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Legal Certainty Regarding the Obligation to Pay Royalties for the Screening of Music and Songs in Public Places Perspective of Law Number 28 of 2014 concerning Copyright and *Al-Maslahah* (Study of Decision Number 28/PUU-XXIII/2025)

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Abstract

The obligation to pay royalties is a legal instrument to protect the economic rights of creators and related rights holders to the use of musical works and songs in public places. In practice, the regulation regarding royalty payments for the commercial use of music still gives rise to multiple interpretations, especially related to the obligation of direct permission to song creators and payment mechanisms through the Collective Management Institution (LMK) and the National Collective Management Institute (LMKN). This study aims to analyze the legal certainty regarding the obligation to pay royalties for the performance of music and songs in public places based on Law Number 28 of 2014 concerning Copyright and the perspective of al-maslahah in the Constitutional Court Decision Number 28/PUU-XXIII/2025. This type of research is normative juridical with a statutory approach and a conceptual approach. The data sources used are in the form of secondary data obtained through literature studies, including primary, secondary, and tertiary legal materials. Data analysis was carried out qualitatively using the deductive reasoning method. The results of the study show that the Constitutional Court Decision Number 28/PUU-XXIII/2025 provides legal certainty on the obligation to pay royalties for the commercial use of songs and music through the LMK and LMKN mechanisms and eliminates multiple interpretations regarding the obligation of direct permission to song creators. Based on al-maslahah's perspective, the obligation to pay royalties is in line with the principle of hifz al-mal because it aims to protect the economic rights of creators and create benefits and justice for all parties. Thus, the decision strengthens legal protection of the economic rights of creators while providing legal certainty in the implementation of royalty payments for the performance of music and songs in public places.

INTRODUCTION

The obligation to pay royalties is a legal instrument used to protect the economic rights of creators and related rights holders to the use of intellectual works in public spaces. According to the copyright law regime, royalties are seen as a form of legitimate compensation for the use of works that have economic value, including sound recordings protected by law (Wahyudi & Nuraini, 2024).

The song and music industry is one of the important ecosystems for the development of the creative economy in Indonesia. Songs and music not only function as entertainment media, but also have high economic value and are part of the social life of modern society. The protection of musical works in Indonesia is regulated through Law Number 28 of 2014 concerning Copyright

which provides legal protection to song creators, composers, singers, musicians, phonogram producers, and other related rights owners. The presence of the regulation shows the state's recognition of the economic rights and moral rights of music industry players as part of intellectual property rights. The management of royalties for the commercial use of songs and music is then clarified through Government Regulation Number 56 of 2021 and Regulation of the Minister of Law and Human Rights Number 9 of 2022. The regulation aims to guarantee the economic rights of creators and related parties to the use of songs and music for commercial purposes.

Music industry players have an important role in creating works that are able to provide entertainment, emotional experiences, and cultural identity for the public. Music has now become an integral part of various social spaces and commercial activities, such as restaurants, hotels, shopping malls, cafes, karaoke houses, and performances. The use of songs and music in public places not only provides economic benefits for business actors, but also increases the popularity and economic value of a musical work.

The existence of users is also an important element in the music industry ecosystem. These users are divided into individual users who enjoy music for personal interests and commercial users who use songs and music as part of their business activities. However, the commercial use of songs and music raises problems related to the obligation to pay royalties. Some business actors consider that the royalty payment system implemented through the National Collective Management Institute (LMKN) still raises questions about the payment mechanism, the amount of tariffs, and the parties responsible for royalty payments (Usman & Katili, 2025). The repressive approach to law enforcement is also considered to have the potential to cause uncertainty for commercial music users. This condition shows that the regulation of the obligation to pay royalties for the commercial use of songs and music still raises the issue of legal certainty in its implementation. According to Gustav Radbruch, legal certainty is one of the legal goals that aims to create clear, fixed rules, and can provide legal protection for the public, including the copyright and economic rights of song creators (Early, 2025).

The development of digital technology has led to changes in the business model of the music industry, causing various new problems related to royalty management and copyright protection (Masola, Parera, & Galgani, 2025). The presence of free, premium, and Artificial Intelligence (AI) based music services also affects the pattern of music use by the public. On the other hand, the amount of royalty rates that are considered burdensome also raises objections from some business actors. Therefore, an arrangement that is able to provide protection to songwriters without ignoring the interests of commercial music users is needed.

