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Distributive Accountability in the Allocation of Music Royalties: A Comparative Legal Study of Indonesia, Malaysia, and Thailand

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Abstrak

Perdebatan pengelolaan royalti musik di Indonesia berpusat pada lembaga yang berwenang memungut, sedangkan apakah royalti yang dibayar pengguna sampai kepada pemegang hak kurang diperhatikan. Penelitian hukum normatif preskriptif ini memperkenalkan konsep akuntabilitas distributif, yaitu kewajiban setiap pihak yang menguasai royalti untuk mempertanggungjawabkan setiap bagiannya kepada pemegang hak yang berhak secara dapat dituntut. Dengan pendekatan perundang-undangan, perbandingan fungsional, dan konseptual, penelitian ini menguji Indonesia, Malaysia, dan Thailand pada tujuh mata rantai: status dana, data penggunaan, kunci alokasi, potongan, tenggat dan informasi individual, royalti tak teridentifikasi, serta pemulihan hak. Tidak satu pun sistem memiliki rantai utuh. Kekuatan efektif Malaysia adalah Tribunal Hak Cipta, sedangkan pedoman distribusi 2025-nya ditangguhkan pengadilan. Thailand membangun keterlacakan pada titik penagihan, tetapi tidak mengatur distribusi secara statutoris. Indonesia memiliki distribusi berbasis data penggunaan dan audit publik tahunan, tetapi kunci alokasinya hanya pasti pada satu dari tiga tahap, potongannya berlapis tanpa batas kumulatif, pernyataan distribusi individual tidak diwajibkan, dan royalti tak tercatat dapat menjadi dana cadangan. Penelitian ini mengusulkan model dengan lima prinsip: dana dikuasai untuk kepentingan pemegang hak; keterlacakan dan proporsionalitas; legalitas dan kewajaran potongan; ketepatan waktu dan transparansi individual; serta klaim yang tidak gugur karena pengalihan dana dengan pemulihan yang dapat dipaksakan, diterapkan bertahap sesuai hierarki peraturan.

Kata Kunci: royalti musik; pembagian royalti; akuntabilitas distributif; manajemen kolektif; perbandingan hukum.

Abstract

The debate on music royalty management in Indonesia has centred on which institution may collect royalties, whereas whether royalties paid by users actually

reach right holders has received far less attention. This prescriptive normative legal research introduces the concept of distributive accountability, namely the duty of every party holding royalties to account, in an enforceable manner, for each portion of those royalties to the right holder entitled to it. Employing statutory, functional-comparative, and conceptual approaches, the study examines Indonesia, Malaysia, and Thailand across seven links of the distribution chain: the status of the funds, usage data, the allocation key, deductions, deadlines and individual information, unidentified royalties, and redress. None of the three systems has a complete chain. Malaysia's strength in force is a statutory Copyright Tribunal, while its 2025 distribution guidelines are currently stayed by the courts. Thailand creates traceability at the point of collection but does not regulate distribution by statute. Indonesia has usage-based distribution and an annual public audit, yet its allocation key is determinate at only one of three stages, its deductions stack without a cumulative cap, right holders receive no individual distribution statements, and unrecorded royalties may become reserve funds. The article proposes a distributive accountability model resting on five principles: funds held for the benefit of right holders; traceability and proportionality to use; legality and reasonableness of deductions; timeliness and individual transparency; and claims that survive reallocation, with enforceable redress, implemented in stages according to the hierarchy of laws and regulations.

Keywords: *music royalties; royalty distribution; distributive accountability; collective management; comparative law.*

Introduction

Law No. 28 of 2014 on Copyright (hereinafter, the Copyright Law) defines economic rights as the exclusive rights of an author or copyright holder to obtain economic benefits from a work, and extends comparable protection to performers and phonogram producers through related rights.[1] This formulation indicates that economic rights are not exhausted at the moment a licence is granted or a tariff is paid. The economic benefit is realised only when the money paid by the user reaches the person whose work has been used. For a songwriter whose works are played in thousands of business premises, it is this end point that determines whether copyright protection is meaningful or exists merely on paper.

Collective management organisations stand between users and right holders. Law and economics scholarship explains that such organisations reduce transaction costs by granting blanket licences over a repertoire, monitoring use, and distributing the proceeds,[2] yet this intermediary position simultaneously places them in control of other people's money and in charge of determining each person's share. Kretschmer therefore considers that collective management organisations are more appropriately treated as instruments requiring regulation than as mere

[1] Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta [Law No. 28 of 2014 on Copyright] (Lembaran Negara Republik Indonesia Tahun 2014 Nomor 266, Tambahan Lembaran Negara Republik Indonesia Nomor 5599), arts. 8 and 20 (hereinafter, Copyright Law).

[2] Stanley M. Besen, Sheila N. Kirby, and Steven C. Salop, "An Economic Analysis of Copyright Collectives," *Virginia Law Review* 78, no. 1 (1992): 383–411; Robert P. Merges, "Contracting into Liability Rules: Intellectual Property Rights and Collective Rights Organizations," *California Law Review* 84, no. 5 (1996): 1293–1393.

holders of pooled property rights,[3] while Handke and Towse show that distribution rules constitute the area in which the interests of large and small members are most likely to collide.[4] In private-law terms, the relationship bears the hallmarks of a fiduciary relationship, that is, a relationship in which one person entrusts property or power to another and is therefore dependent on that other party's integrity.[5]

Indonesia regulates this relationship in Articles 87 to 93 of the Copyright Law, Government Regulation No. 56 of 2021 (hereinafter, GR 56/2021), and Minister of Law Regulation No. 27 of 2025 (hereinafter, MoL Regulation 27/2025). The National Collective Management Institution (*Lembaga Manajemen Kolektif Nasional*, LMKN) collects royalties from commercial users and pools them in a single account, then distributes them through collective management organisations (*lembaga manajemen kolektif*, LMKs) to their members.[6] Within this construction, the problem of distribution is no longer theoretical. According to LMKN, royalties collected in 2025 amounted to approximately IDR 175 billion, while the cumulative balance of royalties not yet claimed by their owners stood at approximately IDR 70.4 billion at the end of that year.[7] The two figures measure different things, a one-year flow and an accumulated stock, and neither has been audited; they therefore cannot be read as a rate of non-distribution. What they show is narrower: at any given time, sums of material size are held without having reached an identified right holder. In 2026, disputes between LMKN and a number of LMKs centred on the basis of allocation. LMKN rejected allocation according to the number of members and insisted on usage data,[8] whereas LMKs and some authors objected to the withholding of funds and to operational deductions, and the matter was even reported to the Corruption

[3] Martin Kretschmer, "The Failure of Property Rules in Collective Administration: Rethinking Copyright Societies as Regulatory Instruments," *European Intellectual Property Review* 24, no. 3 (2002): 126–137.

[4] Christian Handke and Ruth Towse, "Economics of Copyright Collecting Societies," *IIC – International Review of Intellectual Property and Competition Law* 38 (2007): 937–957.

[5] Tamar Frankel, *Fiduciary Law* (New York: Oxford University Press, 2011).

[6] Peraturan Pemerintah Nomor 56 Tahun 2021 tentang Pengelolaan Royalti Hak Cipta Lagu dan/atau Musik [Government Regulation No. 56 of 2021 on the Management of Royalties for Song and/or Music Copyright] (Lembaran Negara Republik Indonesia Tahun 2021 Nomor 86, Tambahan Lembaran Negara Republik Indonesia Nomor 6675), arts. 12–14 (hereinafter, GR 56/2021); Peraturan Menteri Hukum Nomor 27 Tahun 2025 tentang Peraturan Pelaksanaan Peraturan Pemerintah Nomor 56 Tahun 2021 tentang Pengelolaan Royalti Hak Cipta Lagu dan/atau Musik [Minister of Law Regulation No. 27 of 2025 on the Implementing Regulation of Government Regulation No. 56 of 2021] (Berita Negara Republik Indonesia Tahun 2025 Nomor 580), arts. 23, 25, and 27 (hereinafter, MoL Regulation 27/2025).

[7] Pingkan Anggraini, "LMKN Sebut Ada Royalti Rp 70 Miliar Belum Diklaim Musisi" [LMKN Says IDR 70 Billion in Royalties Remains Unclaimed by Musicians], *detikPop*, January 15, 2026, https://www.detik.com/pop/music/d-8308629/lmkn-sebut-ada-royalti-rp-70-miliar-belum-diklaim-musisi. These figures are statements by LMKN, not audited results. Another report cites 2025 collections of approximately IDR 200 billion: Annisa Sulistyo Rini, "LMKN Distribusikan Royalti Rp24,9 Miliar ke Lima LMK jelang Lebaran" [LMKN Distributes IDR 24.9 Billion in Royalties to Five LMKs ahead of Eid], *Bisnis.com*, March 19, 2026, https://ekonomi.bisnis.com/read/20260319/12/1961283/lmkn-distribusikan-royalti-rp249-miliar-ke-lima-lmk-jelang-lebaran.

[8] Agatha Olivia Victoria, "LMKN Pastikan Distribusi Royalti kepada Pemilik Hak Tepat Sasaran" [LMKN Ensures Royalty Distribution Reaches the Right Holders], *ANTARA*, June 9, 2026, https://www.antaranews.com/berita/5601277/lmkn-pastikan-distribusi-royalti-kepada-pemilik-hak-tepat-sasaran. This source reports the position of LMKN, an interested party.

Eradication Commission.[9] The dispute over who collects thus culminates in a more fundamental set of questions: on what basis royalties are allocated, how much may be deducted, when they must be paid, and what becomes of money whose owner is unknown.

