

ABSTRAK

KEPASTIAN HUKUM ATAS KONTRADIKSI HAK EKSKLUSIF DIRECT LICENSE DALAM SISTEM KOLEKTIF ROYALTI LAGU (Studi Putusan No. 92/PDT.SUS.HKI/ HAKCIPTA/2024/PN NIAGA JAKARTA PUSAT)

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Penelitian ini bertujuan untuk menganalisis mekanisme Direct License dalam pengelolaan royalti lagu serta mengkaji kepastian hukum atas kontradiksi hak eksklusif Direct License dengan sistem kolektif royalti lagu berdasarkan Putusan Nomor 92/Pdt.Sus-HKI/Hak Cipta/2024/PN Niaga Jakarta Pusat. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus. Hasil penelitian menunjukkan bahwa Direct License memberikan kewenangan kepada pencipta untuk memberikan izin penggunaan lagu secara langsung kepada pengguna tanpa melalui LMKN atau LMK. Dalam perkara Ari Bias melawan Agnez Mo, Majelis Hakim mengakui hak eksklusif pencipta dan menyatakan penggunaan lagu tanpa izin langsung sebagai pelanggaran hak cipta. Namun, penerapan Direct License menimbulkan disharmoni dengan sistem pengelolaan royalti kolektif melalui LMKN yang berpotensi menyebabkan tumpang tindih kewenangan dan pembayaran royalti ganda (double payment). Penelitian ini menyimpulkan bahwa kepastian hukum mengenai kedudukan Direct License dalam sistem kolektif royalti lagu belum terpenuhi secara optimal karena belum adanya pengaturan yang jelas dan harmonis. Oleh karena itu, diperlukan harmonisasi regulasi untuk memberikan kepastian hukum, perlindungan hak eksklusif pencipta, dan efektivitas pengelolaan royalti lagu di Indonesia.

Kata Kunci: Direct License, Hak Eksklusif, Kepastian Hukum, Royalti Lagu, Hak Cipta.

ABSTRACT

LEGAL CERTAINTY REGARDING THE CONFLICT BETWEEN EXCLUSIVE RIGHTS AND DIRECT LICENSING IN THE COLLECTIVE ROYALTY SYSTEM FOR MUSIC

**(A Study Of Judgment No. 92/Pdt.
Sus-Hki/Hakcipta/2024/PN
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This study aims to analyze the mechanism of the Direct License in the management of song royalties and to examine the legal certainty regarding the contradiction between the exclusive rights under the Direct License and the collective song royalty system, based on Judgment No. 92/Pdt.Sus-HKI/Hak Cipta/2024/PN Niaga Jakarta Pusat. The research method used is normative legal research employing both a statutory and a case-based approach. The results of the study indicate that the Direct License grants creators the authority to grant permission for the use of a song directly to users without going through the LMKN or LMK. In the case of Ari Bias v. Agnez Mo, the Panel of Judges recognized the creator's exclusive rights and ruled that the use of a song without direct permission constitutes copyright infringement. However, the implementation of the Direct License creates disharmony with the collective royalty management system through the LMKN, which has the potential to cause overlapping authority and double royalty payments. This study concludes that legal certainty regarding the status of the Direct License within the collective song royalty system has not been optimally achieved due to the absence of clear and harmonized regulations. Therefore, regulatory harmonization is needed to provide legal certainty, protect the exclusive rights of creators, and ensure the effective management of music royalties in Indonesia.

Keywords: Direct License, Exclusive Rights, Legal Certainty, Music Royalties, Copyright