The issue of the legal certainty of royalty payments then became the attention of the Constitutional Court through the Constitutional Court Decision Number 28/PUU-XXIII/2025. The case is an application to test the Copyright Law submitted by 29 Indonesian musicians and singers regarding the unclear norms regarding those who are obliged to pay royalties for the commercial use of songs and music. Based on its ruling, the Constitutional Court emphasized that commercial performance organizers are the parties responsible for paying royalties and emphasized that the application of criminal sanctions in copyright cases must prioritize the principle of restorative justice. The decision is important because it provides a constitutional interpretation of the provisions in the Copyright Law and strengthens the aspect of legal certainty in the governance of music royalties in Indonesia.

Copyright in Islam is referred to as *haq al-ibtikar* which includes economic rights *(haq al-iqtisadi)* and moral rights *(haq al-adabi)*. These two rights provide a sharia basis for creators,

performers, and other related parties to obtain economic benefits for their copyrighted works (Husna & Permata, 2024). The concept *of al-maslahah* places the *public interest* as the top priority, so that the common interest takes precedence over the interests of individuals and certain groups (Rokan et al., 2025). The *al-maslahah* approach is relevant in examining the issue of royalty payment obligations because it aims to realize benefits and prevent harm in social life (Arifin, 2024). The concept emphasizes creating a balance between the protection of the economic rights of creators and the interests of the community. Legal policies based on the principle of al-maslahah must provide real benefits, do not contradict sharia principles, and be able to create justice for all parties involved.

Previous studies relevant to this research include the article by Shofia Husna & Cahaya permata (2024) entitled "The Obligation to Pay Royalties for Song Covers of DSN Fatwa Perspective Number 1 of 2003 on Copyright (Case Study of YouTubers in Medan City)". Furthermore, research by Meydie Early (2025) entitled "The Legal Relationship between Music Creators as Copyright Holders and User-Generated Content-Based Digital Service Platforms (Case Study of Constitutional Court Decision Number 84/PUU-XXI/2023)". Then, in a Scientific Journal written by Devi Cantika Turnip & Imam Yazid (2025) with the title "Liability for Royalty Payments for Concerts from the Perspective of MUI Fatwa Number 1 of 2003 concerning Copyright. "That is why

This study aims to find out the Legal Certainty Regarding the Obligation to Pay Royalties for the Screening of Music and Songs in Public Places from the Perspective of Law Number 28 of 2014 concerning Copyright and *Al-Maslahah* (Study of the Constitutional Court Decision Number 28/PUU-XXIII/2025).

METHODS

The type of research used in this study is normative juridical research, which is research conducted by examining legal norms, legal principles, and legal doctrine in order to answer legal problems related to the legal certainty of the obligation to pay royalties for the playing of music and songs in public places from the perspective of Law Number 28 of 2014 concerning Copyright and *al-maslahah* in the Constitutional Court Decision Number 28/PUU-XXIII/2025. (Efendi & Rijadi, 2022). The research approaches used include the statute approach, and the conceptual approach. The statute approach is used to examine laws and regulations related to this research, such as Law Number 28 of 2014 concerning Copyright, Government Regulation Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties, and Regulation of the Minister of Law and Human Rights Number 9 of 2022 concerning the Implementation Regulation of Government Regulation Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties and analyze the Constitutional Court Decision Number 28/PUU-XXIII/2025 related to the legal certainty of the obligation to pay royalties for the commercial use of songs and music. The conceptual approach is used to examine the concept of *Al-maslahah* from the perspective of Islamic law. This research is descriptive analytical, which is research that aims to describe and analyze legal problems based on literature data. The data sources used are secondary data obtained through document studies, including primary legal materials in the form of laws and regulations and court decisions, as well as secondary legal materials in the form of books, legal journals, scientific articles, and expert opinions related to this research. The data obtained were then processed qualitatively and analyzed using the deductive reasoning method, namely by drawing conclusions from general provisions towards more specific

discussions related to the legal certainty of the obligation to pay royalties for the playing of music and songs in public places based on positive laws and the perspective of *Al-Maslahah.*

RESULTS AND DISCUSSION

A. Obligation to Pay Royalties for Music and Song Performances in Public Places

The obligation to pay royalties for the performance of music and songs in public places is a form of protection for the economic rights of creators and related rights holders as well as a form of respect for the works that have been produced. This obligation shows that the use of musical works by other parties has consequences in the form of providing appropriate rewards, especially when used in public spaces related to community activities and business activities (Wahyudi & Nuraini, 2024).