Prior studies have largely focused on institutional design. Sardjono, Prastyo, and Larasati map the conflicts surrounding the establishment of LMKN;[10] Aliansyah and Arifardhani examine the legal position and problems of LMKN;[11] Amelia proposes abolishing the LMKN–LMK dualism;[12] Nugraha and Wahyuni, drawing on the United Kingdom, propose transforming LMKN into a quasi-judicial supervisory body;[13] and Syahnakri and Prasada compare the transparency of LMKs with that of JASRAC.[14] Even studies that address distribution specifically tend to treat it as a matter of transparency and technology. Jayanti and Mahadewi compare the transparency of distribution in Indonesia with that in Australia and the United States,[15] while Situmorang and Michael propose an integrated data centre and blockchain technology.[16] Within the literature identified through the search described in the Research Method section, no study has yet (1) treated royalties that have been paid as funds held for the benefit of right holders, such that distribution is understood as the fulfilment of an enforceable claim rather than as institutional policy; (2) compared Indonesia's distribution rules with those of Malaysia and Thailand at each link of the chain on the basis of primary legal texts; or (3) tested those rules against developments following MoL Regulation 27/2025,

[9] Auliya Umayna Andani, "Polemik Royalti Musik: LMKN Bermasalah Berujung Dilapor ke KPK" [The Music Royalty Controversy: Troubled LMKN Reported to the KPK], *Tirto.id*, January 10, 2026, https://tirto.id/polemik-royalti-musik-lmkn-bermasalah-berujung-dilapor-ke-kpk-ho3b. The allegations in that report have not been proven and are cited solely to illustrate the dispute.

[10] Agus Sardjono, Brian Amy Prastyo, and Derezka Gunti Larasati, "The Effectiveness of National Collective Management Organization Regulation," *Indonesia Law Review* 6, no. 3 (2016), https://doi.org/10.15742/ilrev.v6n3.250.

[11] Mohamad Alen Aliansyah, "Tinjauan Normatif Kedudukan Lembaga Manajemen Kolektif Nasional (LMKN) sebagai State Auxiliary Organ berdasarkan Peraturan Pemerintah No. 56 Tahun 2021 tentang Pengelolan Royalti Hak Cipta Lagu dan/atau Musik" [A Normative Review of the Position of LMKN as a State Auxiliary Organ under Government Regulation No. 56 of 2021], *Dialogia Iuridica* 13, no. 2 (2022): 1–20, https://doi.org/10.28932/di.v13i2.4215; Yoyo Arifardhani, "Problematika Lembaga Manajemen Kolektif Nasional (LMKN) dalam Menghimpun Royalti Hak Cipta di Indonesia" [Problems of LMKN in Collecting Copyright Royalties in Indonesia], *SALAM: Jurnal Sosial dan Budaya Syar-i* 9, no. 3 (2022), https://doi.org/10.15408/sjsbs.v9i3.26065.

[12] Mays Amelia, "Criticism of the LMKN–LMK Dualism in Music Royalties Management in Indonesia," *Jurnal Mengkaji Indonesia* 4, no. 2 (2025): 275–304, https://doi.org/10.59066/jmi.v4i2.1824.

[13] Setyo Nugraha and Ridha Wahyuni, "Optimizing the Role of LMKN in Managing Royalties for Songs and/or Music: A Comparative Study Between Indonesia and the United Kingdom," *Eduvest – Journal of Universal Studies* 6, no. 1 (2026): 57–67, https://doi.org/10.59188/eduvest.v6i1.52514.

[14] Muhamad Syahnakri and Dewa Krisna Prasada, "Collective Management Reform: A Long Road to LMK Transparency and Accountability," *Lex Journal: Kajian Hukum dan Keadilan* 9, no. 2 (2025): 263–276, https://doi.org/10.25139/lex.v9i2.10365.

[15] Ni Putu Nita Anggrelia Jayanti and Kadek Julia Mahadewi, "Transparency and Reform of Music Royalty Distribution in Indonesia, Australia, and the United States," *Jurnal Akta* 12, no. 3 (2025), https://doi.org/10.30659/akta.v12i3.48499.

[16] Sebastian Situmorang and Tomy Michael, "Reformasi Pengelolaan Royalti Musik: Menuju Sistem yang Adil dan Transparan bagi Pencipta Lagu" [Reforming Music Royalty Management: Towards a Fair and Transparent System for Songwriters], *Jurnal Multidisiplin Ibrahimy* 3, no. 1 (2025): 1–13, https://doi.org/10.35316/jummy.v3i1.7235.

Constitutional Court Decision No. 28/PUU-XXIII/2025, and the changes that occurred in both comparator jurisdictions during 2026.

It is this gap that the concept of distributive accountability seeks to address. Distributive accountability is the duty of every party holding royalties to account for each portion of those royalties to the right holder entitled to it, from the point of payment by the user to the point of receipt by the right holder, in a form that is individually enforceable. The concept is deliberately neutral as to institutional structure. Whatever choice the legislature makes in the deliberations on the amendment of the Copyright Law, whether single-window collection by LMKN or collection by LMKs, every rupiah must remain traceable and accountable.

Malaysia and Thailand were selected as functional contrasts rather than as institutional look-alikes; neither has a counterpart to LMKN. Indonesia combines centralised collection by a body created by regulation with distribution through private LMKs. Malaysia represents a regulated-decentralised model: collection and distribution remain with private collective management organisations, but entry is controlled through a declaration by the Controller of Copyright, and a statutory Copyright Tribunal hears royalty disputes between organisations and their members. Thailand represents a market-pluralistic model: its statute does not regulate distribution, several collectors operate in parallel, and the state has intervened chiefly at the point of collection from users, while a bill that would make distribution methods a matter of public disclosure has been put to public consultation.[17] The three systems thus answer the same functional question, namely who must account to the right holder, for what, and before which forum, through different combinations of statute, administrative instruments, and private ordering, and across a civil-law tradition (Indonesia and Thailand) and a common-law tradition (Malaysia). The comparison is accordingly conducted link by link rather than institution by institution. The research questions are: (1) how is the allocation of music royalties regulated in Indonesia, Malaysia, and Thailand when examined across the links of the distribution chain, from the status of the funds to the redress of rights; and (2) what model of distributive accountability should govern the allocation of music royalties in Indonesia?

Research Method

This is prescriptive normative legal research, as it does not stop at describing legal norms but evaluates their adequacy and formulates the rules that ought to apply.[18] The statutory approach is used to examine the distribution provisions and their hierarchy; the functional-comparative approach is used to compare how each system responds to the same problem, rather than to compare the names of institutions;[19] and the conceptual approach is used to construct the concept of

[17] Paramee Kerativitayanan, "Copyright Royalty Collection: Thailand Opens Public Hearing on New Draft Act," ZICO Holdings, May 25, 2026, https://www.zicoholdings.com/alert-copyright-royalty-collection-thailand-opens-public-hearing-on-new-draft-act/.

[18] Peter Mahmud Marzuki, *Penelitian Hukum* [Legal Research], rev. ed. (Jakarta: Kencana, 2017).

[19] Konrad Zweigert and Hein Kötz, *An Introduction to Comparative Law*, 3rd ed., trans. Tony Weir (Oxford: Clarendon Press, 1998); Ralf Michaels, "The Functional Method of Comparative Law," in *The Oxford Handbook of Comparative Law*, ed. Mathias Reimann and Reinhard Zimmermann (Oxford: Oxford University Press, 2006), 339–382.

distributive accountability on the basis of the law of obligations, fiduciary relationships,[20] and the theory of preventive and repressive legal protection.[21] The primary legal materials comprise the Copyright Law, the Indonesian Civil Code, GR 56/2021 and its Elucidation, MoL Regulation 27/2025, and Constitutional Court Decision No. 28/PUU-XXIII/2025; Malaysia's Copyright Act 1987 in its updated text as at 30 June 2022, the Guidelines of Copyright (Collective Management Organization) 2025, the Unclaimed Moneys Act 1965, and Copyright Tribunal decision CTMR2024001; and Thailand's Copyright Act B.E. 2537, the Ministerial Regulation B.E. 2540, and Central Committee on Prices of Goods and Services Announcement No. 55 B.E. 2564. Directive 2014/26/EU and the WIPO Good Practice Toolkit 2025 serve as benchmarks rather than as comparator systems.

Legal texts were authenticated in a fixed order of preference: the text promulgated in the official gazette or compiled by the issuing authority; then an official translation; and only then a third-party translation. Thai statutory provisions were read in the Thai text compiled by the Department of Intellectual Property (DIP), with DIP's unofficial English translation used as an aid. The Ministerial Regulation B.E. 2540 was available only in a third-party translation, so any proposition resting on it is treated as provisional and flagged in the notes. The status of the Malaysian Guidelines was traced through court reports and official statements; the article records their procedural position as at the cut-off date and does not forecast the outcome of the proceedings. Prior scholarship was identified through searches of Google Scholar, Garuda, and Scopus using Indonesian and English terms for royalty distribution and collective management. Media reports are used only for facts of events and statements by parties, and are flagged where they originate from interested parties. All materials were gathered through library research up to 19 October 2026, which is the cut-off date for every statement of the law in this article.

The analysis proceeds in three steps. First, the norms of the three jurisdictions are read against seven links that follow the path of the money. To make the assessment replicable, each link is operationalised through a single guiding question applied uniformly to all three systems (Table 1), and every item of evidence is assigned to one of four tiers of legal force: Tier A, a statute or regulation in force; Tier B, a binding instrument whose operation is suspended or contested, or a tribunal decision; Tier C, a draft, consultation paper, or official policy statement; and Tier D, organisational practice or a media report. A system is treated as strong at a link only on Tier A or Tier B evidence; Tier C and Tier D evidence is reported but cannot by itself establish that a legal obligation exists. Second, the deficiencies at each link are assessed against principles derived from the concept of distributive accountability. Third, the elements of foreign law are classified as capable of adaptation, requiring modification, or unsuitable, bearing in mind that legal institutions cannot be transplanted without regard to their context.[22] In this article,

[20] Frankel, *Fiduciary Law*.

[21] Philipus M. Hadjon, *Perlindungan Hukum bagi Rakyat di Indonesia* [Legal Protection for the People in Indonesia] (Surabaya: Bina Ilmu, 1987).

[22] Otto Kahn-Freund, "On Uses and Misuses of Comparative Law," *Modern Law Review* 37, no. 1 (1974): 1–27.

"Article" refers to provisions of Indonesian legislation, while "section" and "paragraph" refer to provisions of the foreign instruments concerned.

Table 1. Analytical Framework: Seven Links of the Distribution Chain

No.	Link	Guiding question applied to each system
1	Status of funds	Does a legal rule separate royalty receipts from the holder's own assets and define the right holder's claim against them?
2	Usage data and matching	Must distribution follow recorded use, and are the methods for unrecorded use set out in a published rule?
3	Allocation key	At each stage (between categories of rights, between organisations, and from organisation to member), is there a binding and determinate criterion?
4	Deductions	Is each deduction authorised by a rule, calculated on a defined base, and subject to a cumulative ceiling?
5	Deadlines and individual information	Must the right holder be paid within a defined period and receive a statement showing the basis of calculation and the deductions made?
6	Unidentified royalties	Are unmatched and unidentified sums held separately and actively searched, and does the owner's claim survive any reallocation?
7	Redress	Is there a forum, independent of the body whose decision is challenged, with jurisdiction over distribution disputes and power to order payment and disclosure?

