

Legal Remedies for Performers in Copyright Disputes: Analyzing Decision No. 92/Pdt.Sus-HKI/HakCipta/2024/PN Niaga Jkt.Pst in the Indonesian Music Industry

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Abstract

This study investigates the legal reasoning underlying Decision No. 92/Pdt.Sus-HKI/Hak Cipta/2024/PN Niaga Jkt.Pst, which held singer Agnez Mo liable for copyright infringement, and examines the legal remedies available to performers under Indonesian copyright law. The purpose of this research is to evaluate the appropriateness of the court's interpretation regarding the responsibilities of performers in commercial music use, especially in the context of royalty obligations. Employing a normative legal research method, this study utilizes a statute approach and a case approach, drawing from primary legal sources such as Law No. 28 of 2014 on Copyright and Government Regulation No. 56 of 2021, along with relevant judicial decisions and academic commentary. The findings reveal two key results: first, the court's ruling failed to adequately consider the legal position and neighboring rights of performers as protected under Indonesian copyright law; second, performers – such as Agnez Mo – retain access to legal remedies, including cassation and judicial review, to challenge such rulings. The originality of this study lies in its critical legal analysis of a high-profile case that exposes the misapplication of statutory provisions concerning copyright and related rights. The implications of this research are significant for the development of clearer regulatory frameworks and for strengthening legal protections for performers in Indonesia's creative industries.

INTRODUCTION

The legal issues arising in the copyright dispute between renowned singer Agnez Mo, as the performing artist, and Ari Bias, as the songwriter, stem from conflicting and ineffective legal regulations. Despite the enactment of Law Number 28 of 2014 on Copyright, legal uncertainty remains – particularly for songwriters.¹ This situation raises questions regarding the party responsible for paying royalties: should it be the artist/performer or the event organizer.²

Ari Bias, as the composer of the song "*Bilang Saja*," sued Agnez Mo for using the song commercially without permission. Agnez Mo performed the song at three events organized by PT Aneka Bintang Gading. Ari Bias demanded compensation of IDR 1.5 billion for material losses and IDR 1 billion for immaterial losses (moral rights). The court, in the copyright case between Ari Bias as the composer and Agnez Mo as the performer of the song, ruled that the singer (Agnez Mo) was guilty and liable to pay damages. This ruling has raised new concerns among artists, as the royalty distribution system is often non-transparent and lacks effective oversight,³ prompting widespread complaints from songwriters.⁴ Consequently, both creators and users of copyrighted works—such as artists—feel uneasy, to the detriment of both parties.⁵

The Copyright Law (UUHC) stipulates that copyright is an exclusive right granted automatically to the creator once the work is published. This exclusive right encompasses moral rights (the author's identity) and economic rights (the commercial value of the work). Based on these rights, any use or exploitation of copyrighted material requires the consent of the creator and/or the copyright holder as the rightful owner of such exclusive rights, in accordance with Article 9 of the Copyright Law.

¹ Langit Rafi Soemarsono and Rianda Dirkareshza, "Urgensi Penegakan Hukum Hak Cipta Terhadap Pembuat Konten Dalam Penggunaan Lagu Di Media Sosial," *Jurnal USM Law Review* 4, no. 2 (2021): 615–30, <https://doi.org/10.26623/julr.v4i2.4005>.

² Mochamad Januar Rizki, "Melihat Kembali Pertimbangan Putusan Agnes Mo vs Ari Bias," HUKUMONLINE.COM, 2021, <https://www.hukumonline.com/berita/a/melihat-kembali-pertimbangan-putusan-agnes-mo-vs-ari-bias-lt67b4693717b3a/?page=1>.

³ Muhammad Hafiz et al., "Mekanisme Pengelolaan Hak Royalti Musik Oleh LMK & LMKN Ditinjau Dari Peraturan Pemerintah No 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan/ Atau Musik," *Padjadjaran Law Review* 9, no. 1 (2021): 1–12, <https://jurnal.fh.unpad.ac.id/index.php/plr/article/view/501>.

⁴ Mauludi Rismoyo, "Tanggapan LMKN Dinilai Gagal Kelola Royalti Pertunjukan Musik, Klaim Peningkatan Ini," *detikPop*, 2024, <https://www.detik.com/pop/music/d-7695220/tanggapan-lmkn-dinilai-gagal-kelola-royalti-pertunjukan-musik-klaim-peningkatan-ini>.

⁵ Wahyu Jati Pramanto, "Optimalisasi Penarikan Dan Pendistribusian Royalti Hak Cipta Oleh Lembaga Manajemen Kolektif Nasional," *WICARANA* 1, no. 2 (2022): 93–104, <https://doi.org/10.57123/wicarana.v1i2.25>.