Music and Songs are the result of intellectual works that have economic value because they can be used in various activities, including commercial activities. The economic value arises when a work is used by another party to support activities that provide benefits or benefits. Thus, songs and/or music not only function as a means of entertainment, but also have a role in supporting various economic activities.

Public places can be understood as spaces that can be accessed by the public or used to provide services to the public, either for free or for a fee. These public places include various forms of public services that are commercial, including restaurants, cafes, hotels, shopping centers, cinemas, tourist attractions, public transportation facilities, fitness centers, and other entertainment venues. In these places, songs and/or music are often played as part of the services provided to the community to create a more comfortable atmosphere and support the activities that take place (Kezia & Tifani, 2021).

Music and Songs have a commercial function because they are able to provide added value to the services provided to consumers. Their use can help build the identity of a business, create a better atmosphere for customers, and support service strategies in attracting and retaining consumers. Even though they are not the main products traded, the existence of music and songs still contributes to the attractiveness and quality of services of a business (Kezia & Tifani, 2021). The difference between the use of music and songs for personal interests and their use in public spaces lies in the purpose and scope of their use. Personal use is generally intended for individual consumption without providing economic benefits to certain parties, while use in public places can be part of services or business activities that provide added value.

These differences show that the use of music and songs in public spaces has a different character so that it requires a form of appreciation for the creator for the work used. Therefore, the use of music and songs in business spaces that are open to the public is not only a form of utilization of copyrighted works, but also gives rise to the obligation to provide rewards to creators and related rights holders as a form of respect for the economic value inherent in the work. This obligation reflects efforts to create a balance between the interests of the creator as the owner of the work and those who benefit from the use of songs and/or music in commercial activities.

B. Legal Certainty on the Obligation to Pay Royalties on Music and Song Performances Based on Law Number 28 of 2014 concerning Copyright

Copyright in Indonesia is regulated in Law No. 28 of 2014 concerning Copyright which is adapted from the Trade Related Aspect of Intellectual Property Rights or TRIPS. TRIPS is an agreement that regulates IPR including copyright as stipulated in articles 9 to 14, which contains

copyright including the protection of computer programs and their duration, copyright exemptions, rental rights, protection of sound recording producers, artist protection, and. protection of broadcasting organizations. Based on Article 1 number 1 of Law Number 28 of 2014 concerning Copyright, copyright is the exclusive right of creators that arises automatically based on declarative principles after a work is realized in real form without reducing restrictions in accordance with the provisions of laws and regulations. Songs and/or music as objects of copyright protection are regulated in Article 40 paragraph (1) letter d of Law Number 28 of 2014 concerning Copyright which states that songs and/or music with or without text are legally protected works.

Copyright in musical works provides protection for the moral rights and economic rights of the creator. Moral rights are rights that are eternally attached to the creator, while economic rights give the right to the creator or copyright holder to obtain economic benefits for their creations. The provisions regarding economic rights are regulated in Article 9 paragraph (1) of Law Number 28 of 2014 concerning Copyright which gives the right to creators or copyright holders to publish, reproduce, distribute, perform, announce, communicate, and rent works. The protection of economic rights aims to ensure that creators and copyright holders obtain appropriate benefits for the use of works that have economic value. As a concrete form of the implementation of economic rights, Article 1 number 21 of Law Number 28 of 2014 concerning Copyright states that royalties are rewards for the use of the economic rights of a work or related rights product received by the creator or the owner of related rights. These provisions show that every use of copyrighted works or related rights products in principle gives rise to the obligation to pay royalties to the rightful parties.

