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Legal Protection for Copyright Holders against Unauthorized Song Use: A Study of Case Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt.Pst

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ABSTRACT

Copyright protection for musical works is a vital aspect of the music industry. However, the practice of using songs commercially without the creator's authorization remains a significant problem that violates both economic and moral rights. This research aims to analyze the scope of legal protection for song copyrights under Law Number 28 of 2014 and the challenges of its enforcement. It also critically examines the Panel of Judges' legal reasoning in Case Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt.Pst concerning the determination of the Performer's liability and the application of civil sanctions. This normative legal research employs a qualitative analysis of primary and secondary legal materials, drawing on statutory, case, and conceptual approaches. The findings indicate that although Law Number 28 of 2014 provides a robust basis for protection, various enforcement challenges persist. Case Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt.Pst affirmed the occurrence of copyright infringement by the Performer. The ruling found the Performer liable despite the presence of an organizer. It also imposed economic damage sanctions by referencing parameters within criminal provisions. However, the court rejected the claim for moral rights damages for lack of proof. This case has implications for affirming the Performer's liability and the paradigm for imposing sanctions in song copyright disputes. It also promotes increased legal awareness within the Indonesian music industry.

Keywords: Copyright Infringement; Legal Protection; Performer's Liability; Song Copyright.

INTRODUCTION

The creative industry, particularly the music sector, plays a crucial role in shaping cultural identity and contributing significantly to the national economy. In Indonesia, the diversity of artistic expression, including music and songs, is not only a reflection of societal dynamics but also an intellectual asset requiring adequate legal protection (Atsar, 2017). This protection is manifested through the copyright regime, which is designed to recognize and incentivize creators. It also balances creators' interests with public access to copyrighted works. Without adequate legal safeguards, the economic potential of creative works can be eroded by unauthorized use. This, in turn, may disincentivize creation and damage the creative industry ecosystem as a whole (Febriantini, 2022). Therefore, a thorough understanding of the normative framework and copyright enforcement practices is essential, especially when addressing the dynamics of musical work utilization in the contemporary era.

The primary legal basis for copyright protection in Indonesia is stipulated in Law Number 28 of 2014. This Law comprehensively governs the exclusive rights vested in creators over their works, which encompass two primary dimensions: moral rights and economic rights. Moral rights pertain to the attribution of authorship and the integrity of the work. Conversely, economic rights grant creators exclusive control to derive financial benefits from the commercial exploitation of their work (Purnamasari et al., 2023). As Supramono (2010) expressed, the essence of a creative work is not limited merely to the personal enjoyment of its creator. However, it is intended to benefit society at large. However, the creator's limited capacity to distribute their

works on a large scale underscores the urgency of a robust legal protection system to prevent third-party misappropriation. Thus, this Law functions as a juridical instrument that safeguards the originality, integrity, and economic value of every creative work, including songs and music.

Despite a legal framework for copyright protection, copyright infringement in the music sector remains a frequent occurrence. It is particularly true regarding the unauthorized commercial use of songs by creators or copyright holders, which results in significant damages. The practice of exploiting songs without a valid license in various forms poses a serious challenge to copyright enforcement. These forms range from live performances or large-scale concerts and use as background music in commercial public spaces (Dimiyati, 2015; Harwanto, 2023), to reproduction and distribution via digital platforms (Alpiani et al., 2023). Such infringements not only violate the economic rights of creators, who are entitled to royalties or financial remuneration for the use of their work, but also potentially disregard their moral rights to receive attribution for their work. The prevalence of these violations suggests the presence of complex factors affecting the effectiveness of existing legal protection (Abya et al., 2024).