Source: Formulated by the authors.

Results and Discussion

The Regulation of Music Royalty Allocation in Indonesia, Malaysia, and Thailand

Before examining the three systems, the legal character of the money being distributed must be stated with care. Copyright is an intangible movable object (*benda bergerak tidak berwujud*), and the economic rights attached to it are rights to obtain economic benefits from a work.[23] When a user pays a royalty, however, the money does not become the property of a particular songwriter in the sense of a real right. Under a blanket licence the payment is made for access to a repertoire, it is credited to an account in the collecting institution's name, and it is commingled with other payments; at that moment it cannot yet be attributed to any individual. What exists is a claim (*vorderingsrecht*), itself classified by law as a movable object,[24] held by the right holders whose works were used against the institution that received the money. That claim passes through three states. It is collective while the money remains in the pool; it becomes categorical once the pool is divided between categories of rights, since the Copyright Law places authors and the owners of

[23] Copyright Law, arts. 8 and 16(1).

[24] Kitab Undang-Undang Hukum Perdata (*Burgerlijk Wetboek*) [Indonesian Civil Code], art. 511(3) (hereinafter, Civil Code).

related rights under separate national institutions;[25] and it becomes individual only when usage data or a published formula attributes a determinable sum to a particular person. Royalties for unallocated repertoire remain at the collective or categorical stage, but they remain claims of an ascertainable class of right holders, not income of the institution. This article therefore speaks of funds *held for the benefit of* right holders rather than of their *property*: the institution may be the legal account holder, but it holds the money subject to an obligation to allocate it and to account for it.

The source of that obligation differs according to the relationship between the parties. With respect to members, an LMK acts under a mandate (*pemberian kuasa*), and it is therefore obliged to report on the performance of its mandate and to render account for everything it has received, while the principal may revoke the mandate.[26] With respect to right holders who are not members, LMKN collects royalties without having received any mandate from them; its authority to collect derives from regulation.[27] That regulation confers a power to collect, not a right to own, but it says little about the duties that follow collection. The law of voluntary agency (*zaakwaarneming*, or *negotiorum gestio*) is used here to fill that gap by analogy, and the limits of the analogy must be stated. It holds in three respects: in both cases a party manages the affairs of another without that other's instruction; the manager is bound to complete what it has begun and bears the obligations of an agent acting under a mandate, including the duty to account; and the person whose affairs are managed must reimburse only those expenses that were necessary or useful.[28] It fails in three others. LMKN does not act voluntarily, so the analogy cannot explain the source of its authority, which remains regulatory; the duty of a voluntary agent ends once the principal can take over, whereas LMKN's role continues by law; and a voluntary agent cannot bind the principal to terms it sets unilaterally, whereas LMKN applies tariffs approved by the Minister. The analogy is therefore confined to two consequences that do not depend on voluntariness: a duty to render an individual account, and a limit on the costs that may be charged against the money managed. On this footing, the three systems are examined through the seven links of the distribution chain.

Indonesia

At the first link, royalties are pooled in a single account in the name of LMKN which is visible to all LMKs, and are then applied to distribution, an operational fund, and a reserve fund.[29] No provision states that the funds in that account are segregated from LMKN's own assets, are held for the right holders, or are shielded from claims by third parties. LMKN's own legal position is hybrid: the Copyright Law characterises it as a body representing the interests of right holders, whereas the implementing regulations characterise it as a non-state-budget government

[25] Copyright Law, art. 89(1).

[26] Civil Code, arts. 1792, 1802, 1813, and 1814.

[27] GR 56/2021, art. 12(2); MoL Regulation 27/2025, art. 23.

[28] Civil Code, arts. 1354 and 1357; Wijaya Natalia Panjaitan, "Zaakwarneming: Legal Balance for Gestor and Dominus," *TATOHI: Jurnal Ilmu Hukum* 4, no. 12 (2025): 916–921, https://doi.org/10.47268/tatohi.v4i12.2816.

[29] GR 56/2021, art. 14(1); MoL Regulation 27/2025, arts. 25 and 26.

auxiliary body.[30] The status of the funds thus becomes unclear precisely in the institution that holds the largest share of them.

The second link, usage data, in fact already rests on a sound principle. GR 56/2021 provides that LMKN distributes royalties "on the basis of reports on the use of song and/or music data contained in the SILM" (*Sistem Informasi Lagu dan/atau Musik*, the Song and/or Music Information System), and MoL Regulation 27/2025 regulates the song and/or music data centre and the information system as its infrastructure.[31] The difficulty is that most analogue users do not submit playlists. LMKN states that distribution is carried out through proxy schemes, surveys, and an unlogged performance allocation (UPA), that is, an allocation for performances that were not recorded.[32] These methods are not set out in any regulation, so right holders cannot ascertain how money derived from unrecorded performances is allocated. Furthermore, the Elucidation of Article 14(1)(c) of GR 56/2021 describes the reserve fund as including royalties from songs whose use was not recorded, royalties still disputed among owners, and royalties of persons not yet registered with an LMK, and MoL Regulation 27/2025 restates royalties "whose usage was not recorded" as a source of the reserve fund in its operative provisions.[33] Since an elucidation may not contain norms,[34] the rule first acquired binding form at the level of the ministerial regulation. It generates what this article terms an *untraceability incentive*: the poorer the usage data, the larger the sum that cannot be attributed to right holders and that may be diverted to a fund whose use is determined by the institution.

At the third link, the allocation key, the difficulty is not that several rules contradict one another at a single point, but that a determinate criterion exists at only one of three stages. The first stage is the division between categories of rights. Article 89(3) of the Copyright Law requires the two national institutions, one representing authors and the other the owners of related rights, to coordinate and fix the amount of royalties due to each "in accordance with customary practice based on fairness".[35] Article 13(2) of GR 56/2021 extends the same criterion to the determination of the share of each LMK.[36] The second stage is distribution from the pool: Article 14(2) of GR 56/2021 requires LMKN to distribute royalties on the basis of usage reports in the SILM, and Article 14(3) channels them to right holders through the LMKs.[37] The third stage is distribution from an LMK to its members, which MoL Regulation 27/2025 leaves to each LMK's own calculation of usage data within implementing and technical guidelines adopted at a plenary meeting of the

[30] Copyright Law, art. 89(1); MoL Regulation 27/2025, arts. 1(8) and 2; Aliansyah, "Tinjauan Normatif Kedudukan LMKN."

[31] GR 56/2021, art. 14(2); MoL Regulation 27/2025, arts. 44–48.

[32] Victoria, "LMKN Pastikan Distribusi Royalti."

[33] GR 56/2021, Elucidation of art. 14(1)(c); MoL Regulation 27/2025, art. 31(4).

[34] Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan [Law No. 12 of 2011 on the Making of Laws and Regulations] (Lembaran Negara Republik Indonesia Tahun 2011 Nomor 82, Tambahan Lembaran Negara Republik Indonesia Nomor 5234), as amended, Annex II, point 177 (hereinafter, Law-Making Law).

[35] Copyright Law, art. 89(1) and (3).

[36] GR 56/2021, art. 13(2).

[37] GR 56/2021, art. 14(2)–(3).

two national institutions.[38] These provisions are not contradictory in the strict sense that compliance with one necessarily breaches another. The problem is narrower and more practical. Where the share of each LMK is fixed, two criteria apply without any rule of priority: "customary practice based on fairness", which has no operational content, and usage data. If the first is used, accurate usage data at the member stage cannot correct an allocation between LMKs that did not follow use. At the member stage, the criterion is set in guidelines that are not published as regulation and are adopted by the very bodies whose shares they determine. The 2026 dispute illustrates the consequences: some LMKs had previously demanded allocation according to the number of members, a demand that LMKN now rejects on the ground that allocation must follow usage data.[39] LMKN's position is consistent with Article 14(2) of GR 56/2021, but as long as "customary practice based on fairness" stands as an independent criterion, the basis of allocation may shift whenever the leadership of the institution changes.

The fourth link concerns deductions, which are imposed at three points. LMKN may use an operational fund of up to eight per cent of all royalties collected each year, including for commissioners' salaries and for facilitating the Supervisory Team, under a budget approved jointly with the LMKs at a plenary meeting.[40] LMKs may use an operational fund of up to twenty per cent of the total royalties they collect each year, or thirty per cent during their first five years.[41] The reserve fund may be used for music education, social activities, social security for LMK members, and public outreach, subject to a ceiling of "at most 8%".[42] The bases of these percentages differ. LMKN's eight per cent is calculated on gross collections. The LMK percentage is calculated on royalties the LMK "collects", a term drafted for a system in which LMKs collected directly; under the pooled system, what an LMK receives from LMKN is already net of LMKN's deduction, so the LMK percentage, if applied to those receipts, stacks on top of the first. The base of the reserve-fund ceiling is not specified, nor is it clear whether the ceiling limits what may be set aside or only what may be spent. Stacking is therefore legally possible, and its scale depends on interpretive choices that no rule settles. Table 2 shows the effect under stated assumptions.

Table 2. Illustrative Cumulative Effect of Layered Deductions (per IDR 100 of Gross Collections)

Scenario	LMKN operational fund (8% of gross)	Reserve fund set-aside	LMK operational fund	Amount reaching right holders	Cumulative deduction
A. LMK 20%; no reserve set-aside	8.0	0.0	18.4 (20% of 92.0)	73.6	26.4%

[38] MoL Regulation 27/2025, arts. 27(2), 28(1), and 30.

[39] Rini, "LMKN Distribusikan Royalti Rp24,9 Miliar"; Victoria, "LMKN Pastikan Distribusi Royalti."

[40] MoL Regulation 27/2025, art. 29.

[41] Copyright Law, art. 91(1)–(2).

[42] MoL Regulation 27/2025, arts. 32 and 33.

