

**PERTANGGUNGJAWABAN PENYANYI ATAS PENGGUNAAN  
LAGU TANPA LISENSI DALAM KONSER KOMERSIAL: ANALISIS  
PUTUSAN MAHKAMAH AGUNG NOMOR 825 K/PDT.SUS-HKI/2025**

*A Singer’s Liability for the Unlicensed Use of Songs in Commercial Concerts:  
An Analysis of the Supreme Court’s Decision  
No. 825 K/Pdt.Sus-HKI/2025*

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**Abstrak**

Industri musik Indonesia terus tumbuh, namun kepatuhan pelaku usaha hiburan terhadap kewajiban royalti masih rendah, terlihat dari lebih dari 400 acara yang tidak membayar royalti musik melalui jalur yang ditetapkan undang-undang. Persoalan ini memuncak pada sengketa antara pencipta lagu Ari Bias dan penyanyi Agnez Mo yang berakhir pada Putusan Mahkamah Agung Nomor 825 K/Pdt.Sus-HKI/2025. Penelitian ini bertujuan menganalisis bentuk pertanggungjawaban hukum penyanyi dalam penggunaan lagu pada konser komersial tanpa izin pencipta, sekaligus menguji kesesuaian pertimbangan hakim dengan prinsip perlindungan hukum hak cipta. Penelitian ini memakai metode yuridis normatif dengan pendekatan perundang-undangan dan pendekatan kasus, dibedah melalui Teori Pertanggungjawaban Hukum Hans Kelsen dan Teori Perlindungan Hukum Philipus M. Hadjon. Hasilnya, Mahkamah Agung mengoreksi konstruksi pertanggungjawaban individual penyanyi menjadi pertanggungjawaban fungsional yang melekat pada penyelenggara konser. Namun putusan itu hanya memenuhi dimensi preventif dari perlindungan hukum, sedangkan dimensi represifnya belum memberi pemulihan nyata bagi pencipta lagu.

**Kata Kunci:**

Pertanggungjawaban Hukum  
Hak Cipta  
Konser Komersial  
Royalti

**Keywords:**

Legal Liability  
Copyright  
Commercial Concert  
Royalty

**Abstract**

The Indonesian music industry keeps growing, yet compliance with royalty obligations among event organizers remains weak, shown by more than 400 events that failed to pay music royalties through the channel required by law. This problem reached its peak in the dispute between songwriter Ari Bias and singer Agnez Mo, which ended with Supreme Court Decision Number 825 K/Pdt.Sus-HKI/2025. This study aims to analyze the form of a singer's legal liability for using a song at a commercial concert without the creator's permission, and to examine whether the judges' legal reasoning aligns with the principle of copyright legal protection. This normative juridical research uses a statute approach and a case approach, examined through Hans Kelsen's Theory of Legal Responsibility and Philipus M. Hadjon's Theory of Legal Protection. The findings show that the Supreme Court corrected the singer's individual liability construction into a functional liability attached to the concert organizer. Even so, the decision only satisfies the preventive dimension of legal protection, while its repressive dimension has not yet provided real recovery for the songwriter.

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**INTRODUCTION**

The music industry is one of the strategic subsectors within Indonesia’s creative economy ecosystem. The national creative economy’s value added reached Rp1,414.77 trillion in 2023 and employed 24.92 million workers, with music as one of its contributing subsectors (Ministry of Tourism and Creative Economy, 2024). The magnitude of this

economic value should be directly proportional to the strength of the legal protection system for musical works that underpins it.

Normatively, Law No. 28 of 2014 on Copyright regulates the exclusive rights of creators regarding the performance of their works. Article 9, paragraphs (1) and (2), require any party wishing to commercially exploit these economic rights to first obtain the creator's permission. On the other hand, Article 23(5) allows performers to perform songs commercially without direct permission, provided that royalties are paid through a Collective Management Organization (CMO), and Article 87(4) stipulates that this obligation is deemed fulfilled once the user has met their obligations to the CMO. Government Regulation No. 56 of 2021 on the Management of Royalties for Song and/or Music Copyrights reinforces this framework by classifying music concerts as commercial public services that are subject to royalty obligations.

Practice on the ground, however, paints a very different picture. The chairperson of the National Collective Management Organization (LMKN) revealed that more than 400 events in Indonesia do not pay music royalties through official channels (LMKN, as reported by CNN Indonesia, 2025). This situation has prompted 29 musicians, including Armand Maulana and Bernadya, to file a judicial review of the Copyright Law with the Constitutional Court, as they believe the licensing and royalty payment mechanisms still create legal uncertainty (Tamba et al., in Tempo.co, 2025). Similar ambiguity is evident in the controversy between Ahmad Dhani and Once Mekel regarding who should bear the royalty obligations when a singer performs a song written by someone else.