The various challenges in copyright enforcement in Indonesia are a significant discourse requiring sustained attention. These constraints span a broad spectrum. They range from the level of legal awareness and understanding among the public and music industry stakeholders regarding the importance of respecting copyright (Setiono & Bramantyo, 2023) to institutional aspects such as the optimization of the role of the National Collective Management Organization (NCMO) and law enforcement agencies (Hernawati, 2019). Furthermore, the dynamics of digital technological development pose distinct challenges for monitoring and prosecuting copyright infringement in the online domain (Supriyadi, 2024). The effectiveness of law enforcement depends not only on the quality of its legal substance but also on the synergy between existing legal structures, the public's legal culture, and the consistency and resoluteness of law enforcement agencies in handling every infringement case (Ingarasi & Suwigno, 2022). Without comprehensive efforts to address these challenges, the protective guarantees mandated by Law Number 28 of 2014 will be difficult to achieve fully.

In the context of law enforcement efforts and the pursuit of justice for copyright holders, judicial decisions play a central role. They serve as concrete instruments for applying legal norms and shaping jurisprudence. An analysis of judicial decisions in copyright disputes can provide a deeper understanding of how the Panel of Judges interprets statutory provisions, assesses evidence, and imposes sanctions on infringers. One relevant case for examination is the song copyright infringement dispute involving songwriter Arie Sapta Hernawan (Ari Bias) and performer Agnes Monica Muljoto (Agnes Monica), as documented in Case Number 92/Pdt.Sus-HKI/Copyright/2024/

PN Niaga Jkt.Pst. This case is compelling because it involves the commercial use of a song in a concert by a well-known artist without the creator's authorization. It also involves the Panel of Judges' legal reasoning regarding the performer's liability and the basis for awarding damages.

Previous research has contributed to the understanding of copyright protection in Indonesia. For instance, [Adnan \(2022\)](#) highlighted aspects of copyright infringement through unauthorized song sales, and [Ariant \(2022\)](#) analyzed government policies addressing the illegal downloading of musical works via online media. This study, however, will adopt a more specific and in-depth focus on the case of copyright infringement involving songs used commercially in concerts without authorization. It will emphasize a juridical analysis of the Panel of Judges' legal reasoning in Case Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt.Pst.

Based on the preceding discussion, this study has two primary objectives. *First*, it seeks to analyze the scope of legal protection for song creators against the unauthorized commercial use of their works under Law Number 28 of 2014, as well as the complexities of its enforcement. *Second*, the study aims to critically analyze the Panel of Judges' legal reasoning in Case Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt.Pst. This analysis concerns the determination of the performer's liability for copyright infringement arising from the unauthorized commercial use of songs, as well as the basis for imposing and applying civil sanctions. This analysis is expected to provide a comprehensive understanding of the legal protection and enforcement of song copyright within Indonesian judicial practice.

METHOD

This research is fundamentally normative legal research, which examines law as a system of norms and rules applicable in society, with a primary focus on analyzing written legal materials ([Qamar & Rezah, 2020](#)). To comprehensively achieve the research objectives, several relevant and complementary approaches are utilized. The statute approach is applied to thoroughly review the various provisions of related laws and regulations governing song copyright protection, the commercial use of works, and the application of sanctions. Central to this study is the case approach, manifested in an in-depth analysis of judicial decisions to examine the application of law in concrete song copyright infringement disputes. Furthermore, the conceptual approach is used to understand and elaborate on key concepts in copyright law. These concepts, such as exclusive rights, moral rights, economic rights, copyright infringement, licensing, and civil sanctions, serve as the theoretical foundation for the analysis.

The legal materials used in this research consist of primary legal materials and secondary legal materials ([Sampara & Husen, 2016](#)). Primary legal materials, as the

main authoritative sources, include Law Number 28 of 2014 and the Civil Code. The latter is particularly relevant regarding the principles of unlawful acts and damages applicable in the copyright infringement context. These materials also include Case Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt.Pst as the primary case study object, as well as various other laws and regulations directly relevant to the researched issue. Secondary legal materials, which provide explanations and analysis of the primary legal materials, include legal literature such as textbooks, reputable legal and scientific journals, scholarly articles, doctrines, and the views of intellectual property law experts, as well as relevant previous research. All these legal materials were collected through comprehensive library research and meticulous document study, particularly of the court decision files.