Scenario	LMKN operational fund (8% of gross)	Reserve fund set-aside	LMK operational fund	Amount reaching right holders	Cumulative deduction
B. LMK 20%; reserve 8% of gross	8.0	8.0	16.8 (20% of 84.0)	67.2	32.8%
C. LMK 30%; no reserve set-aside	8.0	0.0	27.6 (30% of 92.0)	64.4	35.6%
D. LMK 30%; reserve 8% of gross	8.0	8.0	25.2 (30% of 84.0)	58.8	41.2%

Source: Calculated by the authors from MoL Regulation 27/2025, arts. 29 and 33, and the Copyright Law, art. 91. Assumptions: (i) the LMK percentage applies to the amount received from LMKN; (ii) in Scenarios B and D the reserve-fund ceiling is treated as a set-aside from gross collections. The figures are statutory ceilings applied to a notional sum, not estimates of actual deductions, which are not disclosed to individual right holders.

Even on the reading most favourable to right holders, the ceilings permit more than a quarter of each rupiah to be retained before payment; on the least favourable reading, the figure exceeds two-fifths. There is no cumulative cap on these layered deductions, no requirement that deductions be proportionate to actual costs, and no obligation to disclose them to right holders individually. A report to the Corruption Eradication Commission in early 2026, which challenged the imposition of the eight per cent deduction on digital royalties collected by an LMK, shows that even the basis on which deductions are imposed remains unclear, irrespective of whether the allegations in that report are well founded.[43]

The fifth link concerns deadlines and information. LMKs must notify LMKN of distributions at least twice a year, stating the amounts, the recipients, and usage data by type of public service,[44] and the Director General of Intellectual Property has emphasised that LMKN may not release royalties to an LMK whose report fails to meet the verification criteria.[45] This obligation flows upwards, from the LMK to LMKN. There is no maximum deadline for payment to right holders, and right holders have no entitlement to an individual distribution statement setting out the basis of calculation and the deductions made. The only safeguard that reaches the public is LMKN's obligation to undergo an annual financial audit and performance audit by a public accountant and to publish the results.[46] This obligation is an advantage that neither comparator has at the level of binding regulation, but the

[43] Andani, "Polemik Royalti Musik."

[44] MoL Regulation 27/2025, art. 28(2)–(3).

[45] Dicky Ardian, "DJKI: Royalti Musik Gak Bisa Asal Bagi" [DGIP: Music Royalties Cannot Be Shared Arbitrarily], *detikPop*, January 9, 2026, https://www.detik.com/pop/music/d-8299360/djki-royalti-musik-gak-bisa-asal-bagi.

[46] GR 56/2021, art. 17.

scope of the performance audit has not been expressly extended to the accuracy of distribution to right holders.

The sixth link, unidentified royalties, is the most vulnerable point. GR 56/2021 provides that royalties for right holders who are unknown and/or not yet members of an LMK are to be held and announced by LMKN "for 2 (two) years", after which they "may be used as a reserve fund", whereas MoL Regulation 27/2025 alters the period to "at most 2 (two) years".[47] The single category "unknown and/or not yet members" conflates three situations that call for different treatment: (a) *unmatched usage*, where a use has been recorded but the work has not yet been matched to its owner, a deficiency of data that the institution itself can remedy; (b) *identified non-members*, whose identity is known but who have not joined an LMK; and (c) *unidentifiable owners*, who cannot be found after reasonable search. Four problems follow. First, the lower-ranking regulation permits a shorter period than the regulation it implements. Second, category (b) may lose royalties even though the Copyright Law does not make the economic right conditional on membership; GR 56/2021 refers only to distribution to members, and MoL Regulation 27/2025 requires non-members to file a claim and undergo verification.[48] In practice, LMKN has stated that it will direct owners who file claims to the LMK that represents them,[49] and, according to press reports, the bill amending the Copyright Law contains a proposal making registration with an LMK a precondition for receiving royalties.[50] Third, category (a) is treated as though it were category (c), so that a failure in the institution's own matching can end in the reallocation of the money. Fourth, the conversion into a reserve fund is not accompanied by any statement that the owner's claim survives. Under general private law, a claim is extinguished by prescription only on the expiry of the limitation period, as a general rule thirty years, subject to shorter periods prescribed for particular claims,[51] and nothing in the regulations purports to shorten it. Read together with the duty to account discussed above, the better view is that reallocation changes the use of the money but does not extinguish the claim. The regulations, however, do not say so, and they make no provision for repayment to an owner who appears later. For authors, the effect resembles a taking of property without a statutory basis, notwithstanding that Article 28H(4) of the 1945 Constitution prohibits the arbitrary taking of property.[52] The arrangement is not necessarily unconstitutional, but the basis for any reallocation ought to be laid down in a statute, and the survival of the claim ought to be stated expressly.

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[47] GR 56/2021, art. 15; MoL Regulation 27/2025, art. 31(1)–(3).

[48] GR 56/2021, art. 14(1)(a); MoL Regulation 27/2025, art. 27(3)–(5).

[49] "LMKN Pegang Rp 24 Miliar Dana Royalti Lagu yang Tidak Diklaim, Mau Dibuat Apa?" [LMKN Holds IDR 24 Billion in Unclaimed Song Royalties: What Will Be Done with It?], *JawaPos.com*, November 13, 2025, https://www.jawapos.com/music-movie/2511130361/lmkn-pegang-rp-24-miliar-dana-royalti-lagu-yang-tidak-diklaim-mau-dibuat-apa.

[50] Ady Thea DA, "RUU Hak Cipta Atur Keringanan Royalti untuk UMKM hingga Peran KMKN" [Copyright Bill Regulates Royalty Relief for MSMEs and the Role of KMKN], *Hukumonline*, February 18, 2026, https://www.hukumonline.com/berita/a/ruu-hak-cipta-atur-keringanan-royalti-untuk-umkm-hingga-peran-kmkn-lt69959a7198d09/. This report concerns a bill and does not describe positive law.

[51] Civil Code, art. 1967.

[52] Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [1945 Constitution of the Republic of Indonesia], art. 28H(4) (hereinafter, 1945 Constitution).

The seventh link, redress, is impeded both by a conflict of norms and by uncertainty as to jurisdiction. GR 56/2021 provides that a party *may* submit a dispute concerning the appropriateness of the amount distributed to the Directorate General of Intellectual Property (DGIP) for mediation, whereas MoL Regulation 27/2025 refers such disputes to LMKN.[53] A ministerial regulation cannot reassign a forum established by the government regulation it implements, and LMKN is not neutral when the decision being challenged is its own allocation decision. Because the government regulation is framed permissively, mediation is not a precondition for litigation, and a right holder is not required to exhaust it. Beyond mediation, the competent forum is itself uncertain. The Copyright Law confines copyright disputes to the Commercial Court,[54] but a member's claim that an LMK has failed to pay what is due under the mandate may equally be characterised as a contractual claim falling within the general jurisdiction of the District Court, and a challenge to an allocation decision of LMKN, which the implementing regulations treat as a government auxiliary body, raises the further question whether that decision is reviewable by the State Administrative Court. Whichever forum applies, litigation is costly and slow for disputes that are small in value but numerous.

Malaysia

Malaysian arrangements must be read in layers of different legal force. The first layer is the statute (Tier A). The Copyright Act 1987 contains no detailed rules on how distribution is to be carried out, but it places distribution under state supervision from the point of entry. A body corporate intending to operate as a collective management organisation must obtain a declaration from the Controller of Copyright, and its application must include documents relating to the collection and distribution of royalties. A declaration is valid for two years, may be granted only to a company limited by guarantee, and may be revoked on grounds including that the organisation has failed to act in the best interests of its members or has failed to comply with the Controller's guidelines.[55] The statute also gives the Copyright Tribunal jurisdiction over royalty disputes between a licensing body and its members, in addition to disputes over licensing schemes and performers' remuneration.[56] These provisions are in force and are unaffected by the litigation described below.

The second layer is tribunal practice (Tier B). The decision in *Abdulkarim Al Ali v. MACP* illustrates how the forum operates in relation to distribution. The Tribunal rejected the argument that the phrase "subject to the agreement" in section 59C requires the consent of both parties before proceedings may be brought, since that interpretation would render the provision otiose. It then ordered payment of outstanding royalties, detailed royalty reports, timely distribution accompanied by notice, and a transparency report, but declined to order investment in technology

[53] GR 56/2021, art. 16; MoL Regulation 27/2025, arts. 4(h) and 28(4).

[54] Copyright Law, art. 95(1)–(3).

[55] Copyright Act 1987 (Act 332) (Malaysia), s. 27A(1)–(9), Online Version of Updated Text of Reprint as at 30 June 2022, compiled by the Attorney General's Chambers, https://www.myipo.gov.my/wp-content/uploads/2025/09/Copyright-Act-1987-Act-332.pdf (hereinafter, CA 1987); Copyright (Amendment) Act 2022 (Act A1645) (Malaysia).

[56] CA 1987, ss. 16B(3A)–(3E), 27AA–27L, 28–30A, and 59C.

on the ground that this lay beyond its jurisdiction.[57] The decision shows that rights to information and to payment can be enforced through a simple forum, while the technical means of achieving them are left to the organisation.

The third layer is administrative guidance. More detailed distribution standards are contained in the Guidelines of Copyright (Collective Management Organization) 2025, issued under the Controller's power to issue binding guidelines.[58] The Guidelines require a distribution policy that includes complaints procedures, accurate distribution in accordance with usage reports, notification of the distribution cycle, and a royalty statement to members upon each distribution. Administrative costs are capped at ten per cent of total collections; additional costs, including those for social and cultural activities, may exceed this cap only with the approval of a majority of members at the annual general meeting on a one-member-one-vote basis; and organisations declared on or after 16 January 2026 are subject to a forty per cent cap during their first three years, with the approval of the general meeting. Members are entitled to inspect the financial records relating to their own portfolio at least once a year and must be informed that unresolved disputes may be referred to the Tribunal.[59] Royalties that cannot be distributed or that are unidentified must be reported and dealt with in accordance with the Unclaimed Moneys Act 1965.[60] That Act requires persons holding money not collected by its owner to record it and to lodge it with the Registrar of Unclaimed Moneys; after lodgement the owner remains entitled to recover the money from the Registrar, and the text in force sets no express time limit on such a claim.[61]

The legal force of this third layer is presently uncertain. The Guidelines state that they apply from 16 January 2026.[62] MACP, PPM, and RPM obtained leave in July 2025 to challenge them by way of judicial review on the grounds of inadequate consultation and excess of power,[63] and in October 2025 the High Court stayed their implementation on MACP's application.[64] According to BERNAMA, as at 13 October 2026 the Guidelines had not been implemented and the substantive hearing was

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[57] Copyright Tribunal (Malaysia), *Abdulkarim Al Ali v. Music Authors' Copyright Protection (MACP) Berhad*, Case No. CTMR2024001, Decision of August 20, 2025, paras. 16.1, 20–24, https://www.myipo.gov.my/wp-content/uploads/2025/09/39.-Decision.pdf.