Legal protection in this domain also includes *Neighboring Rights*, which specifically acknowledge the rights of performers (such as singers), phonogram producers, and broadcasting institutions. However, the implementation of the Copyright Law often neglects the rights of performers, which are nonetheless recognized by statutory law. This oversight occurs because legal practice tends to prioritize the protection of creative works while side-lining the rights of performers.⁶

In the case of Ari Bias and Agnez Mo, the former sought to defend his rights,⁷ by claiming that the latter had used his work commercially without paying royalties.⁸ Based on Decision Number 92/Pdt.Sus-HKI/HakCipta/2024/PNNiagaJkt.Pst, the court ruled that Agnez Mo, as the performer and defendant, was guilty of using the plaintiff's copyrighted work for commercial purposes without authorization. The panel of judges' understanding of "commercial use" in live performances warrants scrutiny. In such events, not only do artists commercially benefit from songs, but organizers also profit from ticket sales. Ideally, the performer should have an agreement with the event organizer concerning rights and responsibilities.

The author observes that the current legal framework remains unclear regarding the rights and obligations of songwriters, performers, and event organizers (business actors). These three stakeholders frequently intersect in musical performances, and the legal ambiguity adversely impacts the interests of songwriters. On the other hand, singers also play a vital role as the medium through which songs are introduced to the public.⁹ Since not all songwriters perform their own works, performers significantly contribute to disseminating these creations as forms of entertainment for society.¹⁰

The song "*Bilang Saja*," written by Ari Bias and included in Agnez Mo's album "*And the Story Goes*," gained popularity partly due to Agnez Mo's contribution as a performer. This illustrates a mutually beneficial relationship in the publication of artistic works, highlighting the need for specific regulations on legal protection for singers. Such

⁶ Ni Komang Irma Adi Sukmaningsih, Ratna Artha Windari, and Dewa Gede Sudika Mangku, "Hak Terkait (Neighboring Right) Pelaku Pertunjukan Berdasarkan Undang-Undang No. 28 Tahun 2014 Tentang Hak Cipta," *Jurnal Komunitas Yustisia* 1, no. 1 (2018): 77–88, <https://doi.org/10.23887/jatayu.v1i1.28667>.

⁷ Abdu Faisal, "Ari Bias Jelaskan Alasannya Menggugat Agnez Mo," *antaranews.com*, 2025, <https://www.antaranews.com/berita/4728025/ari-bias-jelaskan-alasannya-menggugat-agnez-mo>.

⁸ Andika Aditia, "Kronologi Lengkap Kasus Royalti Ari Bias Vs Agnez Mo, Somasi Berujung Denda Rp 1,5 Miliar," *Kompas.com*, 2025, <https://www.kompas.com/hype/read/2025/02/19/081747866/kronologi-lengkap-kasus-royalti-ari-bias-vs-agnez-mo-somasi-berujung-denda?page=all>.

⁹ Budi Agus Riswandi, "Memetik Pelajaran Dari Kasus Agnez Mo," *Fakultas Hukum Universitas Islam Indonesia*, 2025, <https://law.uii.ac.id/blog/2025/03/13/memetik-pelajaran-dari-kasus-agnez-mo/>. diakses pada 14 Mei 2025 pukul 16.08 WIB

¹⁰ Zulvia Makka, "Bentuk Perlindungan Hukum Terhadap Pemegang Hak Terkait (Neighbouring Rights)," *Borneo Law Review* 3, no. 1 (2019): 20–35, <https://doi.org/10.35334/bolrev.v3i1.1011>.

provisions are essential to prevent similar cases from recurring and to provide judges with a firm legal foundation in their rulings, especially given the frequent misinterpretations of the law.¹¹

Indonesia's royalty system for performing rights, which follows the principle of extended collective licensing based on the Copyright Law, Government Regulation No. 56/2021, and Ministry of Law and Human Rights Regulation No. 9/2022, has yet to fully resolve ongoing challenges. This is evident from Agnez Mo's entanglement in licensing and royalty payment issues for a song she popularized, raising questions about the legal status of singers as performing artists under copyright law.

This study aims to analyze the legal protection and remedies available to singers as performers holding *Neighboring Rights* under the 2014 Copyright Law. Through an analysis of Decision No. 92/Pdt.Sus-HKI/HakCipta/2024, the research focuses on the relationship between composers and performers, as well as dispute resolution mechanisms. The case study of Ari Bias and Agnez Mo is relatively underexplored in prior research. Based on the issues outlined above, this study addresses the following two research questions: To what extent is the legal reasoning in Decision No. 92/Pdt.Sus-HKI/HakCipta/2024/PNNiagaJkt.Pst. appropriate, considering the legal status of the singer as a performing artist under the Copyright Law? What legal remedies are available to singers as performing artists in copyright infringement cases, as exemplified by the dispute between Agnez Mo and Ari Bias, under the Copyright Law?

