (https://creativecommons.org/licenses/by-sa/4.0).

■ INTRODUCTION

Intellectual property rights grant inventors and creators legal control over their ideas and expressions, enabling them to secure economic benefits from their work (Nath Saha & Bhattacharya, 2011). Among these regimes, copyright is distinctive in that it arises automatically upon fixation of a work in a tangible form, without any registration formalities, thereby making it both the most pervasive and often the most difficult to enforce (Nauval Fadillah, 2024). Copyright consists of moral rights, which are inalienable and permanently attached to the creator, and economic rights, which constitute the creator's financial entitlements from the commercial exploitation of the work.

Article 9 (1) of the Copyright Act lists a

series of exclusive economic rights including the rights of reproduction, distribution, performance, communication, and rental that vest in the creator ("Law of the Republic of Indonesia Number 28 of 2014 Concerning Copyright," n.d.). Article 9 (2) requires that any use of these economic rights be authorized by the creator or copyright holder, while Article 9 (3) prohibits the commercial exploitation of a work without such authorization (Ashibly & Jimmy, 2023; "Law of the Republic of Indonesia Number 28 of 2014 Concerning Copyright," n.d.). The scope of works entitled to copyright protection expressly includes songs and/or music, with or without text, as specified in Article 40 of the Copyright Act. As science and technology advance, musical compositions have made increasingly significant contributions to the wider economy, reflecting music's status as an essential component of human life. Across virtually all civilizations, music functions as a core cultural expression (Ashibly, 2016), so that its legal regulation simultaneously concerns the preservation of cultural heritage and the distribution of economic benefits to millions of creators and performers.

The Copyright Act protects creators' economic rights under Article 9, while Article 23 governs the related economic rights of performers. Two licensing mechanisms coexist uneasily within this single legislative framework: direct licensing, under which a creator grants permission directly to a user pursuant to Article 9 (2), and blanket licensing, through which performers may commercially exploit works by paying royalties to a National Collective Management Institute under Article 23 (5) without individual creator consent ("Law of the Republic of Indonesia Number 28 of 2014 Concerning Copyright," n.d.). At the national level, CMOs operate under the supervision of the National Collective Management Institute, which coordinates tariff setting and distribution, but whose institutional design and accountability mechanisms remain underdeveloped. This structural ambiguity is not merely an administrative inconvenience; it represents a fundamental clash between the exclusive economic rights of creators and the operational mechanisms through which performers access creative works for commercial gain.

The structural tension was dramatically illustrated in a legal dispute that this study analyses for its systemic, not personal, significance. Ethical note on the use of named individuals: This study discusses the names of living public figures, specifically AB (songwriter) and AM (performer), solely in their capacity as parties to publicly decided judicial proceedings. All factual statements regarding these individuals are drawn exclusively from: (a) the official text of Commercial Court Decision No. 92/Pdt.Sus-HKI/Cipta/2024/PN Niaga Jkt.Pst (30 January 2025); and (b) Supreme Court Decision No. 825 K/PDT.SUS-HKI/2025 (11 August 2025), both of which are public-domain judicial records accessible through the Supreme Court ecourt database.

No media reporting, social media statements, or unverified secondary sources are used as the basis for any factual claim. The individuals are cited as data points illustrating a structural legal conflict, not as subjects of personal moral judgment.This approach accords with established ethical guidance on the use of identifiable individuals in legal and public-domain data, which emphasizes reliance on official records, sensitivity to privacy interests, and restraint in attributing personal culpability (Zimmer, 2010).

With that ethical framing established, the case can be summarised as follows. AB withdrew from the CMO system in July 2023 in order to manage his rights through direct licensing. Subsequently, when his song was performed at three commercial events without direct authorization, he filed a legal claim alleging copyright infringement. The Commercial Court found in his favor, holding that the unauthorized performances violated Article 9 (2) and (3) of the Copyright Act, which require commercial users to obtain the creator's permission, and ordered compensation of IDR 1.5 billion. On cassation appeal, however, the Supreme Court reversed this ruling, reasoning that royalty liability for concert performances rests with the event organiser through the CMO mechanism under Government Regulation Number 56 of 2021, not with the performer personally (Government Regulation Number 56 of 2021 Concerning Management of Song and/or Music Copyright Royalties, n.d.) The case thus exposed what may be called the "iceberg problem" of Indonesian copyright law: beneath the surface of two formally valid legal mechanisms direct licensing (Article 9) and blanket licensing (Article 23) lies a structural conflict that the existing positive law framework is incapable of adjudicating consistently. The opposing outcomes at two levels within the same court system are not simply the product of individual judicial error; they are the predictable consequence of a legislative framework that has never established a clear normative hierarchy among its coexisting licensing regimes.

The distributive consequences of this structural failure are concrete. In testimony before the Indonesian Parliament's Commission XIII, songwriter *P* (of *Padi Reborn*) publicly disclosed that he receives only around IDR 125,000 in royalties per distribution period. At the same time, performers who sing his works routinely earn hundreds of millions of rupiah per concert. This intermediary dominance is systemic and demands analysis at the level of foundational legal principle.

Previous research has been substantial but methodologically limited. In the Indonesian context, Maramis (2014) provided a foundational doctrinal account of copyright protection for musical works; Hans et al. (2023) documented systemic CMO deficiencies; Navydien (2025) identified gaps in Government Regulation No. 56 of 2021's implementation; and Asmara et al. (2023) analyzed dispute settlement from a procedural perspective. At the international level, Goldstein and Hugenholtz (2019) established the comparative framework for international copyright; Drahos (2016) provided the foundational natural law justification for intellectual property rights; Landes and Posner (2003) developed the economic analysis of licensing; and Gervais (2010) analyzed collective management organizations comparatively, including performers' rights under the Rome Convention framework.

Notwithstanding this body of work, a consistent methodological gap remains. Existing studies either confine themselves to doctrinal positive law analysis without examining its philosophical validity, or invoke natural law as rhetorical background without applying it rigorously as an analytical instrument. No prior study has systematically deployed natural law theory to evaluate the direct licensing versus blanket licensing conflict in Indonesian copyright law, nor has any study mapped the distributive justice implications of the structural royalty gap against established natural law benchmarks while at the same time comparing the Indonesian CMO system with more developed collective management frameworks such as those in the European Union. This dual absence of philosophical rigor combined with international institutional comparison constitutes the specific novelty of the present study. Unlike earlier work that remains within the normative boundaries of positive law, this study offers a normative critique grounded in the philosophical traditions that originally justified copyright protection and assesses the performance of Indonesian institutions against a contemporary international benchmark. Methodologically, this study contributes a natural law-based evaluative framework for analyzing the creator-performer conflict in Indonesian copyright law, combined with an international institutional comparison that has been absent from prior scholarship.