[58] CA 1987, s. 27M; Intellectual Property Corporation of Malaysia (MyIPO), *Guidelines of Copyright (Collective Management Organization) 2025*, issued January 17, 2025, https://mra.com.my/wp-content/uploads/2025/03/Guidelines-of-Copyright-Collective-Management-Organization-2025.pdf (hereinafter, 2025 Guidelines).

[59] 2025 Guidelines, paras. 14(3)(c), 17(3)–(4), 18(2)(b), 18(4)(a), (c), and (g), 20, and 21.

[60] 2025 Guidelines, paras. 17(1)(c)(iv), 18(2)(e), 18(3), and 19(1)(c).

[61] Unclaimed Moneys Act 1965 (Act 370) (Malaysia), ss. 2A, 10(6), 11(2), and 13(1), Online Version of Updated Text of Reprint as at 1 August 2024, compiled by the Attorney General's Chambers, https://ewtd.anm.gov.my/download/pindaan%20akta/Akta%20WTD%201965%20(2025)%20(ENG).pdf.

[62] 2025 Guidelines, para. 1(2).

[63] "Music Industry Bodies Secure Leave to Challenge New Copyright Guidelines," *Free Malaysia Today*, July 1, 2025, https://www.freemalaysiatoday.com/category/nation/2025/07/01/music-industry-bodies-secure-leave-to-challenge-new-copyright-guidelines.

[64] "Court Grants Music Industry Body Stay of New Copyright Guidelines," *Free Malaysia Today*, October 28, 2025, https://www.freemalaysiatoday.com/category/nation/2025/10/28/court-grants-music-industry-body-stay-of-new-copyright-guidelines.

scheduled for 24 November 2026, while the Minister of Domestic Trade and Cost of Living stated his ministry's readiness to consider statutory amendments to strengthen oversight of royalty collection and distribution.[65] The reports available to the authors do not make clear whether the stay operates generally or only as between the applicant and the Controller. The Guidelines are therefore treated in this article as Tier B evidence: they show what the regulator considers necessary, but they cannot presently be relied on as binding obligations. Two consequences follow. Malaysia's advantage at the seventh link rests on statute and is unaffected by the litigation. Its advantage at the sixth link is contingent, because the requirement to deal with unidentified royalties under the Unclaimed Moneys Act 1965 is imposed by the Guidelines; whether that Act would in any event reach royalties held by a collective management organisation is a question the authors leave open.

The fourth layer consists of reform proposals (Tier C). A public consultation that closed on 14 August 2026 proposed extending the Tribunal's jurisdiction over royalty disputes by removing the requirement of mutual consent, and regulating the status of undistributed royalties where an organisation's declaration expires without renewal.[66] The Malaysian lesson is therefore twofold: sound distribution standards need to be placed in an instrument backed by express delegation and adequate consultation, and access to the forum needs to be framed so that it does not depend on the consent of the organisation being challenged.

Thailand

In Thailand, the law in force does not regulate distribution at all. The Copyright Act B.E. 2537 rests on the owner's right to license a work with or without conditions, provided that such conditions do not unfairly restrict competition, together with the freedom to assign copyright for a limited period.[67] Any owner, assignee, or agent may collect royalties without a specific licence. The statute regulates only the joint appointment of an agent by several performers and the determination of performers' remuneration by the Director-General, which may be appealed to the Copyright Committee.[68] Beyond this, the allocation of royalties depends on agreements between organisations and right holders. Thai scholarship notes that collecting organisations operate as ordinary companies under the Civil and Commercial Code without specific regulation, making it difficult to ascertain

[65] "KPDN To Review Need For Stronger Copyright Law, CMO Oversight," *BERNAMA*, October 13, 2026, https://www.bernama.com/en/general/news.php?id=2619556. As at 19 October 2026, the authors had found no decision in those proceedings.

[66] Raymond Tan and Ashraf Johan Hashim, "Malaysia: Public Consultation on Proposed Copyright Act 1987 Reforms," Baker McKenzie, July 14, 2026, https://www.bakermckenzie.com/en/insight/publications/2026/07/malaysia-public-consultation-on-proposed-copyright-act-1987-reforms. These proposals do not constitute positive law.

[67] Copyright Act B.E. 2537 (1994) (Thailand), ss. 15(5), 16, and 17, Thai text in the DIP compilation incorporating amendments up to the Copyright Act (No. 5) B.E. 2565 (2022), https://www.ipthailand.go.th/images/3534/2565/Copyright/Copyright_Act2_TH.pdf; unofficial DIP translation, https://www.ipthailand.go.th/images/3534/2564/Copyright/Copyright_Act_ENG.pdf (hereinafter, CA B.E. 2537); Ministerial Regulation (B.E. 2540) Issued under the Copyright Act B.E. 2537 (Thailand), cl. 1, third-party translation at https://asialawreport.com/thailand/thailand-copyright-6.htm, which should be checked against the text published in the *Royal Gazette*.

[68] CA B.E. 2537, ss. 45, 46, 56, and 60.

whether collection is lawful and which right holders are represented.[69] Even the number of collectors is uncertain: Distabanjong estimates that it once reached around thirty,[70] while the international federation of collecting organisations, in a meeting with DIP, referred to more than ten.[71]

Voluntary practice (Tier D) fills part of this gap. MCT and Phonorights established MPC in 2003 to license public performance rights and to allocate the proceeds by type of right, with musical works going to MCT and sound recordings to Phonorights. MCT distributes royalties to members after deducting fees, on the basis of usage reports traditionally obtained through sample monitoring of radio broadcasts and now supplemented by automated monitoring technology, and submits an annual report to its members and to DIP.[72] The level of deductions and the payment deadlines are not disclosed in that source.

State intervention in force operates at the user's end, and its function must be stated precisely. Central Committee on Prices of Goods and Services Announcement No. 55 B.E. 2564 is a price-disclosure instrument: it requires collectors to notify their tariffs, costs, collection criteria, and agents, and to display the tariff per song together with the owners of the rights in the musical work and the sound recording.[73] It governs information supplied to users, not payments made to right holders, and it is therefore not a distribution rule. Its relevance to this comparison is confined to the second link. By requiring each charge to be tied to an identified song and owner at the moment of collection, it produces the data on which traceable distribution depends; it says nothing about the allocation key, deductions from the owner's share, deadlines, or redress. Functionally, it is comparable not to Indonesia's distribution provisions but to the SILM, which is intended to generate the usage data on which distribution is based. Since 2021, DIP has also invited collecting organisations to subscribe voluntarily to a code of conduct covering accessible tariff information, collection methods and data reporting, and the

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[69] ธนากร วณิชชากร and วรรณวิภา พัวศิริ, "การจัดตั้งองค์กรการจัดเก็บค่าลิขสิทธิ์ของภาคเอกชนและภาครัฐในประเทศไทยและต่างประเทศ" [The Establishment of Copyright Fee Collection Organizations Operated by Private and Public Sectors in Thailand and Foreign Countries], *Bot Bundit* 79, no. 2 (2023): 100–134, https://so04.tci-thaijo.org/index.php/botbundit/article/view/261919.

[70] Supatchara Distabanjong, "Navigating Collective Management in Thai Music Industry: The Path to International Practice, Transparency, and Efficiency," *Intellectual Property and International Trade Law Journal* 15, no. 1 (2025). This figure is an estimate, not official data.

[71] ศักดิ์ชัย อินทร์จันทร์, "กรมทรัพย์สินฯ ถกต่างประเทศ เดินหน้ายกเครื่องกฎหมาย 'จัดเก็บค่าลิขสิทธิ์' ลดปัญหาข้อขัดแย้ง" [DIP Confers with Foreign Counterparts, Presses Ahead with Overhaul of Royalty Collection Law], *Daily News*, December 24, 2025, https://www.dailynews.co.th/news/5437577/. This figure is an estimate, not official data.

[72] Music Copyright (Thailand) Ltd., "FAQ," accessed October 12, 2026, https://www.mct.in.th/faq.php?page=faq&language=EN. This information originates from the organisation concerned.

[73] ประกาศคณะกรรมการกลางว่าด้วยราคาสินค้าและบริการ ฉบับที่ 55 พ.ศ. 2564 [Central Committee on Prices of Goods and Services Announcement No. 55 B.E. 2564], *Royal Gazette* vol. 138, special part 242 Ng, October 3, 2021, 297–299, cl. 6, https://www.ipthailand.go.th/images/633/5.67.pdf (hereinafter, Announcement No. 55). The authors were unable to confirm whether its period of validity has been extended.

allocation and remittance of remuneration to right owners; in March 2026 DIP announced eight organisations that met its requirements and made available a song copyright database that users can consult.[74] A voluntary instrument does not reach organisations that choose not to participate, nor does it confer on right holders an enforceable claim.

Proposed reform must be kept separate from this positive law. The 2026 draft royalty collection act would require copyright business operators and collective management organisations that collect royalties for specified works and uses to be licensed; to publish their tariffs, licensing terms, and royalty distribution methods; and to report periodically to DIP. Extended collective licensing would grant non-members the same terms, payment, and transparency as members unless otherwise agreed, and a supervisory committee would adjudicate disputes concerning the collection and allocation of royalties, with graduated enforcement ranging from warnings to licence revocation.[75] As a draft whose official text the authors did not obtain, it is Tier C evidence. It shows a shift in policy from distribution as a contractual matter to distribution as a public obligation, although, as far as can be ascertained, it contains no cap on deductions and no payment deadline. It creates no obligation, and it is not counted as a Thai strength in the comparison that follows.

Comparative Matrix and Findings

Table 3 summarises the three systems at each link, with Directive 2014/26/EU and the WIPO Good Practice Toolkit 2025 as benchmarks. Each entry identifies its legal source and evidence tier, so that obligations in force can be distinguished from contested instruments, proposals, and practice.