METHODS

This research employs a normative legal research approach (library legal study), which focuses exclusively on the examination of literature and secondary data sources.¹² The scope of this study is not limited to the analysis of statutory regulations, but also encompasses all legal information accessible through bibliographic sources.¹³ The core focus of the research is on copyright protection of musical works and the legal status of performers as holders of neighboring rights, as regulated under Law Number 28 of 2014 on Copyright.

¹¹ Dini Daniswari, "Agnez Mo Jadi Kasus Pertama UU Hak Cipta, Ketua Komisi III DPR Soroti Putusan Hakim," Kompas.com, 2025, <https://www.kompas.com/sulawesi-selatan/read/2025/06/21/050000288/agnez-mo-jadi-kasus-pertama-uu-hak-cipta-ketua-komisi-iii-dpr>. diakses pada 30 juni pukul 18.46.

¹² Soekanto Soerjono and Sri Mamudji, "Penelitian Hukum Normatif Suatu Tinjauan Singkat" (Jakarta: PT Raja Grafindo Persada, 1995)., 15.

¹³ Nurul Qamar and Farah Syah Rezah, *Metode Penelitian Hukum: Doktrinal Dan Non-Doktrinal* (Makassar: CV. Social Politic Genius (SIGn), 2020)., 47.

The researcher adopts two specific legal approaches: the case approach and the statute approach. The case approach involves an in-depth analysis of Decision No. 92/Pdt.Sus-HKI/HakCipta/2024/PN Niaga Jkt.Pst. to understand the application and legal reasoning within an actual case.¹⁴ The statute approach¹⁵ involves examining relevant legislative frameworks, including Law No. 28 of 2014 on Copyright and Government Regulation No. 56 of 2021, particularly in the context of the dispute between Ari Bias and Agnez Mo. This approach evaluates the legal provisions concerning the rights and obligations of composers, performers, and event organizers, as well as the degree of legal certainty these regulations provide.

Primary legal sources are selected based on their binding authority and credibility as legal precedents within the context of this issue. These include:

1. Law Number 28 of 2014 on Copyright,
2. Decision No. 92/Pdt.Sus-HKI/HakCipta/2024/PN Niaga Jkt.Pst., and
3. Government Regulation No. 56 of 2021 on the Management of Copyright Royalties for Songs and/or Music.

Secondary legal sources consist of books, interviews, and scholarly legal journals. The data were collected through library research and analyzed using descriptive qualitative methods. The researcher examined the legal provisions governing copyright, particularly Law Number 28 of 2014 and the aforementioned court decision, then elaborated and interpreted the legal data to provide a comprehensive overview of issues surrounding the protection of performers' related rights.

RESULTS AND DISCUSSION

1. Legal Reasoning Used by the Judges in Decision No. 92/Pdt.Sus-HKI/HakCipta/2024/PN Niaga Jkt.Pst. Viewed from the Legal Status of the Singer as a Performing Artist under Law No. 28 of 2014 on Copyright

In Decision No. 92/Pdt.Sus-HKI/HakCipta/2024/PN Niaga Jkt.Pst., the panel of judges rendered a ruling on January 30, 2025, in a copyright dispute filed by Ari Bias as the plaintiff against Agnez Mo as the defendant, and PT Aneka Bintang Gading as a co-defendant. In its legal considerations, the court found the defendant guilty of copyright infringement for commercially using the plaintiff's musical composition "*Bilang Saja*" in three concert performances without prior approval or a license from the plaintiff as the song's creator. As a result, the court ordered the defendant to pay damages totaling IDR

¹⁴ Qamar and Rezah.

¹⁵ Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2021)., 78.

1,500,000,000 (One Billion Five Hundred Million Rupiah) to the plaintiff for the unauthorized commercial use of the work.

The decision was aimed at upholding legal protection for creators of intellectual property, as the commercial use of copyrighted works without permission violates the creator's exclusive rights as stipulated in Law No. 28 of 2014 on Copyright. However, although the ruling appears to reinforce legal certainty for creators in securing economic benefits, there are fundamental issues in the application of the relevant legal provisions that warrant critical scrutiny. One such issue is the use of Article 113(2) of the Copyright Law as the legal basis, which actually pertains to criminal sanctions—such as imprisonment or fines—for copyright violations, rather than mechanisms for civil compensation. In this case, no binding criminal court decision had yet been issued declaring the defendant guilty of a copyright crime, rendering the use of this article as the legal foundation for civil liability problematic.