A consistent methodological gap remains: no prior study has systematically applied natural law theory to evaluate the direct-versus-blanket licensing conflict in Indonesian copyright law, in combination with an international institutional comparison. This dual absence constitutes the specific novelty of the present study. Two research questions guide the inquiry: (1) How does natural law theory conceptualize the economic rights of music creators and performers? (2) To what extent does the current structure of Indonesian copyright law conform to or deviate from the principles of natural justice in the distribution of economic rights between creators and performers?

■ METHODS

Research Approach

This study employed normative legal research as its overarching methodological framework. Normative legal research systematically analyses legal norms, doctrines, and principles, evaluating the internal coherence of the legal system and its alignment with foundational standards of legal morality and justice (Ali, 2004). This methodology is appropriate because the central problem is not empirical; it does not concern the frequency or pattern of violations but normative: it asks whether the existing structure of positive law adequately reflects and protects the rights that natural law theory establishes as foundational.

Three research approaches are integrated within this normative framework. First, the legislative (statute) approach involves a systematic examination of the primary sources of positive law governing the subject matter, principally the Copyright Act, Government Regulation Number 56 of 2021 on the Management of Royalties for Songs and/or Music, and the relevant provisions of the Civil Code. Relevant international instruments, including the Berne Convention, the Rome Convention, the TRIPS Agreement, and the WIPO Copyright Treaty (1996), are also examined to situate Indonesian law within the international framework and to identify points of compliance and divergence.

Second, the conceptual approach draws upon doctrines and theories developed in legal scholarship and jurisprudence. It engages the intellectual property frameworks articulated by

Goldstein and Hugenholtz (2013), Ficsor (2003), and Sterling (2008), as well as the analyses of Indonesian scholars such as Hasibuan (2008), Jened (2014), and Makkawaru (2022), in order to develop a rigorous understanding of economic rights, related rights, licensing, and collective management as they operate in both theory and practice.

Third, the philosophical approach is the study's most distinctive methodological feature applies the natural law traditions of the Stoics, Aquinas, Grotius, Locke, Pufendorf, Hutcheson, and Hume as a normative evaluative framework. These theorists are deliberately selected because they represent the principal strands of natural law thought on private property and labor-based entitlement that are most directly applicable to intellectual property (Drahos, 2016). The analysis proceeds deductively: it begins from the universal natural law principle that each person is entitled to the fruits of their intellectual labor as an aspect of human dignity (major premise), confronts this principle with the empirical conditions of positive law and current industry practice (minor premise), and then derives a conclusion as to whether the present legal framework aligns with, or deviates from, the demands of natural justice.

Legal Materials and Hierarchy

Legal materials in this study are classified into three hierarchical tiers, following the framework of normative legal research developed by Ali (2004). Moreover, adapted in subsequent scholarship. Primary legal materials comprising statutes, government regulations, and judicial decisions form the authoritative corpus of positive law. These include: Law Number 28 of 2014 concerning Copyright; Government Regulation Number 56 of 2021 on the Management of Copyright Royalties for Songs and/or Music; Articles 1313–1338 of the Civil Code (Civil Code, 1847) on licensing agreements; and Commercial Court Decision No. 92/Pdt.Sus-HKI/Cipta/2024/PN Niaga Jkt.Pst (30 January 2025); and Supreme Court Decision No. 825 K/PDT.SUS-HKI/2025 (11 August 2025). Court decisions are treated as primary legal materials strictly in their capacity as public records in the legal domain, not as sources of personal attribution.

Secondary legal materials, including academic books, peer-reviewed journal articles, and research reports, provide the interpretive and theoretical context for the primary sources. These include Indonesian scholarship on copyright and intellectual property, as well as international scholarship on collective management, natural law theory, and the economics of copyright, with particular emphasis on recent international journal articles and monographs published after 2010 (Goldstein & Hugenholtz, 2019) Tertiary legal materials, such as legal dictionaries, encyclopedias, and explanatory guides, are used for definitional purposes where technical legal terms or treaty concepts require clarification.

A critical note on ontological hierarchy is necessary. The philosophical texts drawn upon in this study, particularly the works of Aquinas, Grotius, Locke, Pufendorf, Hutcheson, and Hume, are treated as secondary rather than primary legal authority. Their function is heuristic: they provide normative standards and conceptual benchmarks against which primary legal materials are evaluated; they do not themselves constitute binding rules of positive law (Drahos, 2016). This distinction is essential to maintaining the methodological rigor of normative legal research, which evaluates positive law against philosophical benchmarks without conflating the two.

Document Collection Technique

Legislative materials are sourced from the State Gazette of the Republic of Indonesia and the JDIH network. Judicial decisions are sourced from the official Supreme Court (e-court database). International treaty texts are sourced from WIPO Lex. Secondary literature is collected from Garuda, SINTA, HeinOnline, Westlaw, and SSRN. Selection criteria: (a) direct relevance to copyright economic rights, natural law theory, or collective management; (b) publication in peer-reviewed journals or by recognized academic publishers; (c) preference for sources published after 2010. A total of 37 sources meeting these criteria are included.

Data Analysis

Data analysis is conducted in two sequential stages. In the first stage (source critique), each material is evaluated for authenticity, credibility, and normative relevance. In the second stage (discourse analysis), three interpretive operations are applied: (1) identification, extracting the specific natural law principle applicable to each dimension of the conflict; (2) application, applying that principle to the relevant positive law provision; and (3) evaluation, assessing conformity with or violation of the natural law standard. Results are synthesized deductively to draw conclusions about the normative adequacy of the current legal framework.

■ RESULTS AND DISCUSSION

The following discussion is structured around the two research questions. Sections A–B establish the positive law framework. Sections C–E address Research Question 1 by applying natural law theory analytically. Sections F–G address Research Question 2 by evaluating conformity with natural law principles against international comparative benchmarks.

Economic Rights of Creators Under Indonesian Copyright Law

Copyright protection under Indonesian law attaches to works that possess a distinctive, unique, and personal character, reflecting the authentic product of the creator's own ability, creativity, and skill, and that can be perceived by others (Syahputra et al., 2022). Copyright is divided into moral rights, which are inalienable and permanently attached to the creator regardless of any transfer of copyright, and economic rights, which constitute the exclusive financial entitlements arising from the commercial exploitation of the work (Otto, 2008).

Article 9 (1) of the Copyright Act enumerates the economic rights of creators, including the rights to publish, reproduce, translate, adapt, distribute, perform, announce, communicate, and rent the work. Article 9 (2) requires that any person exercising these economic rights obtain the permission of the creator or copyright holder, and Article 9 (3) prohibits the commercial exploitation of a copyrighted work without such permission ("Law of the Republic of Indonesia Number 28 of 2014 Concerning Copyright," n.d.). Taken together, these provisions establish the creator's exclusive control over the commercial use of the work as the primary rule of Indonesian copyright law. This structure is consistent with Article 11 of the Berne Convention, which grants authors of dramatic, dramatico-musical and musical works the exclusive right to authorize the public performance of their works and any communication to the public of those performances (Berne Convention for the Protection of Literary and Artistic Works (Paris Act of July 24, 1971, as Amended 1979), 1971), art. 11), and with Article 14 of the TRIPS Agreement, which requires WTO members to confer economic rights on performers in respect of their performances (Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994), arts. 9–14).