Given the descriptive-analytical nature of this research, the legal material analysis technique employed is qualitative. It emphasizes an in-depth interpretation of the meaning contained within legal norms and facts (Irwansyah, 2020). This qualitative analysis is implemented through several methodological stages. *First*, legal interpretation is applied to understand the prescriptive meaning of the relevant laws and regulations, as well as the Panel of Judges' legal reasoning in the analyzed case. *Second*, legal reasoning is used to construct arguments and draw logical, systematic legal conclusions based on existing norms and the legal facts of the case study. *Third*, content analysis is explicitly conducted on Case Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt.Pst to identify the parties' arguments, the Panel of Judges' legal reasoning (*ratio decidendi*), and the basis for the ruling. *Finally*, the entire process is supported by critical description and evaluation. The findings are systematically described and then critically evaluated to assess the consistency of legal application and address the research problems. By detailing and applying these methodological aspects, this research is designed to logically and systematically address each formulated research objective. Consequently, it aims to produce a comprehensive and in-depth analysis of the legal protection of song copyrights and the application of sanctions in judicial practice.

RESULTS AND DISCUSSION

A. The Normative Framework for Legal Protection of Song Copyrights in Indonesia

Legal protection for song copyrights is a fundamental element in the music industry ecosystem and a manifestation of the state's recognition of its citizens' intellectual expressions. In the global context, Indonesia's commitment as a member of the World Trade Organization (WTO) to adopt and implement the provisions of the TRIPs Agreement provides a solid international foundation for strengthening

the national intellectual property system, including copyright (Simbolon, 2023). The juridical consequence of this commitment is the obligation to provide adequate protection standards and effective law enforcement mechanisms (Mafulah, 2020).

At the national level, Law Number 28 of 2014 serves as the primary legal instrument comprehensively governing the protection of creators and their creative works. Article 1 point 1 of this Law affirms that copyright is an exclusive right. This right arises automatically under the declaratory principle once a work is manifested in a tangible form, meaning it does not require registration to obtain protection. Nevertheless, the recordation of a work at the Directorate General of Intellectual Property (DGIP), as stipulated in Article 64 through Article 73 of this Law, holds an important function. It serves as strong preliminary evidence regarding copyright ownership.

The exclusive rights granted by Law Number 28 of 2014 to song creators encompass two main, inseparable aspects: moral rights and economic rights. Moral rights, as stipulated in Article 5 of this Law, are perpetually vested in the creator. These rights include, among others, having their name associated with the work or using a pseudonym. They also include the right to defend the work's integrity against distortion, mutilation, or modifications detrimental to their honor or reputation, and the right to alter the work in accordance with societal propriety. On the other hand, economic rights, which are detailed in Article 8 and Article 9 of this Law, provide the creator or copyright holder with complete control to derive economic benefits from their work. These economic rights cover a series of exclusive acts, such as publication, reproduction in all forms, translation, adaptation, distribution, public performance, announcement, communication, and rental of the work. The essence of this legal protection is that a creative work is not intended merely for the creator's individual enjoyment, but also for utilization by the general public (Mahartha, 2018). Consequently, a robust legal system is required. This system is necessary to prevent exploitation that harms creators, which can result from their limited capacity to manage the mass use of their work.

The infringement of song copyrights, particularly in the context of unauthorized commercial exploitation, is a serious problem that violates both the economic and moral rights of the creator. This form of infringement is highly varied. It ranges from illegal reproduction in physical or digital forms and unauthorized distribution, to the public performance or commercial use of a song in concerts or other public services without obtaining a license or prior permission from the creator or copyright holder. Any act of economic rights exploitation, as detailed in Article 9 section (1) of Law Number 28 of 2014, conducted without the creator's or copyright holder's consent, categorically constitutes an act of copyright infringement.