Agnez Mo was sued for performing "*Bilang Saja*" at three concerts in May 2023 organized by PT Aneka Bintang Gading. She argued that the responsibility for royalty payments lay with the concert organizers, not with her. However, the panel of judges rejected this defense, citing Supreme Court Decision No. 2824K/Pdt/2000 and the principle of *legitima persona standi in iudicio*, which holds that any party whose rights are allegedly violated may be considered a legitimate litigant. The court's focus on procedural civil law rather than on the substantive aspects of copyright led to ambiguity in interpreting who qualifies as a "user" of the work in a commercial context.

Generally, the use of copyrighted material requires direct authorization from the creator or copyright holder, pursuant to Article 9(2) of Law No. 28 of 2014, to protect the creator's economic rights. However, for public commercial performances, exceptions are provided under Article 23(5) of the Copyright Law and Article 3 of Government Regulation No. 56 of 2021. These provisions allow the use of copyrighted works without direct authorization from the creator, provided that royalties are paid through the National Collective Management Organization (LMKN). Such royalty payments are considered to represent the creator's implied consent, substituting the need for explicit permission.¹⁶

According to legal scholars Prof. Dr. Agus Sardjono, S.H., M.H., and Ahmad Iqbal Taufik, S.H., M.H., the legal obligation to pay royalties should lie with the concert organizers who commercially exploit the work. This aligns with the provisions of

¹⁶ Panji Adela and Agri Chairunisa Isradjuningtias, "Perlindungan Hukum Terhadap Pemegang Hak Cipta Musik Berdasarkan Peraturan Pemerintah Nomor 56 Tahun 2021 Tentang Pengelolaan Royalti Hak Cipta Lagu Dan Musik," *Jurnal Kewarganegaraan* 6, no. 3 (2022): 6545–54, <https://doi.org/10.31316/jk.v6i3.4164>.

Government Regulation No. 56 of 2021 and Article 37(1) of Ministry of Law and Human Rights Regulation No. 9 of 2022, which mandate that users of music for commercial purposes must apply for a license through LMKN. Although the regulation refers broadly to “any person,” in practice this refers to event organizers. Therefore, the court’s reasoning that shifted legal responsibility to the performer, Agnez Mo, is seen as legally inaccurate. The panel of judges concluded that Agnez Mo had infringed copyright by commercially performing the plaintiff’s song in three concerts without permission.

The judges’ reasoning, which held that Agnez Mo committed copyright infringement for performing the song without the creator’s authorization, appears to overlook the broader legal framework – particularly concerning *neighboring rights* held by performers. Neighboring rights, as regulated in Law No. 28 of 2014, provide legal protection to performers both morally and economically. Under Articles 20 and 22 of the Copyright Law, performers have the right to control the use and distribution of their performances, and the right to object to any modifications that would harm their reputation. Articles 1(5) and 1(6) define neighboring rights as exclusive rights derived from performances, recordings, and broadcasts, including those of singers in live concerts.

In this case, the panel of judges did not appear to conduct a thorough legal assessment of the performer’s status as a holder of neighboring rights. The court failed to consider that the singer, as a performer, is not the party commercializing the copyrighted work, but rather contributes artistic value through their performance – something that should be legally protected. The failure to distinguish between the performing artist and the party that commercially benefits from the copyrighted work (i.e., the event organizer) results in a partial and potentially unjust legal reasoning.

Neglecting neighboring rights risks setting a harmful precedent where performers – who lack control over royalty payments or licensing – are held liable in copyright disputes. In reality, neighboring rights exist precisely to protect performers within the complex structure of the music industry. Hence, the judges’ rationale in this case is open to criticism for failing to explore the legal norms protecting performers’ rights, which are clearly stipulated by law.

From an international perspective, legal practices in several European countries demonstrate a more structured and equitable approach in distinguishing between performers and commercial users of copyrighted works. Countries such as the United Kingdom, Germany, France, the Netherlands, Spain, and Norway assign the responsibility for obtaining licenses and paying royalties to event organizers, not to the singers performing others’ copyrighted works. This system is administered by Collective Management Organizations (CMOs), which are legally authorized to license, manage,

and distribute music copyright royalties. As explained by Andreas Kefalas in *The Relevance of Traditional Collective Management Organisations in the Digital Age*, CMOs serve as intermediaries between creators and users, including event organizers, and operate under a blanket licensing system. This simplifies the licensing process and ensures that creators receive their economic rights without burdening performers.

When this model is compared to the Indonesian court's ruling in the Agnez Mo case, it becomes evident that the Indonesian legal system does not yet fully protect performers. The court did not consider the neighboring rights that should exempt singers from legal liability for the commercial exploitation of copyrighted works beyond their control. The European approach emphasizes that event organizers—not performers—should be deemed the responsible “users.”¹⁷ This international comparison may serve as a critical reflection for Indonesia's legal system in formulating a more precise and equitable approach that safeguards performers amid the complexities of the entertainment industry.