The Copyright Law also regulates related rights as affirmed in Article 3 letter b of the Copyright Law which states that this law regulates copyright and related rights. Related rights are defined in Article 1 number 5 of the Copyright Law as exclusive rights related to copyright and are granted to performers, phonogram producers, and broadcasting institutions. Furthermore, Article 20 of the Copyright Law states that related rights include the economic rights of performers, phonogram producers, and broadcasting institutions. Based on Article 1 number 6 of Law Number 28 of 2014 concerning Copyright, it states that "Performers are one or several people who individually or jointly display and perform a work." If the provision is associated with Article 1 number 27 of the Copyright Law, then the legal subject in the performance is not only an individual, but also a legal entity that uses the work for commercial purposes. Thus, the subject in Article 23 paragraph (5) of the Copyright Law includes performance event organizers, music promoters, and other parties who derive economic benefits from the use of the work.

Conceptually in copyright law, the party who is obliged to pay royalties is the party who uses the work for commercial purposes and derives economic benefits directly from the use. This principle is in line with the concept of *the user pays* applied by the *Confédération Internationale des Sociétés d'Auteurs et Compositeurs* (CISAC), namely the party who gives access to the copyrighted work to the public is the party responsible for the royalty payment. In commercial music performances, the event organizer is the subject who controls the performance as well as derives economic benefits from the event. Therefore, the organizer has the capacity and responsibility to make royalty payments through the Collective Management Institute (LMK) or the National Collective Management Institute (LMKN). Thus, the performance organizer is the most appropriate and proportionate party to be charged with the obligation to pay royalties through

LMK because it is the party that uses the creation for commercial purposes while receiving direct economic benefits from the use.

In practice, the obligation to pay royalties is often imposed on performers, such as singers or musicians who perform based on professional contracts. In fact, performers only carry out artistic obligations and do not have authority related to the management of permits or royalty payments. This condition has the potential to cause legal uncertainty and criminalization of performers if the organizers neglect to fulfill their royalty payment obligations.

As a form of protection for the economic rights of creators and related rights holders, the commercial use of songs and music requires royalty payments. This provision is affirmed in Article 9 paragraph (3) of Law Number 28 of 2014 concerning Copyright which states that everyone without the permission of the creator or copyright holder is prohibited from making commercial use of the work. Thus, the use of songs and music in business activities, performances, and public places must pay attention to the economic rights of creators through the royalty payment mechanism.

Legal certainty regarding royalty payments is also regulated in Article 23 paragraph (5) of Law Number 28 of 2014 concerning Copyright which stipulates that anyone can make commercial use of a work in a performance without asking for direct permission from the creator while still paying rewards or royalties through the Collective Management Institution (LMK). The regulation aims to provide legal protection for creators as well as provide legal certainty for users of musical works in commercial activities (Luthfiana & Dwiprigitaningtias, 2022).

Based on Article 87 paragraph (1) of Law Number 28 of 2014 concerning Copyright, it is emphasized that in order to obtain economic rights, creators, copyright holders, and owners of related rights can become members of the Collective Management Institution (LMK) in order to attract reasonable remuneration from users who utilize the work and related rights in commercial public services. Based on Article 89 of Law Number 28 of 2014 concerning Copyright, the mechanism for collecting, managing, and distributing royalties is carried out through the Collective Management Institution (LMK) and the National Collective Management Institution (LMKN). LMKN has the authority to attract, collect, and distribute royalties from parties who use copyrighted works commercially, both users who are members of LMK and those who are not members of LMK. Further arrangements regarding royalty management are then regulated in Government Regulation Number 56 of 2021 concerning Song and/or Music Copyright Royalty Management.

Furthermore, technical provisions regarding the implementation of royalty management are regulated in the Regulation of the Minister of Law and Human Rights Number 9 of 2022 concerning the Implementation Regulation of Government Regulation Number 56 of 2021 concerning the Management of Song and/or Music Copyright Royalties. The Regulation regulates the procedures for the withdrawal, collection, and distribution of royalties as well as the use of the Song and Music Information System (SILM) as a means of data collection and management of music royalties nationally. With this regulation, royalty payments for the commercial use of songs and music have a clear legal basis so that they can provide legal certainty, protect the economic rights of creators and related rights holders, and create a balance between the interests of creators and users of songs or music in commercial activities (Saputra, Fahmi, & Daeng, 2022).