This controversy reached its peak in the case between songwriter Ari Bias and singer Agnez Mo, as well as PT Aneka Bintang Gading, the concert organizer, regarding the unauthorized use of the song "Bilang Saja" in three commercial concerts in May 2023. The Commercial Court of the Central Jakarta District Court, through Decision No. 92/Pdt.Sus-HKI/Cipta/2024, granted the lawsuit and ordered Agnez Mo to pay material damages of Rp1.5 billion. The case then proceeded to the cassation level, and the Supreme Court, through Decision No. 825 K/Pdt.Sus-HKI/2025, overturned the ruling and declared Ari Bias's lawsuit inadmissible on the grounds that it lacked a proper party (Supreme Court of the Republic of Indonesia, 2025).

This gap between idealized norms and judicial practice is the central issue of this paper. On the one hand, the law clearly regulates licensing obligations and royalties; on the other hand, the cassation ruling focuses solely on formal aspects and fails to address who is actually liable whether the singer, the organizer, or the LMK mechanism. Previous research on similar cases generally stops at first-instance rulings and focuses solely on the protection of creators; for example, a study of the Ari Bias v. Agnez Mo case at the Commercial Court level emphasized the creator's perspective without addressing the Supreme Court ruling, which actually reversed that construction of liability. The novelty of this paper lies in two aspects. First, the analysis is specifically directed at the legal liability of the singer as the performer, not merely the organizer or promoter. Second, the primary subject under examination is Supreme Court Decision No. 825 K/Pdt.Sus-HKI/2025, which has become final and binding, assessing whether the judges' reasoning therein is consistent with the principles of legal protection for copyright as intended by Law No. 28 of 2014.

To analyze this issue, this paper draws on two theoretical frameworks. Hans Kelsen views legal liability as arising when a person commits an act that violates a norm, and sanctions as the mechanism that affirms the validity of the norm itself (Kelsen, 2021). Kelsen categorizes forms of liability into individual, collective, fault-based, and absolute a framework used to analyze the shift in the subject of liability between the Commercial Court and the Supreme Court. Meanwhile, Philipus M. Hadjon categorizes legal protection into a preventive dimension which prevents disputes before they occur and a repressive dimension which restores rights after a violation has occurred (Hadjon, in Haq, 2025). These two

frameworks are used in tandem to address two research questions: what form does the legal liability of singers take according to Supreme Court Decision No. 825 K/Pdt.Sus-HKI/2025, and are the judges' considerations therein consistent with the principle of legal protection of copyright.

## RESEARCH METHODS

### Legal Materials

This study is a normative legal research that focuses on written legal norms rather than on social phenomena in the field (Fajar ND & Achmad, 2017). The primary legal sources used include Law No. 28 of 2014 on Copyright, Government Regulation No. 56 of 2021 on the Management of Royalties for Song and/or Music Copyrights, Commercial Court Decision No. 92/Pdt.Sus-HKI/Cipta/2024, and Supreme Court Decision No. 825 K/Pdt.Sus-HKI/2025 as the primary objects of analysis. Secondary legal sources, such as books, academic journals, and official news reports, were used to enrich the argumentation, while all materials were sourced from the Supreme Court's official website at [putusan3.mahkamahagung.go.id](https://putusan3.mahkamahagung.go.id) and reputable academic databases.

### Research Methodology

This study employs two approaches. First, the statutory approach, which involves examining all laws and regulations related to the legal issue under study to identify the ratio legis and the ontological basis of the regulations (Marzuki, 2019). Second, the case approach, which is used to trace the judges' ratio decidendi in the two court decisions analyzed. The data used is descriptive qualitative in nature and was collected through a literature review, by examining laws and regulations, court decisions, and relevant scholarly literature (Muhaimin, 2020; Benuf & Azhar, 2020). Data analysis was conducted deductively, with positive legal norms and legal doctrines serving as the major premise, while the legal facts in both rulings served as the minor premise, thereby yielding a prescriptive conclusion regarding the form of the singer's legal liability and the alignment of the judges' reasoning with the principle of legal protection of copyright.

## RESULTS AND DISCUSSION

### I. The Facts of the Case and a Comparison of the Two Rulings

This case originated from a lawsuit filed by Arie Sapta Hernawan known by his stage name Ari Bias as the composer of the song "Bilang Saja" against Agnes Monica Muljoto, also known as Agnez Mo, because the song was performed commercially without permission at three concerts in Surabaya, Jakarta, and Bandung throughout May 2023. Various out-of-court efforts were pursued before the lawsuit was filed, ranging from confirmation of the license status to a formal cease-and-desist letter, but these did not lead to a resolution.