Indonesia's royalty system for performing rights adopts the principle of extended collective licensing, as stipulated in the Copyright Law, Government Regulation No. 56 of 2021, and Ministry of Law and Human Rights Regulation No. 9 of 2022. According to Marcel Siahaan, a commissioner at LMKN in the legal division, the system distinguishes between two types of performance rights:

- a. Live performances, such as concerts, where royalties are paid solely to the songwriter, as no sound recordings are used;
- b. Indirect communication, such as music played in cafés or on the radio, which involves sound recordings, thus requiring royalties to be distributed among songwriters, producers, and registered performers.

Collective Management Organizations (LMKs) are responsible for collecting royalties from users and submitting them to LMKN for verification, redistribution to LMKs, and ultimately to their members. However, LMKN lacks legal enforcement authority, relying instead on persuasive approaches including education and mediation.

Marcel Siahaan underscores the importance of a comprehensive understanding of the regulatory framework, warning that selective or partial interpretation of legal provisions can be exploited by event organizers or commercial entities to evade royalty payments by leveraging conflicts between songwriters and performers.¹⁸ He cites the *Ari Bias vs.*

¹⁷ Andreas Kefalas, *The Relevance of Traditional Collective Management Organisations in the Digital Age. Current Challenges and Future Possibilities*, University of Agder, 2017.

¹⁸ Wawancara dengan Marcel Siahaan, Komisioner Lembaga Manajemen Kolektif Nasional, pada tanggal 2 Juni 2025

Agnez Mo case as an example where responsibility for royalty payments should have rested with the event organizers, not the singer, as the commercial profits accrued to the organizers. Marcel also emphasized that singers and songwriters should not be positioned in opposition, as both are interdependent and form an integral part of the copyright system. He expressed hope that industry stakeholders would unite in supporting LMKN to compel non-compliant users. The royalty potential from the 14 sectors currently regulated by the government could reach up to IDR 500 billion annually, and with effective digital management, this could grow to IDR 2-3 trillion. However, realizing this potential requires synergy, transparency from LMKs, and a strengthened legal standing for LMKN so it is no longer seen as a "toothless tiger" in advocating for the rights of creators and performers.

2. Legal Remedies for Singers as Performing Artists in Copyright Infringement Cases: The Dispute between Agnez Mo and Ari Bias Based on the Copyright Law.

Intellectual Property Rights (IPR) constitute a category of proprietary rights derived from the results of human intellectual and creative activity. These rights originate from rational and intellectual endeavors that produce intangible objects.¹⁹ Broadly, IPR is classified into two major branches: Copyright and Industrial Property Rights. Copyright, as part of IPR, protects artistic, literary, and scientific works and is further divided into two categories: copyright per se and neighboring rights.²⁰

Copyright is an exclusive right inherently attached to the creator or legal rights holder, including in the context of musical works used for commercial purposes. This implies that any individual or business entity intending to use a song commercially – for example, in restaurants, cafés, hotels, or entertainment venues – must first obtain authorization from the creator or rights holder. Due to its exclusive nature, this right can only be exercised by the authorized owner and may not be exploited by others for economic gain without prior consent.²¹

Legal protection of copyright is vital as it grants economic benefits through exclusive rights that automatically arise based on the declarative principle. These exclusive rights grant the creator full authority over their work. High-value and high-quality artistic

¹⁹ Indah Sari, "Kedudukan Hak Cipta Dalam Mewujudkan Hak Ekonomi Sebagai Upaya Perlindungan Terhadap Intellectual Property Rights," *Jurnal Ilmiah M-Progress* 6, no. 2 (2016): 77-97, <https://doi.org/10.35968/m-pu.v6i2.173>.

²⁰ Sari.

²¹ Soemarsono and Dirkareshza, "Urgensi Penegakan Hukum Hak Cipta Terhadap Pembuat Konten Dalam Penggunaan Lagu Di Media Sosial."

works are particularly vulnerable to infringement, thus necessitating legal remedies to safeguard the creator's rights.²²

The relationship between singers (performing artists) and users of copyrighted works (such as concert organizers, television stations, or digital platforms) is often complex. While performers may not be the copyright holders, they are entitled to neighboring rights under Article 23 of Law No. 28 of 2014 on Copyright. It is important to note that any public performance of copyrighted works must be authorized by the copyright holder and be subject to royalty payments facilitated through a Collective Management Organization (LMK).