Table 3. Matrix of the Music Royalty Distribution Chain

Link	Indonesia	Malaysia	Thailand	Benchmark
Status of funds	Single LMKN account; no rule on segregation or on right holders' claim [A: MoL Reg. arts. 25–26]	Held by each organisation; not specifically regulated [A: CA 1987]	Held by each collector; not regulated [A]	Rights revenue kept separate from own assets (Directive art. 11(3)–(4))

[74] "ประกาศ 8 องค์กร บริหารจัดเก็บค่าลิขสิทธิ์เพลงปี 69 ลดปัญหาข้อพิพาท สร้างสมดุลอุตฯดนตรีไทย" [Eight Music Copyright Collecting Organisations Announced for 2026], *Matichon Online*, March 3, 2026, https://www.matichon.co.th/economy/news_5618071; "เปิด 8 องค์กรบริหารลิขสิทธิ์ จัดเก็บค่าลิขสิทธิ์เพลงโปร่งใส" [Eight Copyright Management Organisations Collecting Music Royalties Transparently], *Prachachat Turakij*, March 3, 2026, https://www.prachachat.net/economic/news-1972928.

[75] Yada Viseswongsa and Pakaimas Wongwiwatwaitaya, "Thailand: Draft Act to Regulate Collective Rights Management Issued," Baker McKenzie, June 18, 2026, https://www.bakermckenzie.com/en/insight/publications/2026/06/thailand-draft-act-regulates-collective-rights-management; Kerativitayanan, "Copyright Royalty Collection." The draft does not constitute positive law, and the authors did not obtain its official text.

Link	Indonesia	Malaysia	Thailand	Benchmark
Usage data	Distribution on SILM usage reports [A: GR art. 14(2)]; proxy, survey, and UPA methods in no rule [D]; unrecorded royalties a reserve-fund source [A: MoL Reg. art. 31(4); GR Elucidation art. 14(1)(c)]	Accurate distribution per usage reports [B: Guidelines para. 18(4)(a)]	Per-song tariff and owner disclosed to users [A: Announcement No. 55 cl. 6]; sampling and automated monitoring [D: MCT]	Monitoring and data processing for individual distribution (WIPO Toolkit)
Allocation key	Between categories and LMKs: "customary practice based on fairness" [A: Copyright Law art. 89(3); GR art. 13(2)]; from pool: usage data [A: GR art. 14(2)]; to members: plenary guidelines [A: MoL Reg. arts. 27(2), 30]	Published distribution policy [B: Guidelines para. 18(1)]	Contract [A]; published distribution methods [C: draft act]	General distribution policy (Directive arts. 8(5)(a), 13(1))
Deductions	LMKN 8% of gross; LMK 20–30% of collections; reserve ceiling 8%, base unstated; no cumulative cap [A: MoL Reg. arts. 29, 33; Copyright Law art. 91]	Administrative costs max. 10%; excess only with AGM approval [B: Guidelines para. 17(4)]	Costs notified with tariffs; no cap [A: Announcement No. 55]	Reasonable, based on documented costs (Directive art. 12)
Deadlines and individual information	LMK reports to LMKN twice yearly [A: MoL Reg. art. 28(2)]; no payment deadline or individual statement; annual public audit [A: GR art. 17]	Statement on each distribution; annual inspection [B: Guidelines paras. 17(3), 18(4)(g)]; reports ordered [B: CTMR2024001]	Annual report to members and DIP [D: MCT]	Max. 9 months; annual individual information (Directive arts. 13(1), 18)

Link	Indonesia	Malaysia	Thailand	Benchmark
Unidentified royalties	Held 2 years, then may become reserve fund; covers non-members; survival of claim not stated [A: GR art. 15; MoL Reg. art. 31(1)–(3)]	Dealt with under Unclaimed Moneys Act [B: Guidelines paras. 17(1)(c)(iv), 19(1)(c)]; owner may recover from Registrar [A: UMA s. 13(1)]	Not regulated [A]	Kept separate; diligent search; 3 years; claim survives (Directive art. 13(2)–(5))
Redress	Optional DGIP mediation [A: GR art. 16] vs LMKN mediation [A: MoL Reg. art. 28(4)]; competent court uncertain [A: Copyright Law art. 95]	Copyright Tribunal for members' royalty disputes [A: CA 1987 s. 59C; B: CTMR2024001]	General civil action [A]; committee adjudication [C: draft act]	Effective and timely complaints procedures (Directive art. 33)

Source: Compiled by the authors from the Copyright Law, GR 56/2021 and its Elucidation, MoL Regulation 27/2025, CA 1987, the 2025 Guidelines, the Unclaimed Moneys Act 1965, CTMR2024001, CA B.E. 2537, Announcement No. 55, Directive 2014/26/EU, and the WIPO Good Practice Toolkit 2025. Evidence tiers: [A] statute or regulation in force; [B] binding instrument whose operation is suspended or contested, or tribunal decision; [C] draft or proposal; [D] organisational practice or media report. The 2025 Guidelines are currently stayed.

The matrix yields three findings. First, none of the systems has a complete chain, and the picture changes once evidence of different legal force is separated. Malaysia's strength in force is its statutory forum; its standards on distribution policy, deductions, statements, and unidentified royalties are contained in Guidelines whose implementation is currently stayed. Thailand's strength in force is confined to traceability at the point of collection; allocation to right holders is left to contract, and its reform remains a draft. Indonesia has two features that neither comparator has at the level of binding regulation, namely a rule that distribution follow usage data and an obligation of annual public audit, in addition to a single payment window for users. Second, Indonesia's weaknesses are concentrated at the links that determine whether money reaches its owner: the unstated status of the funds, an allocation key that is determinate at only one of three stages, deductions that may stack to between roughly a quarter and two-fifths of gross collections without a cumulative cap, the absence of payment deadlines and individual statements, and the conversion of unidentified royalties into a reserve fund without any statement that the owner's claim survives. The combination of unregulated methods for allocating unrecorded performances and Article 31(4) of MoL Regulation 27/2025 produces an untraceability incentive that is not found in either comparator. Third, these weaknesses do not stem from the choice between centralised and decentralised collection. Malaysia, which does not centralise funds, still needed distribution guidelines, and pluralistic Thailand is now drafting

distribution transparency obligations. Accordingly, the reform of royalty allocation in Indonesia need not wait until the institutional debate in the bill amending the Copyright Law has been resolved.

A Distributive Accountability Model for the Allocation of Music Royalties in Indonesia

The model rests on three layers of legal foundation. The constitutional layer guarantees fair legal certainty, prohibits the arbitrary taking of property, and requires that any restriction of rights be imposed by statute.[76] The second layer is the Copyright Law, which defines economic rights as rights to economic benefits and classifies copyright as a movable object, so that the claims to royalties described above, whether collective, categorical, or individual, are claims of right holders and not income of the institution. The third layer is Constitutional Court Decision No. 28/PUU-XXIII/2025 (hereinafter, CC Decision 28/2025), which construes "reasonable remuneration" as remuneration in accordance with mechanisms and tariffs based on laws and regulations, designates the organiser of a performance as the party liable to pay, and encourages a simpler collection system based on digital data.[77] If the collection mechanism must rest on regulation, the mechanism that determines where the money goes ought to be subject to the same demand for legal certainty. Matters that restrict rights or bind third parties are matters reserved to statute, and their drafting must be open to public participation.[78]

The position of this model differs from that of proposals focused on institutional design. Deliberations on the bill amending the Copyright Law have thus far revolved around nomenclature and the power to collect: according to press reports, LMKN was to be renamed KMK, then LKMK with single-window collection, then KMKN, while the version approved by the Legislation Body (Baleg) of the House of Representatives in March 2026 reportedly assigns LMKs the functions of collecting, pooling, and distributing royalties and introduces a Royalty Endowment Fund (*Dana Abadi Royalti*).[79] Baleg established a working committee (Panja) on 6 October 2026 with a target of completion in December 2026.[80] The distributive

[76] 1945 Constitution, arts. 28D(1), 28H(4), and 28J(2).

[77] Putusan Mahkamah Konstitusi Nomor 28/PUU-XXIII/2025 perihal Pengujian Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [Constitutional Court Decision No. 28/PUU-XXIII/2025], December 17, 2025; Humas MKRI, "Parameter Penentuan Royalti Diatur dalam Peraturan Perundang-Undangan" [Parameters for Determining Royalties Are Governed by Laws and Regulations], December 17, 2025, https://www.mkri.id/berita/parameter-penentuan-royalti-diatur-dalam-peraturan-perundang-undangan-24293.

[78] Law-Making Law, arts. 7, 8, 10(1), and 96.

[79] Ady Thea DA, "LKMK Disepakati Menarik dan Mendistribusi Royalti" [LKMK Agreed to Collect and Distribute Royalties], *Hukumonline*, December 4, 2025, https://www.hukumonline.com/berita/a/lkmk-disepakati-menarik-dan-mendistribusi-royalti-lt69311c9aa81bc/; Thea DA, "RUU Hak Cipta Atur Keringanan Royalti"; "Baleg DPR Setujui RUU Hak Cipta, Perkuat Dana Abadi Royalti dan Pengaturan LMK" [Baleg Approves the Copyright Bill, Strengthening the Royalty Endowment Fund and the Regulation of LMKs], *Emedia DPR RI*, March 12, 2026, https://emedia.dpr.go.id/news/2026/03/12/baleg-dpr-setujui-ruu-hak-cipta-perkuat-dana-abadi-royalti-dan-pengaturan-lmk. This assessment is confined to press reports and is not based on the official text of the bill.

[80] "Baleg DPR Bentuk Panja RUU Hak Cipta, Target Rampung Desember 2026" [Baleg Forms Working Committee on the Copyright Bill, Targeting Completion in December 2026], *Akurat.co*,

accountability model does not choose among these variants. It prescribes what any institution holding royalties must satisfy, and can therefore be incorporated into whichever variant is ultimately enacted. Its contribution to intellectual property scholarship is to shift the focus of collective management law from institutional law to the law of rights: the right to receive a share of royalties that is traceable, calculable, and enforceable is a direct extension of the economic right, not a matter of internal institutional policy.