The Commercial Court at the Central Jakarta District Court subsequently granted the lawsuit in part, ruling that Agnez Mo had infringed on copyright and ordering her to pay material damages of Rp1.5 billion, while the claim for moral damages was dismissed. After Agnez Mo filed an appeal, the Supreme Court overturned the ruling and declared Ari Bias's lawsuit inadmissible because PT Aneka Bintang Gading, as the concert organizer, was not named as a defendant; thus, the lawsuit was deemed to lack a necessary party.

**Table I.** Categorization of Forms of Legal Liability According to Hans Kelsen

| Form of Liability                 | Commercial Court Ruling                 | District | Supreme Court Ruling No. 825          |
|-----------------------------------|-----------------------------------------|----------|---------------------------------------|
| Individual                        | Fully applied to the singer             |          | Deemed erroneous, set aside           |
| Based on fault                    | Formed the basis for the guilty verdict |          | Not considered                        |
| Functional (collective extension) | Not considered                          |          | Formed the basis of the main argument |

Source: Compiled by the author from Commercial District Court Decision No. 92/Pdt.Sus-HKI/Cipta/2024 and Supreme Court Decision No. 825 K/Pdt.Sus-HKI/2025 (2025).

## 2. Forms of Legal Liability for Singers

Article 1(6) of the Copyright Law defines a performer as “one or more persons who, individually or collectively, present and perform a work.” The phrase “several persons” actually leaves room for interpretation that a performing artist is not a single entity; however, the Commercial Court interpreted it narrowly and held only the singer liable under Article 9, paragraphs (2) and (3). Viewed through Kelsen’s Theory of Legal Liability, this construction most closely aligns with liability based on fault, as the trial court concluded that the singer acted intentionally without considering the exception provided in Article 23(5).

The Supreme Court corrected this interpretation by reinterpreting Article 23(5), which stipulates that the commercial use of a work in a performance does not require direct permission from the creator, provided that royalties are paid through a collective management organization. Articles 87(1) through (4) then place the obligation to pay royalties on the user who commercially exploits the copyright, rather than solely on the performer, and this provision is reinforced by Articles 3, 8, and 18 of Government Regulation No. 56 of 2021, which consistently designate LMKN as the sole channel for royalty management. Viewed through Kelsen’s framework, this shift represents a transition from individual liability to functional liability that is, liability that attaches not to the person who physically sings the song, but to the party that economically controls and derives profit from the performance (Kelsen, 2021).

This finding is consistent with an analysis of a similar case in the *\*Anthology of Law\**, which concluded that event organizers should also be held liable for the unauthorized use of songs, in accordance with the spirit of Article 87 of the Copyright Law (Anthology of Law, 2025). A study in the *USM Law Review* on copyright infringement by entertainment venue operators also reaffirms the central role of LMKN as the sole royalty collection agency (USM Law Review, 2023). However, it is important to note that the Supreme Court has never ruled on the merits of the case; consequently, the singer’s liability is ultimately conditional, depending on whether or not the organizer has fulfilled its royalty obligations to LMKN.

## 3. Consistency of the Judges’ Rulings with the Principle of Legal Protection

Viewed from the preventive dimension of Hadjon’s Theory of Legal Protection, the Supreme Court’s ruling imposing royalty obligations on event organizers does indeed reaffirm the scope of obligations that entertainment business operators should have understood from the outset; thus, at the normative level, this dimension can be said to have been fulfilled. However, from the repressive dimension, the situation is different. Article 99(1) of the Copyright Law guarantees the creator’s right to claim damages for infringement of their

economic rights, and a similar guarantee is also found in Article 1365 of the Civil Code regarding unlawful acts. When Ari Bias's lawsuit was dismissed solely due to a procedural defect regarding the parties involved, the previously awarded material damages of 1.5 billion rupiah were also dismissed, meaning that the repressive function promised by these two legal norms has, in practice, never truly worked in favor of creators.

A similar issue arises regarding the protection of creators' economic and moral rights. The basis for calculating damages used by the Commercial Court itself was actually flawed from the outset because it referred to the criminal penalty in Article 113(2) of the Copyright Law, even though the official royalty rate for music concerts had been set at two percent of gross ticket sales through Minister of Law and Human Rights Decree No. HKI. 2.OT.03.01-02 of 2016. The claim for moral rights damages was never even reconsidered at the cassation level. This situation aligns with findings in *Honeste Vivere* regarding the enforcement of music copyright law, which often stalls due to technical institutional issues, resulting in creators as the parties most harmed being the last to obtain certainty regarding their rights (Sudjiarto, 2022). Thus, Supreme Court Decision No. 825 K/Pdt.Sus-HKI/2025 aligns only with the principle of legal protection of copyright in its preventive dimension; however, in its repressive dimension including legal certainty, protection of economic rights, and protection of moral rights the decision has not provided adequate redress for songwriters.