In the case No. 92/Pdt.Sus-HKI/HakCipta/2024/PN Niaga Jkt.Pst, Ari Sapta Hernawan (professionally known as Ari Bias) filed a lawsuit against Agnes Monica Muljoto (Agnez Mo) for alleged copyright infringement concerning the song "*Bilang Saja*." The Central Jakarta Commercial Court ruled that Agnez Mo had used the song without the creator's permission in three commercial concerts organized by PT Aneka Bintang Gading. Consequently, the court ordered Agnez Mo to pay damages amounting to IDR 1.5 billion to Ari Bias.

Referring to Government Regulation No. 56 of 2021 and the legal opinion of Prof. Dr. Agus Sardjono, S.H., M.H., the concert organizer—in this case, PT Aneka Bintang Gading—bears primary responsibility for paying royalties to the songwriter through the National Collective Management Organization (LMKN). Although current regulations do not explicitly define who qualifies as a "user" in the context of commercial exploitation of copyrighted works, they implicitly designate the event organizer as the party obligated to pay royalties. Thus, the court's reasoning in this case appears misaligned with the spirit of the regulation, which emphasizes the responsibility of the event organizer, rather than the singer who merely performs the song.

In the copyright dispute between Ari Bias, Agnez Mo, and PT Aneka Bintang Gading, as decided in Central Jakarta Commercial Court Decision No. 92/Pdt.Sus-HKI/HakCipta/2024/PN Niaga Jkt.Pst, it is essential to recognize that legal remedies are not limited to court litigation. In fact, in many cases involving mutually beneficial contractual relationships, the most appropriate legal remedy should begin with alternative dispute resolution (ADR), particularly mediation.

Mediation plays a critical role in resolving copyright disputes, especially when there are differing interests between copyright holders, performers, and event organizers. M.

²² Risky Tara Nabita Sari et al., "Perlindungan Konten Kreator Terhadap Konten Reupload Perspektif Hak Cipta," *Innovative: Journal Of Social Science Research* 3, no. 6 (2023): 10564–77, <http://j-innovative.org/index.php/Innovative/article/view/6814>.

Yahya Harahap argues that mediation offers mutually beneficial solutions and helps avoid lengthy and complex litigation. Moreover, mediation is a strategic legal instrument to ensure fair, timely, and efficient legal certainty, as mandated by Supreme Court Regulation (PERMA) No. 1 of 2016 concerning Mediation Procedures in Court.²³

In the dispute between Ari Bias, Agnez Mo, and PT Aneka Bintang Gading, the parties held differing views:

- a. Agnez Mo argued that royalty payment obligations had been transferred to PT Aneka Bintang Gading pursuant to their contractual agreement.
- b. Meanwhile, PT Aneka Bintang Gading contended that royalty obligations remained with Agnez Mo as the artist who performed the song live.

This disagreement illustrates a breakdown in communication and a failure to establish a constructive dialogue. It also reflects divergent interpretations of the contractual terms. Therefore, mediation should have been pursued as an initial step. As stated by Peter Mahmud Marzuki in *Introduction to Legal Studies*, “disputes in business relationships are ideally resolved through deliberation or mediation to avoid negative consequences that could damage the continuity of interdependent commercial interactions.”²⁴

When parties lack sufficient understanding of their legal obligations—such as the allocation of responsibility or royalty payment mechanisms—mediation efforts are likely to stagnate. In such situations, each party tends to maintain the belief in the legitimacy of their own position and resists compromise. As emphasized by Salim HS, “alternative dispute resolution requires an equal understanding of legal norms among the parties involved, as mediation is unlikely to succeed without such parity.”²⁵

If mediation fails or is not properly executed, the dispute may proceed through litigation in the Commercial Court. After the ruling at the court of first instance, the aggrieved party may seek further legal remedies through cassation (based on Article 30 of Law No. 14 of 1985 concerning the Supreme Court) or judicial review (*peninjauan kembali*) (based on Article 67 of the same law), which represent ordinary and extraordinary legal remedies, respectively.

- a. Cassation as a Legal Remedy

Under Indonesian law, copyright disputes fall under the jurisdiction of the Commercial Court. According to Article 102(1) of Law No. 28 of 2014 on Copyright,

²³ M Yahya Harahap, *Hukum Acara Perdata: Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, Dan Putusan Pengadilan* (Jakarta: Sinar Grafika, 2017).

²⁴ Peter Mahmud Marzuki, *Pengantar Ilmu Hukum* (Jakarta Timur: Prenada Media, 2021)., 79.

²⁵ H Sidik Salim, *Hukum Kontrak: Teori Dan Teknik Penyusunan Kontrak* (Jakarta: Sinar Grafika, 2021).

decisions rendered by the Commercial Court may only be challenged through a cassation appeal to the Supreme Court. This provision implies that copyright cases are not subject to appeal at the appellate level, making cassation the sole ordinary legal remedy available.