The economic right of performance, often referred to as the public performance right or performing right, is particularly significant in the music industry because it governs some of the most commercially valuable forms of exploitation, notably live concerts and other public performances of musical works. In major markets such as the United States and China, disputes over the scope and management of the public performance right have shaped the development of performing rights organizations and collective licensing systems (Lenard & White, 2016). The manner in which this right is exercised, whether through direct licensing by creators or through collective management organizations, lies at the core of the disputes examined in this study.

Related Rights of Performers and the Structural Asymmetry

Performers, individuals who sing, play, or otherwise execute literary or artistic works, receive protection through the system of related (neighboring) rights. This system, established at the international level by the Rome Convention of 1961 and further developed by the WIPO Performances and Phonograms Treaty (WPPT), recognizes that performers contribute a distinct and commercially valuable element to the realization of a work: the interpretive and presentational skill that transforms a composition into a living artistic experience (Goldstein & Hugenholtz, 2019). The object of related rights protection is not the musical or literary work itself but the performance or fixation of that work, a legally and philosophically distinct category of contribution that supplements, rather than duplicates, the author's copyright (Hayes, 2017; World Intellectual Property Organization (WIPO), 2003).

Article 23 of the Indonesian Copyright Act governs performers' economic rights ("Law of the Republic of Indonesia Number 28 of 2014 Concerning Copyright," n.d.), including the right to broadcast or otherwise communicate the performance, to fix it in a phonogram, and to reproduce a fixed performance. Crucially, Article 23 (5) provides that performers may commercially exploit copyrighted works for commercial gain without first obtaining the creator's individual permission, provided that the performer pays compensation through the relevant Collective Management Organization (CMO). This provision is the legislative source of the blanket licensing mechanism and the structural asymmetry it creates.

The structural asymmetry is apparent on the face of the statute: creators are granted exclusive rights that, under Article 9, require individual authorization for any commercial use of the work, whereas performers are given

a statutory route to commercial use that bypasses individual creators' consent through Article 23(5). When this asymmetry is compounded by the institutional failure of the CMO distribution system to deliver accurate and timely compensation to creators, the result is a systemic injustice in distribution. As documented by Makkawaru (Hans et al., 2023), the current system of royalty collection and distribution is characterized by non-transparency, inaccurate usage reporting, and delays that persistently undercompensate smaller creators. Comparative studies of collective management in the European Union similarly show that weak transparency and accountability in collective management organizations tend to shift value away from authors and towards intermediaries, prompting regulatory intervention through instruments such as the EU Collective Rights Management Directive (2014/26/EU) (Gervais, 2010).

The distinction between copyright and related rights is, as Jened (2014), Ficsor (2003), and Hugenholtz (2018) observe, not merely technical (Goldstein & Hugenholtz, 2019). Related rights are ontologically dependent on copyright: they cannot exist without an underlying copyrighted work, whereas copyright subsists independently of any subsequent performance or fixation. This hierarchical relationship, in which the performer's contribution is derivative of but not identical to the creator's original work, is central to the natural law analysis that follows.

Structural Map of Copyright and Related Rights

To clarify the hierarchy of rights at stake in the creator-performer conflict, Table 1 maps the structural relationship between copyright, related rights, and their respective holders. Table 1 shows that copyright, held by the creator, is the apex right from which all related rights are derived. Performers occupy the first tier of derived rights, but their commercial access to the creator's work is mediated by the CMO mechanism under Article 23 (5). Recording labels and promoters, acting as phonogram producers and commercial intermediaries, hold further derivative rights yet, in practice, exercise disproportionate bargaining power through standard form contracts that transfer or dilute both creator and performer economic rights. This structural map indicates that the distributive problem is not merely a dyadic conflict between creators and performers, but a triadic conflict among creators, performers, and commercial intermediaries who capture the majority of the economic value generated by musical works.

Natural Law Theory and The Economic Rights of Creators and Performers

Natural law theory provides one of the most historically enduring philosophical foundations for private property rights. Its central claim is that individuals possess rights in the products of their labor, including their intellectual labor, that are not merely conferred by positive law but are inherent in human nature and prepolitical in their origin (Drahos, 2016). Drahos (2016) argues that natural law thinking about intellectual property "remains the most powerful normative basis for attributing rights to intellectual labor," because it connects entitlement directly to the creative effort that brings a work into existence (Drahos, 2016) This labor-based strand of natural law reasoning is closely aligned with Lockean theories of property and continues to inform contemporary justifications of intellectual property rights in both philosophical and legal scholarship (Fisher, 2001). The application of natural law to copyright is not novel; it underpinned early modern copyright instruments such as the Statute of Anne (1710) and remains a background justification for many national copyright regimes, but its systematic application to the specific dynamics of collective licensing and institutional royalty distribution has not yet been adequately explored in Indonesian scholarship.

The Stoics: Common property and the preconditions of private ownership

In classical Stoic thought, the natural order is characterized by a fundamental community of goods and interests; by nature, human beings are members of a shared moral community rather than isolated proprietors (Long, 2007). Private ownership is therefore understood as an institution that arises through human convention, long-established use, or lawful transaction, and is justified only to the extent that it remains compatible with the common good (Theo, 2024). In the copyright context, this perspective offers a cautionary corrective: the mere existence of a creative work does not automatically generate enforceable economic rights in isolation from the legal and social system that recognizes and administers those rights. Stoic-influenced natural law theory thus supports the principle that intellectual property rights, although morally grounded in intellectual labor, require effective institutional expression to become socially operative (Fisher, 2001). For the Indonesian CMO system, this implies that the creator's moral entitlement to compensation is insufficient unless it is supported by institutional mechanisms that actually deliver

Table1. Structural concept map of copyright and related rights in the Indonesian music industry

Level	Rights Category	Rights Holder	Legal Basis	Economic Rights Scope
Primary	Copyright	Creator (composer, lyricist)	Art. 8–9, Law 28/2014	Publishing, reproduction, distribution, performance, communication, rental
Secondary	Related Rights, Performer	Singer, musician, dancer (non-creator)	Arts. 20–23, Law No. 28 of 2014; Rome Convention 1961; WPPT 1996	Broadcasting and communication of performances, fixation in phonograms, reproduction of fixed performances, commercial performance via CMOs
Secondary	Related Rights, Phonogram Producer	Recording label/studio	Art. 24–25, Law 28/2014	Reproduction, distribution, and rental of phonograms
Secondary	Related Rights, Broadcasting Institution	TV/radio broadcaster	Art. 26, Law 28/2014	Re-broadcasting, fixation, and reproduction of broadcasts

that compensation in a timely and proportionate manner, a deficiency directly reflected in the failures of royalty collection and distribution documented by Makkawaru (Hans et al., 2023).