The impact of this infringement is multidimensional. Economically, the creator loses potential revenue from royalties or licensing fees to which they are entitled (Hasyim et al., 2023). Meanwhile, morally, the disregard for fundamental rights, such as the right of attribution, can diminish the creator's dignity and reputation. The juridical consequences of copyright infringement give rise to both civil and criminal sanctions (Firdausy & Mahanani, 2021). Civil sanctions take the form of damage claims based on the principle of unlawful acts, as can be inferred from the essence of Article 1365 of the Civil Code and as stipulated in Article 96 and Article 99 of Law Number 28 of 2014. Concurrently, criminal sanctions are regulated explicitly in Chapter XVII of Law Number 28 of 2014, indicating the state's seriousness in protecting creators' rights.

To facilitate the lawful use of creative works and ensure creators receive fair remuneration for their use, Law Number 28 of 2014 and its implementing regulations, including Government Regulation Number 56 of 2021, have established a licensing mechanism. Article 1 point 20 of Law Number 28 of 2014, explains that:

"License is a written permission granted by the Copyright Holder or Related Rights Owner to another party to perform economic rights on their Work or Related Rights product under certain conditions."

In practice, this license can be obtained through two main channels. *First*, through direct licensing from the creator or copyright holder (Situmeang & Kusmayanti, 2020). *Second*, through a Collective Management Organization (CMO) or the NCMO, which is authorized under Chapter XII of Law Number 28 of 2014. The existence of CMOs/NCMOs is expected to simplify the licensing process for users and optimize the collection and distribution of royalties for creators. However, the dynamic interaction between the direct licensing model sought by some creators and the legally mandated collective system sometimes creates distinct discourse on efficiency and legal certainty for all parties involved.

Although the normative framework for song copyright protection in Indonesia is quite comprehensive, its implementation and enforcement in practice still face complex multidimensional challenges. One of the main obstacles is the level of legal awareness and understanding among the public, including business actors in the music and entertainment industries, regarding the importance of respecting copyright and adhering to licensing procedures. The view that creative works are in the public domain, or a lack of understanding of the legal consequences of copyright infringement, contributes to the persistence of infringing practices.

From an institutional perspective, law enforcement agencies' effectiveness in handling copyright disputes—from the investigation stage to the execution of judgments—still requires capacity building and resource enhancement. The

optimization of the CMO/NCMO's role in performing its functions transparently and accountably also remains a crucial factor under continuous evaluation. Meanwhile, technological advancements, while opening up broader spaces for creativity and distribution, also give rise to new modes of infringement that are more difficult to track and prosecute, such as illegal dissemination via the internet and digital platforms. Overcoming these challenges requires a holistic approach. It involves not only regulatory refinement but also continuous public education, institutional capacity building, and synergistic collaboration among stakeholders to create a music industry ecosystem that effectively respects and protects copyright.

B. The Panel of Judges' Legal Reasoning on Unauthorized Song Use in Case Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt.Pst

The analysis of Case Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt. Pst is central to this research. It provides an understanding of how copyright law norms are applied in concrete disputes, particularly regarding the unauthorized use of songs in commercial performances. This case involved Arie Sapta Hernawan (Plaintiff), a well-known composer, against Agnes Monika (Defendant), an international artist and performer, and PT Aneka Bintang Gading (Co-Defendant), the business entity that organized the Defendant's concert series. The object of the dispute was the Plaintiff's song titled "*Bilang Saja*." This song was allegedly used commercially by the Defendant in three concerts in Surabaya, Jakarta, and Bandung in May 2023 without the Plaintiff's permission or license. In the merits of the case, the Plaintiff demanded a declaration of copyright infringement, economic damages of IDR 1.5 billion, and moral rights damages of IDR 1 billion. Meanwhile, the Defendant filed a series of formal objections and denials to the main claim in their response. The core arguments were that responsibility for licensing and royalty payments rested with the Co-Defendant and that the Plaintiff's direct licensing system contradicted the NCMO mechanism.