The first principle is that the funds are held for the benefit of right holders. Royalties paid by users must be recorded in an account segregated from the institution's own assets, itemised by category of right and collection period, and may not be used for any purpose other than distribution save for lawful deductions, with any income from their placement accruing to the right holders. Directive 2014/26/EU lays down a similar obligation: rights revenue and the income from its investment must be kept separate in the accounts from the organisation's own assets and management fees, and any investment must be made in the best interests of the right holders.[81] The principle does not require Indonesian law to import the trust; it requires a rule with the functional effect of one, namely segregation, earmarking, and protection from the institution's creditors. Because that protection binds third parties, it requires a statute. The principle also gives concrete content to the assurance in the bill amending the Copyright Law that the Royalty Endowment Fund will not extinguish authors' entitlement to royalties.[82]

The second principle is traceability and proportionality to use. The phrase "customary practice based on fairness" in Article 89(3) of the Copyright Law and Article 13(2) of GR 56/2021 should be construed to mean that fairness is proportionality to use at every stage, including the division between categories of rights and between LMKs, thereby aligning it with Article 14(2) of GR 56/2021 and foreclosing allocation according to the number of members or by bargaining. Data should be organised in tiers. The first tier comprises actual recorded usage; the second comprises proxy or sample data whose methodology is published and periodically tested; and the third comprises an allocation for unrecorded performances under a formula laid down in regulation, not merely in technical guidelines adopted at a plenary meeting. MCT's transition from sampling to automated monitoring shows that these tiers can be progressively upgraded.[83] Repertoire matching requires a register of mandates and repertoire recording the category of right, identifiers such as the ISWC or ISRC where available, the territory, and the duration of the mandate, with a right of correction for right holders and subject to the personal data protection regime.[84] Thailand's requirement to display

October 6, 2026, https://www.akurat.co/nasional/896639/baleg-dpr-bentuk-panja-ruu-hak-cipta-target-rampung-desember-2026.

[81] Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on Collective Management of Copyright and Related Rights and Multi-Territorial Licensing of Rights in Musical Works for Online Use in the Internal Market, *Official Journal of the European Union* L 84 (March 20, 2014): 72–98, art. 11(3)–(5) (hereinafter, Directive 2014/26/EU), used as a benchmark rather than as a comparator system.

[82] "Baleg DPR Setujui RUU Hak Cipta," *Emedia DPR RI*.

[83] Music Copyright (Thailand) Ltd., "FAQ."

[84] MoL Regulation 27/2025, arts. 44–48; Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi [Law No. 27 of 2022 on Personal Data Protection] (Lembaran Negara

the tariff per song together with its owners shows that traceability can begin at the invoice issued to the user.[85] Most importantly, royalties whose usage was not recorded must cease to be a source of the reserve fund, both in Article 31(4) of MoL Regulation 27/2025 and in the Elucidation of Article 14(1)(c) of GR 56/2021. Money derived from unrecorded performances remains money of right holders whose works may have been played; it must be allocated through the third-tier formula rather than diverted.

The third principle is the legality and reasonableness of deductions. Every deduction reduces what the right holder receives and must therefore have a regulatory basis, be confined to necessary and useful costs that are documented, consistent with the limit that the law of voluntary agency places on a manager's recoverable expenses, and be disclosed to the right holder both before the mandate is granted and in every distribution statement.[86] A statute should set a cumulative cap on all deductions, whether made by the pooling institution or by LMKs, expressed as a maximum share of gross collections that may be retained across all stages, so that the stacking shown in Table 2 can no longer occur, at a level determined through a cost study and consultation. The ten per cent cap in Malaysia's 2025 Guidelines may serve as a comparative reference but cannot simply be copied, since it was designed for organisations that perform all functions themselves rather than for a two-tier chain such as Indonesia's.[87] Deductions for social and cultural activities are lawful only if approved by members through a mechanism that confers equal voting rights and if the resulting benefits are provided on fair criteria.[88] The operational budget of the pooling institution should not be approved jointly with the LMKs whose shares it determines, but should instead be ratified by the competent authority after publication, so as to avoid mutual approval of costs among parties that all make deductions.[89]

The fourth principle is timeliness and individual transparency. Regulations should establish two-stage deadlines, from the pooling institution to the LMKs and from the LMKs to right holders, with reasoned exceptions that are disclosed. As a benchmark, Directive 2014/26/EU requires distribution no later than nine months from the end of the financial year in which the revenue was collected, unless objective reasons such as delays in user reporting or difficulties in matching prevent it.[90] Every right holder should be entitled to a distribution statement at least once a year setting out the amounts by category of right and type of use, the period of use, the basis of calculation, all deductions, and any amounts still withheld together with the reasons.[91] Right holders should also be entitled to inspect the records relating to their own portfolio. The performance audit already required by Article 17 of GR 56/2021 should be expressly extended to the accuracy of distribution through

Republik Indonesia Tahun 2022 Nomor 196, Tambahan Lembaran Negara Republik Indonesia Nomor 6820).

[85] Announcement No. 55, cl. 6.

[86] Civil Code, art. 1357; Directive 2014/26/EU, art. 12(1)–(3).

[87] 2025 Guidelines, para. 17(4).

[88] 2025 Guidelines, paras. 14(3)(c) and 17(4)(b); Directive 2014/26/EU, art. 12(4).

[89] MoL Regulation 27/2025, art. 29(3).

[90] Directive 2014/26/EU, art. 13(1).

[91] Directive 2014/26/EU, art. 18(1); 2025 Guidelines, para. 18(4)(g); *Abdulkarim Al Ali v. MACP*, paras. 21–22.

tracing tests on a sample of payments, from the user's invoice to the right holder's account. The WIPO Good Practice Toolkit recommends publication of the distribution policy, the deductions policy, and the policy on non-distributable royalties, so that public transparency and individual transparency complement each other.[92] These obligations are technology-neutral. Both the digital database encouraged by CC Decision 28/2025 and the blockchain proposed by several authors are means; what should be regulated is the outcome, namely data accuracy, audit trails, and correction deadlines, consistent with the approach of the Malaysian Tribunal, which ordered detailed reports but declined to order investment in technology.

The fifth principle is that claims survive reallocation and that redress is enforceable. It does not mean that claims never lapse; it means that a change in the use of the money does not by itself extinguish the owner's claim. The three categories identified above require different treatment. Unmatched usage should never be reallocated while the work remains identifiable; the institution must complete the matching, and lists of unmatched works should be published in each distribution period and shared with the LMKs. Identified non-members should be paid on claim without any requirement to become a member of an LMK; making membership a precondition for receiving royalties, as appears in practice and in the proposals in the bill, should be tested against Article 28H(4) of the 1945 Constitution, since membership is a choice of management arrangement, not a condition for the existence of an entitlement to money. Royalties of unidentifiable owners should be put to other use only after a period prescribed by statute, for example three years as under Directive 2014/26/EU, and such use should not extinguish the owner's claim before the limitation period under civil law has expired.[93] Three corollaries make this workable. The limitation period should run from the date on which the institution publishes the unmatched item, not from the date of use, since an owner cannot pursue money whose existence was never disclosed. Usage and matching records should be retained for the same period, because a claim that outlives the evidence needed to prove it is illusory. Repayment to a late claimant should be charged first against the unused balance of the reserve fund. Malaysia demonstrates a firmer alternative, namely transferring such money to a state official with no interest in its use while preserving the owner's right to claim.[94] The authors have not identified an Indonesian statute of general application comparable to the Unclaimed Moneys Act 1965, so this element requires modification: unidentified royalties would remain in a segregated sub-account of the collecting institution, but their use would be published, audited, and not permitted to bar a later claim. An immediate step would be to align the phrase "at most 2 (two) years" in MoL Regulation 27/2025 with the phrase "for 2 (two) years" in GR 56/2021.

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[92] World Intellectual Property Organization, *WIPO Good Practice Toolkit for Collective Management Organizations (The Toolkit): A Bridge between Rightholders and Users* (Geneva: WIPO, 2025), sects. 1.2.2 and 6, https://www.wipo.int/edocs/pubdocs/en/wipo-pub-cr-cmotoolkit-2025-en-wipo-good-practice-toolkit-for-collective-management-organizations-the-toolkit.pdf.

[93] Directive 2014/26/EU, art. 13(2)–(5); Civil Code, art. 1967.

[94] Unclaimed Moneys Act 1965, ss. 10(6) and 13(1).

Redress should be tiered and should not depend on the institution whose decision is being challenged. The first tier is an internal complaint to the LMK or the pooling institution, with an obligation to respond in writing, giving reasons, within a specified time.[95] The second tier is mediation by the DGIP as provided in Article 16 of GR 56/2021, which requires Articles 4(h) and 28(4) of MoL Regulation 27/2025 to be amended accordingly.[96] Neither tier should be a condition for access to the third, so that the tiers widen access without delaying it. The third tier is an independent adjudicative forum, for example a Copyright Royalty Tribunal (*Majelis Royalti Hak Cipta*), which would decide distribution disputes through a simple procedure and whose decisions could be reviewed by the Commercial Court. The statute establishing it should expressly characterise distribution disputes, whether brought against an LMK or against the pooling institution, as copyright disputes within its first-instance jurisdiction, thereby removing the overlap between the Commercial Court, the District Court, and the State Administrative Court identified above. Its functional reference point is the Malaysian Copyright Tribunal, including the 2026 consultation proposal to remove the requirement of mutual consent, while its domestic reference point is the Trademark Appeal Commission, an independent special body within the ministry whose decisions may be brought before the Commercial Court.[97] Because it concerns adjudicative jurisdiction, such a forum must be established by statute. Under this arrangement, preventive protection is afforded through published distribution policies and individual statements, while repressive protection is afforded through a forum simpler than civil litigation.[98]

These five principles are safeguarded by supervision that is independent of the parties supervised. The Supervisory Team is currently composed mostly of officials from the Ministry of Law, is empowered only to recommend sanctions, and has its facilitation funded from LMKN's operational fund.[99] Supervision of distribution requires powers to examine, to order special audits, and to impose graduated administrative sanctions, which, in respect of private legal entities, require a basis in at least a government regulation, as well as funding from the state budget. Graduated enforcement ranging from reprimand to licence revocation, which also features in the Thai draft, is preferable to criminal sanctions, which in Thailand may be settled by compromise and are prone to being used to pressure users.[100]

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[95] Directive 2014/26/EU, art. 33.

[96] Law-Making Law, arts. 7 and 8.