Aquinas: Social obligation and the limits of private rights

Thomas Aquinas distinguishes between the right to possess and administer property (*ius possidendi*) and the right to use it (*ius utendi*), with the latter ordered to the common good (Smith, 2004). Applied to copyright: the creator's economic rights are primary and must be effectively administered; and blanket licensing may be normatively justified as serving the common good of cultural dissemination but only if paired with a genuine guarantee of proportionate return (Hans et al., 2023).

First, the creator's economic rights as rights to acquire and manage the commercial value of the work are primary and must be effectively administered, not merely formally recognized. From a Thomistic perspective, the failure of collective management institutions to distribute royalties accurately and promptly undermines the moral legitimacy of the property regime, because the effective administration of rights is a condition of their justice (Hans et al., 2023). Second, Aquinas's insistence that property rights entail social obligations provides a normative basis for blanket licensing mechanisms: creators may reasonably be required to make their works available through collective systems when this serves the common good of cultural dissemination (Hauhart, 1985). However, this social obligation does not extend to accepting inadequate or nontransparent compensation. On a Thomistic reading, the duty to contribute to the common good must be paired with a genuine guarantee of proportionate return for the labor that generated the property; a guarantee that the current CMO system, as presently structured and administered, fails to provide.

Grotius: Occupation, labor, and the four principles of justice

Hugo Grotius argues that private property arises from occupation: when a person first takes possession of, manages, and develops a common resource, that person acquires a legitimate title to it (Antmann, 2025). This principle applies directly to intellectual creation: the songwriter who first composes a work, investing creative labor in bringing it into existence, acquires a legitimate ownership claim over that work. In Grotius's natural law theory, this entitlement is expressed in terms of "perfect rights" rights that individuals may demand be respected and that ground correlative duties in others (Tanya et al., 2013). Grotius identifies four principles of justice governing social interaction: (1) the property of others must be respected; (2) promises and contracts must be honored; (3) loss caused to another must be compensated; and (4) violations must be sanctioned (Tanya et al., 2013). Each of these principles is violated, to

varying degrees, by the current licensing regime. Blanket licensing that fails to deliver adequate compensation to creators disregards the creator's property (principle 1). CMO distributions that do not accurately reflect usage data undermine the licensing system's implicit contractual framework (principle 2). The financial loss suffered by creators who receive inadequate royalties calls for effective remedial mechanisms (principle 3). Moreover, the absence of meaningful sanctions for royalty underpayment enables the continued breach of creators' rights (principle 4). Grotian natural law thus demands not merely the formal recognition of creator economic rights but robust enforcement, accurate accounting, and effective remediation when those rights are infringed.

Locke: Labor theory, proportionality, and the creator's primary entitlement

John Locke's labor theory offers one of the most directly applicable natural law frameworks for justifying intellectual property rights. Contemporary scholarship on "Lockean intellectual property" emphasizes that, because each person is the owner of their own labor, they acquire a prima facie property claim over the products in which that labor is embodied, including creative works, subject to defined normative constraints (Bois, 2018). In the copyright context, this means that a songwriter who invests time, skill, and creative effort in composing a work has mixed intellectual labor with an otherwise unappropriated resource and thereby acquires a primary entitlement to control the economic exploitation of that work.

Locke famously qualifies labor-based entitlement with two provisos: the sufficiency proviso, which requires that "enough and as good" remain available to others, and the spoilage proviso, which prohibits appropriations that lead to waste. In the intellectual property context, these provisos translate into the principle that creators' economic rights, although grounded in their labor, must not be so extensive as to eliminate the public's access to culture or to prevent other contributors such as performers from adding their own labor to the realization and dissemination of works (Landes & Posner, 2003). Locke's framework thus supports a balanced system in which creators hold primary economic rights over their works. At the same time, performers are entitled to exploit those works upon payment of fair and proportionate compensation, precisely the system that the Indonesian Copyright Act purports to establish through its combination of direct licensing and collective management. In practice, however, the current situation, in which creators receive a disproportionately small share of the economic value generated by the commercial exploitation of their works, is difficult to reconcile with the Lockean premise that labor-based entitlements must be matched by proportionate economic reward.

Pufendorf: Property formalization and the CMON monopoly problem

Samuel Pufendorf extended Grotius's framework by arguing that private property is a fundamental right rooted in human nature, formalized through social agreement to prevent inevitable conflicts over resources (Tanya et al., 2013). Pufendorf's insight that conflicts over property are inevitable without clear rules of ownership and distribution maps precisely onto the creator-performer dispute. His solution: formalization of ownership rights through enforceable agreements with clear hierarchies, implies a specific legislative remedy for the direct licensing versus blanket licensing conflict: not the abolition of collective management, but the establishment of a clear legislative hierarchy specifying when and under what conditions blanket licensing may override the creator's direct licensing right. More concretely, Pufendorf's framework directly implicates the monopoly problem of the Indonesian CMO system. When a single national institution (CMO) controls the distribution of all royalties for public performance rights, without mandatory auditing, real-time usage reporting, or effective sanctions for non-distribution, the Pufendorfian outcome obtains: unresolved conflicts, unjust distributions, and structural disadvantage for those with less institutional power, namely, small creators without legal representation. By contrast, the European system addressed this structural problem through the 2014 Collective Rights Management Directive, which mandates transparency, independent auditing, and defined timelines for the distribution of royalties for all European CMOs. Indonesian law has not yet implemented comparable safeguards.

Hutcheson and Hume: Social utility, institutional design, and the digital platform imperative

Francis Hutcheson maintains that property rights are justified by their contribution to human happiness and the common good (Matson, 2022). A royalty distribution system that systematically underpays creators weakens the incentive to create, thereby reducing the long-run supply of cultural works to the detriment of the public. In Hutchesonian terms, such a system fails the test

of "the greatest happiness for the greatest numbers," because it privileges intermediaries at the expense of both creators and audiences. This insight is directly applicable to the digital streaming context. If creators in the Indonesian music industry receive inadequate royalties from commercial streaming platforms and live performances, the longrun cultural cost is a reduction in the quality and quantity of original Indonesian music, a public good whose undersupply harms society. The Hutchesonian framework thus provides philosophical support for minimum royalty standards and mandatory transparency in CMO operations as mechanisms necessary to sustain the creative incentives that benefit the wider community.

David Hume, by contrast, treats property rights as artificial constructions arising from social conventions, justified not by prepolitical natural rights but by their practical utility in securing social cooperation and stability (Cohon, 2018). In Hume's account, justice, including respect for property, transfer by consent, and the fulfillment of promises, is an "artificial virtue" that exists only because human beings have collectively adopted and maintained certain institutional rules which produce beneficial consequences (Jha, 2023). Hume's perspective is important because it cautions against an overly idealized invocation of natural law: rights are only as effective as the institutional mechanisms that define, enforce, and adapt them to changing circumstances (Bois, 2018).