Before examining the merits of the case, the Panel of Judges meticulously considered and ruled on the Defendant's objections. Regarding the objection for misidentification of a party (*error in persona*) concerning the misspelling of the Defendant's name—where the Plaintiff wrote "Agnes Monica Muljoto (Agnez Mo)" while the Defendant asserted her official name is "Agnes Monika"—the Panel of Judges opined that this discrepancy did not render the lawsuit formally defective. This legal reasoning was based on the fact that the Defendant duly received the notice of summons (*relaas*). The Defendant subsequently consciously participated in the entire court proceeding and submitted her response. Thus, there was no ambiguity regarding the legal subject being sued. Similarly, the Panel of Judges rejected the error in the persona objection, which argued that PT Aneka Bintang Gading, as the organizer, should have been named as a Defendant rather than

merely a Co-Defendant. By referencing Decision Number 2824K/Pdt/2000 and the civil procedural principle of legal standing (*legitima persona standi in iudicio*), the Panel of Judges affirmed that it is the Plaintiff's prerogative right to determine which parties to include as Defendants in their case.

Furthermore, the Panel of Judges also declared the objection of vague pleading (*obscur libel*) to be baseless. This objection was based on the Defendant's arguments that the Plaintiff's claim for "damages" referencing Article 113 of Law Number 28 of 2014 was erroneous. The Defendant also argued that the claimed amount did not align with NCMO tariffs and that damages for moral rights are not regulated in Law Number 28 of 2014. The Panel of Judges assessed that the Plaintiff had clearly detailed the factual basis of the lawsuit, namely the unauthorized use of the song in three specific concerts. The Plaintiff also clearly stated the legal basis, Article 9 section (2) of Law Number 28 of 2014, as well as the types of damages sought. Therefore, the lawsuit could not be categorized as vague or unclear. With all the Defendant's objections rejected, the Panel of Judges proceeded to examine the merits of the case.

In examining the merits of the case, the Panel of Judges first focused on proving the Plaintiff's status as the creator and Copyright Holder of the song "*Bilang Saja*." Grounded in the declarative principle found in Article 1 point 1 of Law Number 28 of 2014, which states that copyright arises automatically, the Panel of Judges considered the Karya Cipta Indonesia Membership Card in the name of Ari Bias (Exhibit P-4). They also considered the Certificate of Creation Recordation Number EC00202453192 dated June 22, 2024, issued by the DGIP (Exhibit P-1). Based on these two pieces of evidence, the Panel of Judges concluded that the Plaintiff was the lawful creator and Copyright Holder of the copyrighted song (music and lyrics) titled "*Bilang Saja*."

Once copyright ownership was established, the focus shifted to proving that the Defendant used the song commercially without permission. The Panel of Judges noted that the Plaintiff's allegation regarding the Defendant performing the song "*Bilang Saja*" in three specific concerts was never substantially denied by the Defendant in her response. This fact was corroborated by the concert poster (Exhibit P-2), which featured the Defendant as the leading performer at the alleged times and locations. It was further supported by video footage (Exhibit P-3) showing the Defendant performing the Plaintiff's song at the three concert venues. Based on these facts, the Panel of Judges determined that the Defendant had proven to have performed the Plaintiff's copyrighted song.

The construction of the Defendant's legal liability as a Performer was a central point in the Panel of Judges' legal reasoning. The Defendant argued that

the party that commercialized the work and was responsible for licensing was the Co-Defendant. However, the Panel of Judges took a different stance. By referring to Article 1 point 6 of Law Number 28 of 2014, which explains that “*a Performer is a person or persons who individually or jointly display and perform a work.*”

The Panel of Judges explicitly stated that the Defendant, based on Exhibits P-2 and P-3, was the party who used or performed the Plaintiff’s song. Consequently, the Panel of Judges opined that the party commercializing the Plaintiff’s work in the context of the performance was the Defendant. Regarding the Defendant’s argument about the licensing mechanism through the CMO/NCMO, based on Article 23 section (5) of Law Number 28 of 2014, which allows the use of works without the creator’s direct permission, provided royalties are paid through the CMO, the Panel of Judges provided a crucial interpretation. The Panel of Judges stated that the NCMO’s duty is to collect royalties, not to grant permission (licenses). They affirmed that the fundamental right to grant licenses remains with the creator, given the declarative nature of copyright.