## CONCLUSION

Supreme Court Decision No. 825 K/Pdt.Sus-HKI/2025 revised the legal liability framework for singers from an individual basis to a functional liability inherent to the concert organizer as the party controlling the economic benefits of the performance, although this form of liability remains conditional because the Supreme Court never examined the merits of the case. From the perspective of legal protection, this decision fulfills only the preventive dimension by reaffirming the framework of royalty obligations, while the repressive dimension remains unfulfilled because it does not provide tangible remedies for either the economic or moral rights of songwriters. Moving forward, songwriters need to ensure that all relevant parties, including event organizers, are properly named as defendants in lawsuits, while the judiciary must apply the Copyright Law systematically and consistently so that procedural issues no longer override the substantive rights of creators that have been violated. For future researchers, it is recommended to conduct further studies on the effectiveness of enforcing rulings that are halted at the preliminary objection stage in terms of the actual restoration of copyright holders' rights, including examining whether the National Collective Management Organization ultimately succeeds in collecting royalty payments from the relevant event organizers, thereby determining whether the "protection gap" identified in this study is truly resolved through the restoration of creators' rights or not.

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## REFERENCES

- Anthology of Law. (2025). Analisis yuridis terhadap pelanggaran hak cipta dan lisensi dalam pertunjukan komersial (Studi Putusan Nomor 92/Pdt.Sus-HKI/Cipta/2024/PN Niaga Jkt.Pst). Anthology of Law, 3(1).
- Benuf, K., & Azhar, M. (2020). Metodologi penelitian hukum sebagai instrumen mengurai permasalahan hukum kontemporer. *Gema Keadilan*, 7(1), 20–33.
- Fajar ND, M., & Achmad, Y. (2017). *Dualisme penelitian hukum normatif dan empiris*. Pustaka Pelajar.
- Haq, H. S. (2025). Perlindungan dan pertanggungjawaban hukum terhadap konsumen dalam layanan pengiriman barang. *Fundamental: Jurnal Ilmiah Hukum*, 6(2), 175–186.
- Indonesia. (2014). *Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta*. Lembaran Negara Republik Indonesia Tahun 2014 Nomor 266.
- Indonesia. (2021). *Peraturan Pemerintah Nomor 56 Tahun 2021 tentang Pengelolaan Royalti Hak Cipta Lagu dan/atau Musik*. Lembaran Negara Republik Indonesia Tahun 2021 Nomor 118.
- Kelsen, H. (2021). *Seri teori umum tentang hukum dan negara: Tanggung jawab hukum*. Nusamedia.
- Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia. (2016). *Keputusan Menteri Hukum dan Hak Asasi Manusia Nomor HKI.2.OT.03.01-02 Tahun 2016 tentang Pengesahan Tarif Royalti untuk Pengguna yang Melakukan Pemanfaatan Komersial Ciptaan dan/atau Produk Hak Terkait Musik dan Lagu*.
- Kementerian Pariwisata dan Ekonomi Kreatif. (2024). *Laporan kinerja tahun 2023*. Kemenparekraf.
- LMKN. (2025, 31 Juli). LMKN catat lebih dari 400 event tidak bayar royalti musik. *CNN Indonesia*.
- Mahkamah Agung Republik Indonesia. (2025). Putusan Nomor 825 K/Pdt.Sus-HKI/2025. <https://putusan3.mahkamahagung.go.id>
- Marzuki, P. M. (2019). *Penelitian hukum* (Edisi revisi). Kencana Prenada Media Group.
- Muhaimin. (2020). *Metode penelitian hukum*. Mataram University Press.
- Pengadilan Niaga pada Pengadilan Negeri Jakarta Pusat. (2025). *Putusan Nomor 92/Pdt.Sus-HKI/Cipta/2024/PN Niaga Jkt.Pst*.
- R. Subekti, & R. Tjitrosudibio (Penerj.). (t.t.). *Kitab Undang-Undang Hukum Perdata (Burgerlijk Wetboek)*. Pradnya Paramita.
- Sudjiarto, T. (2022). Pertanggungjawaban pidana pelanggaran hak cipta di bidang lagu dan/atau musik terhadap subjek hukum tindak pidana korporasi. *Honeste Vivere*, 32(2), 62–82.
- Tamba, P., dkk. (2025, 13 Maret). 29 musisi gugat UU Hak Cipta ke MK, Armand Maulana hingga Bernadya menuntut ekosistem musik adil. *Tempo.co*.
- USM Law Review. (2023). Pertanggungjawaban hukum pelaku usaha tempat hiburan atas pelanggaran hak cipta lagu. *USM Law Review*, 6(2).