

INTISARI

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Penelitian ini bertujuan untuk mengkaji kelemahan pengaturan Lembaga Manajemen Kolektif Nasional (LMKN) dalam sistem hukum hak cipta di Indonesia serta mengidentifikasi berbagai tantangan yang dihadapi dalam penegakan hak ekonomi pencipta dan pemilik hak terkait. Permasalahan utama dalam penelitian ini terletak pada belum optimalnya pengaturan LMKN dalam Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta, yang cenderung lebih menitikberatkan pada Lembaga Manajemen Kolektif (LMK), sehingga kedudukan, kewenangan, dan peran LMKN tidak dirumuskan secara tegas. Hal tersebut berimplikasi pada munculnya ketidakjelasan kewenangan dan potensi disharmonisasi dalam pengelolaan royalti lagu dan/atau musik di Indonesia.

Penelitian ini menggunakan metode hukum normatif-empiris. Data diperoleh melalui studi kepustakaan terhadap peraturan perundang-undangan dan literatur hukum, serta studi lapangan melalui wawancara dengan akademisi, perwakilan LMKN dan LMK, pencipta lagu, serta pengguna musik secara komersial. Analisis dilakukan secara deskriptif-analitis dengan menggunakan kerangka teori sistem hukum Lawrence M. Friedman yang meliputi struktur hukum, substansi hukum, dan budaya hukum.

Hasil penelitian menunjukkan bahwa pengaturan LMKN masih memiliki kelemahan, terutama terkait ketidakjelasan dasar hukum dan pembagian kewenangan antara LMKN dan LMK. Selain itu, dalam praktik pengelolaan royalti masih terdapat berbagai tantangan, antara lain keterbatasan transparansi, skema tarif yang belum proporsional, serta rendahnya kesadaran hukum masyarakat terhadap kewajiban pembayaran royalti. Oleh karena itu, diperlukan penguatan regulasi, pembenahan kelembagaan, serta peningkatan kesadaran hukum masyarakat guna menciptakan sistem pengelolaan royalti yang lebih efektif, transparan, dan berkeadilan.

Kata kunci: Hak Cipta, LMKN, Hak Ekonomi Pencipta.

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ABSTRACT

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This study aims to examine the shortcomings of the regulation of the National Collective Management Organisation (LMKN) within Indonesia's copyright legal system and to identify the various challenges faced in enforcing the economic rights of creators and holders of related rights. The main issue in this study lies in the sub-optimal regulation of the LMKN under Law No. 28 of 2014 on Copyright, which tends to place greater emphasis on Collective Management Organisations (CMO), resulting in the status, authority, and role of the LMKN not being clearly defined. This has implications for the emergence of ambiguity regarding authority and the potential for disharmony in the management of royalties for songs and/or music in Indonesia.

This study employs a normative-empirical legal methodology. Data were obtained through a literature review of legislation and legal literature, as well as field research via interviews with academics, representatives of LMKN and CMO, songwriters, and commercial users of music. Analysis was conducted using a descriptive-analytical approach based on Lawrence M. Friedman's legal system theory framework, which encompasses legal structure, legal substance, and legal culture.

The research findings indicate that the regulation of LMKN still has weaknesses, particularly regarding the lack of clarity in the legal basis and the division of authority between LMKN and LMK. Furthermore, in the practice of royalty management, various challenges remain, including limited transparency, tariff schemes that are not yet proportionate, and low public legal awareness regarding the obligation to pay royalties. Therefore, regulatory strengthening, institutional reform, and increased public legal awareness are required to create a more effective, transparent, and equitable royalty management system.

Keywords: Copyright, LMKN, Creators' Economic Rights.

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