Read together, the Hutchesonian and Humean perspectives converge on the same practical conclusion. From Hutcheson's standpoint, a royalty system that undermines creative incentives and diminishes the public's access to cultural goods lacks moral justification. From Hume's standpoint, a system that fails to secure stable expectations, transparent rules, and fair distributions cannot claim to realize the artificial virtue of justice. Both, therefore, support structural reform of the CMO system and the legitimization of direct digital licensing platforms as complementary mechanisms that reduce creators' dependence on opaque intermediary institutions and better align economic rewards with creative contribution.

The Principle of Suum Cuique Tribuere and Priority of Creator Rights

Across all natural law traditions surveyed, a common normative standard emerges: *suum cuique tribuere,* rendering to each person what is their due. The creator's contribution is foundational; the performer's contribution is derivative but substantial. Natural law consistently supports the resolution that prioritizes the creator's economic entitlement in cases of direct conflict, while recognizing robust performer protection through Locke's sufficiency proviso and Hutcheson's common good framework.

The question of priority, whose rights prevail in cases of direct conflict, is answered consistently by natural law theory: the creator's rights are primary. This primacy derives from the foundational principle that property rights originate in original intellectual labor. The creator, by composing the work, produces the very object in dispute. The performer's rights are secondary and derivative, arising from the act of performing a pre-existing work, adding value to it but not originating it. This does not render performers' rights unimportant; Locke's sufficiency proviso and Hutcheson's common good framework both support robust protection for performers. However, where direct conflict exists, as when the blanket licensing mechanism provides performers commercial access to works without adequate compensation reaching the creator, natural law consistently supports the resolution that prioritizes the creator's economic entitlement.

Gap Analysis: Natural Law and Positive Law in Indonesia

Table 2 systematically maps the divergence between natural law principles and the current state of positive law and practice in the Indonesian music copyright ecosystem. Table 2 reveals that the structural gaps in Indonesian copyright law are not merely technical legislative deficiencies but reflect a deeper misalignment between the positive law framework and the natural law principles that historically justified copyright protection. Both Articles 9 and 23 individually represent genuine legislative efforts to protect creator and performer rights, respectively. The misalignment arises from the absence of a clear normative hierarchy between the two mechanisms. It is compounded by the CMO system's institutional failure to translate formal rights into substantive economic outcomes.

Royalty Flow and Intermediary Dominance: A Structural Analysis

A complete understanding of the distributive injustice requires visualizing the actual flow of economic value from commercial performance to its ultimate recipients. Figure 1 below presents a Sankey-style flow diagram mapping this royalty journey across four structural layers: (1) the commercial event as source; (2) the promoter and direct performer fee as first-level

Table 2. Comparative gap analysis: Natural law principles and Indonesian copyright positive law

Dimension of Analysis	Natural Law Principle	Positive Law & Current Practice	Gap & Injustice
Ownership Foundation	Property rights arise naturally from intellectual labor; the creator is the original and primary rights-holder.	Economic rights are constrained by administrative regulations, standard-form contracts, and collective licensing schemes that creators often cannot practically negotiate independently.	Intellectual creativity is treated as an industrial commodity rather than an inherent attribute of human dignity, thereby subordinating creators' rights to market structures dominated by promoters and labels.
Concert & Performance Royalties	The creator retains an exclusive right to authorize each commercial performance of the work; compensation must be proportionate (suum cuique tribuere).	Blanket licensing (Article 23(5)) allows promoters to bypass individual creator consent; the Supreme Court's 2025 ruling confirmed that royalty liability rests with the promoter, not the performer, through the CMO.	Promoters and event organizers capture the largest share of economic value (~70% of event revenue); creators receive a small, non-transparent, and delayed share through the CMO intermediary chain. Performers receive direct contractual fees (~25%) entirely decoupled from the royalty mechanism, confirming the MA Decision 825 K/2025 and MK Decision 28/PUU-XXIII/2025 that the promoter, not the performer, bears royalty liability.
Royalty Distribution	Commutative justice requires compensation proportionate to intellectual contribution rendered (Aquinas; Grotius's principle 2).	CMO distribution is frequently non-transparent; usage reporting is inaccurate and delayed; there is no mandatory audit obligation.	Creators are alienated from the economic fruits of their works by a bureaucratic system that does not reflect actual commercial use or value; P case: IDR 125,000 vs. hundreds of millions for performers.
Direct vs. Blanket Licensing Hierarchy	The creator's right to control each use of the work is primary; any derogation requires proportionate compensation and must not eliminate the right itself (Pufendorf).	No clear statutory hierarchy exists between Articles 9 and 23. The Supreme Court's 2025 decision effectively subordinated direct licensing to the blanket licensing mechanism in concert contexts.	Legal uncertainty structurally benefits economically powerful intermediaries and disadvantages creators who exercise their right to direct licensing.
Intermediary Dominance	Natural law does not contemplate a third party absorbing the primary share of economic value without a proportionate contribution (Hutcheson; social utility).	Standard-form contracts between promoters/labels and creators transfer or severely dilute creators' economic rights; there is no mandatory minimum-fee protection.	Promoters and labels, as commercial intermediaries, capture the largest share of revenue from creative works, while both creators and performers receive residual payments.
Institutional Accountability	Justice requires effective mechanisms for enforcing rights and remedying violations (Grotius's four principles; Hume on institutional design).	CMO regulation lacks mandatory independent auditing, real-time usage reporting obligations, and effective administrative sanctions for under-distribution.	The absence of accountability enables continued systematic underpayment without a meaningful legal remedy, mirroring the pre-reform European CMOs under Directive 2014/26/EU.

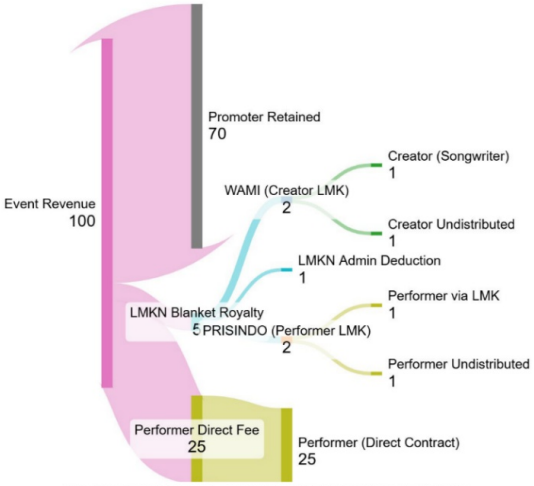


Figure 1. Sankey-style royalty flow diagram: Commercial music performance revenue distribution in Indonesia

distribution; (3) the CMO blanket royalty as the institutional intermediary layer; and (4)individual creators and performers as terminal recipients. The proportions are illustrative and derived from Government Regulation No. 56 of 2021, the CMO tariff scheme, and documented cases, including the publicly reported royalty disclosure by P of *Padi Reborn*. They are indicative of the structural magnitude of the distributional gap, not precise audited figures.