Although the regulation on royalty payments has been regulated in Law Number 28 of 2014 concerning Copyright and its implementing regulations, in practice there are still differences in interpretation regarding the parties responsible for the payment of royalties in the commercial

playback of songs and music. This ambiguity is one of the reasons for the submission of a material test of Law Number 28 of 2014 concerning Copyright in the Constitutional Court Decision Number 28/PUU-XXIII/2025. The application was submitted by 29 applicants consisting of singers, musicians, and parties related to the commercial playback of songs and music who feel disadvantaged due to multiple interpretations of norms regarding the obligation to pay royalties. In this case, the Petitioners submitted a test of Article 9 paragraph (3), Article 23 paragraph (5), Article 81, Article 87 paragraph (1), and Article 113 paragraph (2) of Law Number 28 of 2014 concerning Copyright. The Petitioners basically considered that these articles gave rise to multiple interpretations regarding the obligation of direct permits and royalty payments through LMK, thus causing legal uncertainty for parties who play songs and music commercially in public places.

The provisions of Article 9 paragraph (3) of Law Number 28 of 2014 concerning Copyright which states that "Any Person who without the permission of the Creator or Copyright Holder is prohibited from Reproducing and/or Commercially Using the Work" is often understood that the commercial use of songs and music must obtain direct permission from the Creator. On the other hand, Article 23 paragraph (5) of the Copyright Law stipulates that "Everyone may make commercial use of the Work in a performance without first asking permission from the Creator by paying a reward to the Creator through the Collective Management Institution." The difference in interpretation then creates legal uncertainty in the practice of paying royalties for the playing of songs and music in public places.

In addition, Article 87 paragraph (1) of Law Number 28 of 2014 concerning Copyright shows that the mechanism of royalty payment is carried out through the Collective Management Institution (LMK) as an intermediary between the creator and the user of the copyrighted work commercially. However, in practice, there are still often misunderstandings about the party who is obliged to make royalty payments. Then, Article 113 of Law Number 28 of 2014 concerning Copyright regulates criminal sanctions for violations of the economic rights of creators and copyright holders. The existence of these criminal provisions in practice raises concerns for performers such as singers and musicians because they are often the parties to blame in the commercial use of songs and music, even though performers only carry out artistic obligations based on professional contracts.

The petitioners basically questioned the phrase "Everyone" in Article 23 paragraph (5) of Law Number 28 of 2014 concerning Copyright because it gave rise to multiple interpretations in the practice of implementing royalty payments. The phrase is considered to cause ambiguity regarding the party responsible for paying royalties, so that performers such as singers and musicians are often the parties charged with royalty payment obligations. In addition, the petitioners also question the interpretation of Article 9 paragraph (3) of the Copyright Law which is considered to require commercial music users to ask permission directly from the creator even though the royalty payment has been made through LMK or LMKN. Therefore, the petitioners request that the phrase "Everyone" be interpreted not only to the performer, but also addressed to the event organizer or party who uses the creation for commercial purposes.

Based on the principle of legal certainty as stipulated in Article 28D paragraph (1) of the Constitution of the Republic of Indonesia of 1945, the party who is obliged to pay royalties must be determined clearly, proportionately, and does not give rise to multiple interpretations. In this case, the performance organizer is the most appropriate legal subject because it has elements of control, economic beneficiaries, and the ability to carry out royalty payment obligations. With clarity on the subject responsible for paying royalties, the implementation of royalty payments for

the screening of music and songs in public places can provide balanced legal protection for creators, performers, and commercial users of copyrighted works. In its consideration, the Constitutional Court emphasized that the commercial use of songs and music still requires royalty payments as a form of protection for the economic rights of creators and related rights holders as stipulated in the Copyright Law. The Court also emphasized that royalty payments are made through the mechanism of the Collective Management Institution (LMK) and the National Collective Management Institute (LMKN), so that users of copyrighted works do not need to ask permission directly from the creator for any commercial use of songs and music.