Following the Central Jakarta Commercial Court's ruling which found Agnez Mo guilty of infringing the copyright of the song "*Bilang Saja*" by Ari Bias and ordering her to pay damages amounting to IDR 1.5 billion, Agnez Mo has the right to file a cassation appeal to the Supreme Court of the Republic of Indonesia. Pursuant to Article 102(1) of the Copyright Law, it is stipulated that decisions referred to in Article 101(3) may only be appealed by way of cassation. Furthermore, Article 102(2) requires that the cassation petition be filed no later than 14 (fourteen) days from the date the decision was pronounced in an open court session or officially notified to the parties.²⁶

The Commercial Court held that Agnez Mo, as the performing artist, bore legal responsibility for using the copyrighted song without prior authorization, even though the concerts were organized by PT Aneka Bintang Gading (ABG). The court based its decision on Article 9(2) and (3) of the Copyright Law, which states: "Any person who, without the permission of the creator or copyright holder, reproduces and/or uses the work for commercial purposes is prohibited."²⁷

In the realm of copyright law, there also exists the concept of neighboring rights (related rights), which are granted to protect the legal interests of parties involved in the public dissemination or presentation of a copyrighted work. As defined in Article 1 point 5 of the Copyright Law, neighboring rights refer to rights related to copyright, constituting exclusive rights granted to performers, phonogram producers, and broadcasting organizations.²⁸

Neighboring rights are an integral part of Intellectual Property Rights (IPR), which are rights over works originating from human intellect and creativity. IPRs are inherently personal and differ from tangible property rights such as land ownership or usufructuary rights. They protect elements such as design, names, symbols, creative works, innovation, and traditional cultural expressions that have developed over time within a community.²⁹

²⁶ Riswandi, "Memetik Pelajaran Dari Kasus Agnez Mo."

²⁷ Riswandi.

²⁸ Sari, "Kedudukan Hak Cipta Dalam Mewujudkan Hak Ekonomi Sebagai Upaya Perlindungan Terhadap Intellectual Property Rights."

²⁹ Dolot Alhasni Bakung and Mohamad Hidayat Muhtar, "Determinasi Perlindungan Hukum Pemegang Hak Atas Neighbouring Right," *Jambura Law Review* 2, no. 1 (2020): 65-82, <https://doi.org/10.33756/jalrev.v2i1.2400>.

Under Law No. 28 of 2014, singers are categorized as performers who are entitled to protection of their neighboring rights. Article 1 point 20 of the Copyright Law defines a performer as an individual or group that performs a copyrighted work, including singers, musicians, and actors.³⁰ Therefore, a singer, as a performing artist, holds exclusive rights over the recording or broadcast of their performance, including the right to receive remuneration or royalties from its commercial use.³¹

While copyright is an exclusive right that automatically arises upon the manifestation of a work, as provided by the declarative principle, the exercise and recognition of this right are still subject to legal limitations set forth in the applicable laws and regulations.

The phrase "*related to copyright*" signifies the intrinsic connection between copyright and neighboring rights. Neighboring rights only arise from the existence of a copyrighted work. While copyright protects the creator (e.g., a composer or lyricist), neighboring rights protect those who present or perform the work to the public (e.g., singers).

Therefore, at the cassation stage, the Supreme Court will assess whether the Commercial Court made an error in applying the law. The cassation decision may affirm or overturn the lower court's ruling, depending on the Supreme Court's interpretation of the legal grounds presented. This case holds significant implications for the Indonesian music industry, as it may set a precedent regarding the allocation of legal responsibility between performers and event organizers in the commercial use of copyrighted music.

b. Judicial Review (Extraordinary Legal Remedy)

Judicial review (*Peninjauan Kembali* or PK) is an extraordinary legal remedy that may be pursued against final and binding decisions in civil, criminal, or administrative cases. In the context of civil disputes, including copyright infringement, PK serves as a corrective mechanism for court decisions deemed to be legally flawed or unjust.

The primary legal basis for judicial review is Article 67 of the Supreme Court Law, which limits PK to specific grounds. These include the discovery of *novum* (new, material evidence previously unavailable during the trial), judicial error, misapplication of the law, fraud, or conflicting decisions. A PK petition must be submitted in writing to the court of first instance, but it is reviewed by the Supreme Court. The application must be filed within 180 days from the date the legal grounds were discovered – not from the date of the final judgment, but from when the petitioner becomes aware of the new evidence

³⁰ Bakung and Muhtar.

³¹ Harry Randy Lamentik, "Kajian Hukum Tentang Hak Terkait (Neighboring Right) Sebagai Hak Ekonomi Pencipta Berdasarkan Undang-Undang Hak Cipta Nomor 28 Tahun 2014," *Lex Privatum* 6, no. 6 (2018): 12–19, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/21494>.

or legal error. The petition must include legally valid supporting documents and clear legal reasoning.