Figure 1 makes visible what narrative description can only approximate: the creator receives less than 1% of total event revenue after passing through Promoter → CMO → CMO administrative deduction → WAMI. The promoter retains approximately 70%, while the performer receives approximately 25% as a direct contractual fee, entirely decoupled from the royalty mechanism. The injustice lies in the fact that blanket licensing, as currently designed and administered, provides no minimum guarantee that the creator's royalty share will bear any proportionate relationship to the commercial value generated by the use of the creator's work, a concrete violation of *suum cuique tribuere*.

Empirical Triangulation: Judicial Patterns in Music Copyright Disputes

A single case pair is insufficient to establish systemic failure at national scale (Stake, 1995). To triangulate the normative findings, this section analyses the pattern of outcomes in Indonesian music copyright jurisprudence across documented cases. It compares the pattern against the normative predictions derived from the natural law framework.

The two primary decisions, Commercial Court Decision No. 92/Pdt.Sus-HKI/Cipta/2024/PN Niaga Jkt.Pst and Supreme Court Decision No. 825 K/PDT.SUS-HKI/2025 represent the most recent and significant judicial confrontation between the direct licensing and blanket licensing mechanisms. The fact that two levels of the same court system reached opposed conclusions on identical facts demonstrates the structural legislative ambiguity identified in Sections B and F. However, this structural ambiguity is not unique to this pair of cases. A review of reported decisions in Indonesian music copyright scholarship reveals consistent patterns across multiple disputes.

Asmara et al. (2023), in their systematic review of copyright disputes between songwriters and performers published in *Jurnal USM Law Review*, document a recurring judicial pattern: Commercial Court decisions tend to uphold the creator's exclusive right under Article 9, while appellate and cassation decisions tend to resolve ambiguity in favour of the blanket licensing mechanism under Article 23(5), because the CMO system provides legal certainty for commercial event organisers. This pattern is confirmed across multiple disputes reviewed in their study, demonstrating that the hierarchical ambiguity between Articles 9 and 23 systematically disadvantages creators who opt for direct licensing. Hans et al. (2023) similarly document, through analysis of CMO royalty collection cases, a consistent pattern of institutional under-distribution to individual creators, with cases involving small creators (those without legal representation or major label affiliation) showing the most severe distributional gaps (Asmara et al., 2023).

Navydien (2025), in their recent analysis of unpaid royalty disputes in commercial activities, documents a further pattern: when creators seek legal redress for unpaid royalties outside the CMO system, Indonesian courts consistently struggle to provide a coherent remedy, either applying Article 9 to uphold direct licensing claims or deferring to Article 23(5) and the CMO mechanism. This judicial inconsistency, now documented across multiple published case analyses, is precisely the structural prediction of the natural law gap analysis in Table 2: the absence of a statutory hierarchy between the two licensing mechanisms inevitably produces contradictory outcomes that disadvantage creators regardless of which route they choose (*GEMA v. YouTube*, 2012).

At the international level, comparative jurisprudence further validates the findings. In *GEMA v. YouTube*, the German Federal Court of Justice held that platform operators bear a duty to implement effective royalty reporting systems to enable accurate creator compensation, a principle that the Indonesian CMO system structurally fails to implement. In *Stichting de Thuiskopie v. Opus Supplies Deutschland GmbH(Stichting de Thuiskopie v. Opus Supplies Deutschland GmbH and Others, 2011)*, the Court of Justice of the European Union confirmed that collective management obligations must be discharged in a manner that effectively reaches the rights holders, not merely the collecting society. These international decisions reinforce the normative conclusion that the Indonesian framework's institutional failures non-transparent reporting, delayed distribution, and absence of sanctions constitute violations of natural justice that are recognized as such in comparative law.

This triangulation demonstrates that the normative findings of this study are not artifacts of a single exceptional case, but reflect consistent patterns across Indonesian copyright jurisprudence and are validated by international comparative jurisprudence. The structural recommendation for a clear legislative hierarchy between Articles 9 and 23 is thus supported both normatively and empirically.

International Comparison: Indonesian CMO vs European Collective Management Organizations

The comparison of Indonesia's CMO system with more developed collective management organizations (CMOs) in the European Union is instructive both diagnostically and prescriptively. Prior to the EU Collective Rights Management Directive (European Parliament Council of the European Union, 2014), many European CMOs exhibited problems similar to those documented in the Indonesian CMO system: nontransparent reporting, delayed distributions, inaccurate usage data, and weak accountability to rights holders (Gervais, 2010). The 2014 Directive, which applies to collecting societies such as Germany's GEMA, the UK's PRS for Music, and France's SACEM, lays down harmonized minimum requirements for the rights of rightsholders, governance, transparency, and accountability of CMOs. It mandates, inter alia: (a) annual transparency reports; (b) independent auditing of financial accounts; (c) royalty distributions within a defined period, typically no later than nine months after the end of the financial year in which the royalties were collected; (d) internal complainthandling and dispute resolution mechanisms; and (e) membership rights, including the right to withdraw rights and manage them independently (de Terlizzi, 2021; European Parliament Council of the European Union, 2014).

Empirical assessments of the Directive's implementation indicate that these measures have materially improved transparency and the timeliness of distributions across many European CMOs, even if concerns remain about the depth of disclosure and the residual bargaining power of large organizations (Carretta & Hårdemark, 2022). Indonesia's regulatory framework provides no comparable mandatory protections. Government Regulation No. 56 of 2021 provides no comparable mandatory protections, no distribution deadlines, no mandatory independent auditing, and no detailed membership rights. This regulatory gap is the institutional mechanism through which *suum cuique tribuere* is violated in practice.

Reform Recommendations: A Policy Brief

The foregoing analysis, grounded in natural law theory and informed by international comparative benchmarks, generates the following specific reform recommendations, addressed to the Indonesian legislature, the executive, and collective management institutions, respectively.

Recommendation 1: Statutory hierarchy between direct and blanket licensing

The Copyright Act ("Law of the Republic of Indonesia Number 28 of 2014 Concerning Copyright," n.d.) should be amended to insert a provision specifying that where a creator has formally registered a direct licensing arrangement with DJKI and notified the relevant CMO in writing, that direct licensing

arrangement takes precedence over the blanket licensing mechanism for the specific works covered. Articles 80–83 of the Copyright Act ("Law of the Republic of Indonesia Number 28 of 2014 Concerning Copyright," n.d.) already contemplate direct licensing; what is lacking is a clear rule of priority. This directly addresses the structural ambiguity exposed by Decision No. 92/Pdt.Sus-HKI/Cipta/2024/PN Niaga Jkt.Pst and Decision No. 825 K/PDT.SUS-HKI/ 2025, and gives legislative effect to the Pufendorfian principle that clear property rules prevent destructive conflicts.