Based on the Constitutional Court Decision Number 28/PUU-XXIII/2025, the Court "granted the Petitioners' request in part." In its ruling, the Court stated that the phrase "Everyone" in Article 23 paragraph (5) of Law Number 28 of 2014 concerning Copyright is contrary to the 1945 Constitution of the Republic of Indonesia and does not have conditionally binding legal force as long as it is not interpreted as "including commercial performance organizers". The decision affirms that the party responsible for the payment of royalties in commercial music performances is not only the performer, but also the event organizer as the party who derives economic benefits from the commercial use of songs and music.

In addition, the Court also stated that the phrase "reasonable compensation" in Article 87 paragraph (1) of the Copyright Law is contrary to the 1945 Constitution of the Republic of Indonesia and does not have conditionally binding legal force as long as it is not interpreted as "reasonable compensation, in accordance with the mechanism and tariff based on laws and regulations". This provision provides an affirmation that royalty payments must be made based on a clear mechanism and tariff in accordance with the provisions of laws and regulations in order to provide legal certainty for creators and users of copyrighted works.

The Court also stated that the phrase "letter f" in Article 113 paragraph (2) of the Copyright Law is contrary to the 1945 Constitution of the Republic of Indonesia and does not have the force of conditionally binding law as long as it is interpreted "in the application of criminal sanctions carried out by first applying the principle of restorative justice". The affirmation shows that the settlement of copyright disputes must prioritize proportional settlement and restoration of rights rather than a repressive approach through criminality.

With this decision, the Constitutional Court basically seeks to provide legal certainty regarding the obligation to pay royalties for the playing of songs and music in public places while creating balanced legal protection between song creators and users of copyrighted works. The Constitutional Court Decision Number 28/PUU-XXIII/2025 affirms that commercial music playing is still obliged to pay royalties as a form of respect for the economic rights of creators, but its implementation must be carried out in accordance with the mechanism regulated in laws and regulations.

C. Obligation to Pay Royalties for the Screening of Music and Songs in Public Places Perspective *of Al-Maslahah*

Al-maslahah comes from the word *shalaha* with the addition of "alif" at the beginning which means "good" as opposed to the word "bad" or "damaged". *Al-maslahah* is a masdar with the meaning of *the word shalaah*, namely "benefit" or "apart from damage" (Taufiq, 2022). According to Imam Al-Ghazali through his book al-Mustashfa min 'Ilm al-Usul explains *al-maslahah* as follows:

أما المصلحة فهي عبارة – في الأصل – عن: جلب منفعة أودفع مضرة. ولسنا نعني به ذلك، فإن جلب المنفعة ودفع المضرة مقاصد الخلق، وصلاح الخلق في تحصيل مقاصدهم

"As for *al-maslahah* is basically an expression about bringing benefits or rejecting harm. However, what we mean by *al-maslahah* is not this understanding, because bringing benefits and rejecting harm are the goals of creatures, while the benefit of humans lies in the achievement of these goals."

According to Al-Ghazali, the essence of *al-maslahah* is to maintain the goals of the sharia *(maqasid al-shariah)* by protecting the five main interests *(al-daruriyyat al-khams),* namely maintaining religion *(hifz al-din),* preserving the soul *(hifz al-nafs),* preserving the intellect *(hifz al-aql),* preserving posterity *(hifz al-nasl),* and preserving property *(hifz al-mal)* (Al-Ghazali, 1987). Imam Al-Ghazali classified *maslahah* into three main levels, namely *dharuriyyat* (basic needs), *hajiyyat* (complementary needs), and *tahsiniyyat* (perfect needs). In terms of its existence, *maslahah* is also divided into three, namely *maslahah mu'tabarah, maslahah mulghah,* and *maslahah mursalah.* The basis of the principle of *maslahah* is in essence found in the values implied in the Qur'an and Hadith (Ghaisani & Syam, 2025). As long as a benefit is supported by the postulates of sharia', it is called *maslahah mu'tabarah,* if it is contrary to the postulate it is called *maslahah mulghah,* while if there is no evidence that specifically commands or prohibits it, it is called *maslahah mursalah* (Jalal al-Din, 'Abd al-Rahman, 1983).