Furthermore, the Panel of Judges emphasized that the Defendant, during the proceedings, was unable to prove they possessed a legally valid license from the Plaintiff to perform the song. Additionally, the Defendant’s rebuttals in court focused more on the issue of royalties. The Panel of Judges found this distinct from the primary issue in the main claim, namely the existence of a license. The Defendant’s failure to prove the existence of a license from the Plaintiff was coupled with the fact that the Defendant was proven to have exercised the economic right of performance (a concert) of the Plaintiff’s song, as stipulated in Article 9 section (1) point f of Law Number 28 of 2014. This led the Panel of Judges to conclude that the Defendant was obligated to obtain the creator’s permission as mandated by Article 9 section (2) and section (3) of that Law. Thus, the Defendant’s act of using the Plaintiff’s song “*Bilang Saja*” without permission in the three concerts was declared a violation of Article 9 section (2) and section (3) of this Law. The Plaintiff’s central allegation regarding the occurrence of copyright infringement by the Defendant was declared proven.

The ruling in Decision Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt.Pst holds significant implications for copyright enforcement in Indonesia’s music sector. *First*, this case provides affirmation, at least at the commercial court level, of the attribution of legal liability to the Performer (artist) for unauthorized use of a song in a commercial concert, even when an event organizer entity exists. By rejecting the Defendant’s argument, which sought to deflect all liability onto the organizer, and by interpreting the Performer as also “the party commercializing the work,” this case may encourage Performers to be more proactive. They may be pushed to meticulously ensure the legality of every copyrighted work they intend

to perform, regardless of their contracts with organizers. It has the potential to raise compliance standards in the music performance industry.

Second, this case implicitly highlights the consequences when there is no explicit permission from the creator, and the royalty payment mechanism through the CMO/NCMO by the organizer is also not proven to have been executed. Although the case does not explicitly discuss the validity of direct licensing versus the collective system, finding the Performer in direct violation under these conditions serves as a reminder to all commercial song users. It reinforces that fulfilling licensing obligations is mandatory to avoid legal disputes, whether through the direct channel to the creator or through the CMO/NCMO as per Article 23 section (5) of Law Number 28 of 2014. Failure in one channel does not automatically absolve the user of liability. In the future, more intensive harmonization and public dissemination are needed regarding how these two licensing systems can operate concurrently and effectively. It is necessary to provide legal certainty for creators and ease of use for good-faith users.

Third, the Panel of Judges' approach in determining the amount of economic damages presents an interesting "paradigm." However, further study is needed to assess its consistency and impact on copyright jurisprudence in Indonesia. They referenced the quantum of criminal sanctions as a benchmark for "appropriateness" in a civil context. If this approach is followed by subsequent rulings, it could create a new standard for calculating damages, potentially providing a stronger deterrent to infringers. However, consideration must also be given to how this approach aligns with the principles of proving actual damages in civil law and to the role of royalty tariffs set by the NCMO as a reference for a work's economic value. Certainty regarding a fair and proportional method for damage assessment remains key.

Finally, Case Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt.Pst is expected to contribute to efforts to enhance legal certainty and provide a more significant deterrent effect against copyright infringement practices in Indonesia's dynamic music industry. Consistent law enforcement and court decisions that impose commensurate sanctions for violations are essential. These actions not only aim to restore the rights of aggrieved creators but are also vital for building a legal culture that respects intellectual works. Thus, it is hoped that a healthier, fairer, and more sustainable music industry ecosystem can be created, where creativity can continue to flourish, supported by adequate legal protection and high legal awareness from all stakeholders.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion presented, it can be concluded that Law Number 28 of 2014 provides legal protection for song creators against unauthorized commercial use of their works in Indonesia. It also provides a normative framework that recognizes the creator's exclusive rights, encompassing both moral and economic rights. The scope of this protection covers various forms of work utilization that require permission from the creator or copyright holder, including live performances or concerts. Nevertheless, the reality of song copyright enforcement faces various multidimensional challenges. These challenges include the suboptimal level of legal awareness among the public and industry actors, the complexity of licensing mechanisms that balance direct licensing practices with the collective system through the NCMO, and institutional constraints on the supervision and prosecution of infringements. These challenges collectively undermine the effectiveness of the legal protection to which song creators are entitled for their works.