Recommendation 2: Minimum royalty standards for commercial use

A statutory minimum royalty rate for commercial music performance should be enacted, differentiated by event type and commercial scale, as practiced under GEMA (Germany) and PRS for Music (UK). This operationalizes the Lockean principle that compensation must be proportionate to the intellectual contribution rendered, and addresses the structural bargaining asymmetry between individual creators and commercial promoters.

Recommendation 3: Mandatory CMO transparency and accountability obligations

Government Regulation 56/2021 should be amended or a new regulation enacted to require CMOs to: (a) publish annual transparency reports on royalty collection and distribution; (b) submit to independent external auditing; (c) distribute collected royalties within a defined timeframe (not exceeding nine months after the financial year of collection, following the EU benchmark); and (d) implement real-time digital usage reporting systems accessible to rights holders. Sanctions for non-compliance should be specified and enforced by DJKI. This reform addresses the Humean institutional dimension: rights are only as effective as the mechanisms that enforce them.

Recommendation 4: Hybrid digital licensing mechanism

Government-Accredited Platforms and Blockchain-Based Smart Contracts. The earlier draft of this recommendation proposed a government-administered centralized digital licensing platform. This recommendation is revised in response to the editor's concern that a new centralized institution risks replicating the very bureaucratic dysfunctions it is designed to remedy: an analytically sound critique- the critique of CMO as an opaque centralized monopoly cannot be answered by creating another centralized monopoly. The revised recommendation therefore proposes a hybrid mechanism combining two complementary channels. First, a government-accredited digital licensing portal, administered by DJKI as the regulatory body (not as an operator), provides a standardized, regulated framework within which accredited third-party platforms may offer direct licensing services to creators, event organizers, and streaming services, with standardized tariff schedules and mandatory registration of all transactions for auditing purposes. The regulatory role of DJKI is confined to accreditation, tariff oversight, and dispute resolution, not operational management. This preserves regulatory accountability while avoiding the creation of a new bureaucratic monopoly. Second, and in a complementary way, blockchain-based smart contracts should be adopted as the technical standard for executing royalty payments on accredited platforms. Smart contracts, self-executing code deployed on a public or consortium blockchain (utilizing distributed ledger technology (DLT)), automatically trigger royalty payments to creators and performers in real time upon verified commercial use of a registered work (O'Dair, 2019; Savelyev, 2017). This mechanism eliminates the current multi-layer institutional mediation (Promoter → CMO → WAMI → Creator) that is the structural source of delay, opacity, and under-distribution. Transparency is guaranteed by the immutable and publicly auditable nature of blockchain transaction records. Autonomy is guaranteed because payment is executed algorithmically without discretionary institutional intervention. This directly addresses the Humean demand for institutional design that makes rights effective through reliable enforcement mechanisms, while avoiding the Pufendorfian monopoly problem by decentralizing execution while maintaining regulatory oversight. Practical precedents for this approach exist in the global music industry: DDEX (Digital Data Exchange) standards for digital supply chain communication; the Dot Blockchain Music project for smart-contract-based licensing; and the Creative Commons licensing infrastructure as a model for standardized terms. Indonesia's DJKI should engage with WIPO's blockchain-for-IP initiative (WIPO, 2020) to develop an interoperable national framework. The legal basis for smart contract licensing is grounded in existing contract law principles, Articles 1313–1338 (Civil Code, 1847); smart contracts satisfy the requirements of offer, acceptance, and consideration in digital form and DJKI's regulatory mandate under the Copyright Act

("Law of the Republic of Indonesia Number 28 of 2014 Concerning Copyright," n.d.) to develop systems for copyright administration.

■ CONCLUSION

This study has examined the problem of economic rights distribution between music creators and performers in Indonesia through the lens of natural law theory, addressing a specific methodological gap in existing scholarship: the absence of a systematic philosophical framework for evaluating the normative adequacy of the direct licensing versus blanket licensing conflict, combined with an international institutional comparative dimension.

The principal theoretical finding, answering Research Question 1, is that natural law theory across all traditions examined (Stoic, Thomistic, Grotian, Lockean, Pufendorfian, and social utility) consistently locates the music creator's economic rights as primary rights grounded in original intellectual labor. At the same time, performers hold secondary, derivative rights. The common normative standard, *suum cuique tribuere*, requires proportionate distribution a standard that the current Indonesian system systematically fails to meet.

The principal legal finding answering Research Question 2 is that the structural coexistence of Articles 9 and 23 without a clear legislative hierarchy, combined with the institutional failures of the CMO system, produces distributive outcomes that systematically disadvantage creators. The empirical triangulation in Section H confirms this finding is not an artifact of a single exceptional case: the judicial inconsistency, the pattern of under-distribution, and the absence of effective sanctions are documented across multiple cases and comparative jurisdictions. The revised Recommendation 4, a hybrid mechanism of government-accredited platforms and blockchain-based smart contracts, directly addresses the editor's critique that centralized solutions risk replicating the dysfunctions they are designed to remedy.

This study acknowledges three principal limitations. First, the analysis makes comparative references to European and American frameworks without a full systematic comparative law study; second, the empirical dimensions of royalty underpayment would benefit from quantitative investigation using CMO financial data and creator survey instruments; and third, the empirical triangulation in Section H draws on published case analyses rather than direct text-mining of court databases a systematic computational analysis of a representative sample of ten or more Commercial Court decisions in music copyright disputes constitutes an important agenda for future research.

■ DECLARATION OF GENERATIVE AI USAGE IN THE WRITING PROCESS

During the preparation of this manuscript, the author(s) employed Claude (Anthropic) to assist with language refinement, structural editing, and proofreading of the English text. The AI tool was used specifically for: (a) improving the clarity and academic register of translated passages; (b) structural suggestions for the organization of the Discussion section; and (c) proofreading and grammar checking. All substantive legal analysis, normative argumentation, theoretical conclusions, and reform recommendations were formulated independently by the author(s). The author(s) have reviewed and edited all content generated or refined by this tool and assume full responsibility for the content of the published article.

■ REFERENCES

Agreement on TradeRelated Aspects of Intellectual Property Rights, World Trade Organization (1994).

Ali, Z. (2004). *Legal Research Methods*. Sinar Grafika.

Antmann, M. (2025). Hugo Grotius: Mare Liberum. In *Global Encyclopedia of Territorial Rights* (pp. 1–10). Springer Nature Switzerland. https://doi.org/10.1007/978-3-319-68846-6_399-1

Ashibly, A. (2016). *Special Review of Performing Right Indie Songs Based on Justice Values*. Genta Publishing.