[97] Copyright Law, art. 95(1)–(3); Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis [Law No. 20 of 2016 on Trademarks and Geographical Indications] (Lembaran Negara Republik Indonesia Tahun 2016 Nomor 252, Tambahan Lembaran Negara Republik Indonesia Nomor 5953), as amended; Peraturan Pemerintah Nomor 90 Tahun 2019 tentang Tata Cara Permohonan, Pemeriksaan, dan Penyelesaian Banding pada Komisi Banding Merek [Government Regulation No. 90 of 2019 on the Procedures for Filing, Examining, and Resolving Appeals before the Trademark Appeal Commission] (Lembaran Negara Republik Indonesia Tahun 2019 Nomor 259, Tambahan Lembaran Negara Republik Indonesia Nomor 6447), arts. 1(9) and 29(1); Tan and Hashim, "Malaysia: Public Consultation."

[98] Hadjon, *Perlindungan Hukum bagi Rakyat di Indonesia*.

[99] MoL Regulation 27/2025, arts. 29(1) and 51–53.

[100] Ian Ayres and John Braithwaite, *Responsive Regulation: Transcending the Deregulation Debate* (New York: Oxford University Press, 1992); Viseswongsa and Wongwiwatwaitaya, "Thailand: Draft Act"; CA B.E. 2537, s. 66.

Table 4 summarises the five principles, the proposed norms, their basis in Indonesian law, the comparative references together with their adaptation categories, and the gaps to be closed.

Table 4. Principles and Standards of Distributive Accountability

Principle	Proposed norm	Basis in Indonesian law	Reference and adaptation category	Gap closed
1. Funds held for the benefit of right holders	Segregated account by category of right and period; use limited to distribution and lawful deductions; placement income to right holders; protection from creditors	Copyright Law arts. 8, 16(1); Civil Code arts. 511(3), 1802; 1945 Constitution art. 28H(4)	Directive art. 11 (benchmark); adaptable by statute	Unstated status of LMKN funds (MoL Reg. arts. 25–26)
2. Traceability and proportionality to use	Fairness construed as proportionality to use at every stage; tiered data; formula for unrecorded performances in regulation; register of mandates and repertoire; unrecorded royalties removed from reserve-fund sources	GR art. 14(2); Copyright Law art. 89(3); GR art. 13(2); Law No. 27/2022	Guidelines para. 18(4)(a) [B]; Announcement No. 55 cl. 6 [A]; MCT practice [D]; adaptable	Key determinate at one stage only; untraceability incentive (MoL Reg. art. 31(4); GR Elucidation art. 14(1)(c))
3. Legality and reasonableness of deductions	Cumulative cap on gross by statute; cost-based deductions; disclosure before mandate and in statements; social deductions with members' approval; budget ratified by the authority	Civil Code art. 1357 (by analogy); Copyright Law art. 91	Guidelines para. 17(4) [B]; Directive art. 12; modification required (two-tier chain)	Stacked deductions without cumulative cap (Copyright Law art. 91; MoL Reg. arts. 29, 33)

Principle	Proposed norm	Basis in Indonesian law	Reference and adaptation category	Gap closed
4. Timeliness and individual transparency	Two-stage deadlines; detailed annual statement; right of inspection; distribution tracing audit	Civil Code art. 1802; GR art. 17	Directive arts. 13(1), 18; Guidelines paras. 17(3), 18(4)(g) [B]; CTMR2024001 [B]; adaptable	Reports flow only upwards; no deadlines (MoL Reg. art. 28)
5. Claims surviving reallocation, with enforceable redress	Separate treatment of unmatched, non-member, and unidentifiable royalties; publication of unmatched works; no membership requirement; statutory period; limitation from publication; record retention; complaint, DGIP mediation, independent forum	Civil Code arts. 1354, 1967; GR arts. 15–16; Copyright Law art. 95; 1945 Constitution art. 28H(4)	Directive arts. 13(2)–(5), 33; Unclaimed Moneys Act 1965 (modification); Malaysian Tribunal (adaptable by statute)	GR art. 15 vs MoL Reg. art. 31; GR art. 16 vs MoL Reg. art. 28(4); uncertain forum

Source: Formulated by the authors. Elements unsuitable for adaptation are the regulation of distribution solely by contract (Thailand) and criminal sanctions that may be settled by compromise (CA B.E. 2537, s. 66).

Not every principle requires a statutory amendment. Placing each norm at the appropriate level of regulation allows reform to begin immediately without awaiting the completion of the bill amending the Copyright Law. Table 5 sets out the implementation pathway for each stage: the instrument and the institution responsible for it, its content, the transition and resources it requires, and the means by which it is enforced and by which stakeholders may challenge it.

Table 5. Staged Implementation of Distributive Accountability

Stage, instrument, and responsible institution	Regulatory content	Transition and resources	Enforcement and avenue of challenge
I. Amendment of MoL Regulation 27/2025 (immediate); Minister of Law, drafted by the DGIP	Mediation returned to DGIP (arts. 4(h), 28(4)); "at most" replaced by "for 2 (two) years" (art. 31(1)); unrecorded royalties removed from reserve-fund sources (art. 31(4)); proxy, survey, and unrecorded-performance methods formulated and published; individual statements and deadlines for LMKs; periodic publication of unmatched works; base of each deduction defined	In force on promulgation; LMKs to issue first individual statements in the next distribution cycle; financed within the existing ministry budget	Supervisory Team recommendations and existing administrative sanctions; judicial review of the regulation before the Supreme Court
II. Amendment of GR 56/2021; President, prepared by the Ministry of Law	Allocation criterion in art. 13(2) aligned with art. 14(2); unrecorded royalties deleted from the Elucidation of art. 14(1)(c); non-members' claims without a membership requirement (art. 14(1)(a)); performance audit extended to distribution accuracy (art. 17); examination, special-audit, and sanctioning powers for the supervisor; tariff-setting in line with CC Decision 28/2025	Transition period for matching standards and audit scope (e.g. twelve months); supervisor funded from the state budget rather than LMKN's operational fund	Graduated administrative sanctions up to revocation of operating permits; judicial review of the regulation before the Supreme Court

Stage, instrument, and responsible institution	**Regulatory content**	**Transition and resources**	**Enforcement and avenue of challenge**
III. Amendment of the Copyright Law; House of Representatives and President, through the bill under deliberation	Royalties as funds held for right holders, protected from creditors; cumulative cap on deductions; period and use of unidentified royalties with surviving claims; Copyright Royalty Tribunal with defined jurisdiction; basis for extended collective licensing of non-members	Tribunal operational within a stated period, with DGIP mediation as the interim forum; tribunal funded from the state budget	Tribunal orders reviewable by the Commercial Court; constitutional review of the statute before the Constitutional Court

Source: Formulated by the authors on the basis of the Copyright Law, GR 56/2021, MoL Regulation 27/2025, the Law-Making Law, and the 1945 Constitution. Transition periods are proposals of the authors.

The first stage can be undertaken immediately, since all of its content falls within the Minister's authority, and part of it is in fact necessary to align the ministerial regulation with the government regulation. The second stage gives coercive force to supervision, removes the unrecorded-royalty rule at its source, and responds to the construction adopted in CC Decision 28/2025. The third stage contains matters that restrict rights or bind third parties, which can be regulated only by statute and can be pursued through the bill currently under deliberation. Each stage remains open to challenge by affected stakeholders through the ordinary avenues of review: regulations below the level of statute before the Supreme Court, and the statute before the Constitutional Court.[101] The model is not without cost. Data and reporting obligations increase the burden, particularly for small LMKs and analogue users, and should therefore be applied proportionately, for instance through a simplified allocation formula for micro enterprises that already benefit from tariff relief.[102] The transitional period may also disrupt the flow of payments, as the verification disputes of 2026 have shown. These costs are nevertheless smaller than the cost of maintaining a system in which part of the royalties may change hands without ever reaching their owners.

Conclusion

The regulation of music royalty allocation in Indonesia, Malaysia, and Thailand shows that the central problem is not which institution collects royalties, but whether the chain linking payment by the user to receipt by the right holder is complete. Malaysia places distribution under supervision from the moment an organisation is declared and, by statute, gives members claims enforceable before the Copyright Tribunal; its more detailed standards on distribution policy, royalty statements, administrative costs, and the treatment of unidentified royalties under

[101] 1945 Constitution, arts. 24A(1) and 24C(1); Law-Making Law, art. 9.
[102] GR 56/2021, art. 11.

the Unclaimed Moneys Act 1965 are contained in the 2025 Guidelines, whose implementation is currently stayed pending judicial review. Thailand does not regulate distribution by statute and leaves it to contract and voluntary practice; the price-disclosure obligation to display the tariff per song and its owners creates traceability at the point of collection but does not govern payments to right holders, and the draft act that would mandate disclosure of distribution methods is not yet law. Indonesia has a rule of distribution based on usage data, an annual public audit, and a single payment window, but its chain is broken by the unstated status of the funds, an allocation key that is determinate at only one of three stages, deductions that may stack without a cumulative cap, the absence of deadlines and individual distribution statements, the conversion of unidentified and unrecorded royalties into reserve funds without any statement that the owner's claim survives, and the conflict between GR 56/2021 and MoL Regulation 27/2025 as to the mediation forum, compounded by uncertainty as to the competent court.

The appropriate model for Indonesia is a distributive accountability model, which treats royalties that have been paid as funds held for the benefit of right holders and requires every party holding them to render an enforceable account, on the basis of mandate with respect to members and of a bounded analogy with voluntary agency with respect to non-members. The model rests on five principles, namely funds held for the benefit of right holders, traceability and proportionality to use, legality and reasonableness of deductions, timeliness and individual transparency, and claims that survive reallocation together with enforceable redress, and is safeguarded by state-funded supervision and an independent adjudicative forum. Being neutral as to institutional structure, the model can be applied to whichever variant emerges from the deliberations on the amendment of the Copyright Law. It should be implemented in stages: amendment of MoL Regulation 27/2025 to align the mediation forum and the holding period and to remove unrecorded royalties from the sources of the reserve fund; amendment of GR 56/2021 and its Elucidation to align the allocation key, guarantee the claims of non-members, strengthen supervision, and extend the audit to the accuracy of distribution; and amendment of the Copyright Law to address the status of the funds, a cumulative cap on deductions, the treatment of unidentified royalties, and an adjudicative forum. This study is limited to normative analysis. Empirical research on management costs, the quality of usage data, and the speed of distribution is needed to determine the appropriate level of the deduction cap, the formula for allocating unrecorded performances, and the distribution deadlines.

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