The analysis of Case Number 92/Pdt.Sus-HKI/Copyright/2024/PN Niaga Jkt. Pst demonstrates how the Panel of Judges constructs the legal liability of performers in cases of unauthorized commercial song use. It also provides a perspective on the paradigm for applying civil sanctions. In that case, the Panel of Judges explicitly stated that the performer (Defendant) was proven to have committed copyright infringement of the Plaintiff's song "*Bilang Saja*" by using it in three commercial concerts without permission. The Panel of Judges attributed liability to the performer, as a party who also commercialized the work, despite the presence of the concert-organizing entity. The Panel of Judges' legal reasoning in rejecting the Defendant's arguments, which relied on Article 23 section (5) of Law Number 28 of 2014 and the role of the NCMO, affirmed the primacy of Article 9 of Law Number 28 of 2014. This reasoning was particularly based on the lack of proof that the organizer had fulfilled the royalty payment obligations through the NCMO, thereby affirming the fundamental obligation to obtain the creator's permission. Furthermore, the determination of economic damages at IDR 1.5 billion, by referencing the maximum fine in the criminal provision of Article 113 section (2) of Law Number 28 of 2014 as a benchmark for "appropriateness" in a civil context, presents a significant approach. However, the rejection of the moral rights damages claim, due to a lack of proof of immaterial loss, underscores the evidentiary challenges in such claims. Overall, this case reflects the Commercial Court's efforts to enforce copyright and impose sanctions for its violation.

Based on the research results and discussion, several constructive suggestions are proposed to optimize the legal protection of song copyrights and enhance legal compliance in the Indonesian music industry. *First*, more massive, structured, and continuous copyright law education and socialization efforts are needed from the

government. These efforts should be led particularly by the DGIP in collaboration with the NCMO and relevant professional associations. This socialization must target not only the general public but specifically music industry actors. It includes songwriters, performers (artists), artist managers, and event organizers. The content should cover each party's rights and obligations, correct licensing procedures, and the legal consequences of copyright infringement. A comprehensive understanding is expected to foster a culture of respect for creative works and minimize unauthorized use of songs.

Second, further strengthening and clarification of licensing mechanisms for the commercial use of musical works are necessary, especially for live performances. The harmonization between the direct licensing practices desired by some creators and the collective management system through the CMO/NCMO needs to be optimized. It is essential to create legal certainty and ease of access for good-faith users. It must also ensure the fair and transparent distribution of royalties to creators and copyright holders. The government, together with the NCMO and representatives of the music industry, should formulate more straightforward guidelines or standard operating procedures. These guidelines should address the flow of licensing responsibility between performers and event organizers. Furthermore, it is recommended that parties to music performance agreements explicitly regulate licensing responsibilities and copyright royalty payments in their contracts. It is crucial to avoid future disputes.

Third, law enforcement agencies and judicial institutions, particularly the Commercial Court, are expected to continuously enhance their capacity and consistency in handling copyright infringement disputes. The development of progressive jurisprudence will significantly improve the effectiveness of copyright enforcement. It is especially true regarding the determination of liability among parties in the chain of musical work utilization and the establishment of proportional and deterrent damage standards. On the other hand, creators and copyright holders who feel their rights have been infringed are encouraged to be more proactive in pursuing available legal remedies. They must prepare strong evidence for both economic losses and immaterial losses resulting from moral rights violations. It will allow them to fight for their rights optimally in accordance with the applicable legal framework.

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