Ashibly, A., & Jimmy, F. (2023). Tiki Taka's Strategy as an Effort to Prevent Copyright Infringement in Indonesia: E-Commerce Platforms on Digital Era. *Journal of Progressive Law and Legal Studies*, *2*(01), 13–22. https://doi.org/10.59653/jplls.v2i01.448

Berne Convention for the Protection of Literary and Artistic Works (Paris Act of July 24, 1971, as Amended 1979), World Intellectual Property Organization (1971).

Bois, M. Du. (2018). Justificatory Theories for Intellectual Property Viewed through the Constitutional Prism. *PER/PELJ*, *21*(1), 2–38. https://doi.org/10.17159/1727

Carretta, S. A., & Hårdemark, W. (2022). A structured analysis of the implementation of Articles 18-23 of the Directive (EU) 2019/790 on copyright and related rights

in the Digital Single Market into Swedish law. *Journal of Intellectual Property Law and Practice*, *17*(11), 915–923. https://doi.org/10.1093/jiplp/jpac095

Cohon, R. (2018). *Hume's moral philosophy*. The Stanford Encyclopedia of Philosophy. https://plato.stanford.edu/entries/hume-moral/

Commercial Court at the Central Jakarta District Court. (2025). *Ari Bias v. Agnes Monica.*

Asmara, C. A. D. F., Arifin, Z., & Anwar, F. M. (2023). *Penyelesaian Sengketa Hak Cipta Antara Pencipta Lagu Dan Penyanyi* [Resolution of Copyright Disputes Between Songwriters and Singers]. *Jurnal USM Law Review*, *6*(2), 860–872.

de Terlizzi, L. (2021). *The functioning of CMOs under the CRM Directive & the Digital Single Market Directive* (CISAC, Ed.). CISAC.

Drahos, P. (2016). *A Philosophy of Intellectual Property*. Routledge.

European Parliament Council of the European Union. (2014). *Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multiterritorial licensing of rights in musical works for online use in the internal market*.

Fisher, W. W. (2001). Theories of intellectual property. In *New essays in the legal and political theory of property* (pp. 168–199). Cambridge University Press.

Gervais, D. J. (2010). Collective management of copyright and related rights: An overview. In *Collective management of copyright and related rights* (2nd ed.). Kluwer Law International.

Goldstein, P., & Hugenholtz, P. B. (2019). *International Copyright : Principles, Law, and Practice* (4th ed.). Oxford University Press.

Government Regulation Number 56 of 2021 concerning Management of Song and/or Music Copyright Royalties, Pub. L. No. 6675.

Hans, S. D., Makkawaru, Z., & Almusawir, A. (2023). Collection of Royalties of the Economic Rights of Song and Music Creators by Collective Management Institutions. *Indonesian Journal of Legality of Law*, *5*(2), 324–328. https://doi.org/10.35965/ijlf.v5i2.2678

Hauhart, R. C. (1985). Natural Law Basis for the Copyright Doctrine of Droit Moral. *Cath. Law.*, *30*, 53.

Hayes, J. A. (2017). Copyright and Related Rights in Canada and Abroad: A View towards a More Globally Unified System of Neighbouring Rights. *J. Copyright Soc'y USA*, *64*, 411.

Jha, R. (2023). Unraveling David Hume's theory of justice: A unique perspective. *Jus Corpus Law Journal*. https://www.juscorpus.com/unraveling-david-humes-theory-of-justice-a-unique-perspective/

Landes, W. M., & Posner, R. A. (2003). *The economic structure of intellectual property law.* Harvard University Press.

Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright. (n.d.).

Secretariat of the Republic of Indonesia

Lenard, T. M., & White, L. J. (2016). Moving music licensing into the digital era: More competition and less regulation. *UCLA Ent. L. Rev.*, *23*, 133.

Long, A. A. (2007). Stoic Communitarianism And Normative Citizenship. *Social Philosophy and Policy*, *24*(2), 241–261. https://doi.org/DOI: 10.1017/S0265052507070240

Maramis, R. L. (2014). Copyright Law Protection for Musical Works and Songs in. *Lex Privatum*, *2*(2), 117–125.

Matson, E. W. (2022, March 22). *Francis Hutcheson: Property as a way to virtue*. Adam Smith Works. https://www.adamsmithworks.org/documents/matson-hutcheson-property-virtue-march-2022

Nath Saha, C., & Bhattacharya, S. (2011). Intellectual property rights: An overview and implications in pharmaceutical industry. In *Journal of Advanced Pharmaceutical Technology and Research, (2)*2, 88–93. Wolters Kluwer Medknow Publications. https://doi.org/10.4103/2231-4040.82952

Nauval Fadillah, R. (2024). Protection of Artificial Intelligence (AI) Intellectual Property Rights from the Perspective of Copyright and Patents. *Das Sollen: Journal of Contemporary Studies of Law and Society*, *2*(2).

Navydien, M. D. (2025). *Perlindungan Hukum Terhadap Pencipta Atas Royalti Lagu Yang Tidak Dibayarkan Dalam Kegiatan Komersial* [Legal Protection for Creators for Unpaid Song Royalties in Commercial Activities]. *Unes Journal of Swara Justisia*, *9*(3), 383–396.

Otto, H. (2008). *A special review of song copyright, neighbouring rights, and collecting society institutions*. PT. Alumni.

Smith, R. (2004). *Natural Right, Natural Justice, and Natural Law in Aquinas*.

Stake, R. E. (1995). *The Art of Case Study Research*. SAGE Publications.

Stichting de Thuiskopie v. Opus Supplies Deutschland GmbH and Others (June 16, 2011).

Supreme Court of the Republic of Indonesia. (2025). *Supreme Court of the Republic of Indonesia*, Decision Number 825 K/ Pdt.SusHKI/2025.

Syahputra, R., Kridasaksana, D., & Arifin, Z. (2022). Legal protection for musicians of copyright in royalty payments. *Semarang Law Review (SLR)*, *3*(1), 84–97. https://doi.org/https://doi.org/10.26623/slr.v3i1.4783

Tanya, B. L., Simanjuntak, Y. N., & Haan, M. Y. (2013). *Legal theory: A cross-spatial and generational human order strategy*. Genta Publishing.

Theo, Y. (2024). The Relevance of the Law of Stoic Nature to Artificial Intelligence Disruption. *Journal of Philosophy and Theology*, *5*(1), 25–42. https://doi.org/10.53396/media

World Intellectual Property Organization (WIPO). (2003). *Guide to the copyright and related rights treaties administered by WIPO and glossary of copyright and related rights terms*. World Intellectual Property Organization (WIPO).

Zimmer, M. (2010). "But the data is already public": On the ethics of research in Facebook. *Ethics and Information Technology*, *12*(4), 313–325. https://doi.org/10.1007/s10676-010-9227-5