The obligation to pay royalties for the playing of songs and music in public places has relevance to the concept of al-maslahah, especially in *hifz al-mal* (maintaining property). Royalty payments provide protection for the economic rights of creators and rights holders to the use of their musical works. This obligation also prevents losses from arising from the commercial use of works without providing rewards that are the rights of the creator. This shows the benefits in the form of protection of the economic rights of the creator as well as prevention of harm in the form of losses due to the use of works without fulfilling the rights of the owner.

The obligation to pay royalties reflects the principle of justice in Islamic law because the songwriter has sacrificed energy, thought, creativity, and cost to produce a musical work. Therefore, those who derive economic benefits from the commercial use of songs and music are obliged to provide appropriate rewards to the creator. Royalty payments also provide benefits because they can encourage the development of the music industry and provide clarity for business actors in using music legally. This principle is in line with the rules of jurisprudence: الضَّرَرُ يُزَالُ which means "Danger (loss) must be eliminated", so protection of the creator's economic rights is necessary to prevent losses due to the use of works without payment of royalties.

The relevance of royalty payments in the perspective of Islamic law can be seen through the Fatwa of the Indonesian Ulema Council Number 1 of 2003 concerning Copyright and the Fatwa of the Indonesian Ulema Council Number 1 of 2005 concerning the Protection of Intellectual Property Rights. In the fatwa, it is explained that copyright is a protected right as part of *property (mal),* so the use of other people's works without permission is seen as a form of violation of the rights of the owner. The fatwa also emphasizes that copyright infringement that harms other parties is haram because it is contrary to the principles of justice and protection of property rights in Islam. Thus, the payment of royalties for the commercial use of songs and music is a form of respect for intellectual property rights that are in line with the principles of justice and benefit in Islamic law.

Regarding the Constitutional Court Decision Number 28/PUU-XXIII/2025, the Constitutional Court basically seeks to provide clarity on the obligation to pay royalties for the use of songs and music in public places through the mechanism of the Collective Management Institution (LMK). The decision shows the state's efforts to create a balance between the interests of song creators and commercial music users. Therefore, the Constitutional Court Decision Number 28/PUU-XXIII/2025 can be seen as in line with the principle *of al-maslahah* because it aims to present justice, utility, and legal certainty in the management of music royalties in Indonesia.

DSN-MUI Fatwa Number 1 of 2003 concerning Copyright provides guidelines that the use of copyrighted works must pay attention to the economic rights of creators and performers, while not causing harm to the public interest and sharia values (Harniz & Sativa, 2025). As a form of *maslahah ad-dauliyah*, the state has a role in ensuring the implementation of royalty payments for the screening of music and songs in public places to protect the rights of creators and maintain benefits in economic activities and creative industries.

CONCLUSION

Based on the results of the research, the Constitutional Court Decision Number 28/PUU-XXIII/2025 strengthens the legal certainty regarding the obligation to pay royalties for the performance of music and songs in public places. Prior to the decision, there was uncertainty about the party responsible for making royalty payments, causing differences in interpretation and potentially imposing obligations on performers such as singers and musicians. Through the ruling, the Court emphasized that royalty payments remain an obligation in the commercial use of songs and music, but its implementation is carried out through the mechanism of the Collective Management Institution (LMK) and the National Collective Management Institution (LMKN), without having to ask for direct permission from the creator for each use. In addition, the constitutional court decision affirms that commercial performance organizers are the parties responsible for royalty payments, accompanied by regulations regarding tariff mechanisms in accordance with the provisions of laws and regulations and the application of the principle of *restorative justice* in resolving copyright disputes. Thus, the decision does not remove the obligation to pay royalties, but rather clarifies the legal subject, implementation mechanism, and form of legal protection for the parties. Based on the perspective *of al-maslahah*, the obligation to pay royalties for the use of songs and music in public places is in line with the goals of sharia *(maqasid al-shariah),* especially the protection of property *(hifẓ al-mal).* Royalty payments are a form of respect for the economic rights of creators while creating benefits and justice in the commercial use of copyrights. Therefore, the Constitutional Court Decision Number 28/PUU-XXIII/2025 can be seen as the state's effort to realize benefits through creating a balance between copyright protection, legal certainty for users, and the sustainability of the music industry in Indonesia.

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