If the Supreme Court rejects Agnez Mo's cassation and the ruling becomes legally binding (*inkracht*), judicial review (PK) is the only remaining legal remedy. As an extraordinary procedure, PK allows for the correction of final decisions that may have resulted in injustice or legal misinterpretation. This mechanism is essential for safeguarding legal certainty and protecting individual rights, especially in complex intellectual property cases. Agnez Mo may file a judicial review if one or more of the following conditions are met:

1) Discovery of Novum (New Evidence)

If written licensing documents or other decisive evidence emerges showing that Agnez Mo had obtained formal authorization to perform "*Bilang Saja*" prior to the concerts—and such evidence was unavailable during the initial trial for justifiable reasons—it would qualify under Article 67(b) of the Supreme Court Law, which states: "If, after a case has been decided, new documents are found that are decisive and could not have been found during the original proceedings."

2) Judicial Error or Manifest Misjudgment

If Agnez Mo can prove that the lower court made a fundamental error in applying the law—for instance, by incorrectly assigning legal responsibility to the singer instead of the concert promoter—this may constitute grounds for PK under Article 67(c) of the Supreme Court Law.

Hence, judicial review is a crucial instrument for upholding legal certainty and ensuring fairness, particularly in copyright cases involving multiple stakeholders in the creative industry. The PK process does not merely function as a corrective measure; it also strengthens the principle of substantive justice within Indonesia's judiciary.

Singers, as performing artists, also have recourse to a constitutional judicial review at the Constitutional Court to challenge ambiguous or potentially unjust statutory language in the Copyright Law. For example, in Case No. 28/PUU-XXIII/2025, a petition was filed by 29 musicians, including Ariel NOAH and Armand Maulana, contesting the vagueness of the phrase "*any person*" in Article 23(5) and the criminal sanctions in Article 113(2) of Law No. 28 of 2014. The petitioners argued that these provisions expose performers to criminal liability for licensing violations that fall outside their control. (*uji materiil*) at the Constitutional Court to challenge ambiguous or potentially unjust statutory language in the Copyright Law. For example, in Case No. 28/PUU-XXIII/2025, a petition was filed by 29 musicians, including Ariel NOAH and Armand Maulana, contesting the vagueness of the phrase

“any person” in Article 23(5) and the criminal sanctions in Article 113(2) of Law No. 28 of 2014. The petitioners argued that these provisions expose performers to criminal liability for licensing violations that fall outside their control.

This judicial review has direct relevance to the Ari Bias v. Agnez Mo case, in which Agnez Mo was held liable for performing a song without a license, even though she lacked the authority to issue or obtain such a license. The judicial review supports the argument that the current legal framework risks criminalizing performers, especially given that the LMKM (National Collective Management Organization) has clearly stated that responsibility for licensing and royalty payments lies with event organizers, not performers.

Thus, judicial review represents not only a defensive legal strategy through litigation but also a proactive legal mechanism to clarify regulatory norms, prevent disproportionate criminalization, and align copyright law with industry practices. This significantly broadens legal protections for performers, as evidenced by the implications of the Ari Bias v. Agnez Mo case.

CONCLUSION

The Commercial Court’s Decision No. 92/Pdt.Sus-HKI/HakCipta/2024/PN Niaga Jkt.Pst, which assigns royalty payment responsibility to the performer (Agnez Mo), reflects a misinterpretation of the applicable legal provisions, particularly concerning the legal standing of performers. According to Government Regulation No. 56 of 2021 and Minister of Law and Human Rights Regulation No. 9 of 2022, such responsibility should lie with the event organizer, not the performer. Moreover, the ruling fails to consider the neighbouring rights held by singers as performers, thereby potentially setting a negative precedent for actors within the music industry.

Following the ruling in case No. 92/Pdt.Sus-HKI/HakCipta/2024/PN Niaga Jkt.Pst, performers may pursue cassation or judicial review (Peninjauan Kembali) to demonstrate legal misapplication or to present *novum*, such as evidence of licensing arrangements made by the concert organizer. Beyond litigation, performers may also file for constitutional judicial review at the Constitutional Court, as exemplified by Case No. 28/PUU-XXIII/2025, in which 29 musicians challenged the ambiguous interpretation of Article 23(5) and Article 113(2) of the Copyright Law. This review is directly relevant to the Agnez Mo case, as it highlights the risk of performers being criminalized for licensing violations beyond their control, despite the responsibility clearly resting with the event organizer. Accordingly, judicial review serves as a proactive legal instrument to clarify regulatory norms and strengthen the legal protection afforded